



REPORT

OF

THE JOINT COMMITTEE

ON THE

CONDUCT OF THE WAR.

IN THREE PARTS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1863.

1863
J. 2

IN THE SENATE OF THE UNITED STATES, *March 2, 1863.*

Resolved, by the Senate of the United States, (the House of Representatives concurring,) That in order to enable the "Joint Committee on the Conduct of the War" to complete their investigations of certain important matters now before them, and which they have not been able to complete, by reason of inability to obtain important witnesses, be authorized to continue their sessions for thirty days after the close of the present Congress, and to place their testimony and reports in the hands of the Secretary of the Senate.

Resolved, further, That the Secretary of the Senate is hereby directed to cause to be printed, of the reports and accompanying testimony of the Committee on the Conduct of the War, 5,000 copies for the use of the Senate, and 10,000 copies for the use of the House of Representatives.

Attest :

J. W. FORNEY, *Secretary.*

IN THE HOUSE OF REPRESENTATIVES, *March 2, 1863.*

Resolved, That the House concur in the foregoing resolutions of the Senate to continue the sessions of the "Joint Committee on the Conduct of the War" for thirty days, and to direct the Secretary of the Senate to cause the printing of the reports, &c., with the following amendment : insert at the end the words : "of the present Congress."

Attest :

EM. ETHERIDGE, *Clerk.*

IN THE SENATE OF THE UNITED STATES, *March 2, 1863.*

Resolved, That the Senate concur in the foregoing amendment of the House of Representatives to said resolution.

Attest :

J. W. FORNEY, *Secretary.*

APRIL 6, 1863.

MR. WADE, from the Joint Committee on the Conduct of the War, in accordance with the preceding resolution, placed in the hands of the Secretary of the Senate the following report in three parts.

PART 1.—ARMY OF THE POTOMAC.

PART 2.—BULL RUN—BALL'S BLUFF.

PART 3.—WESTERN DEPARTMENT, OR MISSOURI—MISCELLANEOUS.

REPORT

OF THE

JOINT COMMITTEE ON THE CONDUCT OF THE WAR.

PART II.—BULL RUN—BALL'S BLUFF.

BULL RUN.

The joint committee on the conduct of the war submit the following report, with accompanying testimony, in relation to the battle of Bull Run, in July, 1861:

So long a time has elapsed, and so many important events have occurred in the progress of the war, since the campaign which ended with the battle of Bull Run, in July, 1861, that your committee do not deem it necessary to go very much into detail in their report. The testimony they submit herewith is very voluminous, and fully covers all the points of interest connected with that campaign. They therefore submit a brief report, confining their attention principally to the causes which led to the defeat of our army in that battle.

That which now appears to have been the great error of that campaign was the failure to occupy Centreville and Manassas at the time Alexandria was occupied, in May. The position at Manassas controlled the railroad communication in all that section of country. The forces which were opposed to us at the battle of Bull Run were mostly collected and brought to Manassas during the months of June and July. The three months' men could have made the place easily defensible against any force the enemy could have brought against it; and it is not at all probable that the rebel forces would have advanced beyond the line of the Rappahannock had Manassas been occupied by our troops.

The next cause of disaster was the delay in proceeding against the enemy until the time of the three months' men was so nearly expired. In that respect the movement was made too late rather than too soon, and the enemy were allowed time to collect their forces at Manassas and to strengthen the position by defensive works. The reason why the movement was so long delayed is shown, to some extent, by the testimony, to which your committee would direct the attention of those who desire to examine that point.

And when the movement was finally determined upon, much was needed to render the troops efficient. There had been but little time devoted to disciplining the troops and instructing them, even as regiments; hardly any instruction had been given them in reference to brigade movements, and none at all as divisions. When General McDowell reviewed eight regiments together—the only instance previous to the battle, so far as the evidence shows, that even that number of troops were manœuvred in one body—he was charged with desiring to make a show.

General McDowell was instructed, verbally, by General Scott, to prepare and submit a plan of operations against the enemy at Manassas. This plan was considered in cabinet meeting, and agreed to; and the 9th of July was fixed upon by General Scott as the day when the army should move.

The plan of General McDowell was to move out in the direction of Centreville, and endeavor to turn the enemy's right with a portion of his force, and

destroy his communication by railroad with Richmond. He asked that a certain number of troops be given him to operate against the force which it was estimated that Beauregard had under his command. He was assured that the enemy below should be kept occupied by General Butler, who was in command at Fortress Monroe; and that the enemy under Johnston, in the Winchester valley, should be held there by General Patterson. Some days before the battle, upon expressing some fears in regard to the force under Johnston being detained by Patterson, he was assured by General Scott that "if Johnston joined Beauregard, he should have Patterson on his heels."

The movement did not commence until the 16th of July, a week later than the time first decided upon. The transportation was deficient, and General McDowell had to depend upon others to see that supplies were forwarded to him in time. The march was slow, one reason being that, since the affair at Vienna, near Alexandria, and at Big Bethel, near Fortress Monroe, a fear of "masked batteries" caused hesitation in regard to advancing upon points concerning which there was a want of information. There was some delay, on the march, in consequence of the want of complete discipline among some of the troops. They were not sufficiently under control of officers to be prevented from leaving the ranks and straggling.

The affair at Blackburn's Ford, on Thursday, the 18th, being more extensive than General McDowell had ordered, drew the attention of the enemy to that point; and, in consequence of the preparations they made there to meet any attempt of General McDowell to turn their position in that direction, it became necessary to adopt another line of operations. General McDowell determined to make the attempt to turn their right, and steps were taken to secure the necessary information. It was not until Saturday that the information which General McDowell desired was obtained.

He then issued orders for the troops to move the next morning, the 21st, some at two o'clock and some at half-past two. The division of General Tyler was in the advance, and was ordered to proceed directly out to Stone Bridge, and take up position there. General Hunter's and General Heintzelman's divisions were to follow, and when they reached a road leading to the right, about a mile in advance of General Tyler's camp, they were to turn off and proceed in the direction of Sudley's Church, and endeavor to turn the enemy's left. The movement to the right was intended to be made under cover of General Tyler's force at Stone Bridge.

But there was much delay in the movements of the troops that morning. Tyler's division did not pass the point, where Hunter's and Heintzelman's divisions were to turn off, until after the time designated. Some of the troops were delayed for three hours, affording time to the enemy to discover the movement and make preparations to meet it.

Notwithstanding these disadvantages, our forces were successful during the fore part of the day, although Beauregard had been re-enforced by some of Johnston's forces from Winchester. Our troops were very much fatigued. The day was exceedingly warm; the roads were dusty; and they had been some hours longer on the march than had been anticipated. In the afternoon additional reinforcements arrived from Johnston's army, and suddenly attacked our right and threw it into disorder.

About the same time two of our batteries (Ricketts's and Griffin's) were captured by the enemy, and our entire force began to fall back in great confusion. In regard to the capture of the batteries, it appears by the testimony that they were ordered to take an advanced and exposed position, and were not sufficiently supported. Not long after they were placed in position, a rebel regiment appeared in their immediate vicinity. Captain Griffin states that he took them to be rebels from the first, and directed one of his lieutenants to open upon them with canister. But Major Barry, chief of artillery, coming up jus

at the time, told him that they were some of our own troops coming to the support of the batteries, and directed him not to fire upon them. The battery was accordingly turned in another direction, and, almost immediately after, this regiment of the enemy opened fire upon it, disabling the horses, and killing and wounding most of the men at the guns. That completed the discomfiture of our troops, and the day which had opened upon our success, closed upon a defeated and retreating army.

A division, under Colonel Miles, had been stationed at Centreville, partly for the purpose of a reserve, and partly to guard against any flank attack. The enemy did attempt a movement upon our left, but were promptly met and checked by our forces there.

The principal cause of the defeat on that day was the failure of General Patterson to hold the forces of Johnston in the valley of the Shenandoah. He had a force of about 23,000 men; while the force of the enemy opposed to him, according to the best evidence your committee could obtain, did not exceed from 12,000 to 15,000 men. General Patterson testifies that he was satisfied that Johnston had from 35,000 to 40,000 men, and over 60 guns. He also states that a large number of his troops were anxious to return home; that their time had about expired, and he could not persuade them to remain. There is considerable testimony to show that the troops became dissatisfied, and refused to remain, only when they learned that their movement from Bunker Hill on the 17th of July was a retreat, and not an advance upon the enemy; that while they supposed they were being led to the attack, little, if any, complaint was made, and they were in excellent spirits.

In reference to the orders given to General Patterson, and the object to be accomplished by his operations, there seems to be no question. That object was to prevent Johnston from joining Beauregard before General McDowell could have an opportunity to attack the forces under the latter. The character of the orders is indicated by the following telegram of the 13th of July (Saturday) from General Scott to General Patterson:

“I telegraphed you yesterday, if not strong enough to beat the enemy early next week, make demonstrations so as to detain him in the valley of Winchester. But if he retreats in force towards Manassas, and it be hazardous to follow him, then consider the route *via* Keyes's Ferry, Leesburg, &c.”

General Scott had, the day before, conveyed to General Patterson the intimation that General McDowell would commence his movement on the 16th or 17th of July, and on the 15th General Patterson advanced from Martinsburg to Bunker Hill, remaining there the 16th.

On the 17th General Scott telegraphs to General Patterson:

“I have nothing official from you since Sunday, but am glad to learn through Philadelphia papers that you have advanced. Do not let the enemy amuse and delay you with a small force in front, whilst he re-enforces the Junction with his main body. McDowell's first day's work has driven the enemy beyond Fairfax Court-House. The Junction will probably be carried to-morrow.”

There is no evidence at what time that despatch was received. But it could not have been received before the movement from Bunker Hill to Charlestown was made by General Patterson, for that movement commenced very early in the morning of the 17th, the date of the despatch.

On the 18th General Scott telegraphs:

“I have certainly been expecting you to beat the enemy. If not, that you had felt him strongly, or at least had occupied him by threats and demonstrations. You have been at least his equal, and, I suppose, superior in number. Has he not stolen a march, and sent re-enforcements towards Manassas Junction? A week is enough to win a victory.”

To this General Patterson replies on the same day :

“The enemy has stolen no march upon me. I have kept him actively employed, and, by threats and reconnoissances in force, caused him to be re-enforced.”

General Patterson testifies as follows :

“Question. During all this time you knew that General Scott expected of you that you should either engage and beat Johnston, or detain him in the valley of Winchester; or, in the event that he should come down by a route where you could not follow him, that you should follow him *via* Keyes’s Ferry and Leesburg ?

“Answer. Yes, sir.

“Question. And yet, when you were at Charlestown, you found yourself not in a condition to do either. Now, my question is : Why did you not communicate that fact to General Scott ?

“Answer. There was no occasion for it, in my judgment. He knew my condition, and to have added to the information he already had would have been a waste of time and paper. I had informed him of my condition, and it was his business to order me what to do. I had asked him : ‘Shall I attack ?’ It was not my business to say anything beyond that.”

When asked if the telegram of the 18th, from General Scott, did not show that he still deemed it was of the first importance that he (Patterson) should detain Johnston there, General Patterson replies :

“I looked upon that telegraph, and so did every gentleman upon my staff, as nothing more nor less than an exhibition of bad temper.”

General Patterson also testifies :

“Question. You say you could have attacked on the 18th if ordered to do so. You knew the necessity of detaining Johnston, and you must have inferred from the telegraph of General Scott that he expected or required of you that you should do something in that direction. Why did you not do all that you could to detain him without an order ?

“Answer. Because I could not go up there without fighting, as I could not fall back again. I had no reason to believe that that telegram was not written in the morning in reply to mine of that morning, [1.30 a. m., asking ‘Shall I attack ?’] General Scott did not fight that day, and there was no more occasion for my going up and perilling my men without an order, than of doing anything entirely uncalled for—not the slightest occasion for it. * * * * * If General Scott did not fight, and saw the necessity for my acting, I repeat it was his business to give the order.”

In another place he testifies :

“Question. When you found you were in no condition to detain Johnston, was it not all important that that fact should have been communicated to General Scott; not the fact that you could not fight Johnston, but that you could not detain him, that your strength was insufficient for that, and that he could not rely upon his being kept back ?

“Answer. I never supposed, for a moment, that General Scott believed for the fifty-fifth part of a second that I could hold him.”

General Patterson further testifies :

“Question. You were not threatening Johnston at Charlestown so as to prevent his joining Beauregard at Manassas ?

“Answer. No, sir. I remained there because I was ordered to remain in front of him until he left.

“Question. You knew at that time that you were not offering any obstacle to his going down to Manassas ?

“Answer. Perfectly : I knew I had not the means to do it.

“Question. Why did you not communicate that fact to General Scott immediately?

“Answer. I did communicate my condition, and where I was.

“Question. When?

“Answer. On the 16th I wrote him in detail from Bunker Hill. On the 17th I wrote again. And on the 18th I gave him all the information necessary. And it was his business to order me, not my business to make any further suggestions to him.

“Question. Did you communicate to him by telegraph?

“Answer. Certainly. I sent three telegrams to him on the same day.

“Question. On what day?

“Answer. On the 18th, at half-past one in the morning, I telegraphed him my condition, and asked him if I should attack. To have sent further information to him would have been rather impertinent, and he would have so considered it.

* * * * *

“Question. Why did you not inform him that you were not then in a condition to offer any obstacle to Johnston's joining Beauregard?

“Answer. I would have considered it rather a reflection on him to have told him so. He knew my condition.”

General Scott testifies :

“But, although General Patterson was never specifically ordered to attack the enemy, he was certainly told and expected, even if with inferior numbers, to hold the rebel army in his front on the alert, and to prevent it from re-enforcing Manassas Junction; by means of threatening manœuvres and demonstrations—results often obtained in war with half numbers.”

Instead of doing that, however, General Patterson came down to Bunker Hill, remained there over the day when he had been given to understand the advance would be commenced by General McDowell; and early the next morning, without waiting to hear how far General McDowell had advanced, or whether he had advanced at all, left the neighborhood of Winchester, where the enemy was, and turned off to Charlestown, where, as he himself says, he had no means to offer any obstacle to Johnston's joining Beauregard whenever he chose. Johnston at once took advantage of the opportunity thus afforded him, and re-enforced Beauregard in season to inflict a defeat upon our forces at Bull Run.

Johnston started the greater portion of his forces from Winchester on the 18th; some of the testimony shows that a portion started on the afternoon of the 17th. General Patterson, though only some twenty miles distant from Winchester, and under orders to prevent the enemy from re-enforcing Beauregard, did not discover that Johnston had left Winchester until two days afterwards, when he telegraphed, on the 20th, to General Scott that re-enforcements had left there.

In reference to deferring the attack upon Beauregard, when the arrival of Johnston's forces had become known, General McDowell says that the information that he received was too indefinite, mere rumor, and he could not tell how much credit to give to it. The arrival of the cars during the night preceding the battle was not certain evidence of the arrival of Johnston's forces; for it was expected that re-enforcements would be hurried up to the enemy from every direction possible. And he had been assured that “if Johnston joined Beauregard, Patterson should be on his heels.”

General Scott testifies on that point :

“As connected with this subject, I hope I may be permitted to notice the charge made against me on the floors of Congress, that I did not stop Brigadier General McDowell's movement upon Manassas Junction after I had been informed of the re-enforcement sent thither from Winchester, though urged to do

so by one or more members of the cabinet. Now, it was, at the reception of that news, too late to call off the troops from the attack. And, besides, though opposed to the movement at first, we had all become animated and sanguine of success. And it is not true that I was urged by anybody in authority to stop the attack which was commenced as early, I think, as the 18th of July."

B. F. WADE. *Chairman.*

BALL'S BLUFF.

The joint committee on the conduct of the war submit the following report, with the accompanying testimony, in relation to the battle of Ball's Bluff.

On the morning of Saturday, the 19th of October, 1861, General McCall, commanding a division in the vicinity of Washington, moved his entire command, under orders from General McClellan, to Drainesville and its immediate neighborhood. A portion of his force was moved some miles beyond Drainesville and within eight or ten miles of Leesburg, but was recalled to Drainesville, by order of General McClellan, about sunset of that day. The entire division of General William F. Smith was also sent out within supporting distance of General McCall.

General McCall testifies that he was directed to make reconnoissances in all directions, for three or four miles from Drainesville, noting particularly the character of the country. About ten o'clock on Sunday morning he informed General McClellan that he should not be able to get through his work that day, and received, in reply, "If you finish in the morning, return."

On Sunday, the 20th, General McClellan directed a telegram to be sent to General Stone, at Poolesville, of which the following is a copy furnished your committee :

"Received October 20, 1861, from Camp Griffin.

"General McClellan desires me to inform you that General McCall occupied Drainesville yesterday, and is still there; will send out heavy reconnoissances to-day in all directions from that point. The general desires that you keep a good lookout upon Leesburg, to see if this movement has the effect to drive them away. Perhaps a slight demonstration on your part would have the effect to move them.

"A. V. COLBURN,

"Assistant Adjutant General.

"Brigadier General STONE, Poolesville."

On Sunday afternoon General Stone moved some forces to the bank of the river at Edwards's Ferry, and crossed over one or two companies to the Virginia side, but very soon recalled them.

Colonel Devens, of the 15th Massachusetts, testifies that he received from General Stone, about one o'clock on Sunday, the following order :

"HEADQUARTERS CORPS OF OBSERVATION,

"Poolesville, October 20, 1861.

"COLONEL: You will please send orders to the canal to have the two new flat-boats now there opposite the island (Harrison's) transferred to the river; and will, at three o'clock p. m., have the island re-enforced by all of your regiment now on duty at the canal and at the New York battery. The pickets will be replaced by the companies of the 19th Massachusetts there.

"Very respectfully, your obedient servant,

"CHA'S P. STONE,

"Brigadier General.

"Colonel CHARLES DEVENS,

"Commanding 15th Regiment Massachusetts Volunteers."

About dark a verbal order was sent to Colonel Devens to send Captain Philbrick, of his regiment, with a small party, across the river from Harrison's island, with directions to push out to within a mile of Leesburg, if possible, without

being discovered, and then return and report. Captain Philbrick accordingly crossed, with, perhaps, fifteen or twenty men, at a place where he had crossed some time previously, when he had discovered that the river at that point was not picketed by the enemy. He landed at the foot of the bluff opposite Harrison's island known as Ball's Bluff, ascended by a path that led to the top, and proceeded to reconnoitre as directed.

Before Captain Philbrick returned General Stone sent the following despatch to General McClellan, a copy of which was furnished your committee :

“HEADQUARTERS ARMY OF THE POTOMAC,
“*Received Washington, October 20, 1861, from Poolesville.*”

“Made a feint of crossing at this place this afternoon, and at the same [time] started a reconnoitring party towards Leesburg from Harrison's island. Enemy's pickets retired to intrenchments. Report of reconnoitring party not yet received. I have means of crossing 125 men over in ten minutes at each of two points. River falling slowly.

“C. P. STONE,
“*Brigadier General.*”

“Major General McCLELLAN.”

Captain Philbrick pushed out some distance from the bluff, and then returned and reported that they had discovered a small camp of the enemy that did not appear to be very well guarded. This report was sent to General Stone.

Colonel Devens testifies that about midnight he received the following order from General Stone :

“HEADQUARTERS CORPS OF OBSERVATION,
“*Poolesville, October 20, 1861—10½ p. m.*”

“SPECIAL ORDER No. —.]”

“Colonel Devens will land opposite Harrison's island with five companies of his regiment, and proceed to surprise the camp of the enemy discovered by Captain Philbrick, in the direction of Leesburg. The landing and march will be effected with silence and rapidity’.

“Colonel Lee, 20th Massachusetts volunteers, will, immediately after Colonel Devens's departure, occupy Harrison's island with four companies of his regiment, and will cause the four-oared boat to be taken across the island to the point of departure of Colonel Devens. One company will be thrown across to occupy the heights on the Virginia shore, after Colonel Devens's departure, to cover his return.

“Two mountain howitzers will be taken silently up the towpath and carried to the opposite side of the island, under the orders of Colonel Lee.

“Colonel Devens will attack the camp of the enemy at daybreak, and, having routed, will pursue them as far as he deems prudent, and will destroy the camp if practicable, before returning. He will make all the observations possible on the country; will, under all circumstances, keep his command well in hand, and not sacrifice them to any supposed advantage of rapid pursuit.

“Having accomplished this duty, Colonel Devens will return to his present position, unless he shall see one on the Virginia side, near the river, which he can undoubtedly hold until re-enforced, and one which can be successfully held against largely superior numbers. In such case he will hold on and report.

“CHAS. P. STONE,
“*Brigadier General.*”

“Great care will be used by Colonel Devens to prevent any unnecessary injury of private property; and any officer or soldier straggling from the command for curiosity or plunder will be instantly shot.

“CHAS. P. STONE,
“*Brigadier General.*”

Colonel Devens commenced crossing his force between 12 and 1 o'clock at night, and about 4 o'clock in the morning had crossed his five companies. He proceeded up the bluff and formed his command on the top of the bluff, and remained there until it was light enough to find his way. Colonel Lee also crossed with about 100 men and took position upon the bluff. Colonel Devens sent out scouts to the right and left, who reported that they could find no enemy.

At the first dawn of light Colonel Devers moved his command out in the direction of the supposed camp. Upon reaching the point to which the reconnoitring party of the night before had proceeded, it was discovered that what had been taken for a camp was a single row of trees, the dim light of the moon shining between them, below the branches, presenting the appearance of a row of tents.

Colonel Devens had advanced with his force to within about a mile of Leesburg; he halted his men there, and proceeded to examine the country about his position as far as practicable. He sent word to General Stone that there had been a mistake about the camp of the enemy; that he was well posted in a wood and concealed, and waited further orders.

Not far from 7 o'clock in the morning a body of rebel riflemen was discovered to the right of Colonel Devens's position, in the direction of Conrad's Ferry; Captain Philbrick with his company advanced towards them, when they fell back until they reached a ditch, under cover of which they halted and opened fire upon our men; they were soon driven out of the ditch into a corn-field, where they obtained cover behind some stacks of corn. Another company was ordered by Colonel Devens to the support of Captain Philbrick; but before they reached him some of the enemy's cavalry made their appearance from the direction of Leesburg. The two companies were then ordered to fall back to the main body.

About 8 o'clock Colonel Devens determined to fall back to the bluff, where Colonel Lee was, which was done in perfect order. He then reconnoitred the woods to his right and left, and discovering no appearance of the enemy, moved forward to his former position.

Between 8 and 9 o'clock the messenger of Colonel Devens returned from General Stone with instructions to him to remain where he was, and he would be supported. Colonel Devens testifies that it was either then or soon after that he was told that Colonel Baker was to come over and take command. He sent word to General Stone that he was discovered by the enemy, but could still hold his old position. About 10 o'clock the messenger returned with this message: "Very well; Colonel Baker will come and take command."

Colonel Devens states that while awaiting further instructions he directed his adjutant to ascertain the amount of the force with him; the report was 28 officers and 625 men. He sent once or twice to the river to ascertain if re-enforcements were coming, and what he was to do, but he received no further order or message.

About 12 or 1 o'clock an attack was made upon Colonel Devens's force, which lasted some 10 or 15 minutes. Receiving no orders or message from the river, he fell back about 60 yards, reformed his line and made dispositions to retire still further if necessary. And in perhaps an hour he fell back to the field just in front of the bluff, where the main action afterwards took place. There he met Colonel Baker, who congratulated him upon the manner in which his men had conducted themselves.

In relation to the orders to Colonel Baker, General Stone testifies:

"I can give you all the early orders to Colonel Baker. I sent him an order, about midnight on the 20th, to send the California regiment to Conrad's Ferry, and have them there at daybreak, to await orders there; to have the remainder of his brigade roused early; have a comfortable breakfast, and be in readiness

to move at 7 o'clock in the morning. Late in the night—it might have been between 2 and 3 o'clock in the morning.—I sent a cautionary order to Colonel Baker, knowing that volunteers make too much noise sometimes, to have that regiment march with silence and with unloaded guns. From that time I sent him no order."

General Stone testifies that between 8 and half-past 9 o'clock, when Colonel Baker was with him, and they had discussed the whole matter for some time, he gave him a written order to take the entire command of the right at Ball's Bluff. That order, with a communication from General Stone to Colonel Baker, sent some time later, was found upon his body after he was killed. The two papers are as follows :

"HEADQUARTERS CORPS OF OBSERVATION,
" *Edwards's Ferry, October 21, 1861.*

"COLONEL: In case of heavy firing in front of Harrison's island you will advance the California regiment of your brigade, or retire the regiments under Colonels Lee and Devens now on the Virginia side of the river, at your discretion, assuming command on arrival.

"Very respectfully, colonel, your most obedient servant,
"CHARLES P. STONE,
" *Brigadier General Commanding.*

"Colonel E. D. BAKER,
" *Commanding Brigade.*"

"HEADQUARTERS CORPS OF OBSERVATION,
Edwards's Ferry, October 22, 1861—11.50.

"COLONEL: I am informed that the force of the enemy is about 4,000, all told. If you can push them you may do so, as far as to have a strong position near Leesburg, if you can keep them before you, avoiding their batteries. If they pass Leesburg, and take the Gum Spring road, you will not follow far, but seize the first good position to cover that road. Their design is to draw us on, if they are obliged to retreat, as far as Goose creek, where they can be re-enforced from Manassas and have a strong position

"Report frequently, so that when they are pushed Gorman can come in on their flank.

"Yours, respectfully and truly,
"CHARLES P. STONE,
" *Brigadier General Commanding.*

"Colonel E. D. BAKER;
" *Commanding Brigade.*"

Colonel Baker proceeded to Harrison's island, and finally concluded to send over troops to re-enforce Colonel Devens and Colonel Lee. One of the witnesses states that Colonel Baker was in doubt for a time whether to recall the troops already over, or to re-enforce them; but, upon hearing some one on the Virginia shore call out that they needed assistance, as the enemy were coming, he determined to re-enforce them, and proceeded himself to the Virginia side, and assumed command. Colonel Baker directed the forces to cross at the point where Colonel Devens and Colonel Lee had crossed with their forces.

The means of transporting troops at Ball's Bluff was exceedingly limited. Between the Maryland shore and Harrison's island were only three flatboats or scows, all together capable of crossing about 125 men at a time. On the Virginia side of the island there were at first only a Francis metallic life-boat and two small skiffs, together capable of carrying from 25 to 30 men at a time. After a time, one of the scows, or flatboats, was taken from the Maryland to the Virginia side of the island.

The landing on the Virginia side was at the foot of a very steep bluff, up which a narrow path, widening towards the top, wound its way; and on the top of the bluff was a cleared space, or field, bordered by woods, which afforded a cover to the enemy, until within a short distance of where our troops were formed.

Colonel Baker, according to the testimony, arrived on the field between one and two o'clock, and proceeded at once to form a line of battle upon the field at the top of the bluff. The amount of the force engaged upon our side was between 1,700 and 1,800 men, consisting of about one-half of the 15th Massachusetts regiment under Colonel Devens; a portion (317 men) of the 20th Massachusetts, under Colonel Lee; the Tammany regiment under Colonel Cogswell; and the California regiment under Lieutenant Colonel Wistar. The enemy's forces were about four thousand men.

The enemy began the attack—some of the witnesses say between two and three o'clock, others at three o'clock—at first, heavily, on the right of our line, then moving along towards the centre and left, where the hardest fighting took place.

Your committee do not deem it necessary to go into the details of the action. It continued for over two hours, our troops contending most bravely against greatly superior numbers. Colonel Baker fell between four and five o'clock, having been most conspicuous for his bravery and almost reckless daring. When he fell the line began to waver, and some portions of it gave way, before the destructive fire of the enemy.

After the death of Colonel Baker the command devolved upon Colonel Cogswell, of the Tammany regiment, who proposed to attempt to cut through to Edwards's Ferry, which was assented to by the other regimental commanders. Upon attempting a movement in that direction they were met by a Mississippi regiment coming from below, which opened a most destructive fire upon them. Our troops gave way, and retreated down the bluff towards the river. This was about dusk, so that our troops were somewhat concealed by the bushes on the side of the bluff. The enemy continued to fire upon them from the top of the bluff. The men attempted to escape to the island in the boats and by swimming, being exposed all the time to the fire of the enemy. The flatboat was soon riddled and sunk; the life-boat drifted down the stream, and the skiffs were lost. Many were shot while in the water; others succeeded in swimming to the island; some few, under cover of the darkness, succeeded in escaping along the bank of the river, and finally reached our lines. But the greater portion were killed or taken prisoners.

In relation to the operations at Edwards's Ferry, under the supervision of General Stone and the immediate command of General Gorman, as there was no serious fighting there, it may not be necessary to go much into detail. The crossing was commenced about daybreak by the forces under Colonel Dana, of the 1st Minnesota regiment, and was continued until some 2,500 men were crossed over that day. The means of crossing was very limited, as at Harrison's Landing, consisting of three or four flatboats or scows, propelled across by poles. The place of landing was very good, and covered by our artillery on the Maryland side. There were no important demonstrations made by our forces on the Virginia side of Edwards's Ferry. Some reconnoissances were made for a short distance, and one regiment of the enemy seen, probably the Mississippi regiment that arrived on the field at Ball's Bluff, near the close of the action there.

General McCall's division had remained at Drainesville all of Sunday and Sunday night. General McCall testifies:

“ At six o'clock Monday morning I reported to him (General McClellan) that the engineers whom I had consulted reported to me that they would finish their work in two hours. I sent that express to General McClellan at six o'clock, and got his reply, dated eight o'clock, telling me to return as soon as the work was

finished. I got his answer between nine and ten o'clock. I ordered the troops then to be ready to move, and as soon as the work was finished I returned to my camp under orders."

Both General McClellan and General McCall testify that the movement to Drainesville was for the purpose of reconnoitering the country in that direction. But General Stone received no intimation of the object of the movement. On the contrary, the language of the despatch of Sunday might well lead him to believe that the movement had reference to driving the enemy from Leesburg. The despatch contained no intimation that General McCall was to be soon withdrawn from Drainesville. He was directed "to keep a good lookout upon Leesburg to see if this movement has the effect to drive them (the enemy) away. Perhaps a slight demonstration on your part would have the effect to move them." General Stone made demonstrations both at Edwards's Ferry and at Ball's Bluff, and promptly notified General McClellan of what he had done. He sent that information on Sunday night, and he testifies that he received no intimation from General McClellan as to what he should do, whether to continue the demonstrations or not; and received no intimation that General McCall was not close at hand to come to his assistance until about eleven o'clock on Monday night. It was a very general impression among the officers and men at Edwards's Ferry during Monday that General McCall would come to their assistance; and General Stone testifies that he cautioned his artillery about firing upon any troops that might show themselves in that direction lest they might fire upon our own forces.

In regard to that matter, General McClellan testifies as follows:

"Question. Do you remember whether, or not, you informed him (General Stone) of the withdrawal of Smith and McCall to their former positions?"

"Answer. I think I did."

General Stone, (February 27, 1863,) after stating that, upon hearing of the death of Colonel Baker, he proceeded to Ball's Bluff, where he learned the full extent of the disaster, and at once determined to withdraw the troops at Edwards's Ferry, testifies as follows:

"And then, knowing that I could go myself quicker than anybody I could send, I turned my horse and galloped down to withdraw my troops at Edwards's Ferry back to the Maryland shore. I supposed at that time that I had about 2,500 men across the river; and the reports I had heard opposite Ball's Bluff were that the army had been largely re-enforced, and they were then about 10,000 strong. I saw that there was great danger of Gorman being overwhelmed at Edwards's Ferry. I did not know whether McCall would be there to assist him or not. I was in utter ignorance in reference to him or his position.

"I at once commenced retiring my troops as quietly but as rapidly as I could, taking the precaution to have my artillery on the Maryland side so placed as to cover the troops on the Virginia side. The ground on the Maryland shore commands perfectly the ground on the Virginia shore there, and it would be an exceedingly dangerous thing for troops to advance and attack any body of men on the Virginia shore, directly at Edwards's Ferry, while the Maryland shore was well held by artillery.

"The moment I had given the orders for the retiring of those troops, I reported by telegraph to General McClellan, at Washington, that we had met with a repulse on our right, but I was doing the best I could to secure the left, and to retrieve. I am not quite sure now whether I telegraphed to General McClellan, before I went up to Harrison's island, that Colonel Baker had been killed, or whether I put that in the same despatch in which I informed him of the repulse.

"Having sent that information to General McClellan, I continued withdrawing the troops, watching carefully, so as to use the artillery for their protection, if necessary. After some time—I cannot tell how long, for one takes but little

note of time under such circumstances, but apparently as soon as a message could go to Washington and an answer be returned, (being carried by a courier on horseback four miles each way from the telegraph station to Edwards's Ferry)—I received orders from General McClellan to this effect: 'Hold all the ground you now have on the Virginia shore if your men will fight, intrenching, if necessary. You will be re-enforced.' Perhaps the words 'if your men will fight' came before the rest of the despatch; and my impression is, though I will not be positive, that the words 'at all hazards' were used in the direction to hold all the ground on the Virginia shore.

"I am sorry that I have not possession of a single paper, telegraph or otherwise, of the records connected with my division. You know the way in which I was removed from my command. I was ordered to report myself here, in Washington, at once; and having not the slightest suspicion of why I was required here, I left all my papers as I would have done had I been going out for a two hours' ride; and from that time to this I have never seen a single paper of any kind I then left behind me. I make this explanation to show why it is that I cannot speak positively about the language of despatches received and sent; why I cannot, perhaps, give their exact words.

"I saw all the danger in which my troops were on the Virginia side. But I supposed at that time that General McCall was very near there, and I took it for granted when General McClellan telegraphed me to hold my position on the Virginia side at all hazards, and that I should be re-enforced, that he had the means of immediately securing me.

"I cannot state positively when it was that I telegraphed to General Banks. But my impression now is, that just as I started to go up to Ball's Bluff, when the news of Colonel Baker's death reached me, I telegraphed to General Banks, requesting him to send up a brigade. When I got to Harrison's Island, and before I returned to Edwards's Ferry, I despatched a messenger to meet whatever brigade General Banks might send, and conduct it to Conrad's Ferry, instead of to Edwards's Ferry, from which my despatch to General Banks was sent.

"And my impression is, that when I returned to Edwards's Ferry, and telegraphed to General McClellan the fact of the repulse at Ball's Bluff, I sent another telegram to General Banks, that he better bring up his whole division. I know I sent General Banks such a telegram; but at what time I will not be positive.

"Some time was lost in communicating with General McClellan, by my receiving a despatch, in cipher, of which I had not the key, from him or from his chief of staff. What the contents of that despatch were I have never learned. I immediately responded to it: 'I have received the box, but have no key;' What that despatch was, I have no knowledge of whatever; but I presume that the despatches which came afterwards covered the same ground.

"I cannot state now, after so long an interval of time, at what hour I telegraphed to General McClellan, urging that the re-enforcements should be sent to Goose Creek, on the Virginia side, supposing all the time that General McCall was not far off. The response to that, which I think I received about 11 o'clock on Monday night, was the first intimation I ever received that McCall had not all the time been near me. That despatch informed me that no re-enforcements could reach me from the Virginia side, but that General Banks would re-enforce me from the Maryland side.

"Question. How far was General Banks from you?

"Answer. He was about fourteen miles in my rear.

"Question. Did that first despatch from General McClellan, promising you re-enforcements, contemplate that they should come from General Banks?

"Answer. Yes, sir; I suppose so. But at the time my idea was that McCall was close by me. And I was led into an error, late in the evening, by receiving a despatch from General McClellan's headquarters, whether signed by him or

his chief of staff, I do not now recollect, asking me if there was a road from 'Darnesville' to Edwards's Ferry. Now, there is no such place as 'Darnesville;' but there is a 'Drainesville.' And having in my mind that McCall was at Drainesville, I took it for granted that the operator had made a mistake, and had meant Drainesville instead of 'Darnestown,' which was the name of a place in Maryland, and which proved to be the place meant. I replied to that despatch, to the best of my recollection, that there was a good road from Drainesville to Edwards's Ferry. I presume that that caused some misconception at headquarters, because they undoubtedly had 'Darnestown' in their minds when they telegraphed 'Darnesville;' just as I had 'Drainesville' in my mind when I saw 'Darnesville' in the despatch. But that is not very important, only to show how errors will creep in.

"I think that by this statement I must remove any unpleasant impression with regard to my improperly exposing troops to disaster at Edwards's Ferry, since I acted under the instructions of my superior officer; and also under the impression that our forces under General McCall were near us on the Virginia side of Edwards's Ferry.

"Question. How happened it that you failed to make this statement, concerning those orders, on your former examination ?

"Answer. Because I did not deem it proper to give any of the orders of my superior officer which he had not himself previously published or authorized me to use. The morning that I came before your committee I was instructed at General McClellan's headquarters that it was the desire of the general that officers giving testimony before the committee should not state, without his authority, anything regarding his plans, his orders for the movements of troops, or his orders concerning the position of troops. That covered this case.

"Question. Did you understand that to apply to past orders and transactions, as well as those to be executed in the future ?

"Answer. I did; because I could not know, and did not know, what orders to others were given cotemporaneous with those I received, and I might create wrong impressions by giving the orders I had received from my commanding general, unless there were at the same time produced cotemporaneous orders given to other generals. And I presume that the chairman will remember that I stated, when giving my testimony before, that I could not give any orders from my commanding general except such as he, himself, had made public.

"Question. Did General McClellan approve of the crossing at Edwards's Ferry and Ball's Bluff, on the 21st of October, 1861 ?

"Answer. I received a despatch from General McClellan in reply to one which I had sent him, informing him of the crossing of General Gorman and Colonel Baker; that despatch to me commenced with these words: 'I congratulate you and your command.' I took that congratulation, on the fact of my having crossed, as an approval of the crossing; and as I had received no information whatever concerning General McCall, in my own mind I supposed that it was but a simple thing of General McClellan in connexion with any other movements he might be making.

"Question. Was General McClellan informed of your means of transportation for crossing troops ?

"Answer. Some time during the day—and I think it was in the same despatch in which he asked me for information of the enemy, and I should think that that despatch must have reached me about noon—General McClellan asked what means of transportation I had. I replied to him by telegraph, stating the number and character of the boats at each crossing—at Edwards's Ferry and at Harrison's island."

General McClellan testifies in reference to the crossing of General Stone's forces into Virginia :

"I have no recollection of any order which justified the passage of the river in force; I am sure that I had no intention that he should do that."

The events that occurred subsequently to the operations of Monday—the arrival of General Banks with his forces, the arrival of General McClellan, and the final withdrawal of all our forces to the Maryland side of the river—are fully set forth in the testimony herewith submitted, and your committee do not deem any comments by them to be necessary.

In connexion with the battle of Ball's Bluff, two points remain to be considered: First, whether a crossing was justifiable under any circumstances, considering the very insufficient means of transportation at the command of General Stone. Second, whether the forces under Colonel Baker could, and should, have been re-enforced from the Virginia side of Edwards's Ferry, when it was known that the troops under his command were engaged with the enemy.

In regard to the first point, all the testimony goes to prove that the means of transportation were very inadequate. The testimony of General Stone would seem to indicate that, while he was inclined to deem it sufficient, under what he understood to be the circumstances under which the movement was made, he left much to the judgment of others; and this much can be said for him, that he received no intimation that a movement across the river would be expected from him, or would be justified, until the day before (Sunday) it was actually made. And the reasons that he had for supposing that other forces were within a short distance to render him assistance are set forth in the previous portion of this report.

In reference to re-enforcing Colonel Baker, the testimony is very conflicting. There is no question that it was known that the forces at Ball's Bluff were engaged with the enemy. The firing of musketry was distinctly heard at Edwards's Ferry, on both sides of the river. The only question is whether re-enforcements should have been sent under the circumstances, and whether there was any sufficient reason why they were not sent. General Stone testifies that he received no intimation from Colonel Baker that he needed re-enforcements; that he received little, if any, information from Colonel Baker in reference to the condition and progress of affairs at Ball's Bluff; and he also testifies that, even if re-enforcements had been needed, they could not have been sent up on the Virginia side; that the enemy had earthworks and batteries between Edwards's Ferry and Ball's Bluff, which would have made it extremely hazardous, if not impossible, to have sent any re-enforcements up by that route. Some of the other witnesses testify to the same effect. Others testify most positively that, so far as they were able to judge, there was no obstacle whatever in the way of our troops passing up on the Virginia side from Edwards's Ferry.

It cannot be denied that had re-enforcements promptly arrived at Ball's Bluff from Edwards's Ferry, the result of the battle there would, in all probability, have been greatly to our advantage, instead of being a most melancholy disaster. The evidence is so very contradictory that your committee refrain from expressing any positive opinion upon that point, but allow each one to form his own conclusion from the testimony they have been able to obtain.

One other subject remains to be considered before closing this report—the arrest and imprisonment of General Stone. Your committee would have made no reference to that subject, but have submitted the testimony without comment upon their part, had it not been for the efforts that have been made by many to hold them responsible for all that has taken place in reference to the arrest of General Stone.

In the course of their investigation concerning the causes of the disaster at Ball's Bluff they obtained testimony, most unexpectedly to them all, which, without explanation, seemed to impeach both the military capacity and the loyalty of General Stone. That testimony, as in every other instance that they deemed of importance, was brought to the attention of the proper authorities here, and the War Department was informed that, in the opinion of the committee, a prompt investigation should be instituted. First, Secretary Cameron, and afterwards Secretary Stanton, were informed that the testimony before your

committee was of such a character that some explanation by General Stone was required.

General Stone was called to this city, and on the 31st of January, 1862, appeared before your committee, at the instance of General McClellan, and stated that he had been informed that certain testimony before this committee affected him in such a way as to require his explanation. He was informed that there was testimony which might appear to impeach his conduct in the Ball's Bluff affair; to show that he had had undue intercourse with the enemy, both by letter and by personal intercourse with their officers; and also that he had permitted the enemy to erect formidable fortifications and batteries within reach of his guns, and which he could have prevented. The statement was made in general terms to General Stone, and without indicating who were the witnesses who had testified, in order that they should not be called to account by their commanding general for statements made before a committee of Congress.

In reply to this general statement upon the part of your committee General Stone proceeded to make an explanation in general terms. They then reported to the Secretary of War that the testimony upon the points to which his attention had been called was conflicting. They made no recommendation as to what should be done, one way or the other; merely reported to him that the testimony was conflicting.

Not long afterwards they learned through the press that General Stone had been arrested, and sent to Fort Lafayette. The immediate cause of his arrest they did not know. They were satisfied that the information which they had furnished to the department had in all probability furnished some of the grounds upon which his arrest had been made; but they did not learn until more than a year afterwards what was the immediate cause of his arrest at the time it was made.

General Stone was arrested on the 8th of February, 1862. On the 28th of February, 1863, General McClellan testified before your committee as follows:

"About ten days or two weeks before General Stone was actually arrested the Secretary of War gave me a written order to arrest General Stone, for the reason that he had been informed by the members of the committee upon the conduct of the war that they had taken testimony going to show that General Stone had been guilty of conduct not consistent with loyalty. General Stone was removed from his command, and, I understood, appeared before this committee.

"Finally, on the very day of his arrest, a written report was made to me of the examination of a refugee from Leesburg, which, so far as such a thing could, tended to corroborate some of the charges made against General Stone. I satisfied my own mind of the sincerity of this refugee by personal examination, and then showed the statement to the Secretary of War, upon which he directed me to give the order to arrest General Stone immediately, and to send him under guard to Fort Lafayette. The order was carried into execution the same evening."

Since the release of General Stone he has been permitted by your committee, in consideration of the peculiar circumstances attending his arrest, to examine all the testimony which your committee have taken in reference to the administration of his department, and to make as full a statement to the committee as he considered necessary. That statement, together with all the testimony, is herewith submitted.

It is due to General Stone that your committee should state that it appears, from documents before your committee, that immediately upon his arrest he demanded that he should be furnished with a copy of the charges against him, and be allowed the opportunity of promptly meeting them; why his request was not granted your committee have never been informed.

B. F. WADE, *Chairman.*

TESTIMONY.

BULL RUN.

WASHINGTON, *December 24, 1861.*

General J. B. RICHARDSON sworn and examined.

By Mr. Chandler :

Question. General, you accompanied the army to Bull Run, did you not ?

Answer. I commanded a brigade in that action.

Question. What time did you with your brigade leave your intrenchments ; that is, what time did you start ?

Answer. I started from Chain Bridge the morning of the 16th of July, I think.

Question. That was Monday morning, was it not ?

Answer. I believe it was ; it was the 15th or 16th of July—about that time.

Question. At what time did you reach Fairfax with your brigade ?

Answer. We took the direct road to Vienna alone ; there we concentrated with the rest of General Tyler's division of four brigades ; mine was the second brigade of his division. We stayed one night at Vienna, and then moved to Germantown, where we stayed one night ; then, on the morning of the 18th, my brigade took the lead and moved on to Blackburn's Ford, on Bull Run, or Occoquan.

Question. What day of the week was that ?

Answer. It was the morning of Thursday that we took the lead.

Question. And your brigade was in that first action at Blackburn's Ford ?

Answer. Mine was the only one that was engaged at Blackburn's Ford.

Question. Your four regiments ?

Answer. Yes, sir.

Question. What time on Thursday did you reach Blackburn's Ford ?

Answer. We reached within a mile of Blackburn's Ford with the brigade, I should think, about noon. We came to a halt a mile from the ford, finding the enemy in position there at their batteries. We came on top of a hill, where we could see down the slope of a hill towards the batteries, and could see the men in the batteries.

Question. Did your brigade advance from that position nearer to the batteries ?

Answer. Yes, sir. General Tyler directed me to make a movement with the brigade, in advance, to try and find the position and strength of the enemy, if possible. Accordingly I first moved on to the front a separate detachment of 160 skirmishers. At the same time two pieces of artillery (rifled 10-pounders) were brought into position on the top of the hill where we had arrived ; and soon after another battery (Captain Ayres's) of 6-pounder guns and 12-pounder howitzers were brought into action. The skirmishers advanced until they came into action in a skirt of timber on this side of the run, in front of the enemy's position ; and then I detached three other companies to their support, and two

guns of Captain Ayres's battery, who moved up to the skirt of timber with two companies of cavalry. They commenced fire from that point to assist the skirmishers, who were in the action already. I moved up to the timber myself, and proposed to General Tyler to form the four regiments in line of battle on the outside of the timber and move in.

Question. To charge upon the batteries?

Answer. Yes, sir. The New York 12th, Colonel Walworth, was the nearest to where I was. I had it conducted in column of companies down the ravine, out of view, and near the position where I was in front of the timber, and had it deployed in line of battle in support of those that were in action already. I formed the New York 12th on the left of the battery, and directed Colonel Walworth to make a charge into the woods. I spoke a few words of encouragement to the regiment before they went on. I told them that it was a good regiment, and I expected they would do well. As soon as I had given this direction, I ordered up the Massachusetts 1st, through the same ravine, out of reach of the enemy's fire. The enemy could bring neither cannon nor musketry to bear upon them the way I brought them. I formed the 1st Massachusetts in line of battle on the right of the battery, then the 3d Michigan on the right of them, and then the 2d Michigan still to the right—all in line of battle. When I had finished putting the 2d Michigan on the line at the right, I moved back to see what had become of the New York 12th on the left. It had probably taken me as much as twenty minutes to go through with this formation. I found, on arriving at the left, parts of two companies of the New York 12th, about sixty men altogether, retreating outside of the woods, carrying along a few wounded. I asked them what the matter was, and where they were going. They said the regiment were all killed, and they were falling back; that the rest of the regiment had fallen back—those that were not killed. Says I, "What are you running for? There is no enemy here; I cannot see anybody at all. Where is your colonel?" They knew nothing about it. They knew nothing about any of their officers. I could not find any officers with the men at all, I believe. The men halted and faced around, and then fell back again. The other three regiments, at the same time, were standing firm and ready to advance; and the skirmishers, at the same time, held their ground in the woods in front. I sent an aid to General Tyler to acquaint him of the retreat of the New York 12th, and he came down to see me. I proposed to him to rally the New York 12th in the woods as a support, and move on with the other three regiments against the batteries; and I, at the same time, asked him where Sherman's brigade of his division was. They moved from camp at Germantown at the same time as we did in the morning, and we had been halted and in action at the place as much as two hours. He said that brigade had not yet arrived. General Tyler then said that it was not a part of the plan of battle to do anything more at that point than a mere demonstration—to make a reconnoissance to find the force of the enemy; and, as I understood him, it was against orders to bring on a general engagement at that place. He then ordered me to fall back with the three regiments in rear of the batteries—not to undertake to rally the New York 12th. "Let them go," he said. So I accordingly fell back with the three regiments in rear of the batteries. I took the regiments back in good order, without bringing them under the fire of the enemy's cannon at all. The enemy found that we had fallen back in rear of the batteries, and then they commenced the fire of their artillery again, which had been aimed at us to reach the woods in front. As soon as they discovered we had fallen back, they directed the fire of their artillery against our batteries on the hill again, which were in their original position.

Question. One word right here: do you think you could have captured the enemy's batteries with your force if you had not fallen back?

Answer. I think if the other brigades had come up to our support we could have done it.

Question. What number of men do you think you would have lost in capturing those batteries?

Answer. We had already lost about 60 men, and I had the idea that by losing as many more we could have taken the batteries; because some of our skirmishers had crossed the ravine, and one of them was so near that he was shot by the revolver of one of the enemy's officers; and another man killed one of the men at the guns inside the intrenchments, so he said, and the captain of the skirmishers—Captain Bernsneider—reported the same thing.

Question. Had you captured that battery on Thursday night, and a general advance had taken place promptly on Friday morning, what, in your opinion, would have been the result?

Answer. We should probably have avoided their being re-enforced; have avoided the re-enforcements under General Johnston and General Davis, that took place by railroad on Friday and Saturday nights—they both came up during those nights; we should probably have avoided altogether fighting on Sunday; at least we should have probably turned Manassas by the rear before those re-enforcements had come up.

Question. So that, in your judgment, there would not have been a severe engagement at all had you captured that battery on Thursday night?

Answer. No, sir. From what we have learned since, we find that they had probably a brigade of infantry opposed to us at first. But they continually increased their force until they had some 7,000 or 8,000 men in position.

Question. If your supports had come up?

Answer. I think we could have carried the batteries, but we might not have been able to have retained them with one brigade.

Question. Precisely, I understand that. Was it your intention, when you formed your brigade in line of battle, to capture those batteries?

Answer. Yes, sir. The musketry fire particularly was very heavy against us. After we had fallen back behind our batteries the head of General Sherman's brigade came up, and I spoke to him. He asked me how many the enemy had in front. I told him they were strong there; that they had, I thought, from 8,000 to 10,000 men, which turns out to have been nearly the case, from what we have heard since through their reports. The other three regiments of my brigade, besides the New York 12th, remained as firm as I ever saw any regiments in the war with Mexico, at any time. No man thought of going to the rear.

Question. All eager for a fight?

Answer. Yes, sir.

Question. After you had retired, as you have stated, you remained there until Sunday, did you?

Answer. No, sir; we went back to Centreville for the purpose of getting water and rations. There was no water near there that we had found then; I had found some for myself and horse in a ravine, but I did not consider that there was enough for a brigade of troops. We fell back to Centreville, and the next morning moved up again and dug for water and found it. We moved up to the same position in rear of the batteries, throwing out pickets in front of the position down towards the timber.

Question. How long did you remain at Centreville?

Answer. Over night only, and marched back at daylight.

Question. And you then remained in camp there till Sunday morning?

Answer. Yes, sir.

Question. Did you take any part in the battle on Sunday?

Answer. Yes, sir.

By the chairman :

Question. Why was it concluded to fight that battle on Sunday, without any knowledge of where Patterson and his men were, and of the position of Johnston? Did you know at the time where they were? I will ask that first.

Answer. Yes, sir; I knew General Johnston was on our right before we moved from there at all.

Question. On Sunday morning?

Answer. Before we moved from the river I knew General Johnston was in that direction from this fact: About a week before we moved towards Bull Run at all, I was ordered to make a reconnoissance from the Chain Bridge, on the road to Vienna, with a squadron of United States cavalry, to see whether it was a practicable road for artillery and wagons, for my brigade to move on to Vienna. Vienna is about eleven miles from Chain Bridge. I made the reconnoissance, and went a mile beyond Vienna, and found nothing but an abatis across the road where the enemy had been at work. It was probably a fatigue party who had gone back, giving up the idea of making an abatis there. I came back and reported to General McDowell. He told me that there was a meeting of the officers to which he read his instructions for carrying on that campaign, and wished to read me the plan which had been submitted to General Scott, and which had not been disagreed to so far. He read over to me this plan, and stated to me the brigades and divisions which were to move on such and such roads. My brigade was to move to Vienna, and there was to join the other three brigades of General Tyler's division. General Tyler was then to move on to Germantown, where other divisions were to concentrate with his, and then, on getting to Centreville, the whole army would move up on the roads to the left. He stated to me that each division was from 10,000 to 12,000 men strong, and that our division—Tyler's—would be a little the strongest, as it looked towards Johnston on the right. Johnston, he said, was in that direction. But General Scott thought that if Johnston moved towards Manassas, Patterson "should be on his heels," as he expressed it. Says I, "General, are there any cross-roads to communicate from the right of the line to the left, so that if one of these columns is attacked by two or three times its numbers, it can concentrate on any of the other columns, or any of the other columns can concentrate on it?" He said it was not known whether there were any cross-roads or not on which any troops could concentrate; but that our columns were very heavy, and would be able to protect themselves. Since then we have found that there were abundance of cross-roads all through the country where troops could concentrate, if a person had been acquainted with them.

Question. Then when that battle was fought on Sunday it was expected that Johnston would be down?

Answer. It was known that he was on our right.

Question. You expected he would participate in the battle?

Answer. I expected something all the time, for I asked General McDowell why this column of ours was stronger than any of the others—12,000 instead of 10,000—and he said because it looked towards General Johnston.

Question. Was there any insurmountable obstacle to tearing up that railroad on which Johnston was expected to come down before the battle was fought?

Answer. That was in front of our position, and we knew nothing of it. I did not even know there was a railroad there until I heard the cars running Friday and Saturday, both up from Richmond and down the other way. We heard them running all night.

Question. If you had known of the road when you first advanced, would it not have been easy for a skirmishing party to have gone out and destroyed it, so that Johnston's army could not have come down there, at least quite as conveniently as they did?

Answer. I could not answer that, because I do not know the force Johnston had there.

Question. My idea was not to encounter a force, but for a scouting party to tear up the rails and obstruct the road.

Answer. Yes, sir; but then they could have marched the distance in a day or night. They could have come down part of the way by cars, and then marched the rest of the way.

By Mr. Chandler :

Question. These re-enforcements did not begin to arrive until Friday night, I understand you to say.

Answer. Friday and Saturday we heard the cars running all night. The next morning we spoke of it, and concluded that fifty car-loads had come.

By the chairman :

Question. I asked you the question because I could not see why they came to the conclusion to fight that battle on Sunday, when they knew the disadvantages to which they were subjected.

Answer. I knew nothing about the railroads there. I knew there were railroads in the rear of Manassas that this army was intended to cut off, but where they were I did not know until I heard the cars.

By Mr. Chandler :

Question. You took part in the battle on Sunday ?

Answer. Yes, sir.

Question. Did you remain at Blackburn's Ford ?

Answer. On Saturday there was a council of commanding officers of divisions and brigades, and I was called there, among the others, to hear the plan of attack for the next day. The main army was to move on the road to the right of Centreville and make their attack some three or four miles above where we were at Blackburn's Ford. These attacks the other officers would know more about than I do. My brigade was to remain in position in front of Blackburn's Ford. It was not to hazard an engagement on any account whatever. I received written instructions to that effect in addition to verbal instructions. It was not to hazard an attack at all, but merely to make a demonstration with artillery, and perhaps skirmishers, but nothing more than a demonstration. If necessary, the positions were to be intrenched by abatis or earthworks thrown up on the road according to the discretion of the commanding officers.

By the chairman :

Question. What, in your judgment, led to the disasters of that day ?

Answer. I will state all I know about it, and then I can draw some conclusion afterwards.

Question. Of course; that is all I expect.

Answer. The other three brigades of General Tyler's division were detached to make an attack to my right. They were to be in action by daylight in the morning, and as soon as I heard the report of his artillery I was to commence the fire, with my artillery, on the front. At the same time my brigade was detached from General Tyler's command, and, together with the brigade of General Davies, of New York, and the brigade of General Blenker, we were constituted three brigades of the reserve under Colonel Miles, of the United States army. I was to consider myself under his command. I waited until some 8 or 9 o'clock in the morning of Sunday before I heard the artillery on my right.

By Mr. Chandler :

Question. The attack was to have commenced at daylight ?

Answer. Yes, sir. I said to the officers the night before—to General Tyler

especially—"It is impossible, general, to move an army of regular troops under two hours, and you will take at least that time to move volunteers; and if reveille is not beaten before two o'clock in the morning you cannot get into action at daylight; it is impossible." Said I, "If you beat reveille at 12 o'clock, with volunteer troops, you may get into action at daylight, but not before; that is the best you can do." Other officers heard me, I have no doubt, but I addressed myself particularly to General Tyler, as he had been my commanding officer. I waited until 8 o'clock in the morning before I heard a gun fired on the right, and then I commenced a cannonade on the enemy's line with my artillery. About this time Colonel Davies came up with his brigade, and inquired the date of my commission as colonel, and told me his, and found he ranked me eleven days. He took command of the two brigades. At the same time I showed him my position in front of Blackburn's Ford. He wished a good position for artillery to play. I took him to a hill some 600 yards on our left, with a ravine between, and showed him a good position for his battery to operate on a stone-house, in front of us about a mile, which was said to be the enemy's headquarters, and which our rifled ten-pounder guns could easily reach. He immediately took up that position, which was at a log-house on this hill to our left, which was fully as high, and a little higher, than the hill we were on. We kept up a fire from two batteries of artillery until 11 or 12 o'clock in the day—perhaps until noon. About that time Colonel Miles showed himself to us. He came to a log-house where I was, near my position—for there was a log-house there also—on the top of the hill. I showed him that re-enforcements were coming in front of us. In fact, before he came I had reported to him that some three bodies of men had already come into the intrenchments in front of us. One body was probably two regiments, and the others were one regiment each—as much as that. They appeared to come from off in a direction towards the south. That was about 12 o'clock in the day. Colonel Miles came down himself, and I showed him, with a glass I had, the bayonets of some of the men coming in front of us on the road—the last detachment. I will say here that they did not answer with cannon at all in front of us that day. Colonel Miles then went away. In the forepart of the afternoon he came back again, and said that he did not believe the enemy were in front of us. At the same time, between these two visits, we could see men moving in the direction of Manassas, up towards the attack in front, which was then going on; and about that time the enemy were also falling back. After they had advanced from Manassas, they then fell back in great disorder along the roads.

Question. That was in sight of your guns?

Answer. Yes, sir. We opened upon them with a ten-pounder rifled gun from our position. Colonel Miles at that time said that he believed they were retreating towards Manassas, and that he thought we could force the position in front of us, and that we had better go down and try "to drive them out," as he expressed it. Said I, "Colonel Miles, I have a positive order in my pocket for this brigade not to attack at all." I took it out and showed it to him. Says he, "That is positive." And he said nothing more about making an attack then; but he proposed throwing out a few skirmishers. We threw out 160 skirmishers, and I think three other companies in support of them. They moved down to the edge of the woods, and then the advance of the skirmishers were driven in by a volley of musketry right off. I then ordered the skirmishers back, satisfied that the enemy were there in considerable force. About the time that was over we could see batteries of horse artillery and bodies of cavalry and infantry moving in large force back again towards the Stone Bridge, which was some three or four miles from us. Lieutenant Prime, of the engineers, had at that time been down with a party of skirmishers to see if he could find any place where we could make a good attack in front. He came back and made the observation at that time that before night Centreville would be our front instead

of our rear; as much as to say that we had got to change our line of battle; that we were beaten on the right. I had thought about noon that it might be necessary for us to repel an attack. I got together a party of pioneers, about forty, and I had about sixty axe-men detailed from the Michigan regiments, to use all the axes and spades we had. I commenced to make an abatis of heavy timber between my position and Colonel Davies, on my left. I also threw up an intrenchment across the road, with rails and dirt, to sweep the road in front of us. I knew the enemy, if they attacked our position, must go through the woods in column on our right, and would have to deploy under our fire, and move up against our battery which I had put in the road. We worked on that abatis until about two hours before night, when we had it completed, and I considered the position safe. The timber was very heavy; some of the pieces were two feet in diameter; nothing could possibly get through it. I had it completed as far as Davies's position two hours before sunset, and I took him over to look at it. It met with his views completely. About two hours before sunset I heard heavy firing of musketry, and of artillery also, near Davies's brigade, on my left. An officer came over and informed me that the enemy had made an attack with a column of infantry, some 5,000 strong, on Davies's position; that he had caused his infantry to lie down in support of his guns; that Hunt's battery had opened with canister shot, and fired some forty rounds, and that the enemy had fallen back in confusion, and that in five minutes not one man was in sight. They came across Bull Run on our left, and to the left of Hunt's battery. They came up a ravine leading towards his battery, and had come within 300 yards before they were seen. They were then a dense mass of men, and the officers were trying to deploy them in line of battle. They were within 300 yards, the most effective distance for canister shot. Major Hunt immediately opened his battery, and fired some forty rounds of canister shot, when the enemy fell back. That was reported to me about two hours before sunset. At the time this firing was going on, an officer of Colonel Miles's staff came to me and ordered my brigade to retreat on Centreville. Notwithstanding I had been ordered by General McDowell to hold this position at all hazards, still, as I was under Colonel Miles's direct authority, I could not disobey the order, and so I put the brigade in march.

Question. You had repulsed the enemy when this order was given?

Answer. Colonel Davies had repulsed them. We did not know how that had turned them. On getting within some three-quarters of a mile of Centreville with my brigade I met Colonel Davies, and asked him what the object of this movement was. He said he did not know. I asked him if the enemy had attacked him on our left. He said they had, and that he had repulsed them handsomely. But the object of this movement he knew nothing about. On getting within three-quarters of a mile of Centreville, some officer of General McDowell's staff ordered me to put my brigade in line of battle, facing both the road from Centreville to Blackburn's Ford and the road from Centreville to Union Mills, which was about four miles on the left of Blackburn's Ford, and try to hold that position, if possible. I put the brigade in position, leading from between the two roads, and on some slight hills that commanded the advance in front. While I was busy in putting my brigade in line of battle, I found that a great many other regiments of different brigades had been formed in line of battle both on my right and my left. Some of my regiments I placed in line of battle, and some in close column by divisions, to be ready to repel an attack of cavalry which might be made down the road, as I supposed the enemy's cavalry would come first in advance of the infantry. Soon after making this disposition, I found that some of my regiments had been moved from the position I had placed them in, and deployed into line; among others, the third Michigan. I inquired the reason of it, and Colonel Stevens, of the third Michigan—lieutenant colonel of that regiment—came to me about that

time and inquired of me particularly why his regiment had been deployed from the position of close column by divisions into line of battle. He said that Colonel Miles had directed the movement. He said he wished to know which to obey, whether to obey Colonel Miles or me. I told him he had no business to move that regiment without the order came through me. He said he did not know what to do. Says I, "What is the matter?" Says he, "Colonel Miles comes here continually and interferes; and," said he, "we have no confidence in Colonel Miles." Said I, "Why?" "Because," says he, "he is drunk." Soon after this conversation, Captain Alexander—now Colonel Alexander of the general staff and corps of engineers—came up to me and said that General McDowell intrusted the whole disposition of the troops around that point to me. I told him I could do nothing as long as I was continually interfered with by a drunken man. I told him that Colonel Miles was drunk, and that he was continually changing everything that I did. He said that General McDowell knew that Colonel Miles was drunk, and that that would soon be attended to, and to go on and make my disposition of the troops. Several batteries of artillery had been placed in position on the hills, but I think the line of battle did not reach from one road to the other; it was too long a distance between them. That is to say, we were too far in advance. But there were also some hills behind us which were a little higher than the ground we stood on. Colonel Alexander said that the present line of battle was not a good one, and he would propose throwing back the right and left so that they could reach from one road to the other, and have the right flank rest on some woods on one road, and the left flank rest on some woods on the other road, and thus be secured against cavalry. I told him that I would make that disposition as fast as I could, as I believed it was better than the first one. The first disposition had been directed by Colonel Miles. I had the batteries of artillery with Major Barry, who was the chief of artillery at that time, massed in the centre and placed on these commanding hills; and I had the line of battle formed in front of the guns in a hollow, the batteries being high enough to play over the men's heads. The men were in the ravine in front, covered from the enemy's fire if they should come up. I considered that they were completely covered, and could not be hurt until the enemy came into close action, while, at the same time, our batteries could not be carried at all until the enemy came within sixty yards of our muskets. Of course our artillery had full sweep in the commanding position it had, which I considered the best position I could place our line in. I considered it a better line than the first because it was shorter, and at the same time our men were better protected.

By the chairman:

Question. We do not care so much about the particulars.

Answer. I want to show why the second line was better than the first, because it has been brought in evidence to show that the first line was better than the second. At the same time not all the infantry were placed in this position. Battalions in column closed in mass were placed behind the intervals of the battalions in front for support, so that we actually had two lines of battle instead of one, having more force to it than the first line that was formed.

Question. What happened to this line?

Answer. While I was going on with this General McDowell rode up to me. Said he, "Great God, Colonel Richardson, why didn't you hold on to the position at Blackburn's Ford?" I replied, "Colonel Miles ordered me to retreat to Centreville, and I obeyed the order." General McDowell said nothing more, except to take the general command of the troops. I said to him, "Colonel Miles is continually interfering with me, and he is drunk, and is not fit to command." I understood him to say that he had already relieved him from command, and desired me to go on with the preparations; that I had charge of all

the troops at that point. I told him I would go on with the preparations as fast as I could. About half an hour before sunset when the lines were complete, the head of the enemy's cavalry made its appearance through the woods on the road towards Blackburn's Ford. I believe I was the first officer that saw that cavalry. I was standing by the side of a battery of 10-pounders, with a young lieutenant of artillery—Lieutenant Benjamin—I think he commanded the battery. Says I, "There is the head of the enemy's cavalry; you open on them with your two guns immediately and as fast as you can." He had his guns fired—I think it was twice each—on the head of the enemy's cavalry, and they fell back and we saw nothing more of them. The shells appeared to take effect, for they retreated immediately. Just before this Colonel Miles came up to where I was. Said he, "Colonel Richardson, I don't understand this." I was marching the 3d Michigan regiment over to the right at that time to fill up a space between them and the next regiment. Says he, "You should march that regiment more to the left." Says I, "Colonel Miles, I will do as I please; I am in command of these troops." Says he, "I don't understand this, Colonel Richardson." Says I, "Colonel Miles, you are drunk," and I turned away to lead off my men. Says he, "I will put you in arrest." Says I, "Colonel Miles, you can try that on if you have a mind to." I led the regiment on and placed them in position. He watched me, but said nothing more. At that time he could hardly sit on his horse. I could see from his reeling in the saddle, from his incoherent language, and from his general appearance, that he was drunk. I had been acquainted with Colonel Miles long before.

By Mr. Chandler:

Question. He had command of those three brigades through the day?

Answer. Yes, sir; the reserve.

Question. Why were they not ordered, or one brigade of them ordered, in front instead of being kept in the rear?

Answer. I have always thought that if Blenker's brigade, which was at Centreville, had been brought up to support me at my right—Davies's brigade was already on my left and had just repelled the enemy—we could have held that position until morning, when Runnion's reserve of 10,000 men at Fairfax Station could have come up. Some of his reserve had already arrived that night, and the rest of the reserve—among others the 37th New York, which is in my brigade now—was at Fairfax. They could have moved up against the morning, and then we should have been 24,000 strong, with the 35 guns which we had saved on the field already. They certainly could have held the position which I had held for three days alone.

By the chairman:

Question. Do you know any reason why that disposition was not given to the troops?

Answer. I cannot say why it was not made. But I have always thought that if a battery of artillery and some cavalry had been placed in the road at Centreville, so as to have opened on the fugitives, they could have been rallied at that place. I knew of something having been done once before like that. I know that at Buena Vista—although I was not there—some troops ran from Buena Vista as far as Saltillo, and Major Webster, who had command of two 24-pounder howitzers at Saltillo, loaded his guns and threatened to fire on them if they went any further; and they stopped at that place.

Question. Then you consider that Colonel Miles's order to you to retreat from the position you had fortified, while Davies had repulsed the enemy—

Answer. I think if Blenker's brigade had been brought up on our right we could have held our position until morning, when a further reserve could have re-enforced us. And then, by cutting the timber in that direction, in two or

three hours we could have made a position that we could have held. At the same time there is another thing I would like to say. From what we have learned since, the enemy handled every reserve they had, whereas our reserves were not handled at all. The three brigades of reserves—Blenker's, Davies's, and mine—that were on the field that day, and Runnion's reserve, which was at Fairfax Station, six miles off, I believe, and not handled at all, make 24,000 men who were useless, whereas the enemy handled all their reserves. This is nothing new. I said the same thing that night.

By Mr. Chandler :

Question. Runnion's reserve was only six miles off, you say ?

Answer. At Fairfax Station.

Question. How many men ?

Answer. Ten thousand.

Question. So that in reality there came under fire in that battle about 16,000 of our troops ?

Answer. O! more than that. We marched 50,000 men and 49 pieces of artillery, of which we saved 35 pieces.

Question. So that about 26,000 were actually under fire ?

Answer. I do not like to state about that.

WASHINGTON, D. C., *December 24, 1861.*

General SAMUEL P. HEINTZELMAN sworn and examined.

By the chairman :

Question. One item of the inquiry which we are commissioned to make is in regard to the occasion of the disaster at Bull Run, as near as we can ferret it out, by questioning military gentlemen who know. You will therefore please state in your own way, without much questioning, what you know about it; the time of starting, where you went, what you did, and what observations you made. State it in general, for we do not wish to descend to particulars at all. Just state your opinion of the causes of the disasters at Bull Run.

Answer. I cannot recollect when the other divisions started. My division marched on the morning of the 16th of July, which was Tuesday.

Question. You can give us a very rapid and general narrative, if you please, of what happened from the marching of your division. You need not be minute or particular in your statements.

Answer. The first brigade of my division started at 10 o'clock in the morning, and in the course of the day the whole division marched. We went as far as the Pohick the first night.

Question. How many men were in your division ?

Answer. About 9,500. The last of the division did not get into camp until about one hour before daylight. We started the next morning soon after daylight, and found the road somewhat obstructed. When we got to Elzey's, I sent Wilcox's brigade on to Fairfax Station, and Franklin's brigade towards Sangster's, while I remained with ours at Elzey's. Just before we got to Elzey's we met some of the enemy's pickets, and received information that they had batteries at Fairfax Station, as well as between us and Sangster's. In about a half an hour I got word from Wilcox that the enemy were retreating from Fairfax Station. I immediately sent that information to General Franklin and followed on with the other brigade. I got to Sangster's with my two brigades late in the afternoon, and sent out reconnoitring parties, but could hear nothing of the enemy, further than they had retreated, some two hours before

we got to Sangster's, along the railroad, and had burned the bridges. We saw the smoke of the burning bridges when we got there. We stayed there all the next day. General McDowell came there about 12 o'clock, and we had a conversation there. The intention was, when we started, to go by the left flank to Wolf Run Shoals, or to Brentsville, and endeavor to cut the railroad in rear of Manassas. But from information received at Sangster's it was not considered feasible to follow up that plan. So he gave me orders to be at Centreville with my division between that time and daylight, and to get some provisions. Our three days' rations were out that day.

By Mr. Chandler :

Question. That was on Thursday.

Answer. Yes, sir. We started on Tuesday and got to Pohick. On Wednesday we got to Sangster's, and we stayed there until late in the afternoon of Thursday. About 5 o'clock, I think it must have been, I started. I had sent out to get beef, but could get nothing but an old cow; and we then went on without any provisions. We got to Centreville about dark, and found the rest of the army encamped about the place.

Question. That was Thursday night.

Answer. Yes, sir. We remained there until Sunday morning, when I advanced with the rest of the army.

By the chairman :

Question. What induced you to fight that battle on Sunday, and at that time, without knowing more particularly what Johnston and Patterson were about?

Answer. On Saturday we saw re-enforcements to the enemy arriving by the railroad, which we supposed were Johnston's. And every day's delay we knew was fatal to our success.

By Mr. Chandler :

Question. Can you tell us why you laid over at Centreville from Thursday until Sunday?

Answer. The day after we left Alexandria the provision train was to start. The wagons had not yet been collected, as I understood, and the consequence was that they did not start the next day, but the day after. On Thursday the provisions I had gave out. In fact, some of the men had got rid of their provisions the very first day; like volunteers, they did not take care of them, and as they got heavy they threw them away. I sent two or three times in the course of the morning, and finally I sent an officer to follow up until he found them. He went clear into Alexandria, and there he learned that the train had started the second day after we left, instead of the first, and had taken the road to Occoquan. As soon as I learned that, I pushed on towards Centreville, to try to get there before dark. At Centreville we the next day got some provisions. There was a reconnoissance made on Friday, or one attempted; but they met some of the enemy's pickets, and had to come back. There was another attempt made the next day, but I do not think they learned much then. But the supposition was that the enemy was in force at the Stone Bridge; that they had a battery there, and an abatis, and that the bridge was ruined; and that they had a force further up Bull Run at another ford, probably about half-way between Centreville and Sudley's Church. You asked me about the delay. The delay at Centreville, I suppose, was principally waiting for provisions, and for information of the position of the enemy.

Question. And during that delay Johnston's army came down?

Answer. Yes, sir.

Question. And likewise re-enforcements from Richmond?

Answer. Yes, sir; I suppose from every quarter whence they could send them.

By the chairman :

Question. Your first idea was the best one to cut off that railroad, was it not ?

Answer. Yes, sir ; we supposed the creek was not fordable but at few places ; but at Sangster's we got information that satisfied us that there were very slight obstructions, and it would make that operation a very dangerous one, and it was given up.

By Mr. Chandler :

Question. Will you give us, as succinctly as possible, the operations of your division on Sunday ?

Answer. I perhaps had better state what occurred Saturday night.

Question. Very well.

Answer. Saturday night all the division commanders were directed to appear at General McDowell's headquarters to receive instructions what to do the next day. The order had been given to march, first, at 6 o'clock the afternoon of Saturday ; but afterwards it was put off till 2 o'clock the next morning. We went there and got our instructions. General Tyler's division was to start first ; then Hunter's, and then mine. I asked a few questions about what I was to do, and had some little change made about the hour of starting, and went back to my tent. The next morning, precisely at the hour fixed, I left. The head of the column got to Centreville, and found the road obstructed with troops. General Tyler's division had not passed yet. I waited there three hours for Tyler's and Hunter's division to pass. After crossing Cub Run a little ways we took the right-hand road. Major Wright, of the engineers, went with Hunter's column. He was to stop with the guide, where the road turned off to this second ford I spoke of. He could not find the road, and of course we kept on and reached Sudley's Church, or Bull Run, near the church, about 11 o'clock on the morning of Sunday. In the meantime we heard the firing on our left, across Bull Run, and could see the smoke, and could see two heavy clouds of dust, evidently caused by troops approaching from Manassas. A few minutes before we got to Bull Run General McDowell and his staff passed us, going on ahead. When we got to the run the last brigade of Hunter's division had not yet crossed. I ordered the first brigade of my division to fill their canteens, while I went on to see with my glass what was going on. About this time the firing in front of Hunter's division commenced. And in about a half an hour two of General McDowell's staff rode up and asked me to send forward two regiments, that the enemy were outflanking him. I ordered forward two regiments. The Minnesota regiment was one, but I have forgotten the other. I followed on and left orders for the rest of the division to follow as soon as the road was clear. Major Wright led the Minnesota off to the left, and I followed the upper road on the right until we came on the field. I stopped and made inquiries as to what was going on. I saw General McDowell, and the batteries which were on this ground. Two of them were ordered forward ; one of them flanking my division. I followed them for a little while, sending orders for the zouaves and first regiment to follow and support them. I went up, after the zouaves arrived, on the right of the batteries with them. As I rose to cross the ridge, I saw beyond a line of the enemy drawn up at a shoulder-arms, dressed in citizen's clothes. It did not strike me at first who they were. But I just checked my horse and looked at them. I saw in an instant that they were a party of the enemy's troops, and I turned to the zouaves and ordered them to charge them. They moved forward some 20 paces and they fired, and both parties broke and run. Just at this moment some 30 or 40 of the enemy's cavalry came out through an old field and charged the rear of the zouaves. The zouaves turned upon them and emptied some five or six saddles, and the cavalry broke and run. Captain Colburn's company of cavalry, belonging to the regular army, was close by and got a shot at them with their

carbines, and emptied some more saddles. That was the last I saw of them. And that was the famous black horse cavalry who made the charge.

Question. Only thirty or forty of them?

Answer. That was all. I did not see that many, but I was told there were thirty or forty of them. There was not a black horse among them that I saw. And there was one solitary man killed of that regiment by that fire. There was also a man fell out of the leading company. One of them disappeared, and I supposed he crawled off.

By the chairman:

Question. How far apart were they when that firing took place?

Answer. Thirty or forty yards.

Question. And they all fired over each other's heads?

Answer. The enemy were in the woods. As I was on horseback of course I saw them first. I stopped and ordered the zouaves to charge. By coming forward a few paces they could see over the ridge, and as soon as they saw each other they fired and then they both broke and run.

By Mr. Chandler:

Question. Did the zouaves rally after that during the day?

Answer. Not as a regiment. Many of the officers and men joined other regiments, or fought on their own hook.

By the chairman:

Question. What, in your opinion, really led to the disasters of that day?

Answer. It is hard to tell. There were a number of causes. In the first place, the delay of Friday and Saturday at Centreville was one efficient cause. Another cause was the three hours lost at Centreville on Sunday morning.

Question. Did their troops outnumber ours, do you suppose?

Answer. O! yes, sir, largely. I have no definite information as to the number of men they had. General Tyler's division went first, then General Hunter's, then mine. Hunter had furthest to go; the distance I had to go was the next furthest, and the distance Tyler had to go was the least. I think if we had reversed it—let Hunter start first, then let me follow him, and then Tyler follow me—that delay at Centreville would not have occurred.

By Mr. Chandler:

Question. Suppose the battery at Blackburn's Ford had been captured on Thursday night by Tyler's division, and an advance had been ordered on Friday morning, do you think there would have been much of a battle any way?

Answer. That is a difficult question to answer; I do not know what force the enemy had there. I doubt whether Tyler could have captured that battery. From what I have learned, I do not think he had sufficient force to do it. And he had no authority to make such a strong demonstration as he did.

By the chairman:

Question. Why was not the reserve brought up to that field?

Answer. The reserve at Centreville?

Question. Yes, sir.

Answer. I suppose the only reason was that Centreville was such an important point. If the enemy should get possession of it we should be cut-off entirely. I think that when we found on Saturday that re-enforcements were coming in so strongly, the reserve at Alexandria, here on the Potomac, should have been brought forward. That would have left the reserve that remained at Centreville in a position to be used.

Question. There were a great many troops at Fortress Monroe that might have been brought up, I should think. What prevented that?

Answer. I do not think there were many at Fortress Monroe. I do not recollect. I think there were troops enough around Washington, if they had been pushed forward on Saturday.

By Mr. Chandler :

Question. And, probably, if the battle had been made on Thursday or Friday, before their re-enforcements came up, you had force enough ?

Answer. Yes, sir. I believe we should have been successful, at least, in getting possession of and holding Bull Run, if we could have advanced Friday morning. I was perfectly confident, when I went there on Thursday night, that we should advance on Friday morning, and the consequence was that I camped my division in very close order.

By the chairman :

Question. It always seemed singular to me that you went into battle on Sunday morning, when you found Johnston had re-enforced them. I should have supposed that you would have remained at Centreville until you had got your re-enforcements up to meet the new state of things.

Answer. I did not think, when we started on Sunday morning, that there would be a general engagement. I supposed, from what we were informed at headquarters, that the enemy had a strong force at the Stone Bridge, as the rebels called it, and a small force at the ford I was to go to. I had orders not to cross until Hunter had crossed at Sudley's Church and come down opposite to me on the other side of Bull Run. Then I was to cross, and we were to follow on down opposite the Stone Bridge, and turn that. Tyler had orders, I believe, not to attack with his infantry at all, but merely to make a demonstration with his artillery at the Stone Bridge, and to wait until we came down. But when we crossed over there, we soon got engaged with a heavy force of the enemy.

Question. There was really no necessity for fighting on Sunday rather than on any other day. You chose your own time, I suppose ?

Answer. It is reported that they had given their orders to attack us on Sunday morning at eight o'clock.

Question. Then I would have remained on the heights at Centreville and let them attack us there, and then they would have lost the benefit of their batteries.

Answer. The principal difficulty was the want of provisions in kind. I think that was one grand cause of the disaster. And the troops were not brigaded in time. And then we had a great many three months men.

By Mr. Chandler :

Question. You have been in command of the extreme left wing of this army for some time, I believe ?

Answer. Yes, sir ; between two and three months. I was on the left all last summer ; but the day, or two days, before the battle my position was changed. I was to follow out on the Little River turnpike ; and then they changed me further to the left, to go up the Fairfax road.

WASHINGTON, D. C., *December 26, 1861.*

General WILLIAM B. FRANKLIN sworn and examined.

By Mr. Chandler :

Question. You were in the battle of Bull Run, were you not ?

Answer. Yes, sir.

Question. In command of a brigade ?

Answer. Yes, sir.

Question. Were you in a council of war that decided upon delivering that battle of Bull Run?

Answer. I was not.

Question. Do you remember the time at which you started, with your brigade, for Bull Run?

Answer. We started the Tuesday before the battle; the battle was fought on Sunday.

Question. Will you state, briefly as possible, the daily marches of your brigade—the daily operations of your brigade—from that Tuesday until Sunday morning following?

Answer. On Tuesday we marched from our camp, near Alexandria, to Pohick creek, a distance of about fourteen miles, and there encamped. The next morning we marched to Sangster's Station; that was on Wednesday. Then on Thursday afternoon we marched from Sangster's to Centreville, and there encamped. There we laid until Sunday morning, at 2½ o'clock, when we marched to Bull Run.

Question. Can you tell why the army was delayed at Centreville from Thursday evening until Sunday morning? why a forward movement was not made at once?

Answer. I can only do that from inference; I have no direct information from headquarters. My impression is that it was on account of the non-arrival of the supplies for the army until some time on Saturday.

Question. The non-arrival of provisions?

Answer. Yes, sir.

Question. Which division of the army was your brigade connected with on that Saturday morning?

Answer. I belonged to General Heintzelman's division.

Question. Will you very briefly give us the particulars of your march on Sunday?

Answer. We left camp at 2½ o'clock in the morning, and marched about three-fourths of a mile, until the road that my brigade was on intersected the Warrenton turnpike. There we waited until nearly 6 o'clock for the passage of General Hunter's division. As soon as that had passed we started forward and turned off from the Warrenton turnpike just beyond Cub Run, and reached Bull Run, at Sudley's Stream, between 11 and 12 o'clock. At that time the engagement commenced. I was directed to send forward Ricketts's battery, which I did, and posted it where I was ordered to do so; and I immediately sent forward the 1st Minnesota regiment to a position indicated by Captain Wright, of the engineers. I then sent forward the 5th Massachusetts regiment to support Ricketts's battery, and immediately afterwards the 11th Massachusetts, the remaining regiment of my brigade, was brought up and took position alongside of the 5th Massachusetts, to be available for the fight wherever it might be needed. Ricketts's battery commenced firing and was doing excellent execution. I saw it presently move off from the position where I had stationed it without any orders from me. As I saw it move off I moved the 5th and 11th Massachusetts up to be in a position to support, in case it should get into difficulty. But it was taken before I could get through these arrangements.

Question. By whose order was that battery moved?

Answer. I have heard since that it was by order of General McDowell, but I do not know from my own knowledge. I went forward with the 5th and 11th Massachusetts, and did my best to get the battery back, and did get it back, either two or three times, I do not remember which. But every time when the time came to draw off the guns, the men could not be brought up to the scratch. They would come forward with their guns loaded and deliver their volley very well, and would then, instead of taking hold of the guns and drawing them off, fall back to a secure place and load. We must have remained in this position,

with these two regiments going up, delivering their fire and falling back, until about three o'clock in the afternoon. At that time a large force of the rebels appeared in the woods on our right, when the men fled, and could not be brought up by any means I could use. And those two regiments were not collected again during the day. The Minnesota regiment was the only other regiment of my brigade. They did good work at the same point where these other regiments were, and did not break during the day: they went off the field in good order. The battery was taken, and that accounts for the whole of my brigade, as the 4th Pennsylvania left early in the morning.

Question. Had there been no delay, and had the battle commenced early in the morning, as was intended, what, in your opinion, would have been the result of that battle?

Answer. I think the result would probably have been different, as far as I can judge now. I think we would have whipped them if we had begun the fight early in the morning.

Question. If the reserves had been brought up at any time, say from 12 to 3 o'clock in the afternoon, and brought into the fight, what, in your opinion, would then have been the result?

Answer. My opinion after 2 o'clock was that nothing could save the day, I did not care how many troops came up.

Question. Your knowledge of the battle is confined to the action of your own brigade?

Answer. Entirely to the action of my own brigade.

Question. Had your provisions been at Centreville when you reached there, and had you marched on Friday morning forward to Bull Run before the arrival of Johnson's reserves, and those from Richmond, what, in your opinion, would then have been the result?

Answer. The result would have been in our favor. But mind, I do not know when those reserves of Johnson's and Smith's came up, and the reserves from Richmond. I do not know whether they were not there on Thursday.

Question. Did you, or did you not, hear the whistles of the locomotives and the running of the cars?

Answer. I remember hearing the whistles all one night, and took it for granted that re-enforcements were being brought in.

Question. When was that?

Answer. On Friday night.

Question. You therefore inferred that reserves were brought there on Friday night?

Answer. Yes, sir.

Question. And it is your opinion that, had the battle been delivered before those reserves came up, the result would have been different?

Answer. Yes, sir.

By the chairman:

Question. On the Saturday before that battle was it known to officers that Johnson would probably be down there to join Beauregard?

Answer. No, sir; it was not, although, from hearing the whistles, we presumed he had come.

Question. You presumed that he had come?

Answer. Yes, sir; but we had no positive information that he had.

Question. I have always wondered that the battle was fought there when it was, after it was understood in the army that Johnson had come down, contrary to the expectation which was entertained that Patterson would hold him in check.

Answer. I will tell you what suggested itself to me when I got to Bull Run, and that is that we ought to have encamped on the fine hills there and waited

there over night, and then got up early the next morning, when we would have whipped them.

The chairman: It has always seemed to me that when you knew that Johnson had come down you should have got 25,000 men from here, and as many more, perhaps, from Fortress Monroe, and then you would have had the thing sure. I have always wondered why that was not done when Patterson had not held Johnson in check, as it was understood he would do.

The witness: Patterson's officers give a very good account of him. He knew nothing about what the army was to do. He supposed the battle had come off on Tuesday, and knew nothing about what was really doing.

The chairman: It strikes me that it was a great fault that so important a circumstance was not understood before the battle was begun.

The witness: I think if we had stopped there at Sudley's Stream they would have fought us that morning, but we would have fought them on our own ground, and would have whipped them.

The chairman: They would then have lost the benefit of all their batteries? I have always wondered at your going into that fight then, when you should really have got re-enforcements of 20,000 to 30,000 more men.

The witness: I think it would have been an advisable plan to have stopped there at Bull Run. We would probably have had to fight about the same time, but then we should have fought on our own ground, and should have had a better position than they could have got. We could have had a beautiful position there.

Question. They would have had no batteries to protect them?

Answer. No, sir.

Question. I suppose if Patterson had come down and turned their rear about the same time they attacked you, you would have succeeded beyond a doubt?

Answer. Yes, sir.

By Mr. Chandler:

Question. Five thousand men making an attack in their rear at any time, I suppose, would have settled the battle?

Answer. Yes, sir.

By the chairman:

Question. Could not some of our men have been sent around to tear up the railroad?

Answer. No, sir; we were making for the railroad as fast as we could. That was our object. But they stopped us, and whipped us.

Question. You were too far to the left, were you not?

Answer. I think we should have gone further to the right.

WASHINGTON, D. C., *December 26, 1861.*

General IRVIN McDOWELL sworn and examined.

By Mr. Chandler:

Question. We were instructed to make some inquiry in regard to the battle of last July. In the first place, was that battle of Bull Run decided upon in a council of war?

Answer. No, sir. I will give you in a few words the way that was done. There is much that precedes the battle that would be interesting to you gentlemen to know. Not to be too long, I will say that the general-in-chief, General Scott, called upon me verbally to submit a plan of operations to go against Manassas,

and to estimate the force necessary to carry out that plan. I cannot tell the day when this was done. I could give you a copy of the plan I submitted, but unfortunately the copy I kept has not, I think, the date to it. The one I sent to him has, I think. I sent the plan to General Scott, and he read it and approved of it. I was then summoned before the cabinet. There were some general officers there: General Sandford, General Tyler, General Mansfield, and General Meigs were there. I think those were all but I am not certain. I was then called upon to read my plan of operations, and I read it. No persons had any suggestions to make in reference to it except General Mansfield. He made some remarks, but said he had not thought about the matter, and did not know anything about it, and was not prepared to say anything in relation to it. As the plan was all approved of, without any alteration, and, I think, without any suggestion, except a slight one from General Mansfield, I then called the engineers to assist me, and gave the paper to them to discuss. They discussed it, and made no alterations, and had no suggestions to make except one. Captain Woodbury, now Major Woodbury, suggested that I should go by the right instead of by the left. I told him the reasons why I preferred to go by the left; that to go by the left was a conclusive movement, and to go by the right might not be.

Question. That is, to cut off the railroad?

Answer. Yes, sir. It was to go down by our left on their right and cut the railroad there. Your first question was as to whether there was any council of war on the plan. In reply, I said the plan was one that I submitted in compliance with verbal instructions from General Scott, and which plan received no modification either from the cabinet or from General Scott, except a mere verbal correction, changing "communications" to "communication." Nor did any of the engineers make any suggestion, except the one I have mentioned, to go by the right instead of the left. I told him why I did not want to go in that direction, but said I was the last man in the world pledged to my own views, and if any one could tell me anything better than I could myself, I would accept it, and give him the full credit of it. Now, in regard to my plan, I had, in the first place, to assume what the enemy had in front of me. I next assumed that there would be no secret of my preparing to go against them. They would know it, and as a consequence of that they would bring up whatever disposable force they had. Therefore, it was not so much what they had here, but what they would bring here, that I was to go against. I assumed that if General Butler would keep them engaged below, and General Patterson would keep Johnson engaged above, I would then have so much to go against. To do that I asked for a certain force. They agreed to it, and gave me the force, but very late in the day. But they did not fulfil the condition with me so far as General Johnson was concerned. I had a part to play in the matter. It was but a part in a whole; it was a large part, still only a part. I had no control over the whole; that was controlled by General Scott. On several occasions I mentioned to the general that I felt tender on the subject of General Patterson and General Johnson. In reply to some suggestion once made about bringing Patterson over to Leesburg, I said if he went there Johnson might escape and join Beauregard, and I was not in a condition to meet all their forces combined. I said that I went over there with everything green. That was admitted; but they said that the other side was equally green. I said that the chances of accident were much more with green troops than with veterans, and I could not undertake to meet all their forces together. General Scott assured me—I use his own words—"if Johnson joins Beauregard he shall have Patterson on his heels." He gave me this assurance, that there should be no question in regard to keeping Johnson's troops engaged in the valley of Virginia. I estimated to go from Vienna with the largest force, and get in behind Fairfax Court-House; go with one force down the Little River

turnpike upon Fairfax Court-House; go with one force by way of Anandale, and then go off to the south by the old Braddock road, as it is called, and then have the fourth column go south of the railroad. The railroad was then blocked up and obstructed. They had broken down the bridges and torn up the track where they could, filled in the deep cuts with earth and trees, and obstructed the road as effectually as they could. I could not at first use that railroad, though I threw the largest part of the force called reserve upon the railroad to make the communications good. The largest part of the 30,000 men were in front. I moved down Tuesday evening. When General Scott was called upon, or when the question was asked in the cabinet, when he would be ready to carry out this plan, General Scott fixed for me that day week. Up to that time General Scott never wished anything done on the other side of the river further than to merely fortify Arlington Heights. General Scott was exceedingly displeased that I should go over there. He had other plans in view, and personal plans, so far as I was concerned. And he was piqued and irritated that I was sent over there, and the more so that General Sandford was here in somewhat an equivocal position. He was here for three months, a major general of troops in New York. General Scott did not wish to give him the command here in Washington; at least I infer so because he did not put him in command, and he put him in command on the other side of the river. But General Scott was told that he must put either General Mansfield or myself over there. He wished to keep General Mansfield here, and he put me over there. The general had opposed my somewhat rapid promotion, because he thought it was doing a hurt to General Mansfield, and when I was promoted he insisted that General Mansfield should also be promoted, and date back a week before my own promotion. When I was ordered to the other side General Scott sent me two messages by his aide-de-camp and military secretary, to make a personal request of the Secretary of War not to be sent on the other side. I said I could not do that. Just appointed a general officer, it was not for me to make a personal request not to take the command which I had been ordered upon. I could not stand upon it. I had no reputation, as he had, and I refused to make any such application. So I went on the other side, and the general was cool for a great while. He did not like that I did not comply with his suggestion and ask not to be sent there. I was on the other side a long while without anything. No additions were made to the force at all. With difficulty could I get any officers. I had begged of the Secretary of War and the Secretary of the Treasury, who at that time was connected with the Secretary of War in many of the plans and organizations going forward, that I should not be obliged to organize and discipline and march and fight all at the same time. I said that it was too much for any person to do. But they could not help it, or did not help it, and the thing went on until this project was broached. General Scott at the same time took occasion to say to the cabinet that he was never in favor of going over into Virginia. He did not believe in a little war by piecemeal. But he believed in a war of large bodies. He was in favor of moving down the Mississippi river with 80,000 men, of which I was to command the advance. We were to go down, fight all the battles that were necessary, take all the positions we could find, and garrison them, fight a battle at New Orleans and win it, and thus end the war. I did not think well of that plan, and was obliged to speak against it in the cabinet. I felt that it was beyond everything a hazardous thing for our paper steamboats, as you might term them, to try to go down the river on such an expedition. They have some considerable difficulty to get down safely in the most peaceable times and with all the precautions possible, and it would be exceedingly hazardous for them to undertake to go down there with a large army, with all their machinery above water and exposed, and obliged to attack works opposed to them all the way down. Here is the case of the Potomac now blockaded; we do not venture to land and

attack the batteries here, though this is a wide river with a broad channel, one well known and which does not change. We attempt nothing of the sort here, and yet we were expected to go down the Mississippi a thousand miles, supply our force all the way down, attack the batteries, and be diminishing our force all the while by leaving garrisons in all the places we should deem of sufficient importance to retain. I thought the plan was full of most serious and vital objections. I would rather go to New Orleans the way that Packenham attempted to go there. I went over the river, as I have told you. General Mansfield felt hurt, I have no doubt, in seeing the command he had divided in two and a portion sent over there. I got everything with great difficulty. Some of my regiments came over very late; some of them not till the very day I was to move the army. I had difficulty in getting transportation. In fact, I started out with no baggage train, with nothing at all for the tents, simply transportation for the sick and wounded and the munitions. The supplies were to go on afterwards. I expected the men to carry supplies for three days in their haversacks. If I went to General Mansfield for troops, he said: "I have no transportation." I went to General Meigs and he said he had transportation, but General Mansfield did not want any to be given until the troops should move. I said: "I agree to that, but between you two I get nothing." The quartermaster begged of me not to move, because he was not ready. I said: "We must move on Tuesday;" which was one week after the time General Scott had fixed. All my force had not come over by the time he fixed. A large part came over on Sunday, and some on the very Tuesday I moved. I told the general I was not ready to go. Said I to him: "So far as transportation is concerned, I must look to you behind me to send it forward." I had no opportunity to test my machinery; to move it around and see whether it would work smoothly or not. In fact, such was the feeling, that when I had one body of eight regiments of troops reviewed together, the general censured me for it, as if I was trying to make some show. I did not think so. There was not a man there who had ever manœuvred troops in large bodies. There was not one in the army; I did not believe there was one in the whole country; at least, I knew there was no one there who had ever handled 30,000 troops. I had seen them handled abroad in reviews and marches, but I had never handled that number, and no one here had. I wanted very much a little time; all of us wanted it. We did not have a bit of it. The answer was: "You are green, it is true; but they are green, also; you are all green alike." We went on in that way. But there is one thing clear beyond any doubt. If the movements which had been ordered had been carried out, we should have had no difficulty at all. My plan was simply this: It was to move out this force upon these four lines. I had to move them on four lines that had no communication with each other from the very nature of the country. But I thought I made each column strong enough to hold its own. If it could not penetrate it could stand still, and if attacked it could hold its own, while the other columns were pressing forward and trying to get behind the enemy. The roads from Alexandria radiate. One goes out to Vienna, one goes to Fairfax Court-House, one to Fairfax Station, and one further south to Pohick church. My orders were, that those on the right should go the first day—Tuesday—out to Vienna. I had taken the precaution before to send General Richardson, who commanded a brigade I had organized at Chain Bridge, out to examine the road he afterwards moved over. Generals Keyes, Schenck, Richardson, and Sherman, in all four brigades, were to be at Vienna that night. General Hunter, who commanded what I intended to be a sort of reserve, composed of General Burnside's command and General Porter's command, were to go on the Little River turnpike to Anandale. General Miles was to go to Anandale a little before and turn down on the Braddock road. General Heintzelman was to go out also from Alexandria on the railroad, and send up some force to Vienna to hold that point after our troops

left it. The next morning General Tyler was to march from Vienna and go down upon the road towards Fairfax Court-House. General Hunter was to go forward to Fairfax Court-House direct. General Miles was to come down on the Braddock road to another road that crossed it, going from Fairfax Court-House to Fairfax Station, while Heintzelman went down below. They were to be there early in the morning, I think at 8 o'clock. At Fairfax Court-House was the South Carolina brigade. And I do not suppose anything would have had a greater cheering effect upon the troops, and perhaps upon the country, than the capture of that brigade. And if General Tyler could have got down there any time in the forenoon instead of in the afternoon the capture of that brigade was beyond question. It was but 5,000 or 6,000 men, and Tyler had 12,000, at the same time that we were pressing on in front. He did not get down there until in the afternoon; none of us got forward in time. That was due to two things, perhaps. The affair of Big Bethel and Vienna had created a great outcry against rushing into places that people did not know anything about. I think the idea of everyone was that we were to go into no such things as that; that we were to feel our way. That, perhaps, caused the march to be very slow; because, from Vienna across the march was not more than five or six miles, and if they started by 4 o'clock in the morning they should get there by 8 o'clock. They did not get there until 3 o'clock, and the South Carolina brigade marched at 11 o'clock, so that it slipped through our hands. Then, too, the men were not used to marching; they stopped every moment to pick blackberries or to get water. They would not keep in the ranks, order as much as you pleased. When they came where water was fresh they would pour the old water out of their canteens and fill them with fresh water; they were not used to denying themselves much. They were not used to journeys on foot; the men of the north no more than the men of the south were used to going on foot much. While the men of the south were accustomed to riding horseback, those of the north rode in wagons for the shortest journeys, and they were pretty well broken down with this short march; therefore, when I wanted them to push on to Centreville, they were so broken down that they could not get more than half way there. The subsistence was to come on the next morning. Thursday morning I went off to see about making this march off to the left. That day General Tyler got involved at Blackburn's Ford, which made it necessary to move the whole of the troops forward that day, instead of keeping them behind to draw their rations. The attack at Blackburn's Ford had a bad effect upon our men. They were all in high spirits before that, but had not succeeded in their first attack. That attack made all wish to know what we were going to do, and where we were going to go, so that the next two days were employed by General Barnard and those under him in trying to discover where we could penetrate this line. They went out and were unsuccessful. They went out again at night, and were again unsuccessful. On Saturday about noon they reported that they had found a place. I at once gave orders to march at 6 o'clock that night, going part of the distance and stopping, and then move on early in the morning; but General Burnside, who was the furthest off, said that it would be much less fatiguing for his men to make one march instead of two, and that if we started early enough in the morning we could reach there in time. I yielded to it at once, as it was only on account of the men that I wanted to stop. I started in the morning. We got around late, it is true; there were delays about getting into the road. General Tyler was late, and General Hunter was slow in getting around; still, we substantially carried out the plan. We got over there and met the enemy; and there I found that, in addition to General Beauregard, I had General Johnston—how much of him I did not know. I learned afterwards that some 7,000 or 8,000, the bulk of his force, had arrived. Still, we were successful against both until about 3 o'clock in the afternoon, when the remainder of his force came upon us upon our right when our men were tired and exhausted, and that caused the day to turn against us.

I have learned since, in relation to that movement of General Johnston, which was the fatal thing in the whole of this battle, and which General Scott assured me should not take place, or if it did General Patterson should be driving him in, that General Patterson was before General Johnston on Wednesday, and on Thursday morning, at 4 o'clock, he ordered his troops to march. I learned from General Morell—now in General Fitz-John Porter's division, but who was then on the staff of General Sandford, who commanded under General Patterson—that they all expected that they were going right down to Winchester on Thursday, and that all the men were in the highest possible spirits at the idea of going there, and that General Sandford believed they were superior to Johnston's force. But instead of going down to Winchester, after they got down to a place called Bunker Hill, they turned off to the left and went off towards Harper's Ferry. Then the men became so dissatisfied that they demanded their discharge. Up to that time there had been no indications of turbulence. General Johnston, on that same day—Thursday—when he found out that Patterson had gone away, left in the afternoon between 2 and 3 o'clock, and pushed down in a masterly manner as hard as he could to join Beauregard. General Patterson in the meantime was, I am told, under the greatest possible alarm, and telegraphed all the time, and sent an officer down, who arrived on Sunday, to General Scott for re-enforcements against General Johnston, General Johnston at that very time being before me here; and General Scott was so impressed with this, that a large part of the force in Washington was ordered to go up there to join General Patterson. So completely was General Patterson outwitted that he thought General Johnston had 40,000 men there. One who was on his staff, and his adjutant general, told me that they had got records, reports, and returns to the effect that Johnston had something like 40,000 men. All I can say is, that if he had 40,000 men, I had the whole of them on me.

By Mr. Chandler:

Question. Do you believe he had 10,000?

Answer. I think he had from 12,000 to 15,000, and General Patterson had in the vicinity of 20,000. If he had 40,000, then I had them all. But I assume that he joined Beauregard in the first place with 8,000, and that his last re-enforcement was about 4,000.

By the chairman:

Question. When did you first learn that Johnston was released from Patterson and down here?

Answer. I first learned it in a way beyond all doubt on the field of battle. About 11 o'clock in the day I made some prisoners.

Question. Did no one tell you before?

Answer. A man came to me before. But, great God! I heard every rumor in the world, and I put them all aside unless a man spoke of his own personal knowledge. Some person came to me; I did not know who he was. I had people coming to me all the time, each one with something different. All that I paid no attention to. This person came to me and said, I think, "The news is that Johnston has joined Beauregard." He might have said that somebody else had joined Beauregard. He did not know it himself; had heard it from others. Some one said: "We heard the cars coming in last night." Well, I expected that. I expected they would bring into Manassas every available man they could find. All I did expect was that General Butler would keep them engaged at Fortress Monroe, and Patterson would keep them engaged in the valley of Virginia. That was the condition they accepted from me to go out and do this work. I hold that I more than fulfilled my part of the compact, because I was victorious against Beauregard and 8,000 of Johnston's troops also. Up to 3 o'clock in the afternoon I had done all and more than all that I

had promised or agreed to do; and it was this last straw that broke the camel's back—if you can call 4,000 men a straw, who came upon me from behind fresh from the cars.

By Mr. Chandler:

Question. Has it not been a fact, all through this war, that our generals in front of the enemy—as was General Patterson in front of General Johnston—have been deceived as to the force of the enemy? General Patterson says that he had positive information that General Johnston had over 35,000 men, while he had only 20,000. Has this not been a bragging, lying force that they have been exhibiting along our lines all the time?

Answer. There is one thing: In war the object is to deceive the enemy as to your force and make him believe that you are stronger than you really are. I have taken the evidence of negro men and found it very good myself. But that is a matter of judgment; you may get yourself overreached.

WASHINGTON, *January 23, 1862.*

General IRVIN McDOWELL recalled and examined.

By Mr. Chandler:

Question. There are one or two points in relation to the battle of Bull Run upon which the committee desire you to make some further explanation. You state in your official report, under date of August 4, 1861, that there was delay in the first division in getting on the road on the morning of the battle, and that this was a great misfortune. Will you please state more fully in relation to that delay?

Answer. In my general order, No. 22, of July 20, 1861, providing for the movement of the several divisions to attack the enemy, it was arranged that General Tyler's division should move at half past two a. m., precisely, on the Warrenton turnpike to threaten the possession of the bridge. General Tyler's division consisted of four brigades, three only of which moved at this time, as directed in the order referred to. Schenck's and Sherman's brigades were one mile from Centreville on the road from Centreville to the Stone Bridge—on the right and left of the road; Keyes's brigade was about a half a mile to the east of Centreville, on the right of the same road going west; the second division—Hunter's—was about two miles from Centreville, and to the east of it. This division was ordered to move at two o'clock a. m. precisely. Heintzelman's division was two miles distant from Centreville, and east of it, on what is called the old Braddock road. This division was to move at half past two a. m. precisely. Heintzelman's division consisted of the brigades of Wilcox, Franklin, and Howard. Hunter's division consisted of the brigades of Burnside and General Andrew Porter. All these divisions had the road in common, from the encampment of Sherman's and Schenck's brigades to the point where the road to Sudley's Springs turned off to the right—at a blacksmith's shop—a little over a mile. Tyler was to move at half past two a. m., and Hunter was to move half an hour earlier, so that he might close up on Tyler's division. Heintzelman was to move at half past two a. m., so as to fall in the rear of Hunter's division. Tyler was expected to get over the ground, between the encampment of his advanced brigade and where the road turned off to the right at the blacksmith shop, in time to offer no obstructions to the road, which was to be used in common by all the divisions. I was sick during the night and morning, and did not leave my headquarters—a little over a mile, perhaps a mile and a quarter, east of Centreville—until I thought all the divisions were fully in motion, so as to give myself as much rest

as possible. When I had got beyond Centreville about a mile, I passed the troops lying down and sitting down on the wayside. Upon asking why they did not move forward, the reply came to me that the road was blocked up. I saw some men coming from the left of the road through a cornfield into the road. When I asked to what regiment they belonged, they said the 2d New York, which formed a part of Schenck's brigade. I went forward, urging the troops to move on, until I got to the blacksmith's shop, where the road turned off to Sudley's Springs. I was making every effort, personally and by my aides, to have the road cleared, in order that Hunter's and Heintzelman's divisions might take up their march to the right by way of Sudley's Springs, to carry out the plan of battle.

By Mr. Odell :

Question. Whose division blocked up the road ?

Answer. The first division, General Tyler's division. Major, now General, Barnard, who was the chief of engineers on my staff, in his report to me, dated July 29, 1861, says as follows : " You are aware of the unexpected delay. The two leading brigades of Tyler's did not clear the road for Hunter to this point (blacksmith shop, where the road turned to the right) until half past five." That was three hours after the time fixed to start.

By Mr. Chandler :

Question. What was the distance from the encampment of Tyler's leading brigades to the blacksmith shop ?

Answer. About a mile. I directed one of my staff to notice when General Tyler commenced firing. It was six o'clock. Colonel, now General Heintzelman, in his report to me of July 31, states as follows :

" At Centreville we found the road filled with the troops, and were detained three hours to allow the divisions of Generals Tyler and Hunter to pass. I followed them with my division immediately in rear of the latter."

I will mention that General Tyler was moving forward as the troops were then moving forward—some 18,000 men—was so supported that it was felt that he might move with confidence and promptness upon the road. I have been thus particular in making this explanation because General Tyler has written me a letter, complaining that my report does him injustice, and asking me to set him right in reference to this matter of delay. Under the circumstances I did not feel that I could make any change. He also stated that he received no orders from me during the day.

By Mr. Chandler :

Question. I notice in your report that you state that you sent an aide-de-camp to General Tyler to direct him to press forward his attack, as large bodies of the enemy were passing in front of him to attack the division which had crossed over. Will you state what this order was, and by whom it was sent ?

Answer. I sent an order to General Tyler to press forward the attack from a point near where this road that turns off at the blacksmith shop crosses Bull Run, near Sudley's Springs. I sent Lieutenant Kingsbury, my aide-de-camp, to General Tyler to press forward his attack, because I saw columns of dust, indicating large bodies of troops, moving up in front of General Tyler's division, and as but a small part of Hunter's division had, at that time, crossed Bull Run, I was afraid he would be crushed before we could get a sufficient body of troops forward to support him. Lieutenant Kingsbury reported to me that he had gone to General Tyler, and found General Tyler, with his aide-de-camp, near a tree, in the branches of which he had some men observing the troops of the enemy coming up on the opposite side. Lieutenant Kingsbury reported to me that he had told General Tyler it was my order he should press forward his

attack, and General Tyler replied, "What does he mean? Does he mean that I shall cross the stream?" Lieutenant Kingsbury said: "I give you the message exactly as it was given to me;" to which General Tyler returned answer, "I have a great mind to send some" regiment, or brigade, or something, "across the stream." Lieutenant Kingsbury made me a written report of this, which is mislaid. And while I was waiting at the blacksmith shop to see which direction the battle was to take I also sent an order to General Tyler by my then aide-de-camp, Major Wadsworth, now General Wadsworth.

By Mr. Gooch :

Question. When was Keyes's brigade ordered to move ?

Answer. General Tyler states, in his report, that it was ordered to move at two o'clock in the morning. I did not give any orders to General Keyes, but to Tyler. General Tyler was ordered to move at 2½ a. m. He must have given the order to bring up his rear brigade at two o'clock. General Keyes says: "In compliance with the orders of Brigadier General Tyler, I have the honor to report my operations, leaving my camp at Centreville at two o'clock a. m."

Question. You were aware, when you gave the order to General Tyler, that Keyes's brigade was encamped at Centreville?

Answer. Yes, sir.

Question. Was there anything between Keyes's brigade and the remainder of General Tyler's division?

Answer. Nothing.

Question. Was there anything to prevent Keyes's brigade from moving up and joining the rest of the division?

Answer. There ought to have been nothing. There was, because I believe Hunter's division got into the road before him.

Question. Then if he was interrupted or obstructed in moving up and joining the remainder of Tyler's division, whose fault was it?

Answer. It must either have been his fault in getting off so late, if he was ordered to move at 2 o'clock by General Tyler, or the fault of some of Hunter's division in going too soon.

Question. The intention was that the whole of General Tyler's division should move from the point where Sherman and Schenck were encamped, and on the Warrenton turnpike, at 2½ o'clock?

Answer. Yes, sir. This brigade of Keyes's had, in consequence of previous movements, become dislocated from the other two, but that, practically, had no effect upon the march of Sunday morning. What I wished to do was to post this force of Tyler's at or near the Stone Bridge, and under the cover of his force make this flank movement to the right.

Question. Can you state whether or not Schenck's and Sherman's brigades had moved forward past the point where the road turns off at the blacksmith shop in time to give the road to the other divisions as they came up?

Answer. They had not; that is just the point.

Question. Then the other divisions of the army were held back, not only by Keyes's brigade, but by the other brigades of Tyler's division?

Answer. Keyes did not hold them back; he went into the field and they came up.

Question. Then they were held back by Schenck's and Sherman's brigades?

Answer. Yes, sir; by the slow movement of that part of the force.

Question. It has been said that General Tyler ordered Keyes's brigade up to join him prior to the day of the battle, and that order was countermanded by you, and the brigade remained back where it was.

Answer. That may have been, but it is a matter of no sort of consequence whatever. I do not know whether that was so or not. But it was of no con-

sequence, because General Tyler and the whole of his forces were ahead; the others were behind.

Question. Would there have been any advantage in stationing the several divisions differently; that is, having some divisions which had further to march stationed where Tyler's was?

Answer. No, sir; Tyler got his position there logically from the way the force marched to Centreville. Tyler was to throw himself between Fairfax Court-House and Centreville. Hunter started from Anandale, and behind Tyler; Miles was below, and Heintzelman further below still. When Tyler moved forward to Centreville and commenced the fight at Blackburn's Ford the other divisions were behind. Now to have changed them around would simply have made an unnecessary inversion; there would have been no particular object in it. I should have ordered forward first whichever division might have occupied Tyler's position, so that, under cover of that, I might have made my flank movement to the right with the other divisions.

Question. It was desirable, then, that a force should be at Stone Bridge before any force passed up toward Sudley's Springs?

Answer. I think so. I wanted a strength there, and then, under cover of that, I could move my other divisions up. Had that not been done, there was danger that the other divisions going up to Sudley's church, having the longest distance to go, might be attacked and cut off.

Question. It was necessary that that division of the army which was to move to Stone Bridge should have the road, and reach and pass the point where the blacksmith shop stands, before the remaining portion of the army should turn off towards Sudley's Springs?

Answer. That was part of my well determined plan. I thought that was the better way. I do not think any other would have been a safe movement.

Question. I wish to ask you whether the force you left at Centreville was regarded by you as a reserve, or whether they were stationed as they were posted at the different points that day because it was necessary to have troops there to protect the rear of your army?

Answer. More the latter than the former, though partly both; to act as a reserve and, at the same time, to guard against an attack on our left or right. I remained at the turn-off by the blacksmith shop for nearly an hour, in doubt whether there would be an attack above at all. I was inclined to look for it at the left. And I have learned since that General Beauregard intended to attack me at eight o'clock, at Blackburn's Ford; and when General Tyler commenced firing at Stone Bridge and received no response, I was in doubt. In my order for the battle I say: "The enemy has planted a battery on the Warrenton turnpike to defend the approach to Bull Run, has mined the Stone Bridge," &c. I wanted to commence the attack on that point, which I was afraid I could not turn, and under cover of that attack to throw a large force up to the right. We expected the Stone Bridge to be a strong point, with batteries in position, regular works, &c. We expected the bridge would be blown up so that we could not use it, and I had made preparations so that the engineer should have another bridge to be used there. We were to make our move to the right and attack them under cover of this attack at the bridge.

Question. If it had not been for the disposition of the forces of Miles's division which you made on the day of the battle, would not your whole army have been exposed and liable to be cut off?

Answer. Yes, sir; by a movement of the enemy on my left.

Question. That is, by a movement from the enemy's right on your left?

Answer. Yes, sir; I can show you how I felt on that subject by referring you to my general order No. 22, in which I say: "The fifth division (Miles's) will take position at the Centreville Heights; Richardson's brigade will, for the time, become part of his (Miles's) division, and will continue in its present

position. One brigade will be in the village, and one near the present station of Richardson's brigade. This division will threaten Blackburn's Ford, and remain in reserve at Centreville. The commander will open fire with artillery only, and will bear in mind that it is a demonstration only that he is to make. He will cause such defensive works, abattis, earthworks, &c., to be thrown up as will strengthen his position. Lieutenant Prime, of the engineers, will be charged with this duty." I will also further, in relation to this same matter, give an extract from my report: "I had also felt anxious about the road from Manassas by Blackburn's Ford to Centreville, along the ridge, fearing that while we should be in force to the front, endeavoring to turn the enemy's position, we ourselves should be turned by him by this road; for if he should once obtain possession of this ridge, which overlooks all the country to the west to the foot of the spurs of the Blue Ridge, we should have been irretrievably cut off and destroyed. I had, therefore, directed this point to be held in force, and sent an engineer to extemporise some field-works to strengthen their position."

Question. And you say now that you understand it was the intention of Beauregard to attack you at that point?

Answer. I have understood since that General Beauregard intended in the first place to attack me at 8 o'clock on the morning of the battle, and to attack me on my left, at this Blackburn's Ford, or in its vicinity; and I have also understood that during the battle he did order a heavy attack to be made in that direction. An attack was made there, but not in the force he intended. It failed on account of an order which he gave one of the commanders having miscarried.

Question. Would it, in your opinion, have been judicious, at any time prior to the rout of our army, to have ordered the force, or any portion of it, stationed at Centreville on to the field of action?

Answer. I do not think it would have been judicious to have sent them one moment earlier than they were sent for. A reference to the reports of Colonel Davies, Colonel Richardson, and Hunt, of the artillery, I think, will show this. They were there having a heavy attack on the left, which would have been heavier but for the failure I have referred to. General Barnard, in his report of July 29, says:

"It will be seen from the above that the combination, though thwarted by different circumstances, was actually successful in uniting three entire brigades, (excepting the brigade of Schenck, which had just opened its way to fall on the enemy's right at the moment when our lines finally gave way in front,) upon the decisive point.

"A fault, perhaps, it was that it did not provide earlier for bringing the two brigades of Miles (in reserve at Centreville) into action. One of his brigades (Richardson's) actually did participate, though not on the battle-field; and in its affair on Blackburn's Ford probably did neutralize the attack of the enemy."

General Barnard did not then know the extent of that affair on the left. He thought that only Richardson was engaged in it. A reference to the reports of Colonel Davies, commanding a brigade under Colonel Miles, Colonel Hunt, commanding a battery of artillery, and of Colonel Miles, will show why only one brigade from Centreville was sent forward to the front. And it will show that the affair on the left was a matter of much greater importance than General Barnard seems at that time to have supposed it to be. Davies's brigade was actually engaged, as was also that of Richardson, in repelling the attack of the enemy on the left. Colonel Miles, in his report, says that he received an order to put two brigades on the Warrenton turnpike at the bridge, and a staff officer was sent to order forward Davies's brigade; that whilst this staff officer was executing his instructions, Davies sent word that he wanted the reserve forward where he was, as he was attacked by 3,000 of the enemy; that

the staff officer, therefore, properly suspended the giving of the order, and reported immediately to Colonel Miles, and this caused him to advance with only one brigade, Blenker's, to the position on the Warrenton turnpike.

Question. The shortest road from Manassas to Centreville was by Blackburn's Ford?

Answer. Yes, sir.

Question. When the retreat of our army took place, had the way by Blackburn's Ford not have been obstructed by the force you had placed there or near there, could not the enemy have moved forward immediately upon Centreville and cut off the retreat of your whole army?

Answer. Yes, sir; and I refer again to my report in answer to that question.

"At the time of our retreat, seeing great activity in this direction, (Blackburn's Ford,) also firing and columns of dust, I became anxious for this place, fearing if it were turned or forced the whole stream of our retreating mass would be captured or destroyed. After providing for the protection of the retreat by Porter's or Blenker's brigade, I repaired to Richardson, and found the whole force ordered to be stationed for the holding of the road from Manassas by Blackburn's Ford to Centreville on the march for Centreville under orders from the division commanders. I immediately halted it and ordered it to take up the best line of defence across the ridge that their position admitted of, and subsequently taking in person the command of this part of the army. I caused such disposition of the force as would best serve to check the enemy."

By Mr. Odell:

Question. Was the attack on Blackburn's Ford on Thursday, the 18th of July, made by your order?

Answer. No, sir, it was not. On July the 18th I was between Germantown and Centreville, General Tyler's division being between my then position and Centreville. I wrote him the following note, which was carried to him by General, then Colonel, Wadsworth, my aide-de-camp:

"BETWEEN GERMANTOWN AND CENTREVILLE,

"July 18, 1861—8.15 a. m.

"BRIGADIER GENERAL TYLER—*General*: I have information which leads me to believe you will find no force at Centreville, and will meet with no resistance in getting there. Observe well the roads to Bull Run and to Warrenton. Do not bring on any engagement, but keep up the impression that we are moving on Manassas. I go to Heintzelman to arrange about the plan we have talked over."

The plan was for the army to go around and attack the enemy's right.

I will give an extract from General Tyler's report of July 27 as bearing on this question:

HEADQUARTERS FIRST DIVISION DEPARTMENT NE. VIRGINIA,

Washington City, July 27, 1861.

"General McDOWELL, *Commanding Department*:

"SIR: On the 18th instant you ordered me to take my division, with the two 20-pounder rifled guns, and move against Centreville, to carry that position. My division moved from its encampment at 7 a. m. At 9 a. m. Richardson's brigade reached Centreville, and found that the enemy had retreated the night before; one division on the Warrenton turnpike, in the direction of Gainesville, and the other, and by far the largest division, towards Blackburn's Ford, on Bull Run."

This order of mine that I have referred to was given to him in person by

then Major Wadsworth, who also cautioned him verbally from me not to do too much in the way of keeping up the impression that we were moving on Manassas.

I will now read from General Barnard's report of July 29. He was the chief of engineers on my staff:

"It should be borne in mind that the plan of campaign had been to turn the position and turn Manassas by the left; that is to say, that from Fairfax Court-House and Centreville we were to make a flank movement toward Sangster's and Fairfax Station, and thence to Wolf Run Shoals, or in that direction.

"In my interview with the commanding general he said nothing to indicate any change of plan; but, on the contrary, his remarks carried the impression that he was more than ever confirmed in his plan, and spoke of the advance on Centreville as a 'demonstration.'

"In proposing therefore to reconnoitre the enemy's position at Blackburn's Ford, it was not with the slightest idea that this point would be attacked; but a reconnoissance would be the carrying out of a 'demonstration.'

"Whilst I was awaiting Captain Alexander, I encountered Matthew C. Mitchell, who was secured as a guide. Representing himself as a Union man and a resident of that vicinity, I was engaged questioning him, when intelligence was received that General Tyler had sent back for artillery and infantry, and that the enemy was in sight before him. Riding to the front, I joined General Tyler and Colonel Richardson. Proceeding with them a short distance further, we emerged from the woods, and found ourselves at a point at which the road commences its descent to Blackburn's Ford. The run makes here a curve or bow towards us, which the road bisects. The slopes from us towards it were gentle and mostly open. On the other side the banks of the run rise more abruptly, and are wooded down to the very edge of the run. Higher up a clear spot could be seen here and there; and still higher, higher than our own point of view, and only visible from its gently sloping towards us, an elevated plateau, comparatively open, in which Manassas Junction is situated.

"Although, owing to the thickness of the wood, little could be seen along the edge of the run, it was quite evident from such glimpses as we could obtain that the enemy was in force behind us. I represented to General Tyler that this point was the enemy's strong position, on the direct road to Manassas Junction; that it was no part of the plan to assail it. I did not, however, object to a "demonstration," believing that it would favor what I supposed still to be the commanding general's plan of campaign.

"The two 20-pounders, of Parrott's, had been ordered up. They were opened upon the enemy's position, firing in various directions, without our being able to perceive the degree of effect they produced. They had fired perhaps a dozen rounds, when they were answered by a rapid discharge from a battery apparently close down to the run and at the crossing of the road. The 20-pounders continued their fire, directing at this battery, and Ayre's battery was brought up and stationed on the left. The enemy's batteries soon ceased answering. After ours had continued playing for about a half an hour, I felt it a useless expenditure of ammunition, and so stated to you, (Captain Fry, who arrived on the spot shortly before this,) and presumed General Tyler concurred in this opinion, as the firing soon ceased.

"I supposed this would be an end of the affair. But perceiving troops filing down towards the run, I thought it necessary to impress General Tyler with the fact that it was no part of the plan of the commanding general to bring on a serious engagement. I directed Captain Alexander (engineers) to state this fact to him, which he did in writing, having stated the same verbally before."

My own order was not to bring on an engagement, and here was the chief of my engineers, and my adjutant general besides, urging the same thing on General Tyler.

WASHINGTON, D. C., *December 26, 1861.*

General JAMES S. WADSWORTH sworn and examined.

By Mr. Chandler :

Question. You were an aid to General Mansfield at the battle of Bull Run, were you not ?

Answer. Yes, sir.

Question. Did you consider the victory won from one to two o'clock in the afternoon of that day ?

Answer. Yes, sir; and the reason we thought so was that we had driven the enemy from a large open battle-field some mile and a half back.

By the chairman :

Question. Suppose that Johnston had not come down, but had been kept back, what would have been the result ?

Answer. Take out the whole of Johnston's command, and the victory would have been very easily won. But take out the portion of his command that came down under General Elger about three o'clock in the afternoon, and I still think the battle would have been won by us, but we could not say exactly. But we were holding our own, and had other troops to bring up. It is not certain that we should have won the battle, but General McDowell thought we should. I was where that re-enforcement arrived. I happened to be where the first discharge of musketry from that re-enforcement came in. It was very severe, and then they followed it up immediately with a very bold charge right on the field. They came through a piece of woods on to the battle-field. We had driven the enemy entirely out of the battle-field, which covered an area of 400 or 500 acres, and they were in the woods offering a very sturdy resistance, and it is impossible to say that we should certainly have overcome that resistance. Their last re-enforcement came up on their extreme left, and on our extreme right, so that they pretty nearly outflanked us. Their first discharge was upon some cavalry which had been withdrawn back to a point of comparative safety, as they were not of much importance to us. That killed several of them, and then they retired immediately, or rather stampeded in a very disorderly manner.

Question. At what time was it known among the officers that Patterson had failed to keep Johnston in check ?

Answer. It was not known generally until the time of the action. I did not know it. I think it had been a matter of conversation before. I think General McDowell the day before expressed some apprehensions that Patterson had not kept Johnston occupied. I understand that General Cameron, who was out there on Saturday, reported something which led them to believe that Johnston might be there. What the extent of that information was, however, I have no means of knowing.

Question. What is your opinion as to the result of that battle had the provisions and transportation been brought up on Thursday, and the battle fought on Friday morning, instead of Sunday ?

Answer. On Friday morning it would have been with no portion of Johnston's command there. I think there would have been no battle at all then; that we would have walked over the field. Johnston is regarded by our officers as much superior to Beauregard; as much the ablest officer in their army. All the reports show that he had a great deal to do with the disposition of the enemy on that day.

WASHINGTON, *December 30, 1861.*

Colonel STEPHEN G. CHAMPLIN sworn and examined.

By Mr. Chandler :

Question. You were in the fight at Blackburn's Ford on the Thursday before Bull Run, were you not?

Answer. Yes, sir.

Question. What was your opinion in regard to the capture of that battery, if you had been supported?

Answer. I think with one brigade in addition to prevent them from out-flanking us we could have taken it.

Question. Without heavy loss?

Answer. Yes, sir; we could have taken it at the point of the bayonet easy enough if we had had another brigade there. That was the way to have taken it.

Question. Then would you have had a severe battle on Friday morning, do you think?

Answer. My opinion is that that was the key of the position at that time.

Question. Would that have ended the matter?

Answer. Yes, sir; I think so. There would have been no battle at Stone Bridge, for we would have been in a position to have out-flanked them at Manassas. Every body of troops they threw up to the Stone Bridge would have been too far on their left.

By Mr. Gooch.

Question. You think those batteries should have been taken before pressing further on?

Answer. I think so. If we attacked the batteries at all at Blackburn's Ford we should have taken them and held them, for that was their centre at that time. They never could then have fought the battle at Stone Bridge, for we could have marched over the bridge and captured every man there. I think that on Thursday their forces in those batteries were light compared with what they were on Sunday. They saw there were demonstrations made at it, and they were apparently prepared to meet them.

By Mr. Odell:

Question. Were you in the Bull Run fight?

Answer. No, sir; we remained at the hill overlooking Blackburn's Ford to hold those batteries. If we had not held them they would have crossed over there and cut General McDowell's army all to pieces.

WASHINGTON, D. C., *December 28, 1861.*

General GEORGE W. MORELL sworn and examined.

By Mr. Chandler :

Question. You were on General Patterson's staff, were you not?

Answer. I was on General Sanford's staff, and with General Patterson a short time.

Question. You were with General Patterson from on or about the 16th to the 25th of July?

Answer. Yes, sir; that is, during the march from Martinsburg towards Winchester.

Question. What was General Patterson's force at that time?

Answer. We estimated it at from 18,000 to 20,000 men.

Question. Mostly three months' men?

Answer. They were all three months' men except a small portion of regulars—a very small portion.

Question. General Johnston's force was at Winchester?

Answer. Yes, sir.

Question. General Patterson's force of from 18,000 to 20,000 men was at Martinsburg?

Answer. Yes, sir.

Question. Can you tell on what day of the month General Patterson's division advanced from Martinsburg towards Winchester?

Answer. Yes, sir; we left Martinsburg on the 15th of July, on Monday morning.

Question. Advancing towards Winchester?

Answer. Yes, sir; we went that day to Bunker Hill, a little over half way. We remained there until the 16th of July.

Question. What day of the week was that?

Answer. The 16th was Tuesday.

Question. That was within how many miles of Winchester?

Answer. I think it was eight or ten miles.

Question. Proceed.

Answer. I think we left the next morning, the 17th, at 3 o'clock.

Question. What direction did you then take and where did you go?

Answer. We first received orders in the evening to be ready to march in the morning, without the line of march being indicated to us. And just before we moved we received orders to go to Smithfield, or Midway, as it is called, which is on the main turnpike road from Harper's Ferry to Winchester.

Question. How far did you go?

Answer. We went to Smithfield; and then, instead of going to Winchester, we made a retrograde movement to Charlestown. Then we knew we were going to Harper's Ferry.

Question. While you were at Smithfield you were threatening Winchester?

Answer. Yes, sir.

Question. And had you remained at Smithfield you still threatened Winchester, and would have held Johnston in check by that threatening position?

Answer. I think we should.

Question. But the moment you turned down towards Charlestown you ceased to threaten Winchester?

Answer. Entirely so. That developed the whole movement.

Question. That left Johnston to start off where he pleased?

Answer. Yes, sir; and he did start that same day.

Question. Can you tell why that march towards Charlestown was made?

Answer. No, sir; I cannot.

Question. This place of Bunker Hill, or this of Midway, was threatening Winchester?

Answer. Yes, sir; within a few hours' march of Winchester.

Question. According to the best information you could get, what was the force of Johnston in front of you at Winchester at that time?

Answer. I suppose he had a little over 20,000 men; anywhere from 20,000 to 25,000.

Question. You suppose your force was sufficient at any rate to hold him in check?

Answer. I have no doubt of that. And even if we had fought him and been beaten he would have been in no condition to have come down here.

Question. Did the officers on the staff understand, when you made that forward movement, that it was to threaten and hold Johnston in that position?

Answer. He supposed we were going to fight him immediately.

Question. Was the spirit of the troops such as to lead you to expect a favorable result?

Answer. Yes, sir; though I saw but little of them, except our own division. Four New York regiments went up under General Sanford to re-enforce General Patterson. I was then on General Sanford's staff. Two of those regiments, the 5th and 12th, were excellent regiments. The other two were volunteers, and one of them was an excellent regiment. The New York troops were in excellent spirits until after we made that retrograde movement towards Charlestown. They then got a little shaky and dissatisfied.

By Mr. Odell.

Question. Did not General Sanford join these four regiments with four or six other New York regiments there?

Answer. He had more than four regiments there. I think he had about 5,000 men. These four regiments I speak of went up with him from here.

Question. Did not General Sanford then, with these four regiments, with another portion of New York troops, some who had been under him, but were then with Patterson, and which were assigned to General Sanford on his coming there?

Answer. Yes, sir; I think so. There were some troops previously with Patterson which were assigned to General Sanford's command.

Question. Are you cognizant of the fact that General Sanford offered to fight Johnston with these New York troops alone, if General Patterson would support him?

Answer. No, sir. General Sanford has made such a remark to me. I do not know that he made the offer to General Patterson. I do not know what occurred between General Sanford and General Patterson.

Question. My recollection is that General Sanford said to me that he offered to fight Johnston, in whatever force he might be, with the New York regiments he had, if Patterson would support him.

Answer. General Sanford was anxious to go forward, I know.

By Mr. Chandler.

Question. You understood perfectly well when you turned off to Charlestown that you relieved Johnston's army?

Answer. Yes, sir.

By the chairman.

Question. Do you know that any reason was given for that movement?

Answer. No, sir. I never heard any explanation of it. We joined General Patterson on Wednesday morning, I think, and moved the following Monday.

By Mr. Chandler.

Question. Were you cognizant of the fact that General Patterson sent to the War Department for still further re-enforcements on or about the 20th. or 21st of July, about the time of the battle of Bull Run?

Answer. No, sir; I do not know anything of General Patterson's intercourse with the department, or what his orders were.

Question. You were not absolutely upon his staff?

Answer. Not at all.

Question. You were upon General Sanford's staff?

Answer. Yes, sir.

Question. With the army under Patterson?

Answer. Yes, sir.

By Mr. Johnson :

Question. Was it understood by the officers of the division there that this battle of Bull Run was to be fought on any particular day, or at any particular time ?

Answer. We supposed it was to be fought about that time, but did not know any particular day for it. We knew that it was threatening, and supposed that General Patterson's movement upon Johnston would be at the same time, and with the view of holding him in check. And when we turned off towards Charlestown I was under the impression, without knowing anything about it, that our object was attained, and that we had held him in check as long as it was necessary.

By the chairman :

Question. What prevented your destroying the railroad Johnston came down on ?

Answer. It was below Winchester. We would have had first to have beaten him.

By Mr. Chandler :

Question. If you had beaten him, then you could have done it ?

Answer. Yes, sir ; we could then have come down on the very road he did. Even if we had fought him and been whipped, which I very much doubt, he could not have come down here. We would have given him such a fight that he would not have been in a condition to have come down to Manassas.

By Mr. Odell :

Question. When you arrived at Charlestown the soldiers were very much infuriated against Patterson, were they not ?

Answer. Some of them expressed themselves very strongly against the movement. It did not grow into any difficulty that I am aware of.

Question. Did he not have to leave ?

Answer. O ! no, sir. Among some of the regiments—among those three New York regiments I spoke of, and some of the others—there was a strong feeling against him expressed ; but it did not rise to anything like difficulty. One of the regiments, the eleventh Indiana, under Colonel Wallace, tendered their services ten days after their time had expired, so I was told at Charlestown. The first troops that wanted to go home were Pennsylvania troops.

By Mr. Chandler :

Answer. But as long as you were going forward towards the enemy nobody wanted to go home ?

Answer. Not that I know of.

Question. All the dissatisfaction among the troops occurred after you turned back ?

Answer. The first I heard was at Charlestown.

By Mr. Julian :

Question. What reason was given for turning down towards Charlestown ?

Answer. I never heard of any. The commanding officer gives his orders, and never assigns any reasons.

By Mr. Chandler :

Question. And when the order was given to march at three o'clock in the morning you supposed you were to march on the enemy ?

Answer. Yes, sir ; I supposed so. I know that on the day I was at Bunker Hill I was out with a large party, clearing out a side-road leading towards Winchester.

WASHINGTON, D. C., *December 28, 1861.*

General HENRY W. SLOCUM sworn and examined.

By Mr. Chandler:

Question. Were you in the battle of Bull Run?

Answer. Yes, sir.

Question. In what command?

Answer. I had a regiment there.

Question. What regiment?

Answer. The 27th New York regiment.

Question. To which division of the army were you attached?

Answer. To General Hunter's.

Question. Then you occupied the extreme right?

Answer. Yes, sir.

Question. The final attack made by Johnston's reserves was made upon your division, was it not?

Answer. Yes, sir; it was.

Question. Will you, very briefly, and as concisely as possible, describe the position of your force at that time, and for an hour and a half before the arrival of Johnston's reserves?

Answer. I was wounded at two o'clock, and taken off the field, about the time Johnston's forces came on it.

Question. Then you were not a witness to that attack?

Answer. No, sir; I was not a witness to the final rout of our army.

Question. When you were wounded and taken off the field was it your opinion that you had the advantage of the enemy?

Answer. Yes, sir.

Question. And you have not learned anything since to change your opinion of that?

Answer. No, sir. I supposed, when they took me to the hospital, that the day was ours.

By Mr. Johnson:

Question. What did you understand to be the amount of that last re-enforcement of Johnston's?

Answer. I have been informed that it was about 4,000 men.

By Mr. Chandler:

Question. Can you tell me how far Schenck's brigade was from your troops at that time?

Answer. No, sir; I cannot tell where it was.

Question. All you know about was the action of Hunter's division?

Answer. Yes, sir.

By Mr. Odell:

Question. You were in Hunter's division and rested at Centreville, did you not?

Answer. Yes, sir.

Question. Do you remember why it was you rested there an hour, or an hour and a half, on Sunday morning?

Answer. I never understood that. I understood that there was some confusion among the troops ahead of us. Somebody was in their way, I understood. It was a very unfortunate resting spell.

By Mr. Chandler :

Question. But for that you would have won the day ?

Answer. Yes, sir; I think so.

By Mr. Odell :

Question. It changed the position of the enemy entirely, did it not ?

Answer. It gave them this time to bring up their re-enforcements and rout us. If we had been there an hour sooner we should have carried the day. I was wounded on their strongest position. The place where I was wounded was where they had their best batteries at the time we came on the field ; they had retired from that position, and left it entirely, and were probably a mile from us.

By Mr. Chandler :

Question. At the time you were wounded ?

Answer. Yes, sir.

Question. And were in rout—retreating ?

Answer. Yes, sir.

By Mr. Odell :

Question. Your regiment was camped in this city, in the open square back of Willard's Hotel, for some time, was it not ?

Answer. Yes, sir.

Question. And you started from there the morning of the advance ?

Answer. Yes, sir.

Question. You crossed the Long Bridge ?

Answer. Yes, sir; and went down to join McDowell's column just below the Long Bridge, going out by Bailey's Cross Roads.

Question. You rested there once one night ?

Answer. We rested the first night at Anandale.

Question. And proceeded the next morning ?

Answer. Yes, sir.

WASHINGTON, *December 31, 1861.*

General CHARLES W. SANFORD sworn and examined.

By Mr. Odell :

Question. We want to know especially your relation to the Bull Run battle ; that was the object of the committee in sending for you ; you were here, were you not ?

Answer. I made a movement into Virginia on the 24th of May. I left, under the orders of General Scott, directed to me, at 2 o'clock in the morning, with about 11,000 men, and took possession of Arlington Heights and the whole of that region, down to Alexandria, inclusive.

Question. What position did you then hold ?

Answer. I was called into service as a major general of the State of New York immediately after the news of the attack on Fort Sumter, at the request of General Scott, and with the sanction of the governor of my own State. I sent off as rapidly as possible all the troops I could for the relief of Washington. I sent off in the first week from the city of New York about 8,000 men, commencing on the 19th of April ; and I then continued engaged in the organization of other troops there until General Scott sent for me, and I came from New York here on the 20th of May, having, in the meantime, sent off from my own division in the city of New York about 10,000 men. When I arrived here

General Scott issued an order placing me in command of all the troops from the State of New York. My own division proper comprises only the troops in the city and county of New York and the county of Richmond, having command of about 10,000 uniformed troops, and enrolling about 90,000 ununiformed troops in the whole district. When I arrived here, there being no general officer from my State, and I being the senior major general in the State of New York, General Scott issued an order placing all the troops from the State of New York, as fast as they arrived, under my command; and I continued in that command until I was sent into Virginia. I crossed over the morning of the 24th of May, and took command of the troops ordered into Virginia. That morning I proceeded up to the railroad beyond Ball's Crossing, and cut the railroad in two places, capturing some persons who came down on the railroad, to prevent their carrying information; and from there I examined the whole country all the way down to Alexandria. I remained there getting additional troops over, forming such plans as I thought necessary for the fortification and occupation of that region, and getting ready to move, as I proposed to do, further down into Virginia, until the morning of the 28th of May, when the cabinet appointed General McDowell to take command of a new department, organized as the department of Virginia; and General McDowell being a junior officer to me, being appointed to that department, of course superseded my command over there. I returned to Washington and resumed my command of the New York troops there; they continued to increase so, that on the 4th of July, independent of all I had sent over to Virginia, I had still 23 regiments of New York troops in the city of Washington, which I forwarded that day.

On the 29th of June a council of war was held at the White House by the President and his cabinet, and all the senior officers on service here, to consider the propriety of an attack on the enemy's lines at Manassas. I made some objections to the plan of that battle, and among other things—I only mention this because it comes in with what I did afterwards—I objected that no movement of that kind should be made until it was ascertained that General Patterson was in such a position as to prevent the junction between General Johnston's army and the troops at Manassas; that that ought to precede any advance against the enemy at Manassas, if it was made at all.

On the 6th of July I was sent for by Governor Seward, who informed me that, although a great deal of dissatisfaction had existed respecting the movements of General Patterson, the cabinet had decided not to remove him; but General Scott suggested—to use Governor Seward's words—that although General Patterson did not seem to be disposed to fight, he was satisfied that I was otherwise disposed; and that he had recommended that if I would go up and waive rank to General Patterson, I being a senior major general to him, General Patterson would be glad to give me an opportunity to fight a battle and have the credit of a victory if I succeeded. Governor Seward said that General Scott was desirous I should waive rank to Patterson, and go there and take a command under him for the purpose of pushing forward the army, and doing what I suggested was a necessary step prior to the battle of Manassas. I told Governor Seward that I would do anything, if it was to serve as a volunteer in the ranks, to aid the cause. He wrote a letter to General Scott stating what was the result of the interview between us, and I delivered it to the general, and received his orders to go with such troops as I deemed necessary to aid General Patterson, and to assume a command under him.

I sent off that night the 19th and 28th New York regiments, and followed the next day with two more regiments, the two best I had here, the 5th and 12th New York city regiments. I went around by way of Harrisburg and Hagerstown, which was the only way then open. I left Hagerstown a little before sundown, marching all the night of the 9th of July with those two regiments from

Hagerstown to Williamsport, and was there by daylight the next morning. The other two regiments arrived there the day before.

I reported to General Patterson, and arranged with him to take command of a division, consisting of about 8,000 men, the most of them New York troops. I delivered orders from General Scott to General Patterson, and urged a forward movement as rapidly as possible. With the troops that I took on were some others that I had detailed to General Stone, who arrived immediately after my arrival at Hagerstown. General Patterson's army was increased to 22,000 men, of which I had under my own command 8,000, with two batteries.

We had some delay at Martinsburg, notwithstanding the urgency of our matter; but we left there on the 15th of July, and went in the direction of Winchester. General Patterson, with two of his divisions, went down on the Winchester turnpike in a straight line from Martinsburg towards Winchester, while I took the side roads, more easterly, so as to get into a direction to enable me to flank Johnston, keeping constantly in communication with Patterson through the intervening country. I moved down, in fact, in advance of his force until I arrived a little to the eastward of Bunker Hill, General Patterson holding Bunker Hill, which was a little village in the lower part of Berkley county.

We halted there on the afternoon of the 15th of July. On that same afternoon General Patterson came around with his staff to where I was engaged in locating my camp, sending out pickets, &c. I had a conversation with him on the subject of our moving forward. I was anxious, of course, to progress as rapidly as possible, for fear this movement of Johnston might take place before we arrived at his camp. I was then within about nine miles of Johnston's fortified camp at Winchester. Patterson was complimenting me upon the manner in which my regiments were located, and inquiring about my pickets, which I had informed him I had sent down about three miles to a stream below. I had driven out the enemy's skirmishers ahead of us. They had some cavalry there. In answer to his compliments about the comfortable location I had made, I said, "Very comfortable, general, when shall we move on?" This was in presence of part of my staff; Colonel Morell, now General Morell, was one, and Patterson's own staff. They were mounted and we were on foot. He hesitated a moment or two, and then said: "I don't know yet when we shall move. And if I did I would not tell my own father." I thought that was rather a queer sort of speech to make to me under the circumstances. But I smiled and said, "General, I am only anxious that we shall get forward, that the enemy shall not escape us." He replied, "There is no danger of that. I will have a reconnoissance to-morrow, and we will arrange about moving at a very early period." He then took his leave. The next day there was a reconnoissance on the Winchester turnpike, about four or five miles below the general's camp. He sent forward a section of artillery and some cavalry, and they found a post and log fence across the Winchester turnpike, and some of the enemy's cavalry on the other side of it. They gave them a round of grape. The cavalry scattered off, and the reconnoissance returned. That was the only reconnoissance I heard of while we were there. My own pickets went further than that. But it was understood the next afternoon that we were to march forward at daylight. I sent down Colonel Morell with 40 men to open a road down to the Opequan creek, within five miles of the camp at Winchester, on the side roads I was upon, which would enable me in the course of three hours to get between Johnston and the Shenandoah river, and effectually bar his way to Manassas. I had my ammunition all distributed, and ordered my men to have 24 hours' rations in their haversacks, independent of their breakfast. We were to march at four o'clock the next morning. I had this road to the Opequan completed that night. I had then with me, in addition to my eight regiments, amounting to about 8,000 men and a few cavalry, Doubleday's heavy United States battery of 20 and 30 pounders, and a very good Rhode Island battery.

And I was willing to take the risk, whether General Patterson followed me up or not, of placing myself between Johnston and the Shenandoah river, rather than Johnston escape. And at four o'clock I should have moved over that road for that purpose, if I had had no further orders. But a little after 12 o'clock at night I received a long order of three pages from General Patterson, instructing me to move on to Charlestown, which is nearly at right angles to the road I was going to move on, and 22 miles from Winchester. This was after I had given my orders for the other movement.

By Mr. Chandler :

Question. What day was that?

Answer. It was at 12 o'clock on the night of the 16th of July. I received that order—which was the first intimation I had of any kind or sort that we were not going to move on to Winchester—with a peremptory order to move at three o'clock in the morning to Charlestown, which was nearly at right angles to the position I was then occupying in my route towards Winchester, and twenty-two miles from Winchester.

By the chairman :

Question. And that left Johnston free?

Answer. Yes, sir; left him free to make his escape, which he did. (Pointing to the map.) Here is Martinsburg. After crossing the Potomac we came down to Martinsburg and then moved from Martinsburg down to Bunker Hill. This Winchester turnpike, passing down here, brought General Patterson down in a straight line from Martinsburg to Bunker Hill. I pursued the side roads for the purpose of flanking Johnston, who was at Winchester, just below. This is the road (pointing to it on the map) leading down from Bunker Hill to Winchester. It is nearly a straight line from Martinsburg right down to Winchester. I was there; my camp lay right in here, (pointing to the place;) and the general was with his two divisions at the little village of Bunker Hill. I pursued those cross roads and had sent down and opened this road, (pointing to it,) which was an old and almost discontinued road, to a bridge which was here on the Opequan creek. The distance from my position to the bridge was about three and one half miles. I advanced a strong picket of some two hundred or three hundred men to keep the enemy from burning the bridge, and made the road fit for the artillery to travel over. I was then directed, by this order I have referred to, instead of moving in this direction, which would have enabled me to get between Johnston and the Shenandoah river, to move on this road (pointing it out) until I got upon the road which leads from Winchester to Charlestown. The distance between Charlestown and Winchester was twenty-two miles, while the distance from Bunker Hill was only nine miles.

Question. In what direction would Johnston have had to move to get by you?

Answer. Right out to the Shenandoah river, which he forded. He found out from his cavalry, who were watching us, that we were actually leaving, and he started at one o'clock that same day with eight thousand men, forded the Shenandoah where it was so deep that he ordered his men to put their cartridge boxes on their bayonets, got out on the Leesburg road, and went down to Manassas.

By Mr. Odell :

Question. Now, about your orders?

Answer. I was here, (referring to the map,) a little southeast of Bunker Hill, and General Patterson was at Bunker Hill. Originally my arrangement was to go down this way, (pointing.) That was my own arrangement with Patterson's consent. That was part of the understanding with which we started from Martinsburg. And I still supposed, up to 12 o'clock on the night of the 16th

of July, that I was to go down this way or continue where I was, and he was to sustain me if I got into a fight. I had not the slightest idea that we were going to retrograde.

Question. Had you given out your orders?

Answer. My orders were out for the men to have all the ammunition distributed, and to have one day's provisions, exclusive of breakfast, in their haversacks, and to march at 4 o'clock in the morning. And Patterson knew that I had 400 men out at this bridge, on the road I had opened, yet I was ordered to move at 3 o'clock in another direction, which operated to let Johnston escape. I have never made these facts public at all. I have spoken among my very personal friends about it; and I reported immediately, as soon as I got back here, to General Scott, who was extremely indignant about the whole matter. I did not speak of it as freely as I have done, until this very strange publication of General Patterson the other day, which appeared to put the burden of the whole matter upon General Scott, when, in fact, it was all his own act.

By the chairman:

Question. Did he assign any reason for that movement?

Answer. I was, of course, very indignant about it, and so were all my officers and men, so much so that when subsequently, at Harper's Ferry, Patterson came by my camp there was a universal groan—against all discipline, of course, and we suppressed it as soon as possible. The excuse given by General Patterson was this: that he had received intelligence that he could rely upon, that General Johnston had been re-enforced by 20,000 men from Manassas, and was going to make an attack upon him; and in the order which I received that night—a long order of three pages—I was ordered to occupy all the communicating roads, turning off a regiment here, and two or three regiments there, and a battery at another place, to occupy all the roads from Winchester to the neighborhood of Charlestown, and all the cross-roads, and hold them all that day, until General Patterson's whole army went by me to Charlestown; and I sat seven hours in the saddle near a place called Smithfield, while Patterson, with his whole army, went by me on their way to Charlestown, he being apprehensive, as he said, of an attack from Johnston's forces.

By Mr. Odell:

Question. You covered his movement?

Answer. Yes, sir. Now the statement that he made, which came to me through Colonel Abercrombie, who was Patterson's brother-in-law, and commanded one division in that army was, that Johnston had been re-enforced, and General Fitz-John Porter reported the same thing to my officers. General Porter was then the chief of Patterson's staff, and was a very excellent officer, and an accomplished soldier. They all had got this story, which was without the slightest shadow of foundation; for there had not a single man arrived at the camp since we had got full information that their whole force consisted of 20,000 men, of whom 1,800 were sick with the measles. The story was, however, that they had ascertained by reliable information of this re-enforcement. Where they got their information I do not know. None such reached me, and I picked up deserters and other persons to get all the information I could; and we since have learned, as a matter of certainty, that Johnston's force never did exceed 20,000 men there. But the excuse Patterson gave was that Johnston had been re-enforced with 20,000 men from Manassas, and was going to attack him. That was the reason he gave then for this movement. But in this paper he has lately published he hints at another reason—another excuse, which was that it was by order of General Scott. Now, I know that the peremptory order of General Scott to General Patterson, repeated over and over again, was this—I was present on several occasions when telegraphic despatches went from Gen-

eral Scott to General Patterson: General Scott's orders to General Patterson were that, if he were strong enough he was to attack and beat Johnston. But if not, then he was to place himself in such a position as to keep Johnston employed and prevent him from making a junction with Beauregard at Manassas. That was the repeated direction of General Scott to General Patterson; and it was because of Patterson's hesitancy, and his hanging back, and keeping so far beyond the reach of Johnston's camp, that I was ordered to go up there and reinforce him, and assist him in any operations necessary to effect that object. The excuse of General Patterson now is that he had orders from General Scott to move to Charlestown. Now, that is not so. But this state of things existed: Before the movement was made from Martinsburg, General Patterson suggested to General Scott that Charlestown would be a better base of operations than Martinsburg, and suggested that he had better move on Charlestown, and from thence make his approaches to Winchester; that it would be better to do that than to move directly to Winchester from Martinsburg; and General Scott wrote back to say that if he found that movement a better one, he was at liberty to make it. But General Patterson had already commenced his movement on Winchester direct from Martinsburg, and had got as far as Bunker Hill; so that the movement, which he had formerly suggested, to Charlestown, was suppressed by his own act. But that is the pretence now given in his published speech for making the movement from Bunker Hill to Charlestown, which was a retreat, instead of the advance which the movement to Charlestown, he first proposed to General Scott was intended to be.

By Mr. Gooch:

Question. He was to go to Charlestown in order to get to Winchester; and he had already gone where he was nearer to Winchester and in a better position to reach it?

Answer. Yes, sir. In the first place he was within ten miles of Winchester, and on a direct line of turnpike from Martinsburg to Winchester; and I was in a position, on a side road, which enabled me to flank Johnston. Charlestown is twenty-two miles from Winchester.

By the chairman:

Question. Was not that change of direction and movement to Charlestown a total abandonment of the object which you were pursuing?

Answer. Entirely an abandonment of the main principles of the orders he was acting under.

Question. And, of course, an abandonment of the purpose for which you were there?

Answer. Yes, sir.

By Mr. Odell:

Question. Was it not your understanding in leaving here, and was it not the understanding, also, of General Scott, that your purpose in going there was to check Johnson with direct reference to the movement here?

Answer. Undoubtedly. It was in consequence of the suggestion made by me at the council at the President's house. And the cabinet had under discussion whether to remove Patterson or not, because General Scott was dissatisfied at his tardy movements, he not having got down to within anything like striking distance of Johnston's camp. But the Secretary of State explained to me that they had decided that it was not expedient, at that time, to remove General Patterson. And upon the suggestion of General Scott they wanted me to go up there and assist Patterson in this movement against Johnston, so as to carry out the point I had suggested of first checkmating Johnston before the movement against Manassas was made here.

By the chairman:

Question. You and Johnston had about the same forces there, had you not?

Answer. Patterson and myself had twenty-two thousand men, while Johnston had twenty thousand, with eighteen hundred of them sick.

Question. Would there have been any difficulty in preventing Johnston from going to Manassas?

Answer. None whatever.

By Mr. Chandler:

Question. Has there been any court-martial on this subject?

Answer. No, sir.

Question. Can you tell me the reason why there has not been?

Answer. I do not know, except this: General Patterson's term of service—being called out with the three months' men—expired on the 27th of July. In the meantime I was compelled to remain there, and these facts were not reported at Washington with the minuteness that I have stated them here now. The result of these operations were, of course, well known at Washington—the movement of Patterson to Charlestown, the escape of Johnston, and all that. An order came, just before the 27th of July, dismissing General Patterson and the other three months' men whose terms then expired. Among others, General Patterson was mentioned as being honorably discharged from the service. That was a few days after this movement, which took place on the morning of the 17th of July, and Patterson's term of service expired on the 27th of July. An order came from the adjutant general's office, the date of which I do not now recollect, discharging Patterson honorably from the service. That superseded the idea of a court-martial.

By the chairman:

Question. I have heard it suggested that he undertook to excuse this movement on the ground that the time of many of his troops had expired, and they refused to accompany him.

Answer. That, to my knowledge, is untrue. The time of none of them had expired when this movement was made. All the troops that were there were in the highest condition for the service. These three months' men, it may be well to state to you, who are not military men, were superior to any other volunteer troops that we had in point of discipline. They were the disciplined troops of the country. The three months' men were generally the organized troops of the different States—New York, Pennsylvania, &c. We had, for instance, from Patterson's own city, Philadelphia, one of the finest regiments in the service, which was turned over to me, at their own request; and the most of my regiments were disciplined and organized troops. They were all in a fine condition, anxious, zealous, and earnest for a fight. They thought they were going to attack Johnston's camp at Winchester. Although I had suggested to General Patterson that there was no necessity for that, the camp being admirably fortified with many of their heavy guns from Norfolk, I proposed to him to place ourselves between Johnston and the Shenandoah, which would have compelled him to fight us there or to remain in his camp, either of which would have effected General Scott's object. If I had got into a fight it was very easy over this road I had just been opening for Patterson to have re-enforced me and come up to the fight in time. The proposition was to place ourselves between Johnston's fortified camp and the Shenandoah, where his fortified camp would have been of no use to him.

Question. Even if you had received a check there, it would have prevented his junction with the forces at Manassas?

Answer. Yes, sir. I would have risked a battle with my own division rather

than Johnston should have escaped. If he had attacked me I could have taken a position where I could have held it, while Patterson could have fallen upon him and repulsed him.

By Mr. Odell:

Question. Had you any such understanding with Patterson?

Answer. I told him I would move down on this side road in advance, leaving General Patterson to sustain me if I got into a fight. So, on the other hand, if he should attack Patterson, I was near enough to fall upon Johnston's flank and support Patterson. By using this communication of mine to pass Opequan creek—where I had informed Patterson I had already pushed forward my pickets, 200 men in the day and 400 at night, to prevent the enemy from burning the bridge—it would have enabled me to get between Johnston and the Shenandoah river. On the morning of our march to Charlestown, Stuart's cavalry, which figured so vigorously at Bull Run, was upon my flank all day. They were apparently about 800 strong. I saw them constantly on my flank for a number of miles. I could distinguish them with my glass with great ease. Finally, they came within about a mile of the line of march I was pursuing, and I sent a battery around to head them off, and the 12th regiment across the fields in double-quick time to take them in the rear. I thought I had got them hemmed in. But they broke down the fences, and went across the country to Winchester, and I saw nothing more of them. They were then about 8 miles from Winchester, and must have got there in the course of a couple of hours. That day at 1 o'clock—as was ascertained from those who saw him crossing the Shenandoah—Johnston started from Winchester with 8,000 men, forded the Shenandoah river, and got to Manassas on Friday night; and his second in command started the next day with all the rest of the available troops—something like 9,000 men, leaving only the sick, and a few to guard them in the camp at Winchester—and they arrived at the battle-field in the midst of the fight, got out of the cars, rushed on the battle-field, and turned the scale. I have no doubt that if we had intercepted Johnston, as we ought to have done, the battle of Bull Run would have been a victory for us instead of a defeat. Johnston was undoubtedly the ablest general they had in their army.

Question. I think I read in the speech that Patterson made in Philadelphia that he excused himself in part by saying that he telegraphed to General Scott for orders to move, and he did not get them?

Answer. That is not so. General Scott was anxious, and night after night kept telegraphing to Patterson to move forward. And night after night they were receiving despatches from Patterson excusing himself, that he had not transportation enough, or he had not troops enough, or something of that kind. And I was sent up with re-enforcements that he might be sure to have enough; with peremptory orders from General Scott if he was strong enough to fight Johnston, or if not to hold him in check. It was the intention to delay the battle here until after it was known that Johnston was checkmated.

Question. Did he receive any orders to move back?

Answer. He certainly did not. I had a conversation with General Scott in New York, and he was very much surprised to find on his return from Europe that Patterson should make such statements in his speech. Patterson's speech was made after General Scott left the country, and I suppose after Patterson thought General Scott had left it forever. Since General Scott's return I have had two conversations with him; one since I received this summons from you. I supposed it might have some reference to this matter, and I went on Sunday afternoon to see him, and had a conversation with him, and told him that I had been summoned here to Washington, and it probably had some reference to this affair of Patterson. General Scott was as much surprised as I was at Patterson's pretending that this movement was made by his order; General Scott

having at all times pressed upon him simply these two things: to attack and defeat Johnston if he was strong enough, or, if not, so to move as to prevent Johnston getting to Manassas.

By Mr. Chandler:

Question. You spoke of a council of war being held late in June. What was the decision of that council as to the propriety of delivering a battle?

Answer. That council of war was to decide the question of an attack upon Manassas. At that council General McDowell presented his plan for an attack upon Manassas; and the question submitted to the President and his cabinet and the general officers present was as to the propriety of that movement. I was a little peculiarly situated in regard to the matter, because I had been superseded by General McDowell, a much younger officer than myself. And yet I deemed it my duty to say that I did not approve of the movement from my knowledge of the country and the state of things. But, if the movement was to be made, I objected to two points in the movement. The one was the marching 14 miles to win a battle, which I considered almost equivalent to a defeat itself; and secondly, that no such movement should be made until it was ascertained that Patterson was between Johnston and Manassas. On a subsequent day they had a meeting of the cabinet to decide upon the subject of Patterson's removal, which resulted in this request to me, to go up there and waive rank to him.

Question. And in that subsequent council of war it was decided to deliver the battle.

Answer. In the council of war on the 27th of June, General McDowell was authorized to make his arrangements for this battle, if he found every other thing concurred in making the movement. It was an unfortunate movement, in my opinion, in every point of view. In the first place, no such attack should have been made upon Manassas at all, because other means of dislodging them might have been attempted. In the second place, it was an unfortunate commencement of a battle to march 14 miles to begin it. It was a very exhausting march over such a country as I knew that to be, and it turned out to be a very great drawback to the troops.

Question. But had Patterson not marched you down to Charlestown, and you had held Johnston in check, have you any doubt of the favorable result of that battle?

Answer. No, sir; none at all. In the first place, it was not only the acquisition of those 8,000 troops that Johnston took down himself, but those that came in fresh on Sunday. And then they had the ablest man in the confederate army to manage that fight, and it was done with great adroitness and ability. I have no doubt at all that that battle was fought chiefly by Johnston, for he is a superior strategist to Beauregard.

Question. Your conclusion, then, is, as I understand you, that the battle was properly planned by General McDowell, and would have been a success had you attacked and whipped Johnston; that McDowell would have whipped Beauregard.

Answer. I have no doubt McDowell would have whipped Beauregard had Johnston been kept out of the field; although I do not believe in the plan of the battle.

By Mr. Odell:

Question. Did not General McDowell suffer a great deal from the character of the officers under him? Did not a great many incompetent ones resign immediately after that battle?

Answer. Yes, sir; but some good officers resigned as well as incompetent ones.

Question. But the most of the resignations were of incompetent officers?

Answer. Yes, sir.

By Mr. Gooch :

Question. After the movement from Bunker Hill to Charlestown, did you have any conversation with General Patterson in relation to the matter; and if so, what explanation did he give of it at the time?

Answer. I had no conversation with him personally; I had with Colonel Abercrombie, his brother-in-law and one of his leading advisers. I was very much annoyed to see that the whole object of my going there was frustrated, and I sought no interview with General Patterson. But Colonel Abercrombie, understanding how much I was dissatisfied, came to me on purpose to explain the reason of this movement.

Question. Probably sent by Patterson?

Answer. Probably sent by Patterson. The explanation he made was that they had reliable information that Johnston was re-enforced with 20,000 men from Manassas, and was going to attack and destroy Patterson's army. Now, in the first place, he could not have done it if he had had the 20,000 men, because the country there was such that we could have resisted him. But I knew it to be untrue, and I think General Patterson knew it to be untrue. There had been a company of 120 men from the vicinity of Martinsburg pressed into the service of the rebels. I say this, because I saw the orders. They were brought to me by one of my pickets. The orders had been issued to the commanding officers to force these men out. They were forced out and went to Harper's Ferry, and were there at the time of its occupation by the rebels. Of these men, all but forty deserted on the march from Harper's Ferry to Winchester, or while at Winchester. We had a great many of them in and about Winchester while we were there. And all the information from those men, as well as from others coming in from time to time to our camp, satisfied General Patterson and satisfied me perfectly that Johnston's whole numbers could not exceed 20,000 men; and after we got to Bunker Hill, still some of these Martinsburg deserters came in repeating the same information. This was down to the very night before we moved that these men repeated the story that the numbers in the whole camp at Winchester did not exceed 20,000, and they generally estimated them from 18,000 to 19,000, and up to the evening of the day, when we marched the next morning at three o'clock, all the information concurred in that same statement, and we know now that it was so, and that Johnston did not receive any re-enforcements.

Question. Then at that time General Patterson relied for his vindication of his conduct in not going forward upon the fact that he had heard, or pretended that he had heard, that Johnston was re-enforced by 20,000 men, and was to attack him?

Answer. Yes, sir; that was the vindication set up for him by his brother-in-law, Colonel Abercrombie, and, as I understood, by Colonel Porter, the chief of his staff.

Question. Did General Patterson know at that time that it was the intention of General McDowell to attack Manassas?

Answer. Certainly he did. I carried him that information.

Question. On what day did you suppose that attack was to be made?

Answer. I supposed that, in pursuance to the suggestion I had made, they were waiting to hear from us that we were in position to prevent Johnston from joining Beauregard, and that that was the only cause of delay in making the attack. I expected that attack to be made the instant we satisfied them that we were in position. I did not believe, from the communication made to me by Governor Seward, and the reason for sending me up there, I did not suppose that General McDowell would make a movement until we had got into position to prevent Johnston from joining Beauregard. I went up there with the opinion that the attack would be made upon Manassas the moment it was ascertained that we were in a position to keep Johnston occupied.

Question. And when you communicated that fact to the authorities at Washington, then General McDowell would make the attack and not until then, and Patterson knew that?

Answer. He was so informed by me, and was so informed by a written communication from General Scott.

Question. Did you know that the army here was making a forward movement?

Answer. Yes, sir; we knew they were prepared to make that movement the instant it was certain that Johnston could not move on them. So that when this movement on Charlestown was made I thought it a direct dereliction of duty. Our movement was made on the morning of the 17th, and that same day at one o'clock Johnston crossed the Shenandoah river where I expected to have intercepted him.

Question. Our troops moved forward from the Potomac here on the 16th of July, I believe?

Answer. Yes, sir; the day before we commenced the march to Charlestown.

Question. How soon was General Scott or the authorities here at Washington advised of the movement on Charlestown? Do you know when that knowledge reached them?

Answer. I do not know. There was a communication constantly between General Patterson and General Scott, but they had to send some distance in order to reach the telegraph.

Question. In how short a time could General Patterson have communicated to General Scott the fact that he had moved on to Charlestown?

Answer. He could have communicated in twenty-four hours, by sending an express to the telegraph station on the other side of the Potomac.

Question. And that fact could have been known here three days before the battle?

Answer. Yes, sir. There is a gentleman here in Washington—Colonel Townsend, now, I believe, in the adjutant general's office—who was the chief of General Scott's staff at that time, and who knows all about the orders at that time. He has possession of all the communications that passed, so General Scott told me on Sunday last—all that passed between General Scott and General Patterson in relation to this matter; and I am authorized to say to him, and I shall make it my business to-day to say to him from General Scott, that the general is anxious that they should be known. General Scott, being now aware of General Patterson's statements, is willing that these facts should be known. I state this myself in vindication of General Scott, because I was present night after night when these communications were going on between General Scott and General Patterson, urging Patterson forward before I went up there to join him.

By Mr. Odell:

Question. Do you know of your own knowledge that it was a subject of discussion in the cabinet councils—the inefficiency of General Patterson and the propriety of his removal?

Answer. I do not know that his inefficiency was the subject of discussion; but the great delays he made in his movements in that part of Virginia were the subject of discussion.

By Mr. Gooch:

Question. That was something they could not understand?

Answer. Something that they could not understand the reason for. At one time he wanted more artillery; another time he wanted more means of transportation; and his movements were altogether so slow that it created a great deal of uneasiness here. Of course, being second in command, I made no com

munication to the department here in relation to our movements up there until my return to this city. I had no right to do so before I came back here; and I must say that it appeared very strange to me that so important a change in our movements there should have been made without my being consulted at all upon the subject. But General Patterson chose to consult only his own staff, but none of the officers under his command.

By the chairman :

Question. You are an officer who has reflected a great deal on the condition of things here, and know the ground and the condition of affairs well. Now, we would like to have your opinion as to whether it would be proper for the army at this time of the year, and under all the circumstances, to make an advance or not, or whether it shall act on the defensive until the spring opens.

Answer. Perhaps I am not qualified at this moment to judge of that, because I am not informed as to the strength and position of the enemy at the present time on the other side of the Potomac. But no matter what their strength is, I would make certain movements which would materially affect the condition of the enemy, and perhaps lead to more serious operations. In the first place I have been very much annoyed and chagrined at the retreat of that part of our army that was occupying that portion of upper Virginia. They should never have left Harper's Ferry. It was one of the causes of my asking to be recalled to Washington. When Patterson was superseded, and General Banks came there, I sent a communication requesting to be recalled to Washington. I was not willing to serve under a general so much my junior as General Banks was, who was, at that time, entirely without any military knowledge at all, and because General Banks's first operations were to retreat out of Virginia, which I thought he ought not to do. The whole of the enemy at that time there was some thousand cavalry marauding around the country, while we had 12,000 men. But General Banks retreated out of Virginia, though I knew that General Scott could and would send forward re-enforcements there to enable us to move forward; and I think we should now undertake movements to occupy that part of Virginia, and effectually clear the route of the Baltimore and Ohio road. One consequence of our abandoning that part of Virginia, was their re-occupying the whole line of the Baltimore and Ohio railroad through that country, and the removal of a large quantity of iron to enable them to make good their connexions between Winchester and Manassas. That would have been all avoided if we had continued to occupy it. But, unfortunately, though a very excellent statesman and a man of talent, General Banks came there entirely a new man in his military duties, instead of there being some man of military experience sent there; and that part of the service has, consequently, been paralyzed.

Question. You would occupy Winchester and take possession of that railroad?

Answer. I would send troops, now, to occupy the whole of that upper part of Virginia, and Leesburg and Winchester, take possession of that turnpike, and effectually clear the whole of that part of Virginia through which the Baltimore and Ohio railroad runs.

Question. Would not that bring on a general battle?

Answer. If it did we would beat them effectually, because, to make a movement for a battle there, they would weaken their strength so much at Manassas as to make it impossible to maintain their lines before our large force opposite them here. In making such a movement as that which I should contemplate from the vicinity of Harper's Ferry and Point of Rocks, unquestionably we would be upon the *qui vive* here to see what movements were made by the enemy to meet our movements there. And that part of Virginia should be occupied, at all hazards, for another reason. There is a very large body of Union men in that part of Virginia. I discovered that while I was there, and if we

had continued in possession of that part of Virginia, the whole of that part of the State would have been loyal this day, although there were a great many secessionists there. I was there within pistol-shot of the residence of Faulkner, and such men as he—leading secessionists. But a large portion of the inhabitants—pretty much all the people that remained at Martinsburg—were loyal, and when we went there they hailed us with acclamations and were glad to see us. I had invitations from all the leading people to come and dine and sup with them. They were well disposed towards us, and indignant at the immense injury done by the enemy to their property throughout all that part of the country.

Question. What, in your judgment, would be the effect of our taking possession of Winchester and that valley?

Answer. To cut off, effectually, all the supplies they now get from the valley of the Shenandoah.

Question. Where would they get their supplies then?

Answer. They undoubtedly are receiving some supplies from the neighborhood of Richmond, and I understand that cattle are sent up to them all the way from Louisiana, even; but they derive a very large portion of their supplies from the upper part of Virginia—from that valley, which is a rich one. I think the whole valley of the Shenandoah is as rich as the Genesee valley.

Question. Then, if we move a very strong force up towards Winchester, you think they would not come out and give us a general battle, with all their force, here?

Answer. Yes, sir; and we must make that movement so strong as to drive all their present force there before us, and watch their movements in this quarter, so as to be able to checkmate them if they undertake to make any important movement from here. General Banks's division could be increased so as to sweep that country with the utmost ease.

By Mr. Gooch:

Question. You mean that our whole right wing should be thrown across the river?

Answer. Yes, sir.

Question. Did you infer from what has transpired in relation to the movement at Ball's Bluff that such was the intention at that time?

Answer. I supposed at that time—not from any knowledge upon the subject, but from watching the operations that were going on—that when our folks crossed at Ball's Bluff the residue of General Banks's army was going down to Leesburg from the other direction, and that General Stone was ordered to cross there to support that movement. I could not see any other explanation of that movement. I am judging now only from what I see in the papers. I supposed that that movement was only a portion of just such a movement as I am now suggesting—that is, for General Banks to move across at Point of Rocks and so on down to Leesburg, and General Stone to meet General Banks at Leesburg. Where the fault is I do not know. General Stone I know to be a good soldier and a capital officer. He was under me for some length of time, and I urged, when I left for New York, that he should be put in command of our force along the Potomac; and I cannot imagine that General Stone made that movement unless he expected to be sustained by finding General Banks at Leesburg when he got there. Whether General Banks had such orders or not, of course I do not know.

WASHINGTON, *January 3, 1862.*

Major ABNER DOUBLEDAY called and examined.

By the chairman:

Question. What is your position in the army, your rank, &c.?

Answer. I am a major of the 17th infantry, one of the new regiments that has not yet been raised. I was promoted from the 1st artillery.

Question. Were you in Fort Sumter with the then Major Anderson?

Answer. Yes, sir.

Question. I wish to direct your attention to the time that you joined General Patterson. Will you please state how long you were with him, and what took place there? State it in your own way.

Answer. I started from New York harbor, and went to Chambersburg shortly after General Patterson went there. I suppose we were there a week or ten days.

By Mr. Odell:

Question. What force did you take with you?

Answer. I took two companies of artillery without their guns, armed only as infantry.

By the chairman:

Question. And joined General Patterson at Chambersburg?

Answer. Yes, sir; and he placed me in command of two more companies. Captain Dodge's company of regulars were ordered to join me, and McMullin's company of Philadelphia detectives were placed under my command also. We marched from Chambersburg to Hagerstown, and from there to Williamsport. We remained at Williamsport, I think, from two to three weeks. I was, during that time, ordered back to Washington with my command. I should state, first, that they sent for some heavy guns for me. They concluded they would send siege artillery to break down some of the intrenchments of the enemy, and they directed me to send an officer to New York for a heavy battery; and just before the battery joined me—when it was on its way, say at Harrisburg—I was ordered to proceed without delay to Washington with my command. I got as far as Little York, near Baltimore, when I received a despatch directing me to return with all possible haste and to mount the guns for action. This was while the army of General Patterson was lying at Hagerstown. I hired special trains and returned and resumed my encampment. When I got again to Hagerstown, I found that it was a false alarm. Shortly afterwards we marched to Williamsport, where our heavy guns were put in position on a high hill to command the ford. In the meantime, while I was absent, the troops had crossed into Virginia, had proceeded a few miles, and then been ordered precipitately to return to Williamsport. We entered Virginia a second time, by order of General Scott, I think, and marched to Martinsburg. Our advance encountered the enemy at a place called Falling Waters, or Hoge's Run. A smart little action took place there, resulting in the success of our troops.

By Mr. Odell:

Question. Just there. How did our troops behave themselves in that action?

Answer. They behaved very well, so far as I could see. I heard no charges made against them of misbehavior at that place.

The enemy retreated before us and encamped outside of Martinsburg, and we followed and took possession of Martinsburg. We remained there, it seems to me, some ten days. During this time it was reported that the enemy were in line of battle, seven miles from us, with a force nearly equal to our own. It was reported to us that they had 2,000 less than we had.

Question. At what point were they ?

Answer. Seven miles from us on the road to Winchester ; I think it was in front of Dorcasville. They remained there, I think, three or four days—it was so reported to me ; referred to by our staff officers, &c. I think it had then been determined to make a depot at Martinsburg, and the orders had been given to that effect ; but the orders were countermanded, and the army ordered to advance, some six days after the enemy had fallen back towards Winchester. In the interim I was ordered to send two guns back to Williamsport to guard the ford there in case of retreat or disaster. But the guns were ordered to return again, after they had been about an hour in position. When we advanced it was determined not to have a depot at Martinsburg, but to break it up and send the stores back to Williamsport, and around by the canal to Harper's Ferry. We advanced to a place called Bunker Hill, about half-way to Winchester, I think. We stayed there for a day—perhaps two days, I have forgotten which—and then we retrograded to Charlestown, some seven miles, I think, from Harper's Ferry.

By the chairman :

Question. What number of troops had you, and what number had the enemy while you were at Bunker Hill, before you went to Charlestown ?

Answer. Well, I thought we had about 20,000. They did not give their numbers to me ; the information all goes to the general, and the exact number of troops we have is not always known. But I heard them estimated at 20,000.

Question. What was the condition of the troops at that time ?

Answer. They seemed as eager for action as men could be ; excited in the highest degree at the idea of getting a fight.

Question. Where were the enemy at the time you were at Bunker Hill ?

Answer. It was reported that they had fallen back to a place called Stevenson's Station, on the railroad, four miles from Winchester, and that they had fortified Winchester.

Question. How far was this Bunker Hill from Winchester ?

Answer. I think it is about fifteen miles ; from twelve to fifteen miles.

Question. Have you any knowledge of the force of the enemy ; what were their numbers and strength ?

Answer. We had various reports of them. The enemy were reported to have had some irregular levies in Winchester ; to have sent and obtained some raw militia, badly armed, and almost all new men ; so I understood. Most of our men were full of enthusiasm when we turned back to Charlestown, for they thought all the time that we were marching, that we were going to Winchester.

Question. Were you with General Sanford ?

Answer. I was not under his command, but I saw a great deal of him. He was with us.

Question. He commanded the left of your army at that time, did he not ?

Answer. Yes, sir ; I think he did. But I do not know certain about that.

Question. Did he cut a road from this Bunker Hill, or near there, down some three or four miles to a creek ?

Answer. I do not remember of his doing that. There was an old road there. We marched along an old road.

Question. He repaired it ?

Answer. Yes, sir ; he repaired it, I imagine.

Question. Was this before the battle of Bull Run, as it is called ?

Answer. Yes, sir.

Question. How long before, as near as you can recollect ?

Answer. But two or three days before. I think the enemy was said to have left Winchester the moment their scouts told them we had retrograded.

Question. General Johnston was commanding the army before you?

Answer. Yes, sir.

Question. What was the purpose of General Patterson there? What were the orders to him, or do you know?

Answer. I did not know what his object was. At one time, I suppose, it was to defend the Baltimore and Ohio railroad.

Question. Did you know at the time that he was acting in concert with General McDowell; he to prevent Johnston's going down to Manassas while McDowell was to encounter the enemy there?

Answer. I did not know it at the time. But I was satisfied, on hearing that the enemy had gone in that direction, that they were going to Manassas. When we were going to Charlestown it seemed to be the impression of our generals that the enemy was coming in our rear.

Question. Can you tell any object General Patterson had, or intended to accomplish, by going to Charlestown at that time?

Answer. Well, I do not know. I was not called into his council of war. I do not know what his object was.

Question. I will ask you if he, in your judgment, had the power, while at Bunker Hill, to pursue, encounter, and prevent Johnston from getting down to Manassas on that railroad, judging from the position that each occupied there?

Answer. I should think that his light troops could have engaged him. But I believe there was a difference of some twelve miles between them; and if Johnston had made a rush quickly, General Patterson might not have been able to stop him.

By Mr. Odell:

Question. To have overtaken him?

Answer. Yes, sir.

Question. Do you mean that if General Johnston had started off for Manassas quickly, General Patterson might not have been able to overtake him?

Answer. Yes, sir; that was what I meant. There were twelve miles between them.

Question. He might have reached Manassas?

Answer. Yes, sir.

By the chairman:

Question. Do you recollect the orders of General Patterson while waiting at Bunker Hill that night?

Answer. No, sir; but I thought that if we had had the time that we waited at Williamsport and Martinsburg we might have done very well.

Question. I will put a hypothetical case: Had General Patterson received orders to engage Johnston, and prevent his going down on that road, could he have accomplished it if he had directed his energies to accomplishing that purpose?

Answer. [Looking at the map.] I think I have got the distance between the two armies too far. I think he could have done that. I think if there had been a desire to do it, it could have been done.

Question. In turning off from Bunker Hill to Charlestown he must have abandoned the idea of intercepting Johnston?

Answer. Of course.

Question. And left him a free passage to go down to Manassas?

Answer. Yes, sir.

Question. That must have been known to the commanding general, of course?

Answer. Of course.

Question. Did you hear any reason given why that was not done; such as

that the time of the troops were out, and they would not consent to remain and encounter Johnston?

Answer. I heard that their time was out, and that he could not induce them to stay unless he could assure them that he would attack the enemy.

By Mr. Odell :

Question. They would stay for a fight?

Answer. They would stay if he would guarantee them a fight.

By the chairman :

Question. They did not object that their time was out to prevent a fight?

Answer. He wanted them to stay, whether or no. But they were indignant about it, and did not feel like remaining there without a fight.

Question. Were there complaints among the troops that General Patterson had turned off, so as not to engage the enemy?

Answer. There was a great deal of surprise. But I was so busy with my own command that I did not notice that much. It had been supposed that Harper's Ferry was a much better base of operations than Williamsport. It is nearer to Winchester, and nearer to our forces. It would have been a better point in every respect for us to occupy and move from. But in occupying it we found one objection, that it is almost impossible to retreat from it. There is but a little pathway along the canal, and one wagon could block an army.

By Mr. Gooch :

Question. You say that Johnston might perhaps have moved down towards Manassas so rapidly that Patterson would not have overtaken him. Suppose that he had done so, and Patterson had followed him down to Manassas, what would have been the effect upon the enemy?

Answer. Johnston would have gone by rail. General Patterson might have come up with him at the cars before they got their men and the munitions of war with him all on board.

Question. Were you not sufficiently near him to have intercepted him and engage him before he could have sent off his forces by rail?

Answer. I should think that by a forced march we could have done it.

Question. What is the distance from Winchester to Manassas?

Answer. I do not know. They marched by the Millwood road, and got on the cars at Oak Hill. That would seem to be about twenty-four miles from Winchester. Our movements indicated that we did not seem to know what Johnston had gone for. We were taking precautions to prevent him attacking us at Charlestown, where we had retrograded. It was supposed he was going in behind the mountain chain, and get in behind us there. I think an officer, one of the general's engineers, remarked that—gave that impression to me; indicating by our measures of self-defence against Johnston that the general did not know what his object was in going to the railroad.

By the chairman :

Question. Was it believed in the army that Johnston's forces were superior to those of Patterson?

Answer. Up to the time he occupied Winchester it was thought they were inferior. At that time it was said he had rallied some militia.

Question. That would not tend to strengthen him much, would it?

Answer. No, sir; I think not. It was represented that they were nearly all Union men. Berkley county gave some eight hundred majority for Union, even under secession bayonets.

By Mr. Odell :

Question. Did you hear anything about the condition of Johnston's army?

Answer. Spies came in occasionally. It was stated that he had fortified Winchester.

By the chairman :

Question. If Patterson had received orders to encounter Johnston, and prevent him going to Manassas on the day of the battle there, could he, in your judgment, have prevented his going down there?

Answer. Well, I think it is a little doubtful. The enemy had a larger force of cavalry than we had. We could only have overtaken him with cavalry, with the start he had. If he had twelve miles the start he could have kept that much in advance. The only way to have compromised that was to have encountered him with our light troops and kept him engaged until the rest of our forces came up.

By Mr. Odell :

Question. You have corrected that statement, have you not, about the twelve miles distance?

Answer. Yes, sir; he was nearer than twelve miles if he was at Stevenson's Station. He was about eight miles from us. I think the main body was about eight miles from us. The main bodies of the two armies were about eight miles apart, as near as I can judge.

Question. And the advance was nearer?

Answer. The advance might have been nearer.

Question. Within about how near do you suppose the advance was, that is, Sanford's column?

Answer. I do not know that he was far in advance of the army at that time. His advance party might have been nearer. Under those orders, if those were the orders, a battle ought to have been attempted certainly.

By Mr. Gooch :

Question. Johnston was fortified at Winchester?

Answer. Yes, sir; it was said he was fortified there.

Question. Do you know whether or not he made any forward movement from Winchester until after you had made a retrograde movement towards Charlestown?

Answer. I only heard at the time from deserters that the moment he found that we had retrograded—that his light cavalry sent him word to that effect—he immediately left in all haste for Millwood.

Question. Was it not your opinion as a military man, from all you learned, that Johnston intended to remain at Winchester within his fortifications until after your army had moved towards Charlestown?

Answer. Well, I do not know what his intentions were. He was at Stevenson's Station.

Question. From what was done, what do you infer he intended to do?

Answer. I understood he had orders to prevent us at all hazards from joining McDowell. That is what I heard from some deserter, or a report of what some deserter had stated.

By Mr. Chandler :

Question. That is, you were both engaged in the same business, each to prevent the other from joining the main army?

Answer. Yes, sir. If necessary for that purpose he would take up a station until he was certain he could get on the railroad. He could afford to leave us rambling around through Virginia there, if in that brief period he could have gained the battle here. He could afford to let us make an inroad into the country for a brief period if he could have gained that.

Question. If you could have got in advance of Johnston, between his position and the railroad, could he have reached Manassas?

Answer. No, sir; I think we could have prevented it. I think that General

Stone, while at Point of Rocks, wanted to make a dash at the railroad and destroy it.

By the chairman:

Question. What was the difficulty in the way of breaking up that road?

Answer. Where we were, we were some distance from it. General Stone had been in command of a force at Point of Rocks. He told me he could very easily have made a forced march and destroyed the bridges, and he wanted to do it, but he received the most pressing orders to join Patterson at once. The Point of Rocks is where the railroad comes down to the Potomac. That is about half-way between Washington and Williamsport. By making a secret march half-way with his infantry, and then making a dash with his cavalry. General Stone told me he was very desirous of breaking up that road, and could have done it; but he received the most peremptory orders to join General Patterson without a moment's delay—a most urgent demand.

By Mr. Gooch:

Question. From whom did he receive those orders?

Answer. From General Patterson.

Question. Did you remain in the army after General Banks took command of that division of the army?

Answer. Yes, sir.

Question. Where were you when General Banks took the command?

Answer. At Harper's Ferry.

Question. Why did you retire from Harper's Ferry? Why did you leave it?

Answer. The reason given was that while there we were in a *cul-de-sac*. In case of an attack and a disaster the force could not retreat from Harper's Ferry; it would have had to stay there; there was no way to leave. And it was thought better to go on the other side and occupy Maryland Heights, which commanded Harper's Ferry, so that we could have crossed any time we chose. It was still an occupation of Harper's Ferry, but a change of position and of encampment.

Question. In your judgment, as a military man, was that a judicious movement—a wise movement?

Answer. I thought it was a discouraging movement; but I did not see any better way of occupying and holding Harper's Ferry than that—holding it from the Maryland side, rather than on the other side.

Question. So that you do approve the movement?

Answer. Yes, sir; I thought we could hold it from the Maryland side, and have all the advantages of it.

Question. How long did you remain at Charlestown before going to Harper's Ferry?

Answer. Some four or five days, I think.

Question. The army moved to Harper's Ferry under General Patterson?

Answer. Yes, sir.

Question. What was the number of that division at the time General Banks took command?

Answer. I think about 15,000. However, I do not know as to that. I think the number was greatly reduced by many being sent off. I think the loss of those two or three weeks at Williamsport, and eight or ten days at Martinsburg, had a very decided effect upon us. We should have marched on Winchester, I think. We would have had three weeks longer time with these three-months' men.

By Mr. Odell:

Question. Was your force there a well-appointed one?

Answer. I think we had all the necessaries. They complained of a deficiency of transportation from Williamsport, I think.

By Mr. Gooch :

Question. Was there such a deficiency as to prevent a movement of the army?

Answer. I do not know how much the deficiency was, or how far it extended. But I heard complaints that there was not a sufficient number of wagons. The whole country seemed to be full of them, if we had the power of purchasing, or of pressing them into service.

WASHINGTON, *January 5, 1862.*

General CHARLES P. STONE sworn and examined.

By Mr. Chandler :

Question. Were you present with General Patterson's army, or near it, on or about the 20th of July last?

Answer. I was.

Question. Were you with him on his march from Martinsburg?

Answer. Yes, sir.

Question. In what capacity?

Answer. I commanded a brigade in that column for a part of the month of July.

Question. And you were with that column when it marched towards Johnston's army?

Answer. Yes, sir.

Question. Will you explain to the committee the march and position of that column until it reached Bunker Hill? Explain it concisely, if you please.

Answer. Bunker Hill is on the road to Winchester. General Patterson's column was concentrated at Martinsburg.

Question. And Johnston was at Winchester?

Answer. Supposed to be at Winchester.

Question. Give the date on which you started, and how far you went; explain the action of that column, not in detail, but in general.

Answer. So much has happened between that time and this that it is difficult for me to remember all the dates. We arrived at Harper's Ferry on the 21st of July, the day of the battle of Bull Run.

Question. That is, on your retreat.

Answer. On our return.

Question. Assume that it was Tuesday or Wednesday when you left Bunker Hill.

Answer. Without giving the date of leaving Martinsburg, we made a march in one day as far as Mill Creek, or, as I believe it is now called, Bunker Hill. We remained there, I think, over one day. I remember being one day there. Then we moved in one day's march from Bunker Hill, through Middleway, otherwise called Smithfield, to Charlestown. I think we arrived at Charlestown on Wednesday afternoon, and then remained there until the following Sunday, when we marched to Bolivar Heights.

Question. When you were at Martinsburg you were threatening Johnston's force at Winchester, were you not?

Answer. I should think so.

Question. And when you reached Bunker Hill you threatened it still more?

Answer. I think so.

Question. Had you intrenched and remained at Bunker Hill, would not your close proximity have prevented Johnston from weakening his force at Winchester?

Answer. I do not think it would; I think it was so important a move for him to come down to Manassas that he would have abandoned every house and woman and child in Winchester for the sake of joining the other column.

Question. Could you not then have pursued him—you were within seven or eight miles—and compelled him to give battle before he struck the railroad?

Answer. I think so.

Question. Or, if General Patterson had thrown his force down between Johnston and the railroad, he would then have had to come out and give you battle, or else remain where he was?

Answer. If that had been done, yes, sir.

Question. Did you consider his force so strong that it was unsafe to retain your position at Bunker Hill, or take up that position between him and the railroad?

Answer. I certainly did not conceive that his force was so strong as to make it unsafe for us to intrench at Bunker Hill?

By the chairman :

Question. Do you know the reason why Patterson turned off from Bunker Hill to Charlestown?

Answer. At the time I supposed the object was to get on Johnston's right flank.

By Mr. Chandler :

Question. But he actually went twenty odd miles from his right or left flank?

Answer. Yes, sir.

Question. Leaving the road perfectly open to go where he saw fit?

Answer. Yes, sir; I think so.

Question. Was it in contemplation by you at one time to have gone out and cut that railroad?

The witness: From the place below, before I came under General Patterson's command?

Mr. Chandler: Yes, sir.

Answer. I wanted to do it.

Question. And had you done it, it would have been impossible for Johnston to have got his forces down here, would it not?

Answer. Yes, sir.

Question. Did you receive peremptory orders from General Patterson to join him at once?

Answer. I did.

Question. Do you know when, or if at all, General Patterson sent a request to Washington to have re-enforcements sent up to him?

Answer. I do not know.

By the chairman :

Question. I wish to know of you, as a military man, whether, if it had been the object and purpose of Patterson to encounter Johnston and prevent him from going down to Manassas on that road, you think he could have employed him so as to have had a battle with him? Was the position such that he could have forced him to an engagement?

Answer. I think he could have forced him to give battle.

Question. I mean if he had been ordered to prevent Johnston from going to Manassas. He was in a position to have done that by an engagement, was he not? You know the position of the two armies when you approached the nearest, when you turned off to Charlestown.

Answer. I think he was in a position at one time when he might either have brought Johnston to battle, or have joined General McDowell about as soon as Johnston could have joined the other side.

Question. What position was that when you suppose it was in his power to have effected that?

Answer. At Martinsburg.

By Mr. Chandler :

Question. Was he not in the same position at Bunker Hill?

Answer. I think he might have made a move there; but that is only a military opinion.

By the chairman :

Question. That is all we want.

Answer. I think he might have moved then, so as to have taken possession of the gaps of the Blue Ridge at least.

By Mr. Chandler :

Question. And had he taken possession of the gaps of the Blue Ridge, it would have been very difficult for Johnston to have dislodged him, would it not?

Answer. I think so; I thought so then.

By Mr. Odell :

Question. Did you understand, while you were there, that the object of Patterson's division was to hold Johnston in check, and prevent him from joining Beauregard? We know from testimony that we have here that that was the object. I want to know if it was known to you while there?

Answer. Let me get your question exactly.

Question. The question is this: Was it your understanding that Patterson's division of the army was to hold Johnston there, while General McDowell was engaged with Beauregard here?

Answer. I certainly thought that was the intention.

By Mr. Chandler :

Question. What was your estimate of the relative strength of Patterson's and Johnston's forces?

Answer. The best information I got of Johnston's forces was that he had about 14,000 in the neighborhood of Harper's Ferry. That was when I was on the river below.

Question. I mean when you were at Martinsburg and he was at Winchester?

Answer. I had lost there my independent means of getting information of him. The information I received there was through the reconnoissances ordered by General Patterson. That was very varied, indeed. Sometimes you would hear that he had 15,000, sometimes 22,000, sometimes 30,000.

Question. What was your own estimate, if you had any, of their force?

Answer. I imagined that he had not far from 20,000 men, including his militia.

Question. And your force was about 22,000. Was it not?

Answer. I do not know what General Patterson's force was. I heard various estimates of that.

WASHINGTON, *January 6, 1862.*

General LOUIS BLENKER sworn and examined.

By the chairman :

Question. Were you at the Bull Run fight?

Answer. Not a great fighter, but I did what I could. I was present from the first until the last hour.

Question. To what do you attribute the defeat of that day particularly?

Answer. My idea is that the general-in-chief, General McDowell—an honorable officer, a very well-educated officer—at that time had not prepared enough his staff officers, and all the other plans were spoiled by the baggage wagons which he had ordered to be there not coming as he ordered. The whole trouble was in going in so risky a way that any general—even the greatest in the world—would be beaten that day, if the enemy was strongest. But the enemy were losing a great deal more than we. They were retreating. But still I do not think it is a blame for anybody to lose that battle. It was a panic, all at once. There was a panic which nobody can explain. The colonels there, a great many of them, never have a command. They look around and say: What shall we do? That is strange music—the bullet—and strange feeling to be killed. But what to do is the question. They are running. Some begin to retreat, and it is not possible to give orders to keep them together. If one regiment runs, the others go too. That has been the case in every army—French army, Austrian army, and every good army in the world. I would not blame any officer for that. The regiment I had three times ordered, was ordered to retreat; and then I see I can do a little more if I stay. And then I think I advance two miles further against the enemy. I see the spirit was good in my troops. I see a great deal there that I shall never forget in my life. It is the most interesting matter for me, indeed, in my military experience—that battle. I never had a chance to study a great deal. I am only a brigade officer, but if the moment comes I know what to do. The enemy only risk a little attack of cavalry, and if that was a good attack they would go further. But General McDowell, he was so much hurt that I feel the greatest sympathy for him to-day. I would not allow anybody to blame him to-day. He was not assisted enough. I was, in the evening, at the council where the plan was discussed. Of course Colonel Miles was in the best spirits with him, and he said: "We have but little anxiety to be in the reserve." But the general said: "Colonel, you can be sure there is great danger if we do not have that reserve there, and so we make our preparations." The next day they fight; and the orderly came with the message that the battle is lost. There were a great many around me, and it would have curious effect. They asked: "What is the matter?" I said, we are victorious. And they hurra. At once I make my preparation for an advance. After one mile we pass the troops retreating. My troops said: "What the devil is that?" I said, it is a mistake; go on. Not even my adjutant understand what I want. So I went to the front, and we make a good effect, because the enemy could see us. That was all I wanted at that time. I never expected to see anything else. I do not speak good enough English to express myself. But if the time comes I hope I may make good the honor conferred upon me.

Question. You understood, I suppose, at that time, the position of Patterson and Johnston to be about Winchester?

Answer. Yes, sir.

Question. Was it understood by you on the field that Patterson was to engage Johnston, or to prevent his going down to that battle?

Answer. I am very much informed now, because I had a conversation with General Sanford, who was with General Patterson's division.

Question. What did you understand about the matter on that day?

Answer. I knew it just the same as General Sanford told me from what I have seen in the papers.

Question. What I mean is, not what General Sanford or the papers have said, but what was the understanding on the battle-field when you had the council?

Answer. The understanding was that Johnston was to be kept back there; there is no doubt that is so, and every one who knows anything about the

operations would know that Johnston should never have had the chance to come to Manassas.

Question. Had Patterson held Johnston back, what would have been the result at Manassas?

Answer. There is no doubt we should have taken Manassas, because they were so much knocked down that they were just ready in a moment to retreat; both parties retreated. And because we are not a despotic educated army, we are here a peaceful nation, and we could not do better at first; but we will repair that the next time.

By Mr. Gooch :

Question. Your division was stationed at Centreville?

Answer. My brigade was, under the division of Colonel Miles.

Question. Was that a reserve stationed at Centreville, because it was necessary that that point should be protected?

Answer. It was both. It was stationed there as a reserve for the army engaged in the battle, and at the same time we made our position stronger, so that we should not be flanked by the right wing of the enemy. First, we were to be in reserve ready, for if we were not there they would come straight down to Alexandria and Washington.

Question. You would not have considered it a good plan for the commander-in-chief not to have left any force at Centreville on that day?

Answer. No commander-in-chief would do that.

Question. That was a point it was necessary to protect?

Answer. Necessary for all eventualities, and for all circumstances; that was the point.

Question. That force was only to be moved forward from that point in case it should be absolutely necessary to support the army already on the field?

Answer. Exactly; it was a reserve to be ready if they were called on, or be careful that no enemy should flank us; that is a disposition which must be taken under such circumstances.

By the chairman :

Question. We have had some testimony in relation to the condition of Colonel Miles that day, and I deem it but justice to him, as you were there and must know his condition, to ask you what was the condition of Colonel Miles that day, whether he was intoxicated at all, or partially so, or not?

Answer. I will tell you as a man of honor. Every word I say is truth and fact. I was with him the whole day till about two or three o'clock. There was nothing like intoxication. He took, once in awhile, a drop. Never mind, that is nothing. I never saw him intoxicated. From that time he was out observing. When I received that message that the battle was lost, I was the first man who sent an officer of the general staff to report to Washington, and I told him I would go right away with my brigade. He took my hand and said: "Go and die on the ground." I go then. The whole question about his intoxication was in the evening about five or six or seven o'clock. I did not see him then; but if I had seen him I would just as soon say he was drunk as to say he was not.

Question. Then I understand you to say that you saw him during the day down to three o'clock?

Answer. Yes, sir; and then he was in a fit condition to give every order as an officer, when I saw him last.

Question. What time was that?

Answer. Between three and four o'clock, or a little earlier, perhaps.

WASHINGTON, *January 6, 1862.*

General ROBERT PATTERSON SWORN and examined.

By the chairman :

Question. Please state in as brief a manner as you can conveniently the connexion that you have had with the present war. State it in your own way without questioning at first. Give us a narrative as brief as you can properly and conveniently make it.

Answer. If any testimony has been given that affects the management of my column, I would like to have it read before I begin. I believe it is customary to have that done.

Question. We are not impeaching the conduct of any man. We are merely endeavoring to get all the light we can upon the conduct of the war. We take every man's narrative of it, which we endeavor to keep secret, and which we request the witness to keep secret, for the present at least.

Answer. My only object is to answer anything that has been said.

Question. That would be best answered by a plain statement of the facts of the case. I will state that our purpose is not to impeach any man in any connexion he may have had with the war. What Congress expects of us, their committee, is to obtain such facts as we suppose will be useful in throwing light upon the military operations of the army, in order to apply any remedy that may be necessary. I perceive, by the documents that you have before you, that you are about entering upon what is probably a very minute narration; that might be necessary if you were accused—it might then be very proper. But we have no such object in view.

Answer. It is scarcely possible for me to give you in fewer words than I have got here the operations of the army under my command.

After some conversation in relation to the order of proceeding, on motion of Mr. Johnson the witness was allowed to pursue his own way of replying to the interrogatory of the chairman.

The witness accordingly proceeded as follows :

By general orders No. 3, from the headquarters of the army, dated 19th April, 1861, [App. No. 1,] I was appointed to the command of the department of Washington, consisting of the States of Pennsylvania, Delaware, Maryland, and the District of Columbia. Until the early part of June I was actively engaged in organizing, equipping, and forwarding regiments to Washington, Annapolis, and Baltimore, and in opening, occupying, and defending the lines of communication with the capital. I was then permitted to turn my attention to the organization of the column destined to retake Harper's Ferry. The impression has been permitted to go forth from this city, and has been most extensively circulated elsewhere, that I had not obeyed orders. I have with me, and will place in your possession, documents to prove that I did all that I was ordered to do, and more than any one had a right to expect, under the circumstances in which I and my command were placed. And I defy any man, high or low, to put his finger on an order disobeyed, or even a practicable suggestion that was not carried out. My column was well conducted; there was not a false step made, nor a blunder committed. The skirmishers were always in front, and our flanks were well protected; we were caught in no trap, and fell in no ambush. My command repeatedly offered the enemy battle, and when they accepted it in the open field we beat them; there was no defeat and no retreat with my column.

The facts in the case would have been made known immediately after I

was relieved at Harper's Ferry in July, but the publication of the documents at that time would have been most detrimental to the public interest. Some two months ago I supposed an investigation could be made without injury; and on the 1st of November I complained to the War Department of the injustice done me, and asked for a court of inquiry, or permission to publish the correspondence between the general-in-chief and myself, and of his orders to me. On the 3d of November the Assistant Secretary of War, Hon. T. A. Scott, acknowledged the receipt of my application. On the 26th of November I respectfully asked the attention of the Hon. Secretary of War to my letter; and on the 30th the Secretary replied, declining, for reasons assigned in his letter, to appoint a court of inquiry.—(Appendix No. 2.) I then requested Hon. John Sherman, senator of the United States from Ohio, who had done me the honor to serve on my staff as aide-de-camp, to offer a resolution, calling for all the correspondence and the orders. The distinguished senator did so; it passed unanimously. The Secretary of War has declined to publish the papers, as it would be incompatible with the public interests. I furnish herewith a copy of the resolution offered at my request by Senator Sherman, and the reply of the Hon. Secretary.—(Appendix No. 3.) On the 3d of June I took command at Chambersburg. On the 4th of June I was informed by the general-in-chief that he considered the addition to my force of a battery of artillery and some regular infantry indispensable. In this opinion I cordially concurred.—(Appendix No. 4.) On the 8th of June the general-in-chief sent my letter of general instructions.—(Appendix No. 5.) In this I am told, "there must be no reverse. But this is not enough. A check or a drawn battle would be a victory to the enemy, filling his heart with joy, his ranks with men, and his magazines with voluntary contributions. Take your measures, therefore, circumspectly; make a good use of your engineers and other experienced staff officers and generals, and attempt nothing without a clear prospect of success." This was good instruction and most sensible advice; good or bad I was to obey, and I did so.

On the 13th of June the general-in-chief sent me two communications.—(Appendix Nos. 6 and 7.) In one I was informed "that Ben McCullough had two regiments of sharpshooters coming from Texas, and that he was now on the spot preparing to meet my column, and then to fall back to Harper's Ferry." In the other I was told "that, on the supposition I would cross the river Monday or Tuesday next, Brigadier General McDowell would be instructed to make a demonstration from Alexandria in the direction of Manassas Junction one or two days before."

I know not what induced this supposition. On the seventh I had written to General Scott, (Appendix No. 8,) "that I desired in a few days to occupy the roads beyond Hagerstown and to establish my headquarters in that town, and to intrench my left flank on the Boonsboro' road, placing there the force with which I can threaten the Maryland Heights, and, should a favorable occasion offer, storm them."

I was therefore surprised at the suggestion, as I had said nothing about crossing the river, and had neither men nor guns sufficient for the purpose. But knowing and appreciating the great experience, skill, and sagacity of my commander, I promptly adopted measures to carry it out.

On the fifteenth I reached Hagerstown, and on the 16th two-thirds of my forces had crossed the Potomac. The promised demonstration by General McDowell in the direction of Manassas Junction was not made. On the same day, only three days after I had been told I was expected to cross, and when a large portion of my command had crossed, I received three telegrams from the general-in-chief.—(Appendix Nos. 9, 10, and 11.) The first says: "Send to me at once all the regular troops, horse and foot, with

you, and the Rhode Island regiment." The second says: "You are strong enough without the regulars with you—are most needed here; send them and the Rhode Island regiment as fast as disengaged. Keep within the above limits until you can satisfy me you ought to go beyond them." The third is as follows: "You tell me you arrived last night at Hagerstown, and McClellan writes you are checked at Harper's Ferry. Where are you?" On the twelfth I had informed the general (Appendix No 12) that "I regretted my command was not in condition and sufficiently strong in facing a powerful foe to detach at present a force towards Cumberland," and "respectfully suggested that two regiments at least, if they could be devoted to that purpose, be designated to protect the road in the rear and permit Colonel Wallace to approach."

In a letter dated 16th June (Appendix, No. 13) I informed the general that "to-day and to-morrow about 9,000 men cross to Virginia," and submitted my desire, "first, to transfer to Harper's Ferry my base of operations, depots, headquarters, &c.; second, to open and maintain free communication, east and west, along the Baltimore and Ohio Railroad; third, to hold at Harper's Ferry, Martinsburg, and Charlestown a strong force, gradually and securely advancing as they are prepared, portions towards Winchester, &c.; fourth, to re-enforce Cumberland and move north to Romney, Morehead, &c., and operate with the column in the third proposition towards Woodstock, and cut off all communications with the west. We will thus force the enemy to retire, and recover, without a struggle, a conquered country," &c. I also added that, "if I am permitted to carry out this plan, the Baltimore and Ohio railroad and the canal will be in operation in a week, and a free line of communication to St. Louis be established."

On the 17th the general-in-chief telegraphed me, (Appendix No. 14:) "We are pressed here; send the troops that I have twice called for without delay." This was imperative, and the troops were sent, leaving me without a single piece of artillery, the enemy having over twenty guns, and for the time but a single troop of cavalry, not in service over a month—the enemy with a full regiment of cavalry—and with not 10,000 infantry, all raw, the enemy having 15,000 trained infantry. It was a gloomy day and night. But I succeeded in getting my forces over the river again with the loss of only one man.

I refrain from making any comments on these extraordinary orders, except to say that I was mortified and humiliated at having to recross the river without striking a blow. I knew that my reputation would be seriously damaged by it; the country could not understand or comprehend the meaning of the crossing and recrossing, the marching and countermarching, and that I would be censured without stint for such apparent vacillation and want of purpose. But I loved and honored my commander; I had served under him before, and had never suffered a personal feeling or interest to interfere with my loyalty and duty to him and my country. I knew that he trusted me, and I trusted him, confident that in his own time and in his own way he would put me right before the army and country. Meanwhile I would bear the odium unjustly cast upon me, and not throw it on others.

On the 20th of June the general-in-chief asked me, (Appendix No. 15,) "without delay to propose to him a plan of operations." On the 21st I gave him one, (Appendix No. 16,) proposing, "first, to occupy the Maryland Heights with a brigade, (2,100 men,) fortify and arm with Doubleday's artillery, provision for twenty days, to secure against investment; second, to move all supplies to Frederick, and immediately thereafter abandon this line of operations, threatening with a force to open a route through Harper's Ferry, this force to be the sustaining one for the command on Maryland Heights; third, to send everything else available, horse, foot, and artillery, to

cross the Potomac near the Point of Rocks, and unite with Colonel Stone at Leesburg; from that point I can operate as circumstances demand and your orders require."

Had this plan been adopted, the army of General McDowell and my own would have been precisely where they ought to have been. I would have been in a position to have aided General McDowell; to have taken and torn up, if I could not have held, a portion of "the railroad leading from Manassas to the valley of Virginia." This would not only have destroyed "the communications between the forces under Beauregard and those under Johnston," but it would have prevented either from throwing large re-enforcements to the other when assailed. And if I could not prevent Johnston from joining Beauregard, which I certainly could not do while stationed anywhere between Williamsport and Winchester, I could have joined McDowell in the attack on Manassas, and assailed and turned the enemy's left. Had my suggestions been adopted, the battle of Bull Run might have been a victory instead of a defeat.

On the 23d of June I informed the general-in-chief (App. No. 17) that deserters "were coming in daily, and all agreed in saying that the whole of the force originally at Harper's Ferry, said to be 25,000 men, is still between Williamsport and Winchester;" that the advance of the enemy was approaching Falling Waters, the remainder in a semicircle, all within four hours of the advance. I added, "that this force might soon annoy me; if so, I would not avoid the contest they may invite."

On the 25th I was directed (App. No. 18) to "remain in front of the enemy while he continued in force between Winchester and the Potomac; if his superior or equal in force, I might cross and offer him battle." On the 27th General Scott informed me (App. No. 19) that "he had expected I was crossing the river that day in pursuit of the enemy." What could have induced this expectation it would have been difficult to imagine. On the 4th of June the general-in-chief had told me that "a battery of artillery and some regular infantry to be added to my force was indispensable," and both had been taken away. On the 8th of June he had told me I must "attempt nothing without a clear prospect of success." And on the 16th he had told me to "keep within the above limits until I could satisfy the general-in-chief that I ought to go beyond them." It is true Major Doubleday had three siege guns, movable only in favorable ground, and that Captain Perkins had six field guns, not rifled; but they could not be moved, as he had no harness, and did not get any until the 29th. Both had asked for rifled guns, and had been informed in letter of the 27th of June (App. No. 20) that "the ordinary guns which have been furnished the battery are considered as sufficiently effective by the general-in-chief." On the 28th of June I informed the general-in-chief (App. No. 21) that "Captain Newton, of the engineers, a most intelligent and reliable officer, had returned, after two days' absence, and reported General Johnston to have 15,000 men and twenty to twenty four guns and a large cavalry force, and thinks General Negley, whose brigade is on my left near Sharpsburg, will be attacked, the river being fordable at almost every point." And I might have added that on the 20th General Cadwalader had reported the enemy as having twenty guns; "they were counted as they passed." To meet this force of 16,000 men and twenty-two guns, I had but 10,000 volunteer infantry, 650 cavalry and artillery, and six guns; the artillery being nearly all recruits, the horses untrained, and still without harness for the battery. In the same letter I informed General Scott that I had "repeatedly asked for batteries, and ought to have had one for each brigade; that I had neither cavalry nor artillery enough to defend the fords of the river, and that I would not, on my own responsibility, cross the river and attack without artillery a force so much superior

in every respect to my own, but would do so cheerfully and promptly if the general-in-chief would give me explicit orders to that effect." In the same letter I asked for the troops that had "been taken from me, and a number of field guns equal to those of the insurgents," that I might be enabled "to choose my point of attack and offer battle to the enemy;" adding that if "the general-in-chief would give me a regiment of regulars and an adequate force of artillery I would cross the river and attack the enemy, unless his force was ascertained to be more than two to one." No regulars were sent me, and but one field battery of artillery, leaving me greatly inferior in that important arm. The number of my troops has always been overestimated. There were twelve regiments ordered to join me—say, one Delaware and three New Jersey on the 24th of May, two New York regiments on the 30th of May, two Ohio and two northern regiments on the 4th of June, and two Pennsylvania regiments on the 10th of June—but they did not do so. I crossed the Potomac on the 2d of July with less than 11,000 men and six guns, the enemy having 16,000 men, mostly confederate troops, (not State troops,) and twenty to twenty-four guns. My largest force was accumulated at Martinsburg, and they did not exceed 19,000 men. My own estimate of their number was 18,200. When I marched from there I had to leave two regiments, taking about 16,800 men with me; and, deducting from them the sick, the rear and wagon guards, I could not have gone into action at Martinsburg with more than 15,000 men, or at any time after that with more than 13,000; and at the time Johnston marched from Winchester I could not have gone into action with 8,000 men.

On the 26th of June, anxious for the safety of Maryland and the frontiers of Pennsylvania, I had written to Major General McCall as follows:

"HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
"Hagerstown, June 26, 1861.

"MY DEAR GENERAL: If I can get permission to go over into Virginia I intend to cross the river and offer battle to the insurgents. As the regulars and Rhode Island regiment and the battery have been taken from me, I will require all the force now here, and must leave the Pennsylvania line unguarded. Please inform me how many men you could throw forward, and how soon.

"Very respectfully and truly yours."

I will read Major General McCall's reply:

"HARRISBURG, Sunday, June 30, 1861.

"MY DEAR GENERAL: On my return from Pittsburg, this morning, I find your note of the 26th instant, informing me of your purpose to cross the river and offer battle to the insurgents, and asking what force I can throw forward upon the Pennsylvania line.

"In reply, I have to say that the only force (one regiment rifles, and one infantry, with a section of artillery) of my command as yet armed and equipped has been pushed forward to the support of Colonel Wallace at Cumberland, and for the protection of our border settlers in that direction; the other regiments are without clothing, arms, or equipments still, notwithstanding my efforts to fit them for the field. You will, therefore perceive how impossible it will be for me, although I much regret it, to comply with your request.

"With great regard, very truly yours,

"GEORGE A. McCALL."

It will be seen from the letter of General McCall that with all his efforts he had but two regiments fit for the field, and those two regiments, under

Colonels Biddle and Simmons, were then beyond Bedford, "for the support of Colonel Wallace at Cumberland, and for the protection of our border settlers in that direction." I was thus made responsible for our entire frontier from Cumberland to Edwards's Ferry, while I had not cavalry or artillery enough to guard the fords between Hancock and Harper's Ferry.

On the 28th of June I had used, in writing to General Scott, (App. No. 21,) the following emphatic, if not prophetic, language: "I beg to remind the general-in-chief that the period of service of nearly all the troops here will expire within a month, and that if we do not meet the enemy with them we will be in no condition to do so for three months to come. The new regiments will not be fit for service before September, if then; meanwhile the whole frontier will be exposed." Why did General Scott delay the attack on Manassas until the 21st of July?

On the 29th of June the harness for Perkins's battery arrived, and on the 30th orders were issued (App. No. 22) for a reconnoissance in force to be made early next morning. The whole army, except camp guards, were to march with two days' provisions, leaving tents and baggage, and to cross in two columns at Dam No. 4 and Williamsport, hoping thus to get the column crossing at Dam No. 4 in rear of the enemy encamped at Falling Waters, and to capture them; failing in that, to attack and defeat them. The troops were to commence crossing at midnight, but the ford was found impracticable, and after hours of labor and exposure to a severe rain the attempt was abandoned. The troops were then all concentrated at Williamsport, and on the next day, the 2d of July, crossed into Virginia and advanced in two columns. Just beyond Falling Waters the advance brigade of the enemy, 3,500 infantry, with artillery and a large cavalry force, all under General Jackson, were encountered, and after a sharp contest, principally with Colonel Abercrombie's brigade, was forced back and driven before our troops for several miles, the relative loss of the enemy being very heavy.

On the 3d of July the army under my command entered and took possession of Martinsburg. There I was compelled to halt and send back for supplies, and to wait for Colonel Stone's command, ordered on the 30th of June to join me—which he did do on the 8th of July—and for more means of transportation, without which it was impossible to advance, having wagons and teams for baggage only, and none for a supply train. The re-enforcements being without wagons only added to my difficulties.

In General McDowell's report of the battle of Bull Run, he states that "the sending of re-enforcements to General Patterson, by drawing off the wagons, was a further and unavoidable delay." There is no doubt that the gallant general believed that what he said was true. But it may be as well to inform the committee that the re-enforcements sent from Washington to me amounted to three regiments, under General Sanford; that they came without wagons, and that General Scott informed me I would have "to furnish transportation for them." Not one wagon, horse, mule, or set of harness was sent from Washington to me. All the transportation I had was furnished under my own orders by the energetic efforts of my efficient deputy quartermaster general, Colonel Crosman.

On the 4th of July I informed the general-in-chief (App. No. 23) that I had halted to bring up supplies; that my transportation was entirely inadequate; that "the terms of the three months volunteers was about to expire, and that they would not, in any number, renew their service, though I thought the offer should be made" to them. I also informed the general-in-chief that General Johnston, with from 15,000 to 18,000 foot, 22 guns, and 650 artillery, were within seven miles of me, my own force consisting of 10,000 foot, 6 guns, and 650 cavalry, in a hostile country, a river in the rear, and not over two days' supplies.

On the 5th, the general-in-chief informed me (App. No. 24) that he had ordered certain regiments to join me, adding "you will have to provide transportation for them." These troops were greatly needed, but they increased the difficulty as regarded transportation, which, as the general-in-chief had been informed, was not over half sufficient for the troops then at Martinsburg. On the same day I informed General Scott that large re-enforcements had come in to General Johnston from Manassas, and being much inferior to the enemy in men and guns, I ordered Colonel Stone (App. No. 25) to join my column at the earliest moment.

On the 7th, General Scott informed me (App. No. 26) that he could "not yet say on what day he would attack the enemy in the direction of Manassas Junction; he hoped, however, to be ready before the end of the week."

On the 8th of July Colonel Stone's command arrived, and the following orders to advance were immediately issued. The object being to attack the enemy at Winchester:

"HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
"Martinsburg, Va., July 8, 1861.

"General Order—Circular.]

"The troops will move to-morrow morning in the following order:

"The 1st (Thomas's) brigade, with the Rhode Island battery temporarily attached thereto, will advance by the Winchester turnpike, accompanied by one squadron of cavalry.

"The 7th (Stone's) brigade, with Perkins's battery attached thereto, will take the main street of the town, by the court-house, and will continue on the road parallel and east of the Winchester turnpike. One company of cavalry will be attached to this command.

"The 1st (Cadwalader's) division will follow the march of Thomas's brigade; Doubleday's battery will advance with this division; one regiment of which will be detailed for its guard, to accompany wherever it may be ordered.

"The 2d (Keim's) division will pursue both routes, General Negley's brigade following the march of Colonel Stone, and Colonel Abercrombie's and Colonel Wynkoop's that of General Cadwalader.

"The 28th and 19th New York regiments will be temporarily attached to General Keim's division.

"General Keim will detail a strong rear guard of his division for the wagon train. The rear guard will march on the flanks and rear of the train, and will be re-enforced by a squadron of cavalry. General Keim will detail a competent field officer to command the rear guard.

"The wagons will advance in one train in the rear of the troops, and will be required to keep closed.

"The troops of the several divisions and brigades will keep closed. !

"By order, &c."

About midnight the order was countermanded, as some of the troops that had arrived under Colonel Stone that day were reported so weary and foot-sore as to be quite unable to endure the fatigue of a further march and be in a condition to fight.

On the next morning, the 9th of July, finding from conversation with some of my officers that the opposition to my plan of advancing upon Winchester, made known by the circular, appeared to be very strong and decided, I was induced, before renewing the order, to call a council of all the division and brigade commanders, the engineer officers, and chiefs of the departments of supply. I submitted to the council my instructions, orders, and the following statement:

"This force was collected originally to retake Harper's Ferry. That evacuated, it was directed to remain as long as Johnston remained in force in this vicinity. Threatening, as he was, either to move to the aid of the force attacking Washington, or annoying the frontier of Maryland, this army was permitted to cross the Potomac and offer battle. If accepted, so soon as Johnston was defeated, to return and approach Washington.

"The enemy retires, for what? Is it weakness, or a trap? Can we continue to advance and pursue if he retires? If so, how far? When shall we retire? Our volunteer force will soon dwindle before us, and we may be left without aid. If our men go home without a regular battle, a good field-fight, they will go home discontented, will not re-enlist, and will sour the minds of others. We have a long line to defend, liable at any moment to be cut off from our base and depot, and to a blow on our flank. Our forces must not be defeated, not checked in battle, or meet with reverses. It would be fatal to our cause.

"A force threatens Washington. If we abandon our present position Johnston will be available to aid. The command has been largely re-enforced to enable us to sustain our position, to clear the valley to Winchester, to defeat the enemy if he accepts battle, and to be in position to aid General McDowell, or to move upon Washington, Richmond or elsewhere, as the general-in-chief may direct. General Sanford, with two rifled guns and three regiments, will be up to-morrow. Our force will then be as large as it ever will be, under the prospect of losing a large portion of our force in a few days by expiration of service. What shall be done?"

The result of the deliberation is given in the following minutes, taken at the time by Major Craig Biddle, of the staff:

"Minutes of council of war, held July 9, 1861, at Martinsburg, Va.

"Colonel Crosman, quartermaster, thought 900 wagons would be sufficient to furnish subsistence, and to transport ammunition to our present force. The calculation for the original column was 700 wagons, of which 500 were on hand, and 200 expected. The great difficulty will be to obtain forage for the animals, the present consumption being twenty-six tons daily.

"Captain Beckwith, commissary. The question of subsistence is here a question of transportation. Thus far no reliance has been placed on the adjacent country. A day's march ahead would compel a resort to it. As far as known those supplies would be quite inadequate.

"Captain Simpson, topographical engineers. The difficulty of our present position arises from the great facility the enemy has to concentrate troops at Winchester from Manassas Junction. By the railroad 12,000 men could be sent there in a day, and again sent back to Manassas. Our forces should combine with the forces at Washington.

"Captain Newton, engineers. Our present position is a very exposed one. General Johnston can keep us where we are as long as he pleases, and at any time make a demonstration on our rear. Our whole line is a false one. We have no business here, except for the purpose of making a demonstration. He threatens us now. We should be in a position to threaten him. We should go to Charlestown, Harper's Ferry, Shepherdstown, and flank him.

"Colonel Stone. It is mainly a question for the staff. Our enemy has great facility of movement, and to extend our line would be accompanied with great danger. Johnston should be threatened from some other point. We might leave two regiments here, two guns at Shepherdstown, and proceed to Charlestown, and threaten from that point.

"General Negley, ditto to Captain Newton.

"Colonel Thomas approves of a flank movement to Charlestown.

"Colonel Abercrombie the same.

“General Keim the same.

“General Cadwalader opposed to a forward movement.”

On the day the council was held I wrote to the general-in-chief (App. No. 27) that I was deficient in supply trains; that my difficulties would increase as I advanced. This was the great want of my army; and on the 7th, 12th, 16th, and 21st of June, and the 4th and 5th of July, I had written to General Scott very fully on this subject. I refer to it here to show why I could not move when and where I wished. Colonel Crosman, the efficient quartermaster of my army, had done all that could be done, and more than I had supposed could be accomplished; but the troops sent from Washington and elsewhere, with the exception of the Rhode Island regiment, had brought no transportation with them. The enemy, though far superior in number of men and guns, had retired in succession from one position to another. I wrote that “his design evidently was to draw our force on as far as possible from the base, and then to cut our line or to attack with large re-enforcements from Manassas.” In view of all these difficulties, I presented to the general-in-chief a plan by which I “proposed to move my force to Charlestown, establish my depot at Harper’s Ferry, and connect with the Maryland shore by a bridge of boats,” which I had caused to be gathered in a safe place. I also desired to know when the general-in-chief “wished me to approach Winchester, and on what day the attack would be made on Manassas;” and I requested that the general-in-chief would indicate the day, by telegraph thus: “Let me hear from you on ——.”

On the 11th of July I received from the general-in-chief the following telegram:

“WAR DEPARTMENT,
“Washington, July 11, 1861.

“Major General PATTERSON,
“Martinsburg, Virginia.

“The author of the following is known, and he believes it authentic :

“WASHINGTON, July 9, 1861.

“The plan of operations of the secession army in Virginia contemplate the reverse of the proceedings and movements announced in the express of yesterday and Saturday. A schedule that has come to light meditates a stand and an engagement by Johnston, when he shall have drawn Patterson sufficiently far back from the river to render impossible his retreat across it on being vanquished, and an advance then by Johnston and Wise conjointly upon McClellan, and after the conquest of him, a march in this direction to unite, in one attack upon the federal forces across the Potomac, with the army under Beauregard at Manassas Junction, and the wing of that army, the South Carolina regiments chiefly, now nine (9) miles from Alexandria. Success in each of these three several movements is anticipated, and thereby not only the possession of the capital is thought to be assured, but an advance of the federal troops upon Richmond prevented.

The plan supposes that this success will give the confederate cause such *prestige*, and inspire in it such faith, as will insure the recognition of its government abroad, and at the same time so impair confidence in the federal government as to render it impossible for it to procure loans abroad, and very difficult for it to raise means at home. Real retreats, which have been anticipated, it will be seen, are by this plan altogether ignored. According to it, fighting and conquest are the orders”

This paper speaks for itself—comment is needless. Yet one cannot avoid raising the question, how the general-in-chief could ask or expect me to attack General Johnston’s large force of men and guns in their entrenched camp at Winchester in less than a week after he had officially informed me that

“ a schedule that had come to light meditates a stand and an engagement by Johnston, when he shall have drawn Patterson sufficiently far back from the river to render impossible his retreat across it, after being vanquished.” That this was the plan agreed upon by the confederate generals there is no doubt; and it was a judicious one. Information of a similar kind had come in from various quarters. My most experienced officers of the regular service, with whom I fully and freely consulted—Colonels George H. Thomas, Abercrombie, and Crossman, Major Fitz-John Porter, Captains Newton, Beckwith, and many others, men of long service, merit, and great experience—all concurred in the opinion that I was too far advanced at Martinsburg; that Johnston had fallen back for no other purpose than to lure me on; that Johnston had a trap set somewhere, and that, if not very cautious, I would fall into it. Each of the above-named distinguished officers not only approved warmly of the management of my command, but opposed, both in and out of council, a further advance from Martinsburg. With their opposition to an advance well known, five of the number have since been made brigadier generals.

On the 12th of July, not hearing from the general-in-chief, the substance of my letter of the 9th was repeated by telegraph. The general-in-chief was also informed that I considered “ a regiment of regulars, and more if possible, essential to give steadiness to my column, and to carry on active operations against a determined opposition.” The necessity of this will be manifest when it is known that nearly all of Johnston’s army were confederate troops, well disciplined and well commanded. I also stated that “ many of my men were barefooted, and could not be employed on active service.” Colonel Menier had reported the 3d Pennsylvania as unable to march for want of shoes.

On the same day, the 12th of July, General Scott telegraphed me, (App. No. 28 :) “ Go where you propose in your letter of the 9th instant. Let me hear from you on Tuesday.” That is, “ go to Charlestown; we shall attack Manassas on Tuesday; I wish you to approach Winchester on that day.” That was our translation of the whole matter.

On Saturday, the 13th of July, General Scott telegraphed me, (App. No. 29 :) “ I telegraphed you on yesterday. If not strong enough to beat the enemy early next week, make demonstrations to detain him in the valley of Winchester; but if he retreats in force towards Manassas, and it would be hazardous to follow him, then consider the route *via* Keyes’s Ferry, Hillsboro’, and Leesburg.” On the same day I informed General Scott that “ Johnston is in position beyond Winchester to be re-enforced, and his strength doubled just as I could reach him;” and that I “ would rather lose the chance of accomplishing something brilliant than by hazarding my column to destroy the fruits of the whole campaign to the country by defeat. If wrong, let me be instructed.”—(App. No. 30.)

This correspondence is very plain. It can hardly be misunderstood by the most obtuse intellect. Any one who can read plain English can comprehend it. I proposed to my superior to go to Charlestown. I am ordered to do so. In my letter of instructions I am told “ there must be no reverse, no check, no drawn battle.” I am told “ take your measures circumspectly, and attempt nothing without a clear prospect of success.” These instructions had not been rescinded or modified, and I was bound to obey them. Had I disobeyed and been defeated, as I most certainly would have been—and in this opinion I am sustained by every officer of the regular army serving with me, and, so far as I am informed, by all or nearly all the officers of volunteers—I would have deserved the severe censure which has so unjustly been cast upon me. I preferred the performance of my plain duty to a distinction which could have been gained only by the sacrifice of my men, and with great detriment to the cause in which I was engaged. I informed

my commander of the difficulties and dangers of my position, the strength and great advantages of my antagonist, and that I would not, on my own responsibility, hazard my column and the interests of the country by a defeat—asking “if wrong, let me be instructed.” If my superior thought differently, and that an attack should be made, why did he not assume the responsibility of his station and give the order? There was not one person in that column, from myself down to the youngest drum-boy, who would not most cheerfully have gone into battle, knowing that every individual would be killed, if they believed the interest and honor of the country required the sacrifice, or if General Scott had ordered it. Although I asked to be instructed, no instructions were given. I therefore inferred, as my opinions were not overruled, that I was right, especially as I was actually ordered to go to Charlestown.

On the 14th I informed General Scott (App. No. 31) that on the morrow I would advance to Bunker Hill preparatory to the other movement—that is, preparatory to going to Charlestown. “If an opportunity offers, I will attack, but unless I can rout I will be careful.” General Scott was therefore thoroughly informed of what I was doing and intended to do one week before the battle of Manassas.

On Monday, the 15th, leaving two regiments—one being unable to march for want of shoes—to guard Martinsburg, I marched with the remainder of my army to Bunker Hill, forcing the enemy’s cavalry before me, killing one and taking some prisoners.

On Tuesday, the 16th, the day General Scott said he was going to attack Manassas, and desired a demonstration, a reconnoissance in force was made, driving the enemy’s pickets into Winchester. This, with a loss on the part of the enemy of several killed and wounded, was reported the same day to the general-in-chief, who was informed (App. No. 32) that the reconnoissance found the road from Bunker Hill to Winchester “blocked by fallen trees and fences placed across it.” And “a sketch of the works of defence, prepared by Captain Simpson,” a very reliable officer, was sent him. This sketch showed that the works erected and the guns mounted were of the most formidable character. The general-in-chief was also informed on the same day that on “to-morrow we would move to Charlestown;” that preparations had already “been commenced to occupy and hold Harper’s Ferry; that the time of a large number of the men would expire that week, and they would not remain;” and “that after securing Harper’s Ferry I would, if the general-in-chief desired, advance with the remainder of my troops *via* Leesburg, and desired to be informed if this proposition met with the approval of the general-in-chief.” From this it will be seen that I did all that I was ordered to do, and at least as much, if not a great deal more, than any one had a right to expect.

On Tuesday, the 16th, according to General Scott’s promise, Manassas was to be attacked. I expected, and had a right to expect, that as I had performed my part in delaying Johnston in Winchester, General Scott would have performed his, and assail Manassas. If anything had occurred to render the attack on Manassas inexpedient on that day, then General Scott should have informed me and directed me to continue my demonstrations, which could have been done just as easily from Charlestown as from Martinsburg; or he should have given me the order to march at once with all my force to Leesburg, as suggested by me, and delayed the attack on Manassas until I had arrived and been joined in the battle. The neglect or omission to do either is inexplicable. I kept General Scott well informed of all my movements. It was due to me, and necessary for the success of our armies, that I should have been equally well informed of the movements of corps with which it was expected I should co-operate.

On the 17th of July I again informed General Scott (App. No. 33) that the "term of 18 of my 26 regiments would expire within seven days, commencing to-morrow;" that "I could rely on none of them renewing their service;" and "that I must be at once provided with efficient three years men, or withdraw entirely to Harper's Ferry." Here was direct information that I could not hold Johnston, and that unless troops were sent me to take the place of those whose time was up, I could not even remain at Charlestown, but would have to fall back to Harper's Ferry. If troops could not be spared to re-enforce me, why was I not then ordered with my entire command to march to Leesburg and unite with McDowell in the assault on Manassas?

[At the request of the witness, the further examination was postponed until to-morrow.]

WASHINGTON, *January 7, 1862.*

General R. PATTERSON resumed as follows :

I omitted yesterday to read a letter from the general-in-chief, dated July 5, 1861. It is as follows:

"HEADQUARTERS OF THE ARMY,
"Washington July 5, 1861—11 p. m.

"Major General PATTERSON, *Hagerstown Md.:*

"Your letter of the 4th is received. Orders were sent this morning to Madison for the 3d and 4th regiments from Wisconsin to repair to Williamsport *via* Chambersburg and report to you.

"The 19th and 28th New York regiments leave here for Hagerstown to-morrow at half past 2 p. m. You will have to provide transportation for them thence to the post you may order them to.

"If any three months men will re-engage for the long term, designate a regular officer of your command to muster them, provided a sufficient number can be obtained to form a regiment.

"Having defeated the enemy, if you can continue the pursuit without too great a hazard, advance *via* Leesburg or Strasburg towards Alexandria, but consider the dangerous defiles, especially *via* Strasburg, and move with great caution, especially *via* Strasburg, halting at Winchester, and threatening a movement by Strasburg or the passage of the Potomac twice, and coming down by Leesburg may be the more advantageous movement."

On the 6th of July I sent to the general-in-chief an official report of the battle of Falling Waters.—(Appendix No. 34.) It is due to the officers who distinguished themselves that it should be made known. It has been made public, and never yet, for some reason or other, allowed to go out of the Adjutant General's office. I also sent a circular, accompanying the report.—(Appendix No. 35.) In a telegram, of date July 6, I informed the general-in-chief that "the insurgents have unquestionably received large re-enforcements, and are said to have 26,000 men, with 24 guns, many rifled, and some of very large calibre." I then expected to have by the night of the 8th 18,000 men and 16 guns, and intended to march on the 9th and attack them. On the 8th of July an order was issued (Appendix No. 36) reducing the number of tents to four common and one wall tent to each company, and also an order to march the next morning.—(Appendix No. 37.) On the 11th of July I issued a circular (Appendix No. 38) requiring division, brigade, and regimental commanders and quartermasters to have their commands ready to march at a moment's warning. On the 19th of July I tele-

graphed the general-in-chief that "the 2d and 3d Pennsylvania volunteers demand discharge, and I send them home to-morrow." On the 20th General Cadwalader sent in a report (Appendix No. 39) of the dates of expiration of term of service of the different regiments composing his division, in which he states "his fear that the men of two of his regiments would give us trouble," and "that there was a strong feeling in one regiment on the subject of returning to-morrow." On the 19th of July I reported to the adjutant general of the army (Appendix No. 40) "that almost all the three months volunteers refuse to serve one hour after their time, except three regiments."

I closed my narrative yesterday with a reference to my report of July 17 to the general-in-chief, in which I stated that the term of service of 18 of my 26 regiments would expire within seven days. It should be remembered that this report of mine was from Charlestown where I had gone on the 17th, having on the day appointed made the demonstration ordered by General Scott on the 13th, and performed my part perfectly. No information was sent to me on either the 14th, 15th, or 16th, the last being the day on which General Scott said Manassas would be attacked. If any change took place, and the attack was not to be made on the 16th, then it was the imperative duty of the general-in-chief to have informed me, that I might have arranged my movements in accordance, and have made my demonstrations against Winchester at the proper time. Confident that Manassas Junction would be attacked on Tuesday, I moved from Martinsburg on Monday, and drove Johnston's pickets in on Tuesday. If I had known the assault on the Junction would not have been made until Sunday, I would not have moved until Saturday. I am not therefore responsible for the appearance of General Johnston at Manassas on Sunday, the 21st. The same neglect or inattention kept me from being at Manassas to meet Johnston. No information of any kind was given me by General Scott from the 13th to the 17th.

On the 17th he telegraphed me, (Appendix No. 41,) "McDowell's first day's work has driven the enemy beyond Fairfax Court-House; the Junction will probably be carried to-morrow." This anticipation was unfortunately not realized.

Let me recapitulate the essence of General Scott's last three despatches. On the 12th, "Go to Charlestown; I will attack Manassas on Tuesday." On the 13th, "If not strong enough to meet the enemy early next week, make demonstrations, so as to detain him in the valley of Winchester." On the 17th, "McDowell's first day's work has driven the enemy beyond Fairfax Court-House; the Junction will probably be carried to-morrow." With this despatch of the 17th in possession, I and the officers under me were relieved from great anxiety, indeed were very exultant. With Fairfax Court-House in possession of our troops, and the Junction to be taken the next day, all I had to do was to be ready to meet and repel the attack which all expected.

On the 18th of July General Scott telegraphed me (Appendix No. 42) as follows: "I have certainly been expecting you to beat the enemy; if not, to hear that you had felt him strongly, or at least have occupied him by threats and demonstrations. You have been at least his equal, and I suppose superior in numbers. Has he not stolen a march and sent re-enforcements towards Manassas Junction? A week is enough to win a victory. The time of volunteers counts from the day of muster into the service of the United States. You must not retreat across the Potomac. If necessary, when abandoned by the short-term volunteers, intrench somewhere, and wait for re-enforcements." I had no doubt that the opinion of the general-in-chief was correct, that "a week was enough to win a victory." My own army had gained a decided victory in less than four hours on the day I crossed the Potomac, and it was the opinion of myself and all the officers under my

command that we would have gained many victories several days earlier if the general-in-chief had not emasculated my army by ordering from me my regulars, (infantry, artillery, and cavalry,) with the Rhode Island regiment and battery, just at the moment when they were most needed. But the want of artillery and transportation compelled me to wait at Martinsburg until the enemy, previously my superior in men and guns, had time to be re-enforced heavily with both, and to intrench themselves at Winchester having nearly 50 field guns, and more siege guns, of the heaviest calibre and of longer range, than I had of all kinds.

Were I disposed to indulge in recrimination I might retort with some severity upon the lieutenant general the expression so unjustly used towards myself. For full three months after the remark General Scott has been obliged to retire from the command of an army in which are concentrated all the choice troops of the country without that victory with which he was so anxious to close his brilliant career. In fact, the whole country, who looked for the most brilliant results from the rawest of all troops, now apprehend, as well, perhaps, as the lieutenant general himself, that one who attempts to precipitate a victory will run the risk of finding also that "a week is long enough for a defeat."

On the same day, the 18th, I sent three telegrams and one letter (Appendix Nos. 43, 44, 45, and 46) to the general-in-chief, informing him of the condition of my command; that many of my men "were without shoes;" the men had received no pay, and neither officers nor soldiers had money to purchase with; that under the circumstances I could not ask or expect the three months men to stay longer than one week; that I had "that day appealed almost in vain to the regiments to stand by the country for a week or ten days; the men were longing for their homes, and nothing could detain them;" that "Captain Newton had been sent that day to Harper's Ferry to arrange for defence, and re-establish communication with Maryland;" that the general's order had been obeyed "to threaten and make demonstrations to detain Johnston at Winchester;" that Johnston had been largely re-enforced, and that even if I could "take Winchester it would be only to withdraw my men, and be forced to retreat, thus losing the fruits of victory." At 1.30 a. m. that morning I telegraphed General Scott that "telegraph of date received. Mine of to-night gives the condition of my command. Some regiments of my command have given warning not to serve an hour over their time. To attack under such circumstances the greatly superior force at Winchester is most hazardous. My letter of the 16th gives you further information."

I will read here my letters of the 14th and 16th to the general-in-chief:

"MARTINSBURG, *Virginia*, July 14, 1861.

"I have thus far succeeded in keeping in this vicinity the command under General Johnston, who is now pretending to be engaged in fortifying at Winchester, but prepared to retire beyond striking distance if I should advance far. To-morrow I advance to Bunker Hill, preparatory to the other movement. If an opportunity offers I shall attack, but, unless I can rout, shall be careful not to set him in full retreat upon Strasburg. I have arranged for the occupation of Harper's Ferry, opposite which point I have directed provisions to be sent. Many of the three months volunteers are very restless at the prospect of being retained over their time. This fact will soon cause you to hear of me in the direction of Charlestown. Want of ample transportation for supplies and baggage has prevented my moving earlier in the direction I desired."

In my letter of the 16th, from Bunker Hill, I wrote:

"I have the honor to report, for the information of the general-in-chief, my advance and arrival at this place yesterday, opposed only by a body of six hundred cavalry, of which one was killed and five taken prisoners. Tomorrow I move upon Charlestown. A reconnoissance shows the Winchester road blocked by fallen trees and fences placed across it, indicating no confidence in the large force now said to be in Winchester. I send you a sketch, prepared by Captain Simpson, of the works said to have been erected in the vicinity of Winchester. Preparations have already been commenced to occupy and hold Harper's Ferry with the three years troops. If the general-in-chief desires to retain that place, (and I advise it never to be evacuated,) I desire to be at once informed by telegraph. I have to report that the time of service of a very large portion of this force will expire in a few days. From an undercurrent expression of feeling I am confident that many will be inclined to lay down their arms the day their time expires. With such a feeling existing, any active operations towards Winchester cannot be thought of until they are replaced by three years men. Those whose term expires this week, and will not remain, I shall arrange to send off by Harper's Ferry; those for Philadelphia *via* Baltimore; those for Harrisburg *via* Hagerstown. If Harper's Ferry is to be held, after securing that, I shall, if the general-in-chief desires, advance with the remainder of the troops *via* Leesburg, provided the force under Johnston does not remain at Winchester, after the success which I anticipate from General McDowell. I wish to be advised if these preparations meet with the approval of the general-in-chief. The Wisconsin regiments are without arms and accoutrements, which I have directed the commander of Frankfort arsenal to provide."

On the 17th I wrote from Charlestown:

"The term of service of the Pennsylvania troops (eighteen regiments) expires within seven days, commencing to-morrow. I can rely on none of them renewing service. I must be at once provided with efficient three years men, or withdraw to Harper's Ferry. Shall I occupy permanently Harper's Ferry, or withdraw entirely? I wrote yesterday on this subject, and now wish to be informed of the intentions of the general-in-chief. My march to-day was without opposition or incidents of importance. The country has been drained of men. This place has been a depot for supplies for force at Winchester, and the presence of the army is not welcome."

I telegraphed the general-in-chief from Charlestown, at 1.30 a. m., on the 18th: "Telegram of date received. Mine of to-night gives the condition of my command. Some regiments have given warning not to serve an hour over time. To attack under such circumstances, against the greatly superior force at Winchester, is most hazardous. My letter of the 16th gives you further information. Shall I attack?"

On the same day, at 1 p. m., I telegraphed the general-in-chief: "I have succeeded, in accordance with the wishes of the general-in-chief, in keeping General Johnston's force at Winchester. A reconnoissance in force on Tuesday caused him to be largely re-enforced from Strasburg. With the existing feeling and determination of the three months men to return home, it would be ruinous to advance or even to stay here without immediate increase of force to replace them. They will not remain. I have ordered the brigades to assemble this afternoon, and shall make a personal appeal to the troops to stay a few days, until I can be re-enforced. Many of the regiments are without shoes; the government refuses to furnish them. The men have received no pay, and neither officers nor soldiers have money to purchase with. Under these circumstances I cannot ask or expect the three months volunteers to stay longer than one week. Two companies of Penn-

sylvania volunteers were discharged to-day and ordered home. I to-day place additional force at Harper's Ferry and re-establish communication with Maryland. I send Captain Newton to prepare for its defence."

On the same day I telegraphed again to the general-in-chief: "Telegram of to-day received. The enemy has stolen no march upon me. I have kept him actively employed, and, by threats and reconnoissance in force, caused him to be re-enforced. I have accomplished, in this respect, more than the general-in-chief asked, or could be expected, in face of an enemy far superior in numbers, with no line of communication to protect."

On the 18th I wrote from Charlestown as follows: "I arrived at this place on the 17th instant; nothing of importance occurred on the march. The principal inhabitants left some ten days since, anticipating its occupation by the federal troops. It was till our arrival the location of a band of secession militia, engaged in pressing into the service the young men of the country.

"I have to acknowledge the receipt of two telegrams from the general-in-chief, of the 17th and 18th instant, both looking to a movement and attack upon Winchester. A state of affairs existed which the general-in-chief is not aware of, though, in some respects, anticipated by his instructions, that if I found the enemy too strong to attack, to threaten and make demonstrations to detain him at Winchester. I more than carried out the wishes of the general-in-chief in this respect. Before I left Martinsburg I was informed of a large increase of Johnston's command, and of the visit to Winchester of the leading members of the confederate army. Just before General McDowell was to strike I advanced to Bunker Hill, causing surprise, and, I have since learned, an additional increase of force. On Tuesday I sent out a reconnoitring party towards Winchester; it drove in the enemy's pickets, and caused the army to be formed in line of battle, anticipating an attack from my main force. This party found the road barricaded and blocked by fallen trees. The following day I left for this place.

"Before marching from Martinsburg I heard of the mutterings of many of the volunteer regiments, and their expressed determination not to serve one hour after their term of service should expire. I anticipated a better expression of opinion as we approached the enemy, and hoped to hear of a willingness to remain a week or ten days. I was disappointed, and when I was prepared for a movement to the front, by an order for the men to carry two days' provisions in their haversacks, I was assailed by earnest remonstrances against being detained over their term of service; complaints from officers of want of shoes and other clothing, all throwing obstacles in the way of active operations. Indeed, I found I should, if I took Winchester, be without men, and be forced to retreat, thus losing the fruits of victory. Under the circumstances neither I nor those on whom I could rely could advance with any confidence.

"I am therefore now here with a force which will be dwindling away very rapidly. I to-day appealed almost in vain to the regiments to stand by the country for a week or ten days. The men are longing for their homes, and nothing will detain them. I send Captain Newton to-day to Harper's Ferry to arrange for defence and re-establish communication with Maryland and the Massachusetts regiments. The 3d Wisconsin will soon be there. Lieutenant Babcock has been at Sandy Hook several days trying to get the canal in operation, prepare the entrance to the ford, putting in operation a ferry, and reconstructing the bridge. Depots for all supplies will soon be established, and there I shall cause to be turned in the camp equipment, &c., of the regiments. And to that place I shall withdraw if I find my force so small as to render my present position unsafe. I cannot intrench sufficiently to defend this place against a large force. I shall direct the

regiments to be sent to Harrisburg and Philadelphia, to be mustered out by Captain Hastings and Major Ruff and Captain Wharton.

On the 19th I wrote to the adjutant general of the army:

"Almost all the three months volunteers refused to serve an hour over their time, except three regiments, which will stay ten days; the most of them are without shoes and without pants. I am compelled to send them home, many of them at once. Some go to Harrisburg, some to Philadelphia, one to Indiana, and, if not otherwise directed by telegraph, I shall send them to the place of muster, to which I request rolls may be sent, and Captain Hastings, Major Ruff, and Captain Wharton ordered to muster them out. They cannot march, and unless a paymaster goes to them they will be indecently clad and have just cause to complain."

I will state here that the troops I appealed to to remain were those from Pennsylvania. I did not appeal to the Indiana regiment, but the next day they marched up to my headquarters and offered to remain. I was very much delighted I assure you.

As I have before stated, at 1.30 a. m. of the 18th of July I telegraphed General Scott that "some regiments of my command have given warning not to serve an hour over their time. To attack under such circumstances the greatly superior force at Winchester is most hazardous. My letter of the 16th gives you further information," and closed by asking, "Shall I attack?" Let it be borne in mind that this was despatched at half past one in the morning; and to be ready for the order to attack, if it came, the following order, addressed to commanders of divisions and brigades, was issued: "Have cooked provisions provided immediately for your men in haversacks, and be ready to march whenever called upon." General Scott might have left it to my discretion to act as circumstances required, or have ordered me to attack Johnston, or have ordered me to march with all speed to Leesburg and join with McDowell in the attack on Manassas. If left to myself, I would, as the correspondence proves, have done the latter; and if I had, it is probable that with my little army in the action, Bull Run would not have been a drawn battle. I had carefully and correctly kept General Scott advised of all my movements, and of the great superiority of the enemy; and when goaded by the taunt, "a week is enough to win a victory," I asked "shall I attack," the responsibility of an answer, negative or affirmative, is evaded.

General Scott begins his despatch of the 18th with, "I have certainly been expecting you to meet the enemy," and closes by saying, "You must not recross the Potomac. If necessary, when abandoned by the short-time volunteers, intrench somewhere and wait for re-enforcements." These passages do not fit well together in the same despatch, and come with a bad grace after having ordered me to go to Charlestown and "make demonstrations to detain Johnston in the valley of Winchester." I knew, and so repeatedly informed General Scott, that Johnston was far superior in men and artillery. After the council of July 9 was held, reliable information was received by me that General Johnston was so largely re-enforced with men and guns as to render an assault upon his intrenchments utterly hopeless. The immense superiority of the enemy at Winchester in men and guns, as well as in position, was well known. The information was obtained from Union men who had been there, from prisoners, from deserters, and from various sources, all agreeing on an average of forty thousand men and over sixty guns. A captain named Morrill, or Wellmore, belonging to a Maryland regiment, and taken prisoner at Charlestown by a party from Harper's Ferry, gave forty thousand. A gentleman of Berkeley county, of high respectability, serving under Johnston as an unwilling Virginia volunteer in Jackson's brigade at the battle of Falling Waters, subsequently gave the following statement, taken down by General Negley, and by him given to me:

“General Jackson retreated with his brigade, consisting then of four regiments and four pieces of artillery, (Captain Pendleton,) to Big Spring, three and a half miles south of Martinsburg. General Johnston arrived at Darkesville the same night with about fourteen thousand men. He was then re-enforced by one regiment and one battery (four guns) flying artillery. General Jackson retreated to that point. The army made a stand there for four days; they then retreated to Winchester. When we arrived there, we found fortifications commenced by the militia. All the army then assisted, and in two days the city was fortified all around, within two miles of the suburbs, with intrenchments. Re-enforcements commenced pouring in. Ten forty-two pounders were placed, masked, around the fortifications; also artificial thickets planted for riflemen. The force consisted of forty-two thousand, including four thousand militia. General Johnston then received a despatch, as read to the men, that General Patterson was out of the way; that he had gone to get in Beauregard’s rear; and that Jeff. Davis had ordered him to cut off General P. in order to save the country; that Gen. B. had been attacked by an overwhelming force. General Johnston’s army moved at 1 o’clock p. m. Thursday, consisting of nine brigades, with fifty-two pieces of flying artillery, including three ten-inch columbiads, represented to me as such. Amongst the artillery was a detachment of the Washington Artillery, consisting of eight guns, four of which were rifled cannon. General J. took with him thirty-five thousand men, leaving the militia and volunteers, to the number of seven thousand, in Winchester.”

Another gentleman gave the following statement, taken by General Cadwalader, and by him given to me. Mr. ——— says:

“General Johnston’s force at Winchester was forty-two thousand men, infantry, artillery, and cavalry, of which eight hundred Virginia cavalry, under Colonel Stuart, and three hundred from southern States. Forty regiments, thirty-five thousand men, left Winchester at 1 o’clock p. m. on Thursday, by order of General Beauregard; took the road to Berry’s Ford, on the Shenandoah, thirteen and a half miles over the Blue Ridge to Piedmont Station, on the Manassas Gap railroad, fifteen miles, making twenty-eight and a half miles, requiring two days’ march. Freight and passenger cars had been hauled over the road, on their own wheels, to Strasburg last week, and on them Johnston’s forces were expected to be transported on the Manassas railroad from Piedmont to Manassas Junction, thirty-eight to forty miles. There remained at Winchester 7,000 troops until Saturday afternoon, when they left for Strasburg on their way to Manassas, except about 2,500 of the militia of the neighboring counties, disbanded and sent home. A large quantity of arms in boxes was sent to Strasburg. The Virginia cavalry remained, (under Colonel Stuart,) and went to Berrysville to observe the movements of General Patterson’s column. The rest of the cavalry went with General Johnston. They had at Winchester sixty-two pieces of artillery in position in the fortifications; about ten 42-pounders (some they thought were columbiads) were left. The remainder were taken by General Johnston. A detachment of the Washington Artillery, from New Orleans, had eight heavy guns, of which four were 32-pounders. These were hauled by twenty-eight horses each, the rest (smaller guns) by six and four horses each. Part, if not all of them, were brass rifled guns. The fortifications surrounded Winchester, except to the southward, upon the high ground; very heavy earthworks made with bags and barrels filled with earth, &c. In front of the breastworks deep trenches were dug communicating below, with inside of the works. The guns were all masked with artificial thickets of evergreens, which were intended in some cases to be used as ambuscades for riflemen and sharpshooters. Among the regiments was one of Kentucky

riflemen armed with heavy bowie-knives. They refused to take more than one round of cartridges. They proposed to place themselves in the bushes for assault. All the fences had been levelled for miles in front of Winchester. The fortifications extended two and a half miles. The trees had been felled between Bunker Hill and Winchester to impede our advance. Fifteen hundred sick at Winchester confined with measles, dysentery, and typhoid fever. Prisoners taken from our column were sent to Richmond. Wise has been recalled, it is said, with his troops from Western Virginia. Beauregard and Davis had done it in opposition to General Lee's advice."

On the 23d of July General Scott, a witness who cannot be suspected of a desire to overrate the enemy's force in men and guns, telegraphed to General Banks, at Harper's Ferry, (App. No. 47,) "there are nine 32-pounders, four 44-pounders, two 6-pounders, and a very large amount of powder, balls, and shell at Winchester." Add to these siege guns the twenty field guns reported by General Cadwalader and Captain Newton on the 20th June, and you have from two of our own officers of the highest rank in the service, Scott and Cadwalader, official information that the enemy at Winchester had double the number of guns I had. But it is well-known that Johnston carried over fifty guns, some of the largest calibre, with him.

On the same day he telegraphed to General Banks, (App. No. 48,) "I deem it useful, perhaps highly important, to hold Harper's Ferry. It will probably soon be attacked, but not, I hope, before I shall have sent you adequate re-enforcements. A Connecticut regiment may soon be expected by you. Others shall to-morrow be ordered to follow." This despatch speaks for itself. If my army was stronger than Johnston's, why, I again ask, send re-enforcements to General Banks? A most reliable and respectable gentleman furnished my engineer with a detailed statement (App. No. 49) giving the regiments from each State—say, two from Kentucky, two from Tennessee, five from Alabama, five from Georgia, one from North Carolina, five from Mississippi, two from Maryland, &c.—making a total force of over 35,000 confederate troops at Winchester. These statements, which I have seen and examined, with the names of the gentlemen who furnished them, with many others taken by different officers from different persons at different times and places, agree very much in the main facts. From these and other documents, and from information obtained in various ways, there is no doubt of the fact that General Johnston had not only the advantage of extensive intrenchments in his own country, with abundant supplies, and a railroad which could bring him re-enforcements at the rate of 12,000 men a day, and I could get none, but that he had at least three men and four guns to my one, and that nothing but the good order of my column saved it from annihilation and capture by Johnston. Why should I have made an attack with such awful odds against me? I had done all I was asked to do, and all that was necessary, if General Scott's plan of attack on Manassas had been carried out in season. I was informed that, on the 16th, the assault on Manassas would be made; and had no information to the contrary until the receipt of General Scott's telegram of the 17th, saying it would probably be taken on the 18th. I then supposed it would be taken on the 18th, and had no information of the repulse of General McDowell's column until I heard through the newspapers of the unfortunate affair of the 21st. It is just within the bounds of possibility that, with a frightful slaughter of my men, I might have taken Winchester. But why hazard the safety of the army, possibly of the country, upon such a contingency? If General Scott had taken the Junction, I was in position, my army intact, ready for anything required of me. If our army had been repulsed at Manassas, I was in position to do what I did do—prevent the army from crossing the Potomac to assail Washington, Baltimore, and Philadelphia, and desolating

Maryland and Pennsylvania. If I could with heavy loss have taken Winchester, it would have been a bloody and a barren victory. I had but twenty-six regiments under my command; of these the terms of service of eighteen from Pennsylvania and one from Indiana expired within ten days. I could not have held Winchester if I had taken it. The general-in-chief knew when the term of service of the regiments in my army, and at Washington, expired. If General McDowell's army could not be got ready to fight on the 16th, no battle ought to have been fought then. I knew that General Johnston was too good a soldier to retreat with an army of over 18,000 men and twenty-two guns before an army of 10,000 men and six guns, for that was about the relative strength the day my army entered Martinsburg. He would not retreat except for a purpose. It was the opinion of the officers of the old army, and of most of the new, that Johnston had a trap set for me, and many feared I would fall into it. But fortunately I had full and reliable information which convinced me, and every officer of my staff, that Johnston's object in falling back as I advanced was to lure me on to an attack on the entrenched camp at Winchester. If the bait had taken defeat was inevitable, and a large portion of my army would probably have been destroyed, and the residue been made prisoners of war. The affair would have been more disastrous than that of Bull Run, for my force had no intrenchments to fall back upon. The Potomac was behind me, and the retreat would have been a disgraceful rout. The enemy, flushed with two victories instead of one, and no army intact to check them, would have been in possession of Washington, Baltimore, and possibly Philadelphia within five days. If General Scott really "supposed" me "superior in numbers," why the necessity of ordering me "not to retreat across the Potomac, but to intrench somewhere and wait for re-enforcements." Why send re-enforcements if I was stronger than the enemy? Did I retreat, or attempt to retreat, across the Potomac? Certainly not. I held Harper's Ferry until I was relieved on the 25th of July, and would, under the order of the 18th, have held it until the crack of doom, unless relieved or ordered away. On the 20th of July I telegraphed General Scott as follows: "With a portion of his force Johnston left Winchester, by the road to Millwood, on the afternoon of the 18th—his whole force 35,200." That is, he marched with that number of confederate troops—leaving 7,000 volunteers and militia in Winchester. With this information in the hands of the general-in-chief what excuse can be given for fighting on the 21st, when it is apparent to the eye of any one who reads the reports of General McDowell, and of his division and brigade commanders, that our army was in no degree fitted for the encounter? The frank, manly, and soldier-like report of General McDowell proves this. If General Scott chooses to fight, or force others to fight when not ready, I am not responsible for the unfortunate result. My case is in a nut-shell. Johnston's force was always much stronger than mine in men and guns. I was not to fight unless I was equal or superior to him, but to threaten in order to keep him at Winchester until Manassas was attacked, which, by instructions, was to be on Tuesday, the 16th. Johnston was kept until the Thursday following, and the attack on Manassas was not made till Sunday, the 21st, and then not in the morning. Had others discharged their duty, mine having been accomplished, the contest would have been different in its results. Had the enemy been beaten at Manassas all praise would have been bestowed on my command for having manœuvred to keep Johnston so long at Winchester. I have gone over my papers, in detail, to enable the committee to understand the operations and conduct of my column. I have asked for a court of inquiry, and it has been refused. I have asked, through the Senate of the United States, for all the correspondence between General Scott and myself, and all the orders

of that distinguished soldier to me. This, also, has been refused, and for the same reason, that it would be incompatible with the public interests. I do not question the propriety of the refusal. The knowledge of the fact that it would be injurious, and very injurious, has caused me to submit to all manner of misrepresentations for the last six months. The youngest soldier in the army is entitled to fair play. I have been a major general for nearly forty years, and hope it will not be denied to me. I was honorably discharged on the 19th of July—two days before the battle of Bull Run. On that day I was pleading with the troops to stand by the government. I am not here to make a defence—there is no official charge against me. My record is perfect. I seek controversy with no man. But if there is any man of sufficient rank and character, or of rank without character, or character without rank, to entitle him to consideration, who has any charge to make against my military conduct, I not only will invite but will thank him to make it, and bring it before a court-martial or of inquiry, and I will meet it. All I ask is justice, strict justice for service rendered. It is the duty of the government to protect the character of officers who have performed their duty, been honorably discharged, and are unjustly assailed. I am confident this committee will see fair play.

[At the request of the witness the committee will consider the question of attaching his farewell order to his testimony.]

Adjourned till to-morrow.

WASHINGTON, *January 8, 1862.*

General R. PATTERSON resumed as follows:

In my testimony before the committee as regards the expiration of the terms of service of the volunteers, I omitted to state that an order or circular from the War Department, dated somewhere about the 12th or 13th of July, directed that the regiments should be sent to the places of muster in their respective States in time to reach there on the day their terms of service expired. A strict obedience to this order would have reduced my command to a very small number on the 18th of July. I also omitted to state that, although the general-in-chief had on the 17th of July informed me that "the Junction will probably be carried to-morrow," he had neglected to inform me that it was not carried on the 18th, or on the 19th, or on the 20th. It was certainly due to me, and to the great interests at stake, that if the general did not do what he said he would do I should have been informed of it. If on the evening or night of the 17th, or on the morning of the 18th, he found he could not make an assault on the Junction, why did he not telegraph me of the fact, and direct me to make an attack or a demonstration? I was all ready; my men had three days' rations in their haversacks, and I had that morning, at half-past one, put the question to him direct—"Shall I attack?" I could have made a demonstration on Winchester just as easy from Charlestown as from Bunker Hill, and I could have made an attack much easier from Charlestown than from Bunker Hill, as the road from Bunker Hill was blocked and barricaded, and the road from Charlestown was not, and with the great additional advantage of being so much nearer my base and depots. I do not charge the neglect or inattention to which I have referred as intentional, but to physical inability to perform the immense labor of his official station in the present state of the country. I desire to speak of the general-in-chief as I feel, with all kindness, courtesy, and respect, and with all honor for his loyalty and great services.

By Mr. Gooch:

Question. Can you designate each of the regiments of your command, and the time when their terms of service expired?

Answer. I hand in a report from Brevet Major General Cadwalader, giving in detail the names and numbers of the regiments belonging to his division, and the time at which their terms of service expired.—(App. No. 39.) I have made out, with the aid of General Cadwalader's report, and from memory, a memorandum of all the regiments composing my column, and the time fixed or supposed as near as I could approximate to the expiration of their terms of service:

1st regiment Pennsylvania volunteers, Colonel Yohl, July 18; 2d regiment Pennsylvania volunteers, Colonel Menier, July 19 or 20; 3d regiment Pennsylvania volunteers, Colonel Stambaugh, July 19 or 20; 6th regiment Pennsylvania volunteers, Colonel Negley, July 22; 7th regiment Pennsylvania volunteers, Colonel Irwin, July 22; 8th regiment Pennsylvania volunteers, Colonel Emlee, July 22; 9th regiment Pennsylvania volunteers, Colonel Longnecker, July 22, 23 and 24; 10th regiment Pennsylvania volunteers, Colonel Meridith, July 25; 13th regiment Pennsylvania volunteers, Colonel Rowley, July 23; 14th regiment Pennsylvania volunteers, Colonel Johnston, supposed July 23; 15th regiment Pennsylvania volunteers, Colonel Oakford, supposed July 23; 16th regiment Pennsylvania volunteers, July 20, 21, 25, 26, 27 and 30; 17th regiment, Pennsylvania volunteers, Colonel Patterson, supposed July 21; 20th regiment Pennsylvania volunteers, Colonel Grey, July 30; 21st regiment Pennsylvania volunteers, Colonel Ballier, July 29; 23d regiment Pennsylvania volunteers, Colonel Dare, July 21; 24th regiment Pennsylvania volunteers, Colonel Owen, supposed July 30; one-half (five companies,) 25th regiment Pennsylvania volunteers, July 18; Wisconsin regiment, Colonel Starkweath, early in August; Indiana regiment, Colonel Wallace, about July 20; Massachusetts regiment, Colonel Gordon, three year's men; 1 New Hampshire; 1 New York, under Colonel Stone, last of July; 4 New York, under General Sanford, last of July and early in August; 2d and 3d regiments left at Martinsburg.

Pennsylvania regiments, seventeen and one-half; New York and other regiments, nine; making a total of twenty-six and one-half regiments, averaging, present and fit for service, six hundred and fifty men, equal to seventeen thousand two hundred and twenty-five; to which add cavalry, artillery, and one company of rangers, in all one thousand, making a total of eighteen thousand two hundred and twenty-five.

Question. When you fix the time at which their term of service expires, do you reckon from the time when they were mustered into the service of the United States?

Answer. Yes, sir; not from the time when they were enrolled, but from the day they were mustered into service, that being the decision of the War Department, and so communicated to me by the general-in-chief.

Question. And the term of service, as you have stated it, is fixed on that basis?

Answer. Yes, sir. Most of those regiments, however, were enrolled and on duty a week or ten days before. My son's was the first that turned out, on the 16th, by my own order.

Question. I suppose you found out, from the movements of your army, that it is impossible to say, a week or ten days beforehand, that you will be at a given point on a certain day.

Answer. Yes, sir; I could not tell a week beforehand where I would be.

Question. Is not that a difficulty which is incident to the moving of all large bodies of men?

Answer. Yes, sir.

Question. It is impossible for a commander to tell, even a week beforehand, what he will be doing, or where he will be a week hence?

Answer. Yes, sir.

Question. You moved from Martinsburg to Bunker Hill on the 15th July?

Answer. Yes, sir.

Question. And remained at Bunker Hill over the 16th?

Answer. A part of my army did. A large force was sent forward to reconnoitre and drive in the pickets of Johnston's army.

Question. On the morning of the 17th you moved to Charlestown?

Answer. Yes, sir.

Question. When you were at Bunker Hill how near were you to Winchester?

Answer. About 12 miles.

Question. How near at Charlestown were you to Winchester?

Answer. From 15 to 17 miles, I think.

Question. Is it not further than that?

Answer. I think not.

Question. We have had it stated at 22 miles.

Answer. I cannot answer certainly, because I do not know. That is a matter that General Newton could answer better than I can.

Question. We have had the distance given as 22 miles. You say you are uncertain as to the distance?

Answer. I am uncertain as to the distance.

Question. Did you know the force of General Johnston when you moved from Martinsburg?

Answer. Our estimate then was that it was over 30,000 men.

Question. When you moved from Martinsburg?

Answer. Yes, sir; we took several prisoners, and got additional information at Bunker Hill, making his force from 35,000 to 40,000. In my statement to General Scott on the 6th of July I reported that he had 25,000 men.

Question. As you moved from Martinsburg to Bunker Hill I think you stated that General Sanford was in command of one division, and moved down on the road to the left, and the other divisions of your army moved to the right of him?

Answer. Yes, sir.

Question. Did you propose, on Tuesday the 16th, to advance towards Winchester from Bunker Hill?

Answer. No, sir.

Question. You made a reconnoissance that day?

Answer. Yes, sir; I made a reconnoissance in force to see the condition of the country, &c. The object was to learn the enemy's strength and his preparations, so as to know whether we ought or ought not to go forward.

Question. What did you learn from that reconnoissance?

Answer. The report was decided against a forward movement.

Question. I did not ask what the report was, but what the facts were.

Answer. We learned that the roads were barricaded, fences were built across it, trees cut down, and all manner of impediments thrown in the way; that in front of the town of Winchester everything was levelled, fences and everything, trees cut down, and in some cases houses pulled down, so that their guns should have a clear and complete sweep; and that there were fortifications extending two miles and a half, with heavy guns.

Question. Then you issued no orders for an advance from Bunker Hill towards Winchester?

Answer. I did, but countermanded it.

Question. At what time was that order countermanded?

Answer. On the return of the reconnoissance, or some time afterwards—some time in the afternoon or evening. My own desire was to go ahead, but I was opposed by all around me.

Question. General Sanford was in command of a division?

Answer. Yes, sir.

Question. You say that you yielded to the opinions of others. Was General Sanford's opinion taken in relation to that?

Answer. No, sir; General Sanford's opinion was not taken at any time. General Sanford joined—I forget now the exact time—perhaps the 10th, or may be the 11th of July, at Martinsburg. There was no council held at Bunker Hill. General Sanford was not in time to join the council of the 9th, and there was no council held after that. The opinions taken by me at Bunker Hill were the opinions of the gentlemen of my own staff, and the old officers of the regular army, who had great experience—those with whom I had been in the habit of counselling from the time I had taken command. There was no council; but any person of the class referred to who came into headquarters was consulted. But no council was held there on that day.

Question. Why did you move from Bunker Hill to Charlestown, instead of remaining at Bunker Hill?

Answer. Because there I was in a most dangerous position. I should have considered it an act of utter insanity to have remained there with so long a line behind me, my force not nearly half the number, not more than one third the number of the enemy. I was under constant expectation of an attack, and being cut off from my base; and I had the warning of the general-in-chief, dated the 11th of July, that that would be done. And also because all my officers told me that Johnston was luring me on, and that I would be caught. The desire of my officers was that I should move direct from Martinsburg to Charlestown. My objection to that movement was this: that I was passing a long distance directly across the enemy's front, and he could have sent out parties to kill all my teamsters, cut up my wagon guards, shoot the animals and make a regular stampede, and I could not by any possibility get into a position to fight him. Going to Bunker Hill, I was to a certain extent going towards Winchester, and as soon as I got to Smithfield I then diverged to the left. We there expected to be attacked, and I had arranged my command with the left in front, to be ready for an attack, should it be made while on our march. Everybody expected that we should be assailed there. All my wagons were in the front, out of the way. I could not have left Martinsburg and marched half the way without the enemy knowing it. But I could leave Bunker Hill and march to Charlestown, because they would not know where we were going.

Question. If it had been the intention of Johnston to attack you were you not more exposed to his attack in your movement from Bunker Hill to Charlestown than to remain at Bunker Hill?

Answer. If I remained at Bunker Hill I was just as liable to be attacked as on the road to Charlestown, and just as liable to be attacked on the road as there. But I could not remain at Bunker Hill forever. My remaining there was very perilous. To return to Martinsburg was not very soldier-like; and I was ordered to go to Charlestown, and I obeyed my orders.

Question. Then, do you say you went to Charlestown because you were ordered to go there?

Answer. Yes, sir; and because I considered it judicious to go there, and was advised to do so by my council. And I went there because I was ordered there, whether right or wrong.

Question. During all this time you considered it your especial business to take care of Johnston, did you not?

Answer. Yes, sir.

Question. That was the object and purpose of your army ?

Answer. My especial object—yes, sir.

Question. And you were to take care of him until after the attack had been made by McDowell upon Manassas, and keep him so occupied as to prevent his being present to take part there in the battle, if you could possibly do so ?

Answer. Yes, sir; if I could.

Question. On the 9th of July you made a communication to General Scott, in which you stated to him your plans of operations for the future ?

Answer. Yes, sir.

Question. And under that head you wrote as follows:

“Under these circumstances, I respectfully present to the general-in-chief the following plan, which, with my present views, I desire to carry into operation so soon as I can do so with safety, and the necessity for following Johnston ceases. I propose to move this force to Charlestown, from which point I can more easily strike Winchester; march to Leesburg; when necessary, open communication to a depot to be established at Harper’s Ferry, and occupy the main avenue of supply to the enemy. My base will then be some seven miles nearer, more easily reached by road, and my line of communication rendered more secure than at present. I can establish communication with the Maryland shore by a bridge of boats. In this way I can more easily approach you; and the movement I think will tend to relieve Leesburg and vicinity of some of its oppressors. My present location is a very bad one in a military point of view, and from it I cannot move a portion of the force without exposing that of what remains to be cut off.”

Then, in the last part of that communication, you say:

“When you make your attack I expect to advance and offer battle. If the enemy retires, shall not pursue. I am very desirous to know when the general-in-chief wishes me to approach Winchester. If the notice does not come in any other way, I wish you would indicate the day by telegraph, thus: ‘Let me hear from you on ———.’”

In reply to that you received the following telegraph:

“Go where you propose in your letter of the 9th instant. Should that movement cause the enemy to retreat upon Manassas *via* Strasburg, to follow him at this distance would seem hazardous; whereas the route from Charlestown *via* Keyes’s Ferry, Hillsboro’, and Leesburg, towards Alexandria, with the use of the canal on the other side of the river for heavy transportation, may be practicable. Consider this suggestion well; and except in an extreme case do not recross the Potomac with more than a sufficient detachment for your supplies on the canal. Let me hear of you on Tuesday. Write often when *en route*.”

That was a telegraphic despatch which you received in reply to your communication of the 9th ?

Answer. Yes, sir; and your reading of that has reminded me of the strongest reason for not remaining at Bunker Hill. We had but supplies for two days, and could not remain there.

Question. Then you received on the next day this telegraphic despatch ? “I telegraphed you yesterday if not strong enough to meet the enemy early next week, make demonstrations so as to detain him in the valley of Winchester. But if he retreats in force towards Manassas, and it be hazardous to follow him, then consider the route *via* Keyes’s Ferry, Leesburg,” &c. Now, did you not understand from these communications from General Scott that you were either to detain Johnston in the valley of Winchester until after you had heard of the result of the attack on Manassas, or, in case of his retreating, to follow him directly, or come down by the other route which General Scott had indicated, *via* Keyes’s Ferry, Leesburg, &c., so as to be present and participate in the action at Manassas ?

Answer. Unquestionably, if I could detain him. I was undoubtedly to detain him if I could, but I was not to follow him down there, or to move on the other route, unless circumstances required it. In my letter of the 20th or 21st I stated ———

Question. I would rather you would confine your answer to this question.

Answer. Unquestionably I was to detain him and to remain there as long as he remained there. Will you repeat the question?

Question. [The question was repeated.]

Answer. Yes, sir. The reason I did not follow him is stated in my letter of July 21st to the general-in-chief. On the 20th I telegraphed thus: "With a portion of his force, Johnston left Winchester by the road to Millwood on the afternoon of the 18th, his whole force about 35,200." I believed then, and so did the officers of my command, that it was very likely that Johnston had information, and we had not, of the battle of Manassas, and that he had gone down on the right bank of the Shenandoah to cut me off; and on the night of the 20th, at midnight, I had ordered General Cadwalader to send a strong brigade down to Keyes's Ferry, and hold it, as I expected Johnston to attempt to come in my rear. On the 21st I reported to General Scott thus: "I came here (Harper's Ferry) to-day. Yesterday Winchester and this country was abandoned by all armed parties. Johnston left for Millwood to operate on McDowell's right, and to turn through Loudon upon me. I could not follow." I had no men to follow on the 20th or the 21st. I had made every effort on the 18th, but the men would not stay.

Question. You were still apprehending an attack from Johnston on the 20th.

Answer. I was expecting an attack from Johnston any hour from the 18th until I went into Harper's Ferry.

Question. When did you first know that Johnston had left?

Answer. On the 20th, and the instant I received that information I sent a telegram announcing the fact to the general-in-chief, with orders to go with all speed, and that despatch was received in this city that night.

Question. Did you not know that your position at Charlestown offered no obstacle to General Johnston joining the forces of Beauregard at Manassas?

Answer. It offered no more obstacles than at any other point, except that I was nearer to him than at Martinsburg. I could not stay at Bunker Hill, for I had no supplies.

Question. You were not threatening Johnston at Charlestown so as to prevent him joining Beauregard at Manassas?

Answer. No, sir; I remained there because I was ordered to remain in front of him until he left.

Question. You knew at that time that you were not offering any obstacle to his going down to Manassas?

Answer. Perfectly. I knew I had not the means to do it.

Question. Why did you not communicate that fact to General Scott immediately?

Answer. I did communicate my condition and where I was.

Question. When?

Answer. On the 16th. I wrote him in detail from Bunker Hill; on the 17th I wrote again; and on the 18th I gave him all the information necessary. And it was his business to order me, not my business to make any further suggestions to him.

Question. Did you communicate to him by telegraph?

Answer. Certainly. I sent three telegrams to him on the same day.

Question. On what day?

Answer. On the 18th. At half-past one in the morning I telegraphed him my condition, and asked him if I should attack. To have sent further in-

formation to him would have been rather impertinent, and he would have so considered it.

Question. On the 17th he telegraphs you thus: "I have nothing official from you since Sunday, but am glad to learn through Philadelphia papers that you have advanced. Do not let the enemy amuse and delay you with a small force in front, whilst he re-enforce the Junction with his main body."

Answer. Yes, sir, I received that.

Question. And on the 18th you telegraphed to General Scott: "Telegram of date received. Mine of to-night gives the condition of my command. Some regiments have given warning not to serve an hour over time. To attack under such circumstances against the generally superior force at Winchester is most hazardous. My letter of the 16th gives you further information. Shall I attack?" Did you send him any other telegram on the 18th?

Answer. Certainly; two others.

Question. I find this one on the 18th: "Telegram of to-day received. The enemy has stolen no march upon me. I have kept him actively employed, and by threats and reconnoissance in force caused him to be re-enforced. I have accomplished in this respect more than the general-in-chief asked, or could well be expected in face of an enemy far superior in numbers, with no line of communication to protect."

Answer. I beg to state that in that telegram of the 17th is one of those things that I take exception to as bad treatment. I had written to the general-in-chief, as I stated in my examination in chief, every day; and yet I am told that he has nothing official from me since Sunday—no information except through the papers. Now, I telegraphed him on the 12th, on the 13th, and on the 14th. I did not telegraph him on the 15th, because I was marching that day. But I telegraphed him three times afterwards, and wrote him on the 18th.

Question. In your telegraph of the 18th you told him distinctly that the enemy had stolen no march upon you, that you had kept him actively employed, and by threats and reconnoissance in force caused him to be re-enforced.

Answer. Yes, sir.

Question. And you intended that General Scott should understand at that time that Johnston had not made any movement towards Manassas?

Answer. Yes, sir; and he had not at that time.

Question. On what day did he leave?

Answer. He left on that day, but had not left then. But I did not know it for two days afterwards.

Question. My question is, why did you not inform General Scott that you were then not in a condition to offer any obstacle to Johnston's joining Beauregard?

Answer. I should have considered it rather a reflection on him to have told him so. He knew my condition.

Question. You told him in your telegraph that you had kept Johnston actively employed.

Answer. And I had.

Question. But you did not give the general any information that you were not then doing it, or that you were not still able to do it?

Answer. I had all along been remaining there according to his orders, but in no condition to do it. I was perilling my army, but was willing to do it, because it was my orders. If he had ordered me to go anywhere, I should have gone. He knew my force, my condition, and my aide-de-camp was also sent down to inform him. He knew my condition perfectly well. He could order me.

Question. On the 18th he telegraphs you thus :

"I have certainly been expecting you to beat the enemy; if not, to hear that you had felt him strongly, or, at least, occupied him by threats and demonstrations. You have been at least his equal, and, I suppose, superior in number. Has he not stolen a march and sent re-enforcements towards Manassas Junction? A week is enough to win a victory. The time of volunteers counts from the day mustered into the service of the United States. You must not retreat across the Potomac. If necessary, when abandoned by the short term volunteers, intrench somewhere and wait for re-enforcements."

That was on the 18th of July?

Answer. Yes, sir.

Question. During all this time you knew that General Scott expected of you that you should either engage and beat Johnston, or detain him in the valley of Winchester; or, in the event that he should come down by a route where you could not follow him, that you should follow down *via* Keyes's Ferry and Leesburg?

Answer. Yes, sir.

Question. And yet when you were at Charlestown you found yourself not in a condition to do either; now my question is, why did you not communicate that fact to General Scott?

Answer. There was no occasion for it, in my judgment. He knew my condition, and to have added to the information he already had would have been a waste of time and paper. I had informed him of my condition, and it was his business to order me what to do. I had asked him, "Shall I attack?" It was not my business to say anything beyond that Johnston was there.

Question. But you say yourself that you were not in a condition to attack at that time?

Answer. In saying that, I did not mean that the men I had were not in a condition to fight, but that I had not force enough to fight. My men, I believe, were in about as good a condition, if not better, than any other column in the field. They had been drilled from eight to ten hours a day, and I have no doubt a good portion of them would have cheerfully gone up with me. I was in as good a condition then to fight as I would be at any time after that; and if I had got the order, I would have gone up with all who would have gone with me. I do not mean to say that my men would not fight, or that they would not have obeyed an order to attack, but that I was not numerically strong enough to hold him anywhere, or to justify an attack, unless it was indispensable to save some other army, or to carry out a part of some great scheme. If General Scott had wanted me to sacrifice 1,000, or 5,000, or 10,000, or the whole, for the purpose of settling the question as to Johnston going down to Manassas, and had he given me the order I had asked, I should have done it.

Question. General Scott wanted you to do one of three things: either to attack Johnston and beat him, or to detain him, or, if he left, to follow him?

Answer. Yes, sir.

Question. You have just said that if it were necessary, in order to save or protect any other division of the army, or to secure any great object, you would have felt it your duty to have run some hazard or make an attack. Now did you not know that such was the fact, that General McDowell was just about to make an attack upon Manassas, and that it was of the first importance that Johnston should not be allowed to join Beauregard?

Answer. On what day?

Question. About this time.

Answer. I did suppose that on the 18th he had done it.

Question. Did you suppose it was an absolute certainty that the attack was made on the 18th ?

Answer. With the preparations that were going on, I had no more doubt of it than I had of my own existence.

Question. Did you not, as a military man, know that it was impossible to fix beforehand, even for a week, when a battle should come off ; that it depends as much upon one side as upon the other, especially where large bodies of men are to be moved ?

Answer. I know that it is very uncertain. But I know that if you are moved up within fighting distance, you certainly ought to fight within a day of the time you say ; and if you do not it is the duty of the man who does not fight to inform the other. I know it is uncertain ; but I never saw anything yet to keep men from Tuesday until Sunday.

Question. On the 17th you had a telegraph showing that the fight had not taken place that day ?

Answer. The despatch of the 17th showed that he had begun the day he fixed. He said the first day's work was done.

Question. That day was Wednesday ?

Answer. Yes, sir.

Question. Then in case the attack had been begun there was no certainty that it would be finally concluded on the day of the attack ?

Answer. No, sir.

Question. The battle might last one day, or two days, or three days, and Johnston was in a position to join Beauregard in a very short time ?

Answer. No, sir, he could not do it in a very short time ; not under three days, and I knew the general could reach me by telegraph in an hour or an hour and a half. There was no answer to any of my three despatches, or to my letter of the 18th.

Question. Do you deem that you, as a military man, had the right to assume, with the knowledge you had that it was merely proposed to fight the battle of Manassas on a certain day—do you deem that you had the right to assume that the battle had been fought and concluded on that day, and therefore leave Johnston at liberty to move forward on Manassas ?

Answer. I assumed as a military man that if the general-in-chief told me that he would fight on Tuesday, the 16th, and on the 17th had told me that he had driven the enemy beyond a certain point and would probably complete the operation on the next day—I assumed it was his duty to inform me if he had not done it ; otherwise I had a right to infer that he had done it.

Question. On the 18th you got still another despatch, saying, "I have certainly expected you to beat the enemy," still showing you that General Scott deemed it of the first importance that you should detain Johnston there ; and certainly you might presume from that telegraph that the battle of Manassas had not been fought.

Answer. I at that time supposed so, certainly. And yet it would have been perfectly convenient for the general to have said so. I looked upon that telegraph, and so did every gentleman on my staff, as nothing more nor less than an exhibition of bad temper.

Question. Why did you suppose the general-in-chief was in bad temper ?

Answer. I could not tell. He states that he supposes I am Johnston's superior, after having repeatedly been informed by me that I was not equal in number to him.

Question. Did you feel justified in regarding that telegraph as an exhibition of bad temper, and paying no attention to it ?

Answer. Certainly not—most assuredly not—because I would pay regard to anything, to the slightest wish that General Scott ever put out—to anything.

Question. And yet you did not do anything to prevent Johnston going to Manassas, notwithstanding that you on the 18th were notified by General Scott—or you inferred from his telegraph—that the battle of Manassas had not been fought?

Answer. It strikes me as very singular, indeed, after my statements of my efforts to keep my troops—the whole of the 18th was occupied in making speeches—I appealed to nearly every regiment in my command—it strikes me as very singular that I could by any possibility have thought of doing anything without an order from General Scott. An order from him would have helped me.

Question. And you have stated this morning that you could have attacked on the 18th if you had been ordered to do so?

Answer. I would have done it, because I would not have gone to making speeches. Up to the 20th, late in the day, I believed Johnston still to be there; and I would at once, if the order had come, have gone and attacked, if I had taken with me but 5,000 men. I suppose I could have carried 8,000 of them; they could have detained him if the whole of them had been killed; but I would have done it.

Question. You say you could have attacked on the 18th if ordered to do so. You knew the necessity of detaining Johnston, and you must have inferred from the telegraph of General Scott that he expected or required of you that you should do something in that direction. Why did you not do all that you could to detain him without an order?

Answer. Because I could not go up then without fighting, as I could not fall back again. I had no reason to believe that that telegraph was not written in the morning in reply to mine of that morning. There was no reason why General Scott did not fight that day; and there was no more occasion for my going up and perilling my men without an order than of doing anything entirely uncalled for—not the slightest occasion for it. I had every reason to believe Johnston was at Winchester. I knew he could not get down to Manassas under three days, for I knew that the day before I had driven him in. If General Scott did not fight, and saw the necessity for my acting, I repeat, it was his business to give the order.

Question. Did not Johnston come down in less than three days?

Answer. No, sir; he left Winchester on Thursday, and got in on Sunday afternoon.

Question. Did not a portion get in on Sunday, and another portion get there before Sunday?

Answer. No, sir. And I will state here that a gentleman showed me the Philadelphia Press of this morning, which contained a speech of General Beauregard at some dinner party, in which he stated that the first appearance of any part of Johnston's force on the battle-field was from three to four o'clock in the afternoon of Sunday, and he at first thought it was my column, and gave up the day.

Question. Could you not on the 18th, without making an actual attack on Johnston, have made such demonstrations towards him as would probably have prevented, or tended to have prevented, his moving his force down to Manassas?

Answer. I could have gone up; but if I had I must have gone up to fight. I could undoubtedly have made a demonstration. But while he was there, and I under the belief that the general-in-chief was fighting that day, it was uncalled for and unnecessary, and no soldier in my army would have thought of such a thing. General Scott knew where I was, and whether he was fighting or not. We waited for him to indicate what was to be done. It was not for us to do so. Having made a demonstration the day before, it would have been unpardonable for me to have thrust all my men into action

without cause. I had made a demonstration on the day he had indicated that the battle would be fought. I knew that Johnston was there, and could not get down under three days, and I knew that the general ought to inform me if he did not fight. He fixed the day, and it was his business to fight on that day, or inform all the commanders of corps depending on his movements that he had not fought. If he did not fight on the 18th, or the 19th, or the 20th, it was his business to inform me every day until he did fight.

By the chairman:

Question. The all important fact was to detain Johnston until that battle was fought, let that be when it might?

Answer. Yes, sir.

Question. Now when you ascertained that you could not detain Johnston, the very moment you came to that conclusion was it not of the utmost importance that that should be known to General Scott and to General McDowell?

Answer. I was ordered not to go beyond Harper's Ferry, but to keep that place. If I had marched down without General Scott's orders, I left the whole Pennsylvania border unprotected.

Question. That is not the question I put.

Answer. What is the question?

Question. Why did you not, the moment you found you could not detain Johnston, inform General Scott of that fact?

Answer. I had informed him time and time again that I was not strong enough to hold him. I was in that condition a month before. I never was able to hold him.

Question. Why, in reply to his telegram, ordering you to detain him in the valley of Winchester—why did you not tell him that you had not the force, and could not detain him?

Answer. The impression upon the minds of all of us was that by remaining in the neighborhood of Johnston he would not leave Winchester; that although we were not strong enough to attack him, he would not abandon the valley of Winchester to us. My order was to detain him in the valley of Winchester. Consequently, as long as I staid there I carried out that order to the best of my ability.

Question. But if I have understood you, there was a time when you found that from various reasons you had not the force to detain him. The knowledge of that important fact would undoubtedly have governed the action of the army at Manassas, our army under General McDowell, and they would have made their calculations and arrangements for the battle in accordance with that important fact. Had they been informed that you were unable to keep Johnston off, they might have delayed the attack until you could follow Johnston down with what force you could?

Answer. As long as we were in the neighborhood, at one place or the other, it was impossible for Johnston to know what force was in my army. Just so long as we remained there, there was a corps that would have been exceedingly troublesome to him. We inferred—I did and so did all the gentlemen around me—that because my request to go down, time and time again, was not complied with, General Scott wanted us to stay there without reference to our strength. I had informed the general-in-chief, over and over again, that I was not able to hold Johnston there. I had sent Mr. Sherman, and my staff, one after the other, to get leave to go below.

Question. There was a time when you supposed Johnston was re-enforced?

Answer. Yes, sir.

Question. What time was that; just before you turned off to Charlestown?

Answer. No, sir; I think I reported on the 6th of July; I reported that Johnston had unquestionably received large re-enforcements and had then 25,000 men.

By Mr. Gooch:

Question. In your telegram of the 18th you say to General Scott: "Telegram of to-day received. The enemy has stolen no march upon me. I have kept him actively employed, and by threats and reconnoissance in force caused him to be re-enforced. I have accomplished in this respect more than the general-in-chief asked, or could well be expected in face of an enemy far superior in numbers, with no line of communication to protect."

Would the general-in-chief understand from that that General Johnston was then in a position where there was no obstacle in the way of his going to Manassas?

Answer. I expected him to understand that Johnston was in Winchester, as he was.

By the chairman:

Question. This is exceedingly important, in a military point of view. Was it not a most important fact for General Scott and General McDowell to know when Johnston started to go down to Manassas?

Answer. Undoubtedly it was; and the instant I got the information it was communicated to him.

Question. As soon as he started you communicated the information?

Answer. Not as soon as he started, but as soon as I knew it, without a moment's delay.

Question. What day was that?

Answer. That was on the 20th, on Saturday.

Question. That was the first you discovered he was gone?

Answer. Yes, sir; the first intimation I had of it.

Question. How was that information communicated?

Answer. By telegram, immediately, not by post; horses from Charlestown to Harper's Ferry, and telegraphed from thence here; and the despatch was known all over this town on Saturday evening.

Question. Did that telegram reach General Scott?

Answer. I do not know; I cannot say as to that.

Question. I understood you to say that you found yourself, in view of his re-enforcements and of your own condition, too weak to detain Johnston?

Answer. What I meant to say was this: it would have accomplished nothing if I had taken Winchester; I could not have kept him up there; and I supposed that General Scott was perfectly safe then, because on the 18th Johnston was still there, and could not under three days get to Manassas.

Question. I know you say you supposed the battle at Manassas had been fought; yet you might have been mistaken about that.

Answer. I was mistaken, no doubt, about that; I was mistaken.

Question. But this is what I am trying to get at: The moment you found you had not a force sufficient to resist the purpose of Johnston to go down to Manassas, it was a fact all important for General Scott and General McDowell to know.

Answer. As far as General McDowell was concerned, I could have no communication with him.

Question. I know that.

Answer. And I had the order of General Scott to remain in front of Johnston as long as he remained in the valley of Winchester; and I had no right to move. If I had had the order on the 18th to come down here, I could have got down in time; on the 20th I could not.

Question. What I mean is this: you found yourself, in your own estimation, too weak to resist Johnston's moving down to Manassas. Now, when that fact was known to you, ought you not to have communicated it to General Scott at once, and said to him: "I am not able to detain Johnston here?"

Answer. I communicated to General Scott every circumstance connected with my command. On the 9th I communicated the fact that I was in a false position, and asked to go to Charlestown. On the 12th he acknowledged the receipt of that, ordered me to go Charlestown, and told me he would attack on Tuesday. On the 13th he directed me to make a demonstration to hold Johnston. On Tuesday I made the demonstration and occupied his time. On the next day I moved to Charlestown, where General Scott had ordered me to go, and where I had asked leave to go; and then I was in a condition to come down here, and was in no condition to restrain Johnston.

Question. When you found you was in no condition to detain Johnston, was it not all important that that fact should have been communicated to General Scott—not the fact that you could not fight Johnston, but that you could not detain him, that your strength was insufficient to do that, and he could not rely upon his being kept back?

Answer. I never supposed for a moment that General Scott believed for the fifty-fifth part of a second that I could hold him.

Question. It is evident that his orders all along presuppose that you could detain him.

Answer. Could occupy him. If you will look back to the testimony in relation to the 13th and 16th of June, you will find that he then reproved me for trying to disturb him. What was the use of trying to drive him down to Strasburg? The impression upon my mind, and upon the minds of all around me, was that General Scott did not wish him to be disturbed at Winchester.

Question. General Scott wanted him to be prevented from forming a junction with Beauregard?

Answer. Yes, sir; not to drive him out of Winchester upon Manassas.

Question. And he made his arrangements for the battle in view of that all-important fact?

Answer. Yes, sir.

Question. Now if it occurred to you that it could not be done, was it not all-important that he should have been advised of it?

Answer. Yes, sir; but my belief all the time was that so long as I remained there he would have stayed; and it is clear he would have stayed if he had not been ordered down.

Question. He would obey orders. But you knew he had an all-prevailing motive to make such a junction, and of course you had just as strong a one to prevent it?

Answer. Precisely.

Question. And it was just as important that General Scott should know the first moment it could be ascertained that you could not prevent Johnston forming that junction; because he could then make his arrangements, in view of that most decisive fact.

Answer. Yes, sir.

Question. So that I say it occurs to me that the moment you found you could not detain Johnston, for any reason, you should have informed General Scott that you could not do it.

Answer. I had not found I could not do it, for I believed that by remaining there I could do it.

By Mr. Gooch :

Question. You say you would have fought General Johnston in an open field?

Answer. I certainly should not have avoided it.

Question. Did he make any demonstration towards coming out into the open field to fight you?

Answer. No, sir.

Question. He kept behind his batteries at Winchester?

Answer. Yes, sir.

Question. Then as you were in your position at Bunker Hill, and he was behind his batteries at Winchester, and had placed obstructions in your way to prevent your reaching him—did you not infer from that that he did not desire to meet you in the open field?

Answer. My impression was that he meant to induce us to believe he was weak; that by putting up these obstacles it was adding to the lure, that it was a decoy, and that he desired us to come up; that these things were not put there really to prevent us from coming up, but actually to coax us up.

Question. Was not Johnston obliged to cross the Shenandoah river when he left his position at Winchester to go towards Manassas?

Answer. Yes, sir.

Question. Might you not have taken some position on that river, or in the vicinity of that river, where you could have rendered his crossing it exceedingly difficult and hazardous?

Answer. I could not have got there without the liability of being entirely cut off. That would have placed me between him and Beauregard, have put him in my rear. I went to Charlestown, near the river; but I could not have got to any point above that without getting between him and Beauregard. I would have put myself in what soldiers call a false position. I could have put myself where I could have harassed him exceedingly; but I would have put myself where the chances were ninety-nine to one I would have been captured. At Bunker Hill I had no supplies; and if I had gone to the other place indicated I could not have got a mouthful without fighting for it.

Question. Would it not have been possible, if you had put yourself below Johnston, and he had pressed you, for you to have come down and formed a junction with General McDowell, leaving Johnston in your rear by tearing up the railroad bridges as you came down?

Answer. I could not have got down by railroad. The road goes from Winchester to Strasburg, and if I had attempted to go to the railroad, I would have had further to march than he had.

Question. Some eight or ten miles further?

Answer. Yes, sir. Besides that, I was in the enemy's country without any supplies, and with a railroad at his and Beauregard's command, by which he could have sent up 12,000 men a day.

Question. That was one of the matters discussed in your councils, was it?

Answer. Not in the council at Martinsburg, but among my staff at Bunker Hill, and afterwards at Charlestown.

Question. That was a thing proposed?

Answer. Yes, sir; and discussed fully. That was a matter we talked of at Bunker Hill, going to a place called Smithfield or Middleway, and then striking off in that direction. But the opinion was universal that we should get ourselves in a false position, and unquestionably be all captured.

Question. You were just stating that the general-in-chief, having fixed a day on which he would fight, should have notified you that he had not fought on that day, and so on, from day to day, until the battle actually took place.

Answer. Yes, sir. The ground I placed that upon was this: I was the subordinate of the general-in-chief; bound to obey his orders. As I had nothing to do with the day he was to fight on, he ought not to have informed me until he was ready to fight. But having informed me that he would fight on a certain day, if he did not fight on that day, it was his province to

have informed me that he did not fight on that day, and to have informed me, from day to day, until he did fight.

Question. And yet you knew, as a military man, that it was exceedingly difficult, or that it was altogether impossible, to fix some days beforehand a day certain on which a battle would be fought; and did you not consider it your duty to continue to act in reference to Johnston precisely the same as though the battle at Manassas had not been fought, until you had been told that it was fought?

Answer. Not if I had been told it would be fought on a certain day. If I had not been told that, then it would have been my duty to have gone on with my demonstrations. When he informed me that it would be fought on a certain day, then that consideration ceased to have weight.

Question. Did you suppose that you were justified in not doing anything to detain Johnston? Did you suppose that under the circumstances you were justified in failing to do anything that you would have done had you not been told when it was intended the battle of Manassas should be fought?

Answer. I did not fail to do anything I would have done. I did exactly all that could have been done, unless I had been ordered down.

Question. During all the time that General Sanford was with you, in command of a division, going up, as he did, from the city of Washington, having knowledge, as he might be presumed to have, in relation to the contemplated movements here, especially those of General McDowell, did you have any consultation with him in relation to the movements of your army and the best course to pursue?

Answer. None whatever.

By Mr. Odell:

Question. Did you receive any information from General Sanford in reference to the intended movements of the army here?

Answer. None whatever.

By Mr. Gooch:

Question. He made no communication to you in regard to that?

Answer. None whatever. General Sanford brought me a note from General Scott, but made no communication of any kind. Our intercourse was very pleasant as gentlemen. He did me the favor to call upon me, and I returned his call; but he brought me no information from the general-in-chief, and I had no consultation with him whatever.

By Mr. Odell:

Question. You stated, I think, in answer to a question here, that you had given orders for a forward movement on the 16th or the 17th?

Answer. On the 16th, while at Bunker Hill. The orders had not been put out. I had given them to the staff officers, but they had not been published.

Question. You had issued such an order to the proper staff officers?

Answer. Yes, sir.

Question. At what time did you recall that order?

Answer. I suppose it was somewhere between 3 and 4 o'clock in the afternoon; I cannot exactly fix the time now. It was in the afternoon; late in the afternoon.

Question. What time on the 17th did you move from Bunker Hill?

Answer. Very early in the morning.

Question. What do you mean by "very early?"

Answer. The order was to move at three or four o'clock in the morning, but we did not get off at that time. I started about sunrise; a part of my command was, of course, before me.

Question. While you were at Bunker Hill you held Johnston ?

Answer. No, sir; I was just in a straight line from him the other way. In other words, he was directly between me and Manassas Junction. He could leave when he pleased.

Question. The effect of your being at Bunker Hill was to hold Johnston in his position ?

Answer. Yes, sir; as well as at any other place.

Question. Do you know now at what time Johnston left his position in front of you ?

Answer. He left in the afternoon of the following day.

Question. Of the 17th ?

Answer. No, sir; of the 18th.

Question. The effect of your going to Charlestown was to untie Johnston and his forces ?

Answer. Yes, sir; I could not hold him at Martinsburg.

Question. I am not speaking of any other position than Charlestown. When you went to Charlestown you untied Johnston and enabled him to go forward ?

Answer. Yes, sir; but I could not remain at Bunker Hill, because I had no supplies there, and was crippled in my movements.

Question. Now, in reference to the dissatisfaction of the troops, did not that manifest itself more after you had gone to Charlestown from the enemy than it did while you were at Bunker Hill ?

Answer. I do not think there was any more dissatisfaction at the one place than at the other. The men had talked about going home until they had determined on it. I speak now of the Pennsylvania troops. I saw very little of the others. I speak of the Pennsylvania troops, including those that joined me late. And the others, I think, were the same. I do not think the going to Charlestown made any difference with them at all. They had talked about it, made up their minds about it, and they were determined to go. With the majority of them their time was up, and their hearts were bent upon going.

By Mr. Julian:

Question. Were not all willing to stay, without regard to the expiration of their time, if you would lead them against the enemy ?

Answer. No such expression was manifested to me; no such communication was made to me. There has been a statement that Colonel Butterfield begged, time and again, to do that. But no such application was made to me. No regiment, or colonel, or general, or officer, under my command, ever asked to be led to the front—not one. I am satisfied there was a great desire, on the part of all, to have a fight. There is no doubt about that. But we were not allowed to go towards the enemy at Winchester until a certain day. I have here my general order of July 20, of which I read paragraph 3, as follows: "The detachment of about 250 of the 1st Pennsylvania regiment, claiming their immediate discharge at expiration of term of service, will be sent *via* Baltimore to Harrisburg, Pennsylvania, to be mustered out of service. A muster-roll of the detachment will be sent with the party." These 250 men were so discharged on that day. They refused to serve longer, although appealed to by me, appealed to by their gallant colonel, and, I believe, by other officers. But they went off without their officers, with their muster-rolls, to be discharged. The remainder of the regiment agreed to stay six days longer. I have a document here which I desire to put upon record. It is a letter dated the 13th of July, and signed by nine captains of one regiment refusing to stay beyond the time when

their term of service expired. I think it had better go upon the record.— (Appendix No. 50.)

The witness stated that he would like to have some officers who served there under him, and who are entirely familiar with the whole campaign, appear before the committee and testify.

The chairman stated that the witness could furnish a list of names of such persons as he might desire to be called, and the committee would take the matter into consideration.

Subsequently, having read over his testimony as written out by the reporter, the witness returned it with the following statement:

In reference to the question by Mr. Odell:

“Question. The effect of your going to Charlestown was to untie Johnston and his force?”

I could not have understood that question, or I should not have made such an answer. Johnston was never tied, and I could not hold him at Martinsburg, Bunker Hill, or anywhere else. He was before me at Falling Waters, at Martinsburg, at Big Spring, at Darkesville, at Bunker Hill, and at Winchester. I could hold him at neither place; he retired as I approached.

APPENDIX TO THE TESTIMONY OF GENERAL ROBERT PATTERSON.

No. 1.

[Extract.]

HEADQUARTERS OF THE ARMY,
Washington, April 19, 1861.

General Orders No. 3.]

The military department of Washington is extended so as to include, in addition to the District of Columbia and Maryland, the States of Delaware and Pennsylvania, and will be commanded by Major General Patterson, belonging to the volunteers of the latter State.

* * * * *

WINFIELD SCOTT.

By command.

E. D. TOWNSEND, *A. A. G.*

A true extract.

ROBERT E. PATTERSON,
Lieutenant Colonel and Division Inspector.

No. 2.

PHILADELPHIA, *Pennsylvania, November 1, 1861.*

SIR: Believing to the present moment that, on account of other persons, a public examination into the manner in which the affairs of the department of Pennsylvania, while under my command, were conducted, and that the publication of the correspondence with and orders to me of the general-in-chief, especially connected with the late campaign in Maryland and Virginia, might be

detrimental to the interests of the service, I have refrained from asking for an investigation or permission to publish the orders by which I was controlled.

The same reason has caused me studiously to avoid verbal statements on the subject, in reply to numerous inquiries.

Charges have been publicly made through the press, and the impression created, that the design of the campaign was not carried out by me, but rather deranged by my neglect or violation of orders.

Intimations against my loyalty have been insidiously circulated.

From the silence of my immediate commander, I infer he does not design to relieve me from the odium attached to these reports and rumors.

While I am willing, if the general good demand it, to suffer personally, and am desirous that no course on my part shall prove injurious to public interests, yet I believe the time has arrived when the question as to the manner in which I executed the duties intrusted to me may be fully investigated with safety, so that the failure to accomplish certain results, never anticipated of my command by the general-in-chief until he saw his defeat, may be ascribed to the real cause.

Further silence on my part would confirm the impression that I plead guilty to the charges against my honor, my loyalty, and my military capacity. I have a right at least to be relieved from the position in which my long silence, caused solely by an earnest desire for the success of our cause, has left me.

In presenting this my application for a court of inquiry, a permission to publish my correspondence with the general-in-chief, I claim and am now ready to substantiate it—

1st. That if the general-in-chief ever designed my command to enter upon the soil of Virginia with prospect of success, he destroyed my power when greatest, and when that of the enemy was weakest, by recalling to Washington, after they had crossed the Potomac, all my regular troops, with the Rhode Island regiment and battery, leaving me but a single company of cavalry, which had not then been one month in service, and entirely destitute of artillery.

2d. The general-in-chief forbade my advance and compelled me to recall to Maryland all the troops which, confident of success, had crossed the Potomac into Virginia, in execution of a plan which had been submitted to him and had received his cordial approbation.

3d. That for a long time the general-in-chief kept my command in a crippled condition, and demanded my advance after he had withdrawn from me all my available artillery, and only after the enemy had had time to become vastly my superior in artillery, infantry, and cavalry, and was intrenched. In answer to my earnest appeals he re-enforced me, only after the occasion for employing re-enforcements had passed away.

4th. That if the general-in-chief designed me to do more than threaten the enemy at Winchester, he did not divulge his wish.

5th. That if the general-in-chief expected me to follow to Manassas "close upon the heels of Johnston," he expected a physical impossibility; the enemy moving part of the way by rail, from an intermediate point, and an army on foot, entering an enemy's country, and guarding a heavy train, and a depot retained by him in an improper place.

6th. The general-in-chief forbade pursuit of the enemy, in the event that he should retire towards Manassas, fearing to press him on Washington.

7th. That I was informed by the general-in-chief the attack on Manassas would be made on Tuesday, the 16th July, instead of Sunday, the 21st, at which time he directed me to make such a demonstration upon Winchester as to keep the enemy at that place. I claim that the demonstration was made on that day, and that he did not avail himself of the fruits of that movement, as he had expected to do. All that was demanded of me, and more, was effected.

8th. That if the army I commanded had attacked Winchester on Tuesday,

the 16th July, as it has since been claimed I was ordered to do, two armies instead of one would have been demoralized, and the enemy would have turned with all the flush of victory to a triumph in front of Washington.

9th. That I have suffered additional injustice at the hands of the general-in-chief who sanctioned and fixed the impression that the enemy at Winchester was inferior to me in force in every arm of service, and yet has not corrected that report, although he knew, two days after the battle of Bull Run, that siege artillery, three times as numerous, and heavier than mine, had been left by the enemy at Winchester, while a greater number of guns had been carried away.

Very respectfully, your obedient servant,

R. PATTERSON, *Major General.*

WAR DEPARTMENT,

Washington, November 3, 1861.

DEAR SIR: I have the honor to acknowledge the receipt of your letter, bearing date November 1. The Secretary of War is absent on a visit north. I will forward to him by this day's mail, and ask for instructions.

Very respectfully,

THOMAS A. SCOTT, *Ass't Secretary of War.*

General R. PATTERSON, *Philadelphia.*

PHILADELPHIA, *November 26, 1861.*

SIR: I respectfully request that you will do me the justice to refer to my letter of the 1st instant, and give it your early attention. I cannot refrain from intimating a confident hope that my application for a court of inquiry will meet with your favorable consideration, and that an order for the detail will be made at the earliest moment consistent with the interests of the service.

I have the honor to be, with great respect, your obedient servant,

R. PATTERSON, *Major General.*

Hon. SIMON CAMERON, *Secretary of War.*

WAR DEPARTMENT, *November 30, 1861.*

GENERAL: I have to acknowledge the receipt of your letter of the 26th instant, calling my attention to your communication of the 1st of November, which contains a request for an inquiry into the late campaign in Virginia, in which you commanded a part of the United States forces.

Your letter did not reach me until my return to this city, and subsequent to the departure of Lieutenant General Scott for Europe.

There appears to have been no precedent in our service for an investigation or trial of an officer's conduct after he has received an honorable discharge. The inquiry you desire to have instituted would equally concern the late general-in-chief, and, as it appears to me, in justice to him, should not be made in his absence.

The respect I have always entertained for you, as well as the friendly relations which have long existed between us, would claim for any personal request from you the most prompt and favorable attention; but in my public capacity, in the present condition of affairs, I cannot convince myself that my duty to the government and to the country would justify me in acceding to your request. I must, therefore, reluctantly decline the appointment of a court of inquiry at this time.

With much respect, your obedient servant,

SIMON CAMERON, *Secretary of War.*

General R. PATTERSON, *Philadelphia, Penn.*

No. 3.

SENATE OF THE UNITED STATES, *December 17, 1861.*

On motion of Mr. Sherman,

Resolved, That the Secretary of War be requested, if not incompatible with the public interest, to furnish the Senate with copies of the correspondence between Lieutenant General Scott and Major General Patterson, with all orders from the former to the latter from the 16th day of April, 1861, to the 25th day of July, inclusive.

WAR DEPARTMENT, *December 24, 1861.*

SIR: In answer to a resolution of the Senate of the 17th instant, I have the honor to transmit herewith a report of the adjutant general, from which it will be perceived that it is not deemed compatible with the public interest at this time to furnish the correspondence between Generals Scott and Patterson, as called for.

Very respectfully, your obedient servant,

SIMON CAMERON, *Secretary of War.*Hon. H. HAMLIN, *President of the Senate.*HEADQUARTERS OF THE ARMY,
Adjutant General's Office, Washington, December 23, 1861.

SIR: In compliance with your instructions, I have the honor to report that, after due consideration, the general-in-chief is of the opinion it would be "incompatible with the public interest to furnish the Senate with copies of the correspondence between Lieutenant General Scott and Major General Patterson, and with all orders from the former to the latter from the 16th day of April, 1861, to the 25th day of July, inclusive," as called for in the Senate resolution of December 17, 1861.

I am, sir, very respectfully, your obedient servant,

L. THOMAS, *Adjutant General.*

Hon. SECRETARY OF WAR.

No. 4.

HEADQUARTERS OF THE ARMY,
Washington, June 4, 1861.

General Scott says do not make a move forward until you are joined by a battery of the fourth artillery and a battalion of five companies of 3d United States infantry, to leave here the 6th instant for Carlisle. Company F, fourth artillery, is the one to be mounted. Orders have been given to purchase horses and collect the guns, equipments, &c., as soon as possible at Carlisle.

It will require some days, but the general considers this addition to your force indispensable. If two Ohio regiments come to you retain them; also halt the first two regiments that may pass through Harrisburg from the north to this city and add them to your force. You will receive a letter from the general before you move.

E. D. TOWNSEND, *A. A. G.*

Major General R. PATTERSON,

Chambersburg, Pennsylvania.

No. 5.

HEADQUARTERS OF THE ARMY,

Washington, June 8, 1861.

SIR: I think your expedition against Harper's Ferry well projected, and that success in it would be an important step in the war. But there must be no reverse. Hence I have given you the best re-enforcements within my reach, and have just ordered Colonel Burnside's fine Rhode Island regiment of infantry, with its battery, (about 1,200 strong,) to proceed to Carlisle and there receive your orders.

A company of the fourth artillery, (to receive its horses and battery at Carlisle,) with the battalion of the third infantry, took the same route, and with the same instruction, yesterday. This battery may not be ready for you in time. These heavy rains must swell the Potomac and delay your passage some days.

I am organizing, to aid you, a small secondary expedition under Colonel Stone. He will have about 2,500 men, including two troops of cavalry and a section (two pieces) of artillery. The movements by road and canal will commence the 10th instant, and passing up the country, (touching at Rockville,) be directed upon the ferry opposite Leesburg. This may be but a diversion in your favor, but possibly it may be turned into an effective co-operation. Colonel Stone will be instructed to open a communication with you, if practicable, and you will make a corresponding effort on your part.

I do not distinctly foresee that we shall be able to make any diversion in your behalf on the other side of the Potomac, beyond repairing the lower part of the railroad leading from Alexandria towards the Manassas Gap.

I have said that we must sustain no reverse—but this is not enough; a check or a drawn battle would be a victory to the enemy, filling his heart with joy, his ranks with men, and his magazines with voluntary contributions. Take your measures, therefore, circumspectly; make a good use of you engineers and other experienced staff-officers and generals, and attempt nothing without a clear prospect of success, as you will find the enemy strongly posted and not inferior to you in numbers.

With entire confidence in your valor and judgment, I remain your brother soldier,

WINFIELD SCOTT.

Major General PATTERSON,
United States Forces.

No. 6.

HEADQUARTERS OF THE ARMY,

Washington, June 13, 1861.

GENERAL: Information has been given the general-in-chief that Ben McCulloch has two regiments of sharpshooters coming from Texas, and that he is now on the spot preparing to meet your column, and then to fall back on Harper's Ferry. Indications received from this side confirm the impression you seem to have that a desperate stand will be made at Harper's Ferry by the rebels. The general suggests that sharpshooters be met by sharpshooters.

This will be handed to you by Lieutenant Babcock, corps of engineers, ordered to report to you.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND, A. A. G.

Major General PATTERSON,
Chambersburg, Pennsylvania.

No. 7.

HEADQUARTERS OF THE ARMY,
Washington, June 13, 1861.

The general-in-chief directs me to say that, on the supposition you will cross the river on Monday or Tuesday next, Brigadier General McDowell will be instructed to make a demonstration from Alexandria in the direction of Manassas Junction one or two days before. The general does not wish you to hasten, but to keep him informed, so that General McDowell may properly time his movement.

Colonel Stone is advancing on Edwards's Ferry and towards Leesburg, to intercept supplies and be governed by circumstances. If he finds means to communicate with you, and it is expedient to effect a junction with you, he has instructions to do so.

The general has sent a Mr. William Johnston to endeavor to pass through Harper's Ferry, and then to join you and give you useful information. It is hoped the facilities he seemed to possess will make his mission successful.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND, A. A. G.

Major General PATTERSON,
Chambersburg, Pennsylvania.

No. 8.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Chambersburg, Pennsylvania, June 7, 1861.

SIR: The enclosed telegrams will inform the general-in-chief how the Elmira regiments succeeded in passing out of this department, and what companies of the second infantry have been to Pittsburg. From private information I have reason to believe company "C," second infantry, will soon be in from Fort Ripley. Am I authorized to take it and others of the regiments passing east?

I desire in a few days to occupy the roads beyond Hagerstown, and to establish my headquarters in that town, but do not, in the face of the order of the general-in-chief not to make a forward movement, like to advance beyond Green Castle, to which point Colonel Thomas's brigade moved to-day. I can, in a few days hence, throw with wagons over 8,000 men beyond that point, and by rail, at the same time, 2,000 more.

While the river is high, from recent rains, I wish to establish my depots and to intrench my left flank on the Boonsborough road, placing there the force with which I can threaten the "Maryland Heights" and, should a favorable occasion offer, storm them. This force will be that which I will not be able to provide with sufficient transportation at present.

The approaches to Harper's Ferry are so well guarded, and the sympathizers with the rebels in the immediate vicinity so numerous, that no spy can approach their works. The little information I can gain assures me they are fortifying west of Harper's Ferry as well as at the "Maryland Heights," and design, on this field, to make a desperate struggle for supremacy.

Independent of the regular force with Colonel Thomas, I have now, in this vicinity, seventeen regiments, all the force which is to join me, except the New York and Ohio regiments, of which I know nothing.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON,
Major General Commanding.

Lieutenant Colonel E. D. TOWNSEND,
Assistant Adjutant General, U. S. A., Washington.

No. 9.

WASHINGTON, *June 16, 1861.*

What movement, if any, in pursuit of the enemy, do you propose to make, consequent on the evacuation of Harper's Ferry; if no pursuit, and I recommend none specifically, send to me, at once, all the regular troops, horse and foot, with you, and the Rhode Island regiment.

WINFIELD SCOTT.

Major General PATTERSON.

No. 10.

WASHINGTON, *June 16, 1861.*

Why a detachment upon Winchester? If strong enough, the detachment would drive the enemy from Winchester, Strasburg, and Manassas Junction; or, perhaps, from Winchester, *via* Staunton, towards Richmond. What would be the gain by driving the enemy on either of these places? And if your detachment be not strong it would be lost. Hence the detachment, if not bad, would be useless. The enemy is concentrating upon Arlington and Alexandria, and this is the line to be looked to. Is Wallace, at Cumberland, threatened from below; if so, the threatening detachment is cut off by your passage of the Potomac. McClellan has been told, to-day, to send nothing across the mountains to support you since the evacuation of Harper's Ferry. You are strong enough without. The regulars with you are most needed here; send them and the Rhode Island as fast as disengaged. Keep within the above limits until you can satisfy me you ought to go beyond them. Report frequently.

WINFIELD SCOTT.

Major General PATTERSON, *Commanding.*

No. 11.

WASHINGTON, *June 16, 1861.*

You tell me you arrived last night at Hagerstown, and McClellan writes you are checked at Harper's Ferry—where are you.

WINFIELD SCOTT.

Major General PATTERSON, *Commanding.*

No. 12.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Chambersburg, Pennsylvania, June 12, 1861.

SIR: I yesterday notified you of the occupation of Cumberland by the Indiana regiment, under Colonel Wallace, and the fact of secession militia being in his neighborhood, upon whom he designed to call. I now enclose, for the information of the general-in-chief, the satisfactory report of his journey through Virginia.

I have reasons to believe that, with a few exceptions, the people of Maryland are loyal, and wherever federal forces will appear disloyalty will hide its head, and the government receive powerful auxiliaries. The Unionists now present a bold front and call for aid, which, as I cannot now give aid properly sustained, would invite attack and probably cause defeat.

In the counties bordering the Potomac are many Union-loving people, but the

secessionists are so powerful and violent and well armed that our friends dare not express open sympathies, and are often forced to array themselves against us. For this reason, and to sustain the command at Cumberland, which can gradually work its way east repairing bridges, I would respectfully suggest that two regiments at least, if they can be devoted to that purpose, be designated to protect the road in the rear and permit Colonel Wallace to approach. Supplies must also be sent by rail from Wheeling, and require protection.

I regret my command is not in condition and sufficiently strong, in facing a powerful foe, to detach at present a force towards Cumberland. I am resolved to conquer, and will risk nothing. On Saturday my depot will be established in Hagerstown, and immediately thereafter my headquarters will be transferred to that place. The amount of wagons and the difficulty of procuring teams rapidly enough has troubled me and does so yet, but on Saturday night I shall have in front of Hagerstown 10,000 men strongly posted, with depot there established; the different commands will be filled with expedition and pushed toward the river. The 4th artillery battery will not receive horses before Saturday. The heavy battery will arrive in Hagerstown after me. Before being prepared to advance to that point the troops will be well drilled and disciplined. A marked improvement is daily manifested in their military exercises, and the regiments lately arrived are in excellent condition and drill. Their success ere long will, I hope, prove we have gained by delay.

I am, sir, &c., &c.,

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,
Assistant Adjutant General U. S. A., Washington City.

No. 13.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Hagerstown, Maryland, June 16, 1861.

COLONEL: I have the honor to report, for the information of the general-in-chief, my arrival last evening in this place. From time to time I have notified you of the condition of the command to move, and of my intention soon to advance to this place with a force that could maintain any position it might take. With our own transportation, aided by every wagon and team that could be hired contiguous to our camps in Pennsylvania and in this place, I advanced yesterday, (the earliest moment,) General Cadwalader's division, and sent the largest portion of General Keim's. The remainder with supplies are rapidly coming in.

General Cadwalader camped last evening near Williamsport; to-day, under my instructions, he will cross the river and occupy the ford to Falling Waters, and will be prepared to push on to Martinsburg, to which place he sends an exploring force. He will be sustained by Generals Wynkoop and Negley, whose brigades are posted for this purpose.

Early yesterday morning I received, simultaneously, reliable information of the evacuation of Harper's Ferry, and a threatened attack upon Colonel Wallace, at Cumberland, with a call for aid, which General Morris, in rear, has refused. I directed Colonel Wallace to hire transportation, maintain a bold front to the last moment, and if hard pressed to move toward Hancock, in which direction horse, foot, and artillery would be sent with orders to push on to him, or at his discretion to fall back upon Bedford, communicating the fact to the column this side. With the spirit of a true soldier, he has prudently determined to stand, and retire contesting the ground unless he will have to sacrifice his men.

Confident the enemy had retired and was in rapid retreat from Harper's Ferry, I ordered a force to be detached to Cumberland. Owing, as will be seen by the accompanying letters, to the want of means of transportation, and the fagged condition of the command, the march being long and the day oppressively hot, the command could not be put in motion.

Major Porter, at midnight, visited General Cadwalader, at Williamsport, and arranged to send to-day a section of artillery, a squadron of cavalry, and the Rhode Island regiment, Colonel Burnside, a gallant soldier and a gallant command, to support the noble Indiana regiment similarly commanded.

The transportation for that command exhausted all available wagons and checked, had I been able and it prudent, further advance to push on a flying enemy.

On the approach suddenly on their rear of this well organized force, and the steadily advancing column under Colonel Stone, the enemy appear to have hastily decided to evacuate the position they had openly declared should be held at all hazards. They have fled in confusion. Their retreat is as demoralizing as a defeat, and, as the leaders will never be caught, more beneficial to our cause.

Harper's Ferry has been retaken without firing a gun. The moral force of a just cause, sustained by a strong and equitable government, has conquered.

I am prevented advancing rapidly by want of transportation. The interests of the government are too momentous to risk a defeat, or even a check, and hence I send out no inferior force. To-day and to-morrow about nine thousand men cross to Virginia, there to await transportation and to be sent forward in detachments, well sustained. In the mean time I propose and submit for the consideration of the general-in-chief—

1st. To transfer to Harper's Ferry my base of operations, depots, headquarters, &c. &c.

2d. To open and maintain free communication east and west along the Baltimore and Ohio railroad.

3d. To hold at Harper's Ferry, Martinsburg, and Charlestown, a strong force, gradually and securely advancing, as they are prepared, portions towards Winchester, Strasburg, &c.

4th. To re-enforce Cumberland and move south to Romney, Morehead, &c., and operate with the column in the 3d proposition toward Woodstock and cut off communication with the west. We will thus force the enemy to retire, and recover without a struggle a conquered country. To carry out this plan time is required, and that, with a strong, firm hand, will restore peace and unity to our distracted country.

To effect what I propose requires the co-operation of General McClellan, and force from him to be under my control at Cumberland, both to secure the road as far as Grafton and to advance to Romney, &c. With Harper's Ferry in possession, Baltimore falls. Maryland will be a quiet spectator, awaiting the result of the campaign, with her interests developing a feeling in favor of a permanent federal government.

If this proposition be adopted I shall continue my present operations, which have been directed to this end, and shall, as soon as I am prepared, occupy Harper's Ferry, Martinsburg, secure the railroad and canal to Cumberland, using the railroad hence to Harrisburg as accessory only.

In connexion with this subject I respectfully request—presuming Baltimore to be so far peaceable that the safety of the railroads can be relied upon—permission to take from the Philadelphia and Baltimore road, and the Northern Central railroad, the regiments now guarding them. The latter I should at once transfer to the Baltimore and Ohio railroad, the former to the line of operations.

If I am permitted to carry out this plan, the Baltimore and Ohio railroad and

the canal will be in operation in a week, and a free line of communication to St. Louis be established.

I shall continue to carry out these views until checked; but if my course be approved, I wish to be informed. I am advancing into another department; but so essential is it that, for the instant, I do not consider the sanction of the general-in-chief requisite. The telegram of the general-in-chief recalling regulars is at hand. My reply is the substance of this communication, with the request that the regulars be permitted to remain for the present. Until Harper's Ferry is occupied and fortified, I should fear the return of the rebels. This force is a good one; but the general-in-chief has, by the regular troops and commanders he has given me, made it a reliable one, and caused Harper's Ferry to fall.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON, *Maj. Gen. Commanding.*

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. A., Washington City.

No. 14.

HEADQUARTERS OF THE ARMY,

Washington, June 17, 1861.

To General PATTERSON :

We are pressed here. Send the troops that I have twice called for, without delay.

WINFIELD SCOTT.

No. 15.

Telegraph to General R. Patterson, U. S. Army, Hagerstown.

HEADQUARTERS OF THE ARMY,

Washington, June 20, 1861.

I desire you to cause to be examined the Maryland Heights overlooking Harper's Ferry, with a view to a battery sufficient to hold the same; and also without delay to propose to me a plan of operations with a portion of your forces to sweep the enemy from Leesburg towards Alexandria, in co-operation with a strong column from this end of the same road. Of course it is designed that you should absorb the column of Colonel Stone, now covering the fords and ferries on the Potomac below Leesburg. The remainder of your troops (how many?) to be left to cover the detachment on the Maryland Heights. Reply promptly.

WINFIELD SCOTT.

Copy signed.

E. D. TOWNSEND, *A. A. G.*

No. 16.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,

Hagerstown, Maryland, June 21, 1861.

COLONEL: I have the honor to acknowledge the receipt of the telegram of the general-in-chief, calling for a plan of operations with a portion of my force to sweep the enemy from Leesburg, &c.

Enclosed is a copy of my telegraphic reply. The following is my plan :

To carry out the views of the general-in-chief, I propose—

1st. To occupy the Maryland Heights with a brigade (2,100 men;) fortify and arm with Doubleday's artillery; provision for 20 days to secure against investment.

2d. To move all supplies to Frederick, and immediately thereafter abandon this line of operations, threatening with a force to open a route through Harper's Ferry, this force to be the sustaining one for the command on Maryland Heights.

3d. To send everything else available, horse, foot, and artillery, to cross the Potomac near Point of Rocks, and unite with Colonel Stone at Leesburg. From that point I can operate as circumstances shall demand and your orders require.

If no blow is to be struck here I think this change of position important to keep alive the ardor of our men, as well as to force an enemy. The reasons for this change of depot will be so apparent to the general-in-chief that I need not refer to them. By the employment of the local transportation of the country I can soon make the necessary changes, and will hasten to carry out your orders.

I have many reports in regard to the movements of the force opposite us in Virginia, and have reason to believe that when the regulars were withdrawn General Johnston, with 13,000 men and 22 pieces of artillery, was marching to the attack, that night posted his forces, expecting an attack the following morning. I regret we did not meet the enemy, so confident am I that, with this well-appointed force, the result would have been favorable to us, and that this portion of Virginia would now be peaceably occupied. Reports of the enemy having returned to Harper's Ferry and driven the occupants to this shore reached me yesterday. I immediately despatched a strong force to take the position in the vicinity of Sharpsburg and protect all parties on this side of the river, and drive back any force which may attempt to cross.

I am, colonel, very respectfully, your obedient servant,

R. PATTERSON,

Major General Commanding.

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington, D. C.

No. 17.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Hagerstown, Maryland, June 23, 1861.

COLONEL: Up to the present instant I have received from Captain J. Newton, engineer corps, only a report of a part of his reconnoissance of the Maryland Heights and the ground adjacent, made in compliance with the injunctions of the general-in-chief. I hasten to give the result thus far, expecting to-morrow evening to present the whole.

Captain Newton approached the heights from this side, ascending over rough and steep roads, difficult for artillery. The summit he found capable of defence, of ample character, by about 500 men. The main difficulty to be overcome is the supply of water, the springs, which a week since afforded an ample supply, having become dry. He found no water within a half mile of the position selected on the heights for an intrenched camp. In Pleasant Valley, on the east, near the base of the mountain, springs are reported to abound; their character will be ascertained to-morrow. Water would have to be hauled from this valley, and he reports the ascent very difficult. In this valley I propose to place the force sustaining that on the heights. The whole command, if the location prove favorable, need not exceed 2,500 men. That force would render the position safe; anything less would invite attack.

The following is what I have to report in relation to the enemy. Deserters from their ranks, some one or more of whom come in daily, all agree in saying that the whole of the force originally at Harper's Ferry (said to have been

25,000 men) is still between Williamsport and Winchester, about 8,000 coming this way arrived on Friday at Martinsburg. The remainder are distributed in a semicircle, and on the route to Winchester, within four hours' march of the advance. The advance is approaching Falling Waters, under the command of General Jackson, who now commands the whole.

The force under Jackson controls the people of Berkeley county, whom, I believe, are sorely oppressed, and would welcome our approach. That force has become some little encouraged from our not advancing, and may soon annoy us. If so, I shall not avoid the contest they may invite; indeed, if it meets the approval of the general-in-chief I would march my whole force, as soon as the batteries receive harness, upon the enemy and drive him step by step to Winchester. I believe this force can in ten days rid the adjoining portion of Virginia of its oppressors. I may be forced to this course. My fear is that I may interfere with the general plan of the general-in-chief, and drive the enemy to the aid of the main body. They would, however, go as fugitives to aid in its demoralization. My means of transportation are coming in rapidly.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON, *Major General Commanding.*

Colonel E. D. TOWNSEND,

A. A. General U. S. Army, Washington, City.

No. 18.

[Telegram]

HEADQUARTERS OF THE ARMY,

Washington, June 25, 1861.

I write by mail in substance. Remain in front of the enemy while he continues in force between Winchester and the Potomac. If you are in superior or equal force you may cross and offer him battle. If the enemy should retire upon his resources at Winchester, it is not enjoined that you should pursue him to that distance from your base of operations without a well-grounded confidence in your continued superiority.

Your attention is invited to a secondary object, a combined operation on Leesburg between a portion of your troops and the column of Colonel Stone at, and probably above, the Point of Rocks, to hold that village. The enemy has re-enforced Leesburg to sixteen hundred (1,600) men, and may increase the numbers. Inquire.

WINFIELD SCOTT.

Major General PATTERSON.

No. 19.

WASHINGTON, *June 27, 1861.*

I have your telegram of this date about a prisoner, but no acknowledgment of mine of the 25th, and letter of the same date. Under the latter I had expected you crossing the river to-day in pursuit of the enemy. You needed no special authority for sending prisoners to Fort McHenry.

WINFIELD SCOTT, *General-in-Chief.*

General PATTERSON, *U. S. A.*

No. 20.

HEADQUARTERS OF THE ARMY,

Washington, June 27, 1861.

SIR: The letter of Captain Doubleday, suggesting that the guns composing his heavy battery be sent one by one to be rifled, has been referred to the colo-

nel of ordnance. The measure proposed is not now practicable, but a rifled 30-pounder gun has been ordered to be sent from Washington arsenal. The rifled guns required for Captain Perkins's battery have been issued, and there are none on hand. The ordinary guns which have been furnished the battery are considered as sufficiently effective by the general-in-chief.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND, A. A. G.

Major General PATTERSON, U. S. A.,
Commanding, &c., Hagerstown, Maryland.

No. 21.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Hagerstown, Maryland, June 28, 1861.

COLONEL: I have the honor to acknowledge the receipt of a telegram from the general-in-chief, dated 27th instant, saying: "I had expected you crossing the river to-day in pursuit of the enemy." I infer from this that orders have been sent me to cross and attack the enemy. If so, I have not received them.

Captain Newton, of the engineers, returned at midnight, after two days' absence in the direction of Sharpsburg and Dam No. 4, and reports, on information he considers reliable, 5,000 men from Falling Waters to Dam No. 4, 4,500 men in the vicinity of Shepherdstown under General Jackson, and a reserve of 5,500 men under General Johnston, near Bunker Hill. He also reports twenty to twenty-four guns and a large cavalry force with General Jackson, and thinks General Negley, whose brigade is on my left, near Sharpsburg, will be attacked, the river being fordable at almost every point.

To meet this force of 15,000 men, with 22 guns and nearly 1,000 cavalry, I have about 10,000 volunteer infantry, and 650 cavalry and artillery, the latter being nearly all recruits. The horses are untrained, and we are still without harness for the battery.

I have repeatedly asked for batteries, and ought to have one for each brigade, but have none. The only one fit for service sent me was the Rhode Island battery, and that the general-in-chief was compelled, by the necessities of his own position, to take from me when most wanted, and within a week after it joined me. I have neither cavalry nor artillery sufficient to defend the fords of the river between Harper's Ferry and Hancock, but I would much rather attack than defend, and would have far more confidence in the result. While I will not, on my own responsibility, attack without artillery and superior force, I will do so cheerfully and promptly if the general-in-chief will give me an explicit order to that effect.

To insure success, I respectfully but earnestly request that the troops taken from me when Washington was menaced be sent to me with all speed, with a number of field guns equal to those of the insurgents. I will then be enabled to choose my point of attack, offer battle to the enemy, and, I trust, drive them before me, clearing the valley in front, and taking such position as the general-in-chief may indicate.

I respectfully suggest that Colonel Stone's column be sent me, with other re-enforcements, and venture to add that the sooner I am re-enforced with reliable troops and abundant field artillery the better.

I am making arrangements for crossing the river, and will do so, without waiting for orders or re-enforcements, if I find that the strength of the enemy has been overrated.

I beg to remind the general-in-chief that the period of service of nearly all the troops here will expire within a month, and that if we do not meet the enemy with them we will be in no condition to do so for three months to come.

The new regiments will not be fit for service before September, if then, and meanwhile this whole frontier will be exposed.

I have got my command into as good condition as I could expect in so short a time. Officers and men are anxious to be led against the insurgents, and if the general-in-chief will give me a regiment of regulars and an adequate force of field artillery, I will cross the river and attack the enemy, unless their forces are ascertained to be more than two to one.

I beg you to assure the general-in-chief of my sincere desire to sustain him faithfully, and to promote, by all the means at my command, the success of his general plan of operations.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington, D. C.

No. 22.

[Circular.]

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Hagerstown, Maryland, June 30, 1861.

A reconnoissance in force will be made to-morrow morning to the Virginia shore, for the purpose of ascertaining the strength of the enemy, as follows:

The 6th brigade, Colonel Abercrombie commanding, will, under the guidance of Captain John Newton, engineer corps, cross the river near Dam No. 4, and be sustained by the 1st brigade (Colonel Thomas) and four pieces of artillery.

The 2d and 5th brigades, (Generals Wynkoop and Negley,) the 5th in advance, will sustain these commands, Major General Keim commanding. The 3d and 4th brigades, Major General Cadwalader commanding, under the guidance of Captain Simpson, with one squadron of cavalry and one section of Perkins's battery, will cross the river at Williamsport.

The first column will advance its light troops sufficiently far to ascertain the proximity of the enemy, and if the latter be not strong in front and left will move to the right, towards Falling Waters, to drive the enemy from that position, and form a junction with the 2d. If heavy firing is heard, the 5th brigade will advance to the assistance of the 6th and 1st.

General Cadwalader will advance cautiously towards Falling Waters and ascertain the strength of the enemy; hold him in check, and, if he attempts to move towards the other column, will attack.

The troops will be in Downeysville at 12 to night, prepared to move as follows:

The 6th brigade opposite Dam No. 4, with one section of artillery.

The 1st brigade in rear of the 6th, one section of artillery and squadron of cavalry in rear.

The 5th brigade.

The 2d brigade.

The 2d column at Williamsport. The light troops will cross at 3 a. m. Camp guards will be left with each regiment. The quartermaster will send to-day ambulances to each brigade. These to follow the columns.

Each command will take two days' provisions in haversacks, and be prepared to be separated from their baggage one night. The men will take forty rounds of ammunition.

Regimental commanders and all officers will compel their men to keep in

rank, and at all halts to lie down on their arms, and give orders and see that no man fires his gun without orders.

The division and brigadier commanders will meet the commanding general in Colonel Thomas's camp to-day at 4 p. m.

By order of Major General Patterson.

No. 23.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Va., July 4, 1861.

SIR: I avail myself of a favorable opportunity hastily to inform you of my arrival at this place with no opposition of any character since the 2d instant, but with a warm welcome from the populace. The rebel cavalry retired from the town as the command entered, and scattered in several directions; the infantry and artillery retired towards Winchester.

I have halted temporarily to bring up supplies, which will be here to-morrow, having to-day returned all my wagons for the purpose.

Provisions in this part of the country are limited, and, consequently, with my present transportation, I can advance but a short distance before I am compelled to halt.

As soon as provisions arrive I shall advance to Winchester to drive the enemy from that place, if any remain. I then design to move towards Charlestown, to which point I believe Colonel Stone is advancing; and if I find it not hazardous to continue to Leesburg, I must do this or abandon the country by retiring the way I came in consequence of the term of the three months volunteers being about to expire; they will not in any number renew their service, though I think the offer should be made.

The Union sentiment here is apparently very strong; but many fear a reverse, and that this force will retire either voluntarily or forcibly. The people cannot be made use of to raise a force for self-defence unless supported by a strong force of United States troops.

I desire to be informed of the wish of the general-in-chief in regard to the continued occupation of this region. I have ordered up all the force in the rear, except the Connecticut regiment, five companies of which are stationed at each of the depots, Williamsport and Hagerstown. The Rhode Island battery and the 13th Pennsylvania volunteers join me to-night.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON, *Major General Commanding.*

Colonel E. D. TOWNSEND,

Assistant Adjutant General, Washington, D. C.

No. 24.

HEADQUARTERS OF THE ARMY,
Washington, July 5, 1861—11 p. m.

Your letter of the 4th is received. Orders now sent this morning to Madison for the 3d and 4th regiments from Wisconsin to repair to Williamsport, *via* Chambersburg, and report to you. The 19th and 28th New York regiments leave here for Hagerstown to-morrow at half past two p. m.; you will have to provide transportation for them thence to the post you may order them to. If any three months men will re-engage for the long term, designate a regular officer of your command to muster them, provided a sufficient number to form a regiment can be obtained.

Having defeated the enemy, if you can, continue the pursuit, without too great a hazard; advance, *via* Leesburg or Strasburg, towards Alexandria; but consider the dangerous defiles, especially *via* Strasburg, and move with great caution, especially *via* Strasburg, halting at Winchester, and threatening a movement by Strasburg, or the passage of the Potomac twice, and coming down by Leesburg, may be the most advantageous movement.

WINFIELD SCOTT.

Major General PATTERSON.

No. 25.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Va., July 5, 1861.

SIR: The commanding general directs you to join the column at the earliest moment, indicating the crossing at Williamsport as insuring the greatest expedition and securing the rear.

If you are short of transportation, you are authorized to hire all necessary vehicles in the country, to press, with promises to pay, the teams of unwilling owners.

The general wishes to hear from you at the earliest moment.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER, *Ass't Adjutant General.*

Colonel CHARLES P. STONE,

Commanding expedition en route for this place.

No. 26.

HEADQUARTERS OF THE ARMY,
Washington, July 7, 1861.

SIR: Besides Colonel Wallace's regiments, and Colonel Stone's three regiments and a half, there are now *en route*, or under orders to join you as soon as practicable, two regiments from Madison, Wisconsin; one regiment (to start tomorrow) from Boston, and four New York regiments from this city. Two of the latter went by rail yesterday, and two go to-day. All these regiments are directed to Williamsport, that being the most convenient point in regard to transportation of supplies, &c.

General Sanford (a major general of twenty-five years standing) has, in the best possible spirit, volunteered with two of his most efficient regiments to assist you. The general-in-chief desires you to make up for him a suitable command, and to employ him, as he desires, for the good of the service. You will find him worthy of your best respect and attention.

As you were informed by telegraph, this morning, Governor Curtin has been requested, with the sanction of the Secretary of War, to order the regiments of State troops to hold Cumberland for the present, which regiments are instructed to obey you, or (in an extreme case) any orders they may receive from General McClellan.

The general desires me to add that, waiting for horses, we cannot yet say on what day we shall be able to attack the enemy in the direction of Manassas Junction. We hope, however, to be ready before the end of this week.

I am, very respectfully, your obedient servant,

E. D. TOWNSEND, *Assistant Adjutant General.*

Major General R. PATTERSON,

United States Army, Martinsburg, Virginia.

Part ii—9

No. 27.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, July 9, 1861.

COLONEL: I have received the telegrams of the general-in-chief notifying of the additional regiments sent to me. Colonel Stone and the nineteenth and twenty-eighth New York regiments arrived yesterday. General Sanford, with fifth and twelfth New York regiments, will join to-morrow.

Since I last addressed you I have made no movements, in fact have been prevented by the necessity of sending all my wagons to the rear, to obtain provisions for a few days in advance, and to bring up troops. The commissary has supplies (with those in hands of troops) for about two days. Though the quartermaster has spared no exertion, and his agents have been very active, he has not, as yet, been able to provide a supply train for the command. I am therefore much restricted in my movements, being compelled, after three days advance, to send back for provisions. The difficulty will increase as I advance; indeed I am now almost at a stand. Instead of receiving aid from the inhabitants, I find myself in an enemy's country, where our opponents can procure supplies and we nothing, except by seizure. Even information studiously kept from us. Supplies, especially provisions, are very scarce, and not even one day's rations can be relied upon. The supply of grain also is very limited. Under these circumstances I respectfully present to the general-in-chief the following plan, which, with my present views, I desire to carry into operation so soon as I can do so with safety, and the necessity for following Johnston ceases: I propose to move this force to Charlestown, from which point I can more easily strike Winchester, march to Leesburg when necessary, open communication to a depot to be established at Harper's Ferry, and occupy the main avenue of supply to the enemy. My base will then be some seven miles nearer, more easily reached by road, and my line of communication rendered more secure than at present. I can establish communication with the Maryland shore by a bridge of boats. In this way I can more easily approach you; and the movement, I think, will tend to relieve Leesburg and vicinity of some of its oppressors. My present location is a very bad one, in a military point of view, and from it I cannot move a portion of the force without exposing that of what remains to be cut off.

General Sanford informs me by letter that he has for me a letter from you. I hope it will inform me when you will put your column in motion against Manassas, and when you wish me to strike. The enemy retired in succession from Darkesville and Bunker Hill to Stevenson's Station, a few miles from Winchester. There he has halted and, report says, is intrenching. His design, evidently, is to draw this force on as far as possible from the base, and then to cut my line, or to attack with large re-enforcements from Manassas. As I have already stated, I cannot advance far, and if I could I think the movement very imprudent. When you make your attack I expect to advance and offer battle. If the enemy retires, shall not pursue. I am very desirous to know when the general-in-chief wishes me to approach Winchester. If the notice does not come in any other way, I wish you would indicate the day by telegraph thus: "*Let me hear from you on.*"

I am, sir, very respectfully, your obedient servant,

R. PATTERSON, *Major General Commanding.*

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington, D. C.

No. 28.

WASHINGTON, July 12, 1861—1.30 p. m.

Go where you propose in your letter of the 9th instant. Should that movement cause the enemy to retreat upon Manassas *via* Strasburg, to follow him at this distance would seem hazardous; whereas the route from Charlestown *via* Keyes's Ferry, Hillsboro', and Leesburg towards Alexandria, with the use of the canal on the other side of the river for heavy transportation, may be practicable. Consider this suggestion well, and, except in an extreme case, do not recross the Potomac with more than a sufficient detachment for your supplies on the canal. Let me hear of you on Tuesday. Write often when *en route*.

WINFIELD SCOTT.

Major General R. PATTERSON,
Martinsburg, Virginia.

No. 29.

WASHINGTON, July 13, 1861.

I telegraphed you yesterday if not strong enough to beat the enemy early next week make demonstrations so as to detain him in the valley of Winchester; but if he retreats in force towards Manassas, and it be hazardous to follow him, then consider the route *via* Keyes's Ferry, Leesburg, &c.

WINFIELD SCOTT.

General R. PATTERSON.

No. 30.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Virginia, July 13, 1861.

Received the announcement of McClellan's victory with great gratification. His success, however, makes no change in my plans. This force is the "key-stone" of the combined movement, and injury to it would counteract the good effects of all victories elsewhere. Johnston is in position beyond Winchester to be re-enforced, and his strength doubled just as I would reach him. My position is a trying one, but I must act cautiously while prepared to strike.

R. PATTERSON, *Major General Commanding.*

Colonel E. D. TOWNSEND,
Ass't Adj't Gen'l United States Army, Washington, D. C.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Virginia, July 13, 1861.

McClellan's victory received here with great joy. Received without comment from the general-in-chief. I have given and now give mine. My column must be preserved to insure to the country fruits of this and other victories which we hope will follow. My determination is not changed by this news. I would rather lose the chance of accomplishing something brilliant than, by hazarding this column, to destroy the fruits of the campaign to the country by defeat. If wrong let me be instructed.

R. PATTERSON, *Major General Commanding.*

Colonel E. D. TOWNSEND,
Ass't Adj't Gen'l United States Army, Washington, D. C.

No. 31.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Virginia, July 14, 1861.

COLONEL: I have thus far succeeded in keeping in this vicinity the command under General Johnston, who is now pretending to be engaged in fortifying at Winchester, but prepared to retire beyond striking distance if I should advance far. To-morrow I advance to Bunker Hill, preparatory to the other movement. If an opportunity offers, I shall attack; but, unless I can route, shall be careful not to set him at full retreat upon Strasburg. I have arranged for the occupation of Harper's Ferry, opposite which point I have directed provisions to be sent.

Many of the three months volunteers are very restless at the prospect of being retained over their time. This fact will soon cause you to hear from me in the direction of Charlestown. Want of ample transportation for supplies and baggage has prevented my moving earlier in the direction I desired.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON, *Major General Commanding.*

Colonel E. D. TOWNSEND,

Ass't Adj't Gen'l United States Army, Washington, D. C.

No. 32.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Bunker Hill, Virginia, July 16, 1861.

COLONEL: I have the honor to report, for the information of the general-in-chief, my advance and arrival at this place yesterday, opposed only by a body of 600 cavalry, of which one was killed, and five taken prisoners. To-morrow I move upon Charlestown. A reconnoissance shows the Winchester road blocked by fallen trees, and fences placed across it, indicating no confidence in the large force now said to be at Winchester. I send you a sketch, prepared by Captain Simpson, of the works said to have been erected in the vicinity of Winchester. Preparations have already been commenced to occupy and hold Harper's Ferry with the three years troops. If the general-in-chief desires to retain that place, (and I advise it never to be evacuated,) I desire to be at once informed by telegraph.

I have to report that the term of service of a very large portion of this force will expire in a few days. From an under current expression of feeling I am confident that many will be inclined to lay down their arms the day their time expires. With such a feeling existing any active operations towards Winchester cannot be thought of until they are replaced by three years men. Those whose terms expire this week, and will not remain, I shall arrange to send off by Harper's Ferry; those for Philadelphia *via* Baltimore; those for Harrisburg *via* Hagerstown.

If Harper's Ferry is to be held, after securing that I shall, if the general-in-chief desires, advance with the remainder of the troops *via* Leesburg, provided the force under Johnston does not remain at Winchester after the success which I anticipate from General McDowell.

I wish to be advised if these preparations meet with the approval of the general-in-chief.

The Wisconsin regiments are without arms and accoutrements, which I have directed the commander of Frankford arsenal to provide.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington, D. C.

No. 33.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Charlestown, Virginia, July 17, 1861.

The terms of service of the Pennsylvania troops (eighteen regiments) expire within seven days, commencing to-morrow. I can rely on none of them renewing service. I must be at once provided with efficient three years men, or withdraw to Harper's Ferry.

Shall I occupy permanently Harper's Ferry, or withdraw entirely? I wrote yesterday on this subject, and now wish to be informed of the intentions of the general-in-chief. My march to-day was without opposition or incident of importance. The country has been drained of men. This place has been a depot for supplies for force at Winchester, and the presence of the army is not welcome.

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington, D. C.

No. 34.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Virginia, July 6, 1861.

SIR: I telegraphed my intention to cross the Potomac on the 1st instant. I now have the honor to report my movements since that date.

I left Hagerstown on the afternoon of the 30th ultimo, the earliest day my command could take the field in a proper condition for active service, intending the following morning to enter Virginia with two columns, (at Dam No. 4 and at Williamsport,) to be united the same day at Hainesville, the location of the rebels. Owing to the danger and difficulty attending the fording at Dam No. 4, I placed all the force at Williamsport.

My order of march for the 2d instant is given in the accompanying circular. The advance crossed the Potomac at 4 a. m., all taking the main road to Martinsburg, with the exception of Negley's brigade, which, about one mile from the ford, diverged to the right to meet the enemy should he come from Hedgesville, to guard our right, and to rejoin at Hainesville.

About five miles from the ford the skirmishers in front and on the flank suddenly became engaged with the enemy posted in a clump of trees. At the same time their main body appeared in front, sheltered by fences, timber, and houses. Abercrombie immediately deployed his regiments (1st Wisconsin and 11th Pennsylvania) on each side of the road, placed Hudson's section, supported by the first troop Philadelphia city cavalry, in the road, and advanced to the attack against a warm fire before him. The enemy, being supported by artillery, resisted for twenty-five minutes with much determination. Lieutenant Hudson, after getting in position, soon silenced their guns.

In the meantime Thomas's brigade rapidly advanced and deployed to the left flank of the enemy. The enemy seeing this movement and being pressed

by Abercrombie retired, hotly pursued for four miles by artillery and infantry. The cavalry could not be employed on account of numerous fences and walls crossing the country. In the enemy's camp was found camp equipage, provisions, grain, &c.

This brush was highly creditable to our arms, winning, as we did, the day against a foe superior in number to those engaged on our side. They were well posted, sheltered by timber, and sustained by artillery and cavalry. Our men advanced over open ground against a warm fire of artillery and infantry. I present the report of the Colonels Abercrombie and Thomas and Lieutenants Perkins and Hudson, and take much pleasure in bearing testimony as an eye witness to the admirable manner in which their commands were handled and their commendations earned.

I also bear testimony to the efficient service in posting portions of the troops and conducting them to the front and into action rendered by the members of my staff present and on the field of battle, Colonel Porter, Captain John Newton, and Lieutenant Babcock, and Majors Price and Biddle, who were employed conveying orders, also Surgeon Tripler in attention to the wounded.

The loss of the enemy was over sixty in killed. The number of wounded cannot be ascertained, as a large number were carried off the field.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington City.

No. 35.

[Circular.]

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Hagerstown, Maryland, June 30, 1861.

A reconnoissance in force will be made to-morrow morning to the Virginia shore for the purpose of ascertaining the strength of the enemy, as follows:

The sixth brigade, Colonel Abercrombie commanding, under the guidance of Captain John Newton, engineer corps, will cross the river near Dam No. 4, and be sustained by the first brigade, Colonel Thomas, and four pieces of artillery.

The second and fifth brigades, Major General Cadwalader commanding, under the guidance of Captain Simpson, with one squadron of cavalry and one section of Perkins's battery, will cross the river at Williamsport.

The first column will advance its light troops sufficiently far to ascertain the proximity of the enemy, and if the latter be not strong in front and left, will move to the right towards Falling Waters, to drive the enemy from that position, and form a junction with the second. If heavy firing is heard the fifth brigade will advance to the assistance of the sixth and first.

General Cadwalader will advance cautiously towards Falling Waters and ascertain the strength of the enemy, hold him in check, and if he attempts to move towards the other column will attack.

The troops will be in Downeysville at 12 to-night, prepared to move as follows:

The 6th brigade, opposite Dam No. 4, with one section of artillery.

The 1st brigade in rear of the 6th, and one section of artillery and squadron of cavalry in rear.

The 5th brigade.

The 2d brigade.

The second column at Williamsport. The light troops will cross at 3 a. m.

Camp guards will be left with each regiment. The quartermaster will send to-day ambulances to each brigade, these to follow the columns.

Each command will take two days' provisions in haversacks, and be prepared to be separated from their baggage one night. The men will take forty rounds of ammunition.

Regimental commanders, and all officers, will compel their men to keep in ranks, and at all halts to lie down on their arms, and give orders and see that no man fires his gun without orders.

The division and brigade commanders will meet the commanding general in Colonel Thomas's camp to-day at 4 p. m.

By order of Major General Patterson.

F. J. PORTER, *Ass't Adjutant General*.

No. 36.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, July 8, 1861.

Special Orders No. 94.]

Division and brigade commanders will require those regiments which have not reduced their number of tents to four common and one wall tent for each company, and one wall tent for other officers, at once to pack the surplus, mark them, and turn them in to Captain Woods, acting assistant quartermaster, at the depot. The spare wagons which will thus be created must be used to carry provision. Every wagon which can be spared from transporting the regiments will at once be taken to Colonel Crosman, who is authorized to call for what he requires.

The commanding general calls upon every one to reduce their amount of transportation to enable him to move a larger force to the front, and to keep his army provisioned.

By order of Major General Patterson.

No. 37.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, July 8, 1861.

General Orders—Circular.]

The troops will move to-morrow morning in the following order:

The first (Thomas's) brigade, with the Rhode Island battery temporarily attached thereto, will advance by the Winchester turnpike, accompanied by one squadron of cavalry.

The seventh (Stone's) brigade, with Perkins's battery attached thereto, will take the main street of the town, (by the court-house,) and will continue on the road parallel and east of the Winchester turnpike. One company of cavalry will be attached to this command.

The first (Cadwalader's) division will follow the march of Thomas's brigade. Doubleday's battery will advance with this division, one regiment of which will be detailed for its guard, to accompany wherever it may be ordered.

The second (Keim's) division will pursue both routes, General Negley's brigade following the march of Colonel Stone's and Colonel Abercrombie's, and General Wynkoop's that of General Cadwalader.

The 28th and the 19th New York regiments will be temporarily attached to General Keim's division. General Keim will detail a strong rear guard of his division for the wagon train. The rear guard will march on the flanks and rear

of the train, and will be re-enforced by a squadron of cavalry. General Keim will detail a competent field officer to command the rear guard.

The wagons will advance in one train in the rear of the troops, and will be required to keep closed. The troops of the several divisions and brigades will keep closed.

By order of Major General Patterson.

No. 38.

Circular to Commanding Officers of Divisions and Brigades.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Martinsburg, Virginia, July 11, 1861.

The commanding general wishes to have as much as possible of this command ready to move at a moment's notice, and now directs an immediate examination and report of the ability of each regiment to march with transportation and at least three days' provisions.

The commanding general relies upon each division, brigade, and regimental commander, and each quartermaster, to keep his command in marching order, and not, when a march is ordered, to be asking at the last moment for what he should have called for in proper time, and it is impossible to give.

If any wagons can be spared from the transportation of a regiment, the commanding general wishes them, as soon as it is known, turned over to Colonel Crosman.

To bring up a large portion of these troops transportation of other commands had to be taken, and the commanding general must now know what condition the commands are in to designate marching orders.

By order of Major General Patterson.

No. 39.

HEADQUARTERS FIRST DIVISION,
Charlestown, Virginia, July 20, 1861.

SIR: In reply to your communication of this date, requesting information in regard to the dates of expiration of term of service of different regiments composing this division, I have the honor to state that the first brigade, Colonel George H. Thomas commanding—

6th regiment Pennsylvania volunteers, Colonel Nagle commanding, was enrolled and mustered into service on the 22d day of April, 1861. 21st regiment Pennsylvania volunteers, Colonel Ballier commanding, was enrolled on the 21st April, and mustered into service on April 29, 1861. 23d regiment Pennsylvania volunteers, Colonel Dare commanding; date of enrolment, April 18, 1861; date of muster, April 21, 1861, of some of the companies, but of the date of the muster of the last company was the 26th April, 1861.

Third brigade, General Williams commanding.

7th regiment Pennsylvania volunteers, Colonel Irwin; term of service expired, July 22, 1861. 8th regiment Pennsylvania volunteers, Colonel Emlee; term of service expired, July 22, 1861. 10th regiment Pennsylvania volunteers, Colonel Meredith; term of service expired, July 25, 1861. 20th regiment Pennsylvania volunteers, Colonel Gray; term of service expired, July 30, 1861.

Fourth brigade, Colonel Longnecker commanding.

9th regiment Pennsylvania volunteers: Field and staff.—When mustered, April 24, 1861; expiration of term, July 24, 1861. Company A.—When mustered, April 22, 1861; expiration of term, July 22, 1861. Company B.—When mustered, April 23, 1861; expiration of term, July 23, 1861. Company C.—When mustered, April 23, 1861; expiration of term, July 23, 1861. Company

D.—When mustered, April 24, 1861; expiration of term, July 24, 1861. Company E.—When mustered, April 22, 1861; expiration of term, July 22, 1861. Company F.—When mustered, April 22, 1861; expiration of term, July 22, 1861. Company G.—When mustered, April 24, 1861; expiration of term, July 24, 1861. Company H.—When mustered, April 24, 1861; expiration of term, July 24, 1861. Company I.—When mustered, April 23, 1861; expiration of term, July 23, 1861. Company K.—When mustered, April 23, 1861; expiration of term, July 23, 1861.

13th regiment Pennsylvania volunteers, Colonel Rowley, was mustered into service on April 23, 1861; term expires July 23, 1861.

16th regiment was mustered into service as follows: Company A.—When mustered, April 20, 1861; expiration of term, July 20, 1861. Company B.—When mustered, April 30, 1861; expiration of term, July 30, 1861. Company C.—Mustered for the war, May 20, 1861. Company D.—When mustered, April 26, 1861; expiration of term, July 26, 1861. Company E.—When mustered, April 27, 1861; expiration of term, July 27, 1861. Company F.—When mustered, April 25, 1861; expiration of term, July 25, 1861. Company G.—When mustered, April 25, 1861; expiration of term, July 25, 1861. Company H.—When mustered, April 25, 1861; expiration of term, July 25, 1861. Company I.—When mustered, April 26, 1861; expiration of term, July 26, 1861. Company K.—When mustered, April 21, 1861; expiration of term, July 21, 1861.

From a conversation which I had with Colonel Dare, to-day, he informs me that there is a strong feeling in his regiment upon the subject of returning to-morrow.

Many of his men are without shoes, and some are so nearly worn out that it increases their anxiety to return to-morrow. I fear that the men of this regiment and of Colonel Irwin's (7th) will give us trouble.

It is possible that if there was an understanding with Colonel Dare's men that they would not be asked to remain longer than the 26th, (the day of the muster of the last company of the regiment,) that they would be satisfied to remain until that day. This, I think, it would be expedient to do at once to anticipate any action they may adopt for to-morrow. Should I be requested to do so, I will give it prompt attention on hearing from you.

I am, very respectfully, your obedient servant,

GEO. CADWALADER,

Brevet Major General Commanding.

Colonel F. J. PORTER,

Ass't Adjutant General, Headquarters Department of Pennsylvania.

No. 40.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,

Charlestown, Va., July 19, 1861.

Almost all the three months volunteers refuse to serve an hour over their time, and, except three regiments which will stay ten days, the most of them are without shoes and without pants. I am compelled to send them home, many of them at once. Some go to Harrisburg; some to Philadelphia; one to Indiana; and, if not otherwise directed by telegraph, I shall send them to the place of muster, to which I request rolls may be sent, and Captain Hastings, Major Ruff, and Captain Wharton ordered to muster them out. They cannot march, and, unless a paymaster goes to them, they will be indecently clad, and have just cause of complaint.

R. PATTERSON,

Major General Commanding.

ADJUTANT GENERAL U. S. A.,

Washington, D. C.

No. 41.

HEADQUARTERS OF THE ARMY,
Washington, July 17, 1861.

I have nothing official from you since Sunday, but am glad to learn, through Philadelphia papers, that you have advanced. Do not let the enemy amuse and delay you with a small force in front whilst he re-enforces the Junction with his main body.

McDowell's first day's work has driven the enemy beyond Fairfax Court-House. The Junction will probably be carried to-morrow.

WINFIELD SCOTT.

General PATTERSON,
Commanding U. S. forces, Harper's Ferry.

No. 42.

HEADQUARTERS OF THE ARMY,
Washington, July 18, 1861.

I have certainly been expecting you to beat the enemy; if not, to hear that you had felt him strongly, or, at least, had occupied him by threats and demonstrations. You have been, at least, his equal, and, I suppose, superior in number. Has he not stolen a march and sent re-enforcements toward Manassas Junction? A week is enough to win a victory. The time of volunteers counts from the day mustered into the service of the United States. You must not retreat across the Potomac. If necessary, when abandoned by the short term volunteers, in-trench somewhere and wait for re-enforcements.

WINFIELD SCOTT.

Major General PATTERSON,
Commanding U. S. forces, Charlestown, Va.

No. 43.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Charlestown, Va., July 18, 1861—1.30 a. m.

Telegram of date received. Mine of to-night gives the condition of my command. Some regiments have given warning not to serve an hour over time. To attack, under such circumstances, against the greatly superior force at Winchester, is most hazardous. My letter of the 16th gives you further information. Shall I attack?

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,
A. A. G. U. S. A., Washington, D. C.

No. 44.

[To same—1 p. m.]

I have succeeded, in accordance with the wishes of the general-in-chief, in keeping General Johnston's force at Winchester. A reconnoissance in force on Tuesday caused him to be largely re-enforced from Strasburg.

With the existing feeling and determination of the three months men to re-

turn home, it would be ruinous to advance, or even to stay here without immediate increase of force to replace them. They will not remain.

I have ordered the brigades to assemble this afternoon, and shall make a personal appeal to the troops to stay a few days until I can be re-enforced. Many of the regiments are without shoes; the government refuses to furnish them; the men have received no pay; and neither officers nor soldiers have money to purchase with. Under these circumstances I cannot ask or expect the three months volunteers to stay longer than one week. Two companies of Pennsylvania volunteers were discharged to-day and ordered home. I to-day place additional force at Harper's Ferry, and establish communication with Maryland. I send Captain Newton to prepare for its defence.

R. PATTERSON,
Major General Commanding.

No. 45.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Charlestown, Virginia, July 18, 1861.

Telegram of to-day received. The enemy has stolen no march upon me; I have kept him actively employed, and by threats and reconnoissance in force caused him to be re-enforced. I have accomplished more in this respect than the general-in-chief asked, or could well be expected, in face of an enemy far superior in numbers, with no line of communication to protect.

In future, post office, Sandy Hook.

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,

Assistant Adjutant General U. S. Army, Washington, D. C.

No. 46.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Charlestown, Virginia, July 18, 1861.

COLONEL: I arrived at this place on the 17th instant. Nothing of importance occurred on the march. The principal inhabitants left some ten days since, anticipating its occupation by the federal troops. It was, till our arrival, the location of a band of secession militia, engaged in pressing into the service the young men of the country. I have to acknowledge the receipt of two telegrams from the general-in-chief, of the 17th and 18th instant, both looking to a movement and attack upon Winchester. A state of affairs existed which the general-in-chief is not aware of. Though in some respects anticipated by his instructions, that if I found the enemy too strong to attack, to threaten and make demonstrations to retain him at Winchester. I more than carried out the wishes of the general-in-chief in this respect. Before I left Martinsburg I was informed of a large increase to Johnston's command, and of the visit to Winchester of the leading members of the confederate army, just before General McDowell was to strike. I advanced to Bunker Hill, causing surprise, and, I have since learned, an additional increase of force. On Tuesday I sent out a reconnoitering party towards Winchester. It drove in the enemy's pickets, and caused the army to be formed in line of battle, anticipating an attack from my main force. This party found the road barricaded and blocked by fallen trees. The following day I left for this place.

Before marching from Martinsburg I heard of the mutterings of many of the volunteer regiments, and their expressed determination not to serve one hour

after their term of service should expire. I anticipated a better expression of opinion as we approached the enemy, and hoped to hear of a willingness to remain a week or ten days. I was disappointed; and when I prepared for a movement to the front, by an order for the men to carry two days' provisions in their haversacks, I was assailed by earnest remonstrances against being detained over their term of service, complaints from officers of want of shoes, and other clothing, all throwing obstacles in the way of active operations. Indeed, I found I should, if I took Winchester, be without men, and be forced to retreat, thus losing the fruits of victory; under these circumstances, neither I nor those on whom I could rely could advance with any confidence. I am, therefore, now here with a force which will be dwindling away very rapidly. I to-day appealed almost in vain to the regiments to stand by the country for a week or ten days. The men are longing for their homes, and nothing can detain them. I sent Captain Newton to-day to Harper's Ferry to arrange for defence, and re-establish communication with Maryland and the Massachusetts regiments. The 3d Wisconsin will soon be there. Lieutenant Babcock has been at Sandy Hook several days, trying to get the canal in operation, prepare the entrance to the ford, putting in operation a ferry, and reconstructing the bridge. Depots for all supplies will soon be established, and there I shall be caused to be turned in the camp equipage, &c., of the regiments, and to that place I shall withdraw if I find my force so small as to render my present position unsafe. I cannot intrench sufficiently to defend this place against a large force.

I shall direct the regiments to be sent to Harrisburg and Philadelphia to be mustered out by Captain Hastings, Major Ruff, and Captain Wharton.

I am, sir, very respectfully, your obedient servant,

R. PATTERSON,
Major General Commanding.

Colonel E. D. TOWNSEND,
Assistant Adjutant General U. S. Army, Washington, D. C.

No. 47.

WAR DEPARTMENT,
Washington, July 23, 1861—11.30 p. m.

The following information has just been received from A. N. Rankin, editor of *Republican and Transcript*: There are nine 32-pounders, four 44-pounders, and two 6-pounders, and one thousand stand of arms at Winchester, with but five hundred men, raw militia, to guard the same. There are also about one thousand tents, and a very large amount of powder, balls, and shell.

WINFIELD SCOTT,

Major General BANKS,
Headquarters Army, Harper's Ferry.

No. 48.

WAR DEPARTMENT,
Washington, July 23, 1861.

I deem it useful, perhaps highly important, to hold Harper's Ferry. It will, probably, soon be attacked, but not, I hope, before I shall have sent you adequate re-enforcements.

A Connecticut regiment may soon be expected by you; others shall, to-morrow, be ordered to follow.

WINFIELD SCOTT.

Major General BANKS, *Harper's Ferry.*

No. 49.

Mr. Lackland, brother of Colonel Lackland, residing a short distance from Charlestown and just returned from Winchester, says, July 20, 1861, that Johnston had at Winchester—

2 regiments from Kentucky, Duncan and Pope.....	1, 300
2 regiments from Tennessee	1, 800
5 regiments from Alabama, strong	4, 500
5 regiments from Georgia, strong	4, 600
1 regiment from North Carolina	1, 000
5 regiments from Mississippi	4, 500
2 regiments from Maryland.....	1, 200
Several regiments from Virginia	10, 000
Militia from Virginia	5, 000
One regiment of cavalry	600
Several batteries	700
Total	<u>35, 200</u>

On Wednesday, the 18th, at 2 p. m., he commenced his movement southeast. Number taken, 30,000 confederate troops; number left, 5,200 militia.

No. 50.

CAMP NEAR MARTINSBURG, VIRGINIA,

Saturday, July 13, 1861.

DEAR SIR: It has been intimated to us, commanding officers of companies in the 6th regiment of Pennsylvania volunteers, under your command, that the United States government would like to retain the regiment in its service for some short period beyond the 22d instant, when its term of enlistment ends. We wish, respectfully, to say to you, for ourselves and in behalf of the men in our respective companies, that we decline continuing in the service after that day. We would suggest, also, that it would be injudicious to prolong, or attempt to prolong, our stay, and that the regiment would better be in Harrisburg, where it was enlisted, as early, at least, as the 22d instant, to be then mustered out and paid off. There is a disposition among large numbers of the men, after being at home a couple of weeks, to re-enlist and return as part of a regiment for three years more. If they are promptly discharged now, this disposition will be encouraged, and their services secured; otherwise, not. We and the men will serve faithfully the three months engaged for, but we believe the government will lose and not gain by keeping the regiment in the field, remote from the place of mustering out, until the last day. We will add that we make these representations to you with deference, and both for your own consideration and with a view to have you make such use of them as you see fit with the superior officers who control our movements.

Very respectfully,

J. K. SIGFRIED, *Captain Company C.*
 DANIEL NAGLE, *Captain Company D.*
 I. SEITZINGER, *Captain Company E.*
 H. J. HENDLER, *Captain Company F.*
 HIRAM CHANCE, *Captain Company G.*
 C. TOWER, *Captain Company H.*
 JOHN CRAIG, *Captain Company I.*
 THOMAS WILHELM, *Captain Company K.*
 D. B. KAUFMAN, *Captain Company B.*

Colonel JAMES NAGLE.

HEADQUARTERS COMPANY A, 6TH REGIMENT PENN. VOL'S,
Charlestown, Virginia, July 17, 1861.

While lying at Martinsburg a petition was gotten up by the officers of the 6th regiment Pennsylvania volunteers, declining to serve longer than our present term of enlistment, (ninety days,) and at the presentation of it to you, you was surprised and displeased that the ten captains of a regiment would sign such a document.

Sir, you will, therefore, please excuse me in taking the liberty of this communication.

I command company A of said regiment, and did *not* sign the petition; I was called on to do so, but remonstrated, saying it was premature; that we had been mustered in for three months and that the supposition was that we would be discharged at the expiration of that time, unless our government stood in need of our services, in which event I believe it to be the duty of all of us to remain a few days beyond the term of our enlistment. I said, also, that the paper would have a bad effect on our regiment in case the government *did* find it necessary to keep us a few days over our time; and the result has shown that I was right in my predictions. Many of our men, and a few of the *officers*, openly declare that they will not remain one *hour* after their term of enlistment shall have expired.

Again, the two captains that hail from the same town as myself, (Mauch Chunk,) viz: Captains Craig and Wilhelm, I have *no doubt* signed the aforementioned petition under a misunderstanding of facts, as they have both since told me that they signed it hoping to prevent being kept at Martinsburg after their term of enlistment should be up.

I am as anxious to get home when our time is up as any one can be, for I want to help get up a regiment for the three years service. But I want it understood that I stand ready *now* and *ever* to do the bidding of my commanding officer, and will do so, by your order, in *any* capacity, and at any time.

As a captain of a company in the said 6th regiment, I have felt it to be a duty that I owe to myself and friends to address you as I have; and hoping that my course will meet your approbation, I am, with *much* respect,

Your obedient servant,

ELI T. CONNER,

Captain Company A, 6th Regiment Pennsylvania volunteers.

Major General PATTERSON, *United States Army,*
Commanding Department of Pennsylvania.

WASHINGTON, January 7, 1862.

General WILLIAM F. BARRY sworn and examined.

By Mr. Gooch:

Question. Were you at the battle of Bull Run, as it is called?

Answer. Yes, sir.

Question. In what capacity?

Answer. As chief of artillery.

Question. Can you state to us what led to the rout of our army on the field that day?

Answer. There were a great many causes.

Question. We want to get at the causes, the most obvious causes?

Answer. I think the principal cause was the uninstructed state of our

troops. The troops were raw; many of the officers were indolent, and they did not all behave themselves as they should have done on that day. I think that was one cause. All troops are liable to panics. But the great fault I found with our men was that after they had fallen back some distance, and were out of the enemy's fire, they could not be rallied. I look upon that as a difficulty inseparable from green troops. And in rallying men we need the assistance of the regimental and company officers very much, and that assistance was not rendered in many cases.

Question. Can you tell us at what time of the day and at what point the panic first showed itself?

Answer. On the right of our line was the place that I thought the panic first took place.

Question. In whose division?

Answer. The troops were very much scattered. They had been moved from point to point. They had been successful on the left of us, and the enemy had been driven back pretty nearly a mile, and having nothing to do, several of the regiments had been brought up towards the right. I had been with the army but three days. I had just arrived from Fort Pickens with my battery of artillery, and found that I was promoted to be a major. I gave up my battery to my successor, and General McDowell appointed me chief of artillery. I joined them the second day of the march, and was not very familiar with the organization of the troops.

Question. Were you present near the place where Ricketts's and Griffin's batteries were when they were captured?

Answer. Yes, sir; I was there at that very spot.

Question. What led to the capture of those batteries by the enemy?

Answer. The infantry support abandoned them, and that enabled the enemy to advance and capture the guns, or a portion of them; they did not capture them all. Nearly all the horses were shot down, and it was nearly impossible for the moment to remove the guns.

Question. Were those batteries ordered forward immediately preceding their capture?

Answer. Yes, sir; I suppose a half an hour before.

Question. Did you convey the order?

Answer. I gave the order in person to Captain Perkins and Captain Griffin; and not only that, I superintended the movement.

Question. Were those batteries supported?

Answer. Yes, sir; two entire regiments were procured at my request; the 11th New York, commonly called the Fire Zouaves, and the 14th New York militia.

Question. This was about three o'clock, was it?

Answer. I did not look at my watch during the entire day. I should suppose it was about half past two o'clock, for I think we left the field about four o'clock.

Question. In what condition were the Fire Zouaves at that time?

Answer. In what order, do you mean?

Question. Were they then an efficient regiment?

Answer. I thought so. I knew very little of them, except by newspaper reports. I knew what New York firemen were, and I supposed there was fight and pluck in them. I was struck with the manner they marched forward, very handsomely in line of battle. I rode with the major of the regiment—now colonel of the regiment. They marched up very handsomely in line of battle, passed the various obstacles they met in the usual tactical manner. I thought they did very well, and was very much disappointed and surprised when they broke.

Question. How many men should you think there were in the regiment at that time?

Answer. It looked to me as though there were about seven hundred.

Question. They supported which battery?

Answer. Both. The two regiments went up together, one just after the other. They had to go down a declivity, cross a little stream, and then go up a sharp acclivity. The ground was a little heavy in one or two places, and the artillery moved up in column of pieces, and formed the battery after they got on the ground.

Question. Did they take position on the hill indicated for them?

Answer. Yes, sir; and commenced firing, and fired some time.

Question. Was there any objection made by the officers of those batteries to advancing when the order was given to them?

Answer. Not the slightest that I heard.

Question. Was there any complaint that they were not properly supported?

Answer. I never heard of such a thing.

Question. How many guns were there in Griffin's battery?

Answer. Six guns in Griffin's battery, and six in Ricketts's battery.

Question. Twelve guns in all?

Answer. Yes, sir. However, I am under an impression that just at that moment one, if not two, of Griffin's guns had been left behind. I think one of his guns had become choked by careless loading; the cartridge bag had become twisted, and it could not be got in or out. That gun, I think, was not brought forward; but I am not certain about that. I did not count the guns.

Question. How many infantry would be a proper support for the guns of those two batteries?

Answer. Two regiments, I suppose, would be amply sufficient. I think if those two regiments had stood firm and done their duty those guns would never have been captured.

Question. Is there not a rule, or an understanding, as to the number of infantry that should support a battery?

Answer. No, sir; that depends upon circumstances very much; upon the amount of force opposed. If they are opposed by a large force you must have a corresponding force. And in addition to these two regiments of infantry there was a squadron of cavalry sent up by General McDowell afterwards, but moving faster than the infantry they arrived almost at the same time.

Question. Were the enemy in position in front of those batteries?

Answer. We could not see them.

Question. When were they first seen?

Answer. After the firing commenced.

Question. How soon after the order to advance was given?

Answer. I should suppose twenty minutes or half an hour. It must have taken nearly fifteen minutes to get to the place, because after I had designated the place that had been designated to me by General McDowell, and had started the batteries there, I then went to this infantry support and moved up with it. While I was doing that both of the batteries mistook the place, came a little short of it. I went forward and corrected that mistake, which produced some little delay. So I suppose the batteries were fully fifteen minutes in getting in position where they finally opened fire, which was the position I first designated.

Question. When did you see the enemy first in front of these batteries?

Answer. I suppose it was fifteen or twenty minutes after the firing commenced. It is hard to mark the lapse of time under such circumstances. I had very much to do then, passing from one battery to another, and looking to the infantry regiments coming up.

Question. Was there any mistake as to the character of a regiment that appeared in front of these batteries ?

Answer. Yes, sir.

Question. What was that mistake ?

Answer. It was a mistake in reference to a regiment that came out of a piece of woods into which one of the infantry regiments that supported the batteries had gone a few minutes before—this fourteenth regiment from Brooklyn.

Question. What was that mistake ?

Answer. This regiment came out in line of battle, and a few minutes after they came out they delivered their fire upon us.

Question. Was it supposed by any one that that was one of our regiments ?

Answer. I supposed it was. They had no colors. I supposed it was this same regiment that had gone into the woods, as they disappeared in that direction. Whether they went into the woods or not, I do not know. The ground was somewhat rolling, and they would disappear from sight for a few moments.

Question. Did Captain Griffin suppose it was one of the regiments supporting him ?

Answer. I do not know what he supposed. He directed my attention to it.

Question. Did he propose to open fire on that regiment ?

Answer. Not that I remember. If he had chosen to do it, he was competent to do it.

Question. Did you give him orders ?

Answer. No, sir ; I gave no orders to either captain. They were both competent men.

Question. You say you have no knowledge that he did not receive orders not to fire upon that regiment ?

Answer. No, sir ; I gave no orders not to fire.

Question. That regiment opened fire directly upon these batteries ?

Answer. Yes, sir.

Question. They captured these batteries ?

Answer. No, sir ; after they had produced a great deal of havoc, the troops immediately in front advanced—not that regiment which was on one side. There was nothing left for it then, for the infantry support broke in confusion and scattered in all directions.

Question. Was not this the first indication of a panic manifested ?

Answer. No, sir ; because I had seen regiments in the first part of the day break and fall back, and we were afterwards very handsomely successful.

Question. Do you not consider that the capture of these two batteries had a very decided influence on the fate of the battle on that day ?

Answer. I think it had an influence, but I do not know whether it was a very decided influence. I think the circumstance that had the most decided influence was the arrival of those fresh troops on our right flank, after the men had become wearied. Our men had had a long march ; been moving back and forth, and became very tired.

Question. Were not those fresh troops those that appeared in front of these batteries ?

Answer. No, sir ; I think not, because after that there were troops that came up on our right flank, almost at right angles, and those were the troops that I always took to be the fresh ones. Those that advanced on the guns when they were no longer supported, I have always supposed were the enemy's left that we had driven back.

Question. You do not suppose those troops that took the batteries were Johnston's men that had just come ?

Answer. No, sir ; I do not think they were. I am sure they were not. I think they were the enemy's right, which we had driven back two or three times. I saw very plainly their batteries limber up and go off to the rear and take up a

new position. I saw that twice. Finally they went back so far that Captain Ricketts and Captain Griffin could see nothing of the men to fire at. You could not see the horses even; only a puff of smoke.

Question. When was this?

Answer. Before the two batteries moved forward.

Question. I mean after the two batteries moved forward. Did not some regiments appear in front of and capture these batteries within ten or fifteen minutes after they opened fire at this last position?

Answer. No, sir. The infantry support broke and abandoned the batteries. Then they of course felt emboldened to advance, because there was no opposition to them. There were a great many men killed and wounded, and a large number of horses knocked over by that single discharge of that one regiment, which was to our front and right—not really in front. It came out of this piece of woods. There was a very tall Virginia fence, eight or nine rails high, and I could just see the tops of their bayonets—not the clothes of the men, at all, but perhaps ten inches of their bayonets. They had no colors.

Question. What did you suppose that regiment to be?

Answer. I supposed it to be one of our regiments. But if I had known it to be one of their regiments, it would have been no time to do anything before they delivered their fire; that is, after I saw them. It was almost instantaneous after I saw them. I did not see them until my attention was directed to them by Captain Griffin, who said, "See there!" or "Look there!" I was then looking at the direction the guns were firing, and I could see nothing in front, even then. I had been with Captain Ricketts's battery, and just as I came to Captain Griffin's battery he called my attention to this regiment. It was all the work of a moment. There was a high, tall fence, and looking at it obliquely, as we did, it made a very close fence to us where we were. If we had been looking at it in front, we could have seen more plainly. But I could see nothing except this line of bayonets, and they delivered their fire almost instantaneously after I first saw them.

Question. Was their fire delivered from behind the fence?

Answer. Yes, sir; right through the fence. It made but a small obstacle to them, because they were close to the fence and the rails were of the usual width apart in that kind of fence, so that they could very readily see through it and fire through it. But even if we had known they were the enemy there would have been no time to have turned the guns upon them before their fire was delivered. If the infantry support had stood, the force in front of us would not have advanced.

Question. Did you consider the batteries were properly supported at that time?

Answer. I did. I think two entire regiments were ample support, and this squadron of cavalry was with them.

Question. How many cavalry?

Answer. Two troops of cavalry. They were commanded by Captain Colburn, who is now a lieutenant colonel upon General McClellan's staff. There were two troops of cavalry, commonly called a squadron, perhaps 100 men.

By Mr. Odell:

Question. Did the cavalry stand?

Answer. Yes, sir; until General McDowell ordered them to fall back, for after the enemy advanced they were only too much exposed, as there was no opportunity for them to charge there. The enemy made a sort of charge down the road—30 or 40 men of them. The troops were very much exhausted, the fire zouaves called it the "black horse cavalry," and spoke of the wonders they performed. But there were no black horses there or black uniformed men. They were ordinary bay and sorrel horses with single-rein snaffle-bits. I ex-

amined them very closely, because I had lost my pistol and wanted to get one of theirs, and I examined three or four very closely for that purpose. The fire zouaves fired upon them as they passed, for the cavalry could not be held, but ran by almost pell-mell.

Question. We never recovered the possession of Griffins's battery, as I understand?

Answer. Yes, sir; the guns were retaken twice. The official report states that fully. They were taken the first time and the men tried to drag them off. But they were encumbered with dead horses, and there were no other horses to hitch to them. After dragging them some distance the enemy advanced in large force and drove us back. Then some other troops with those of the infantry support which could be rallied again came back once more, but there was a large force advancing, and they had nothing left but to fall back. The infantry fire had pretty much ceased towards the left. There were several regiments in the road and resting upon their arms, and they were ordered up. If those two regiments had held on a little while we would have had a strong force. It was impossible to rally the 11th regiment—the fire zouaves. I rode in among them and implored them to stand. I told them that the guns would never be captured if they would only stand. But they seemed to be paralyzed, standing with their eyes and mouths wide open, and did not seem to hear me. I then reminded them of all the oaths they had sworn at Alexandria, after the death of Ellsworth, and that that was the best chance they would ever have for vengeance. But they paid no attention to what I said at all.

Question. I suppose the mere fact that a panic had spread among the troops once should not create a distrust of those troops again?

Answer. O no, sir. General McDowell and myself took regimental flags which we saw and begged the troops to rally around them; and a few did, but not a sufficient number to warrant the hopes that we would have had with good troops.

Question. How many did you estimate the force in front, and this regiment on the right, together?

Answer. I could not tell. They covered themselves very well. That was a remarkable feature in that battle: they kept themselves remarkably well covered.

Question. The ground permitted them to do that?

Answer. Yes, sir; the ground they advanced over was not so level as that our troops went over. Our troops marched very handsomely in line of battle. One instance, I saw a whole brigade advance as handsomely as ever any troops did.

Question. So far as the whole fight was concerned, the enemy had infinitely the advantage of our troops in position?

Answer. Yes, sir; the ground was their own selection. I think if the battle had been fought at the hour it was expected to be fought at, 8 $\frac{1}{4}$ or 8 $\frac{1}{2}$ o'clock in the morning, we would have won it. There was a loss of three hours there, which I think had a very important effect upon the success of the day. It enabled those fresh troops to get up: it prevented our turning their flank so completely as we would have done by surprise; for when our columns halted, the enemy discovered the direction we were going to take, and prepared for it. And worse than that, the halting, the standing still, fatigued the men as much if not more than by marching that time.

Question. So that our men were really very much exhausted when they went into the field?

Answer. Yes, sir.

Question. But if the battle had been fought three or four hours earlier, then Johnston's reserve would not have been up in time?

Answer. I think the fate of that day would have been decided before they

got upon the ground. I look upon that delay as the most unfortunate thing that happened. The troops that ought to have been out of the way were in the way before we could get to the turning-off point of the road.

Question. You were to have marched at 6 o'clock on Saturday night under the first order?

Answer. No, sir; the only order I heard was to move at half-past 2 o'clock in the morning.

Question. Was not the first order to advance our troops on Saturday night at 6 o'clock, or a portion of them?

Answer. Not that I ever heard of.

Question. Was it not proposed—I do not know that the order was issued—that the troops should march at 6 o'clock on Saturday night?

Answer. Never that I heard of.

Question. Was not there some delay on account of rations—of provisions?

Answer. I never heard of any.

Question. I will ask you, as you were in General McDowell's staff, whether the battle was not fought a day or two later than was first proposed?

Answer. I think not. The intervening time, from our arrival at Centreville and the time of advancing, was occupied by the engineers in observation. The affair of the 18th showed that the enemy was in great force at that position. I presume General McDowell's next idea was to discover some place to cross Bull Run without this opposition and turn their flank. I know the time was taken up by reconnoitring by a party of engineers, and a great deal of it was occupied at night to escape the observation of the enemy.

Question. I think it has been stated that there was a delay of one or two days for want of provisions?

Answer. I do not know about that. I joined General McDowell only a day or two before. I arrived here at 8 o'clock in the evening, and had to take my battery down to the arsenal, fill up with ammunition, get fresh horses, &c. General McDowell had marched the day before, and I made two marches in one and overtook him at Fairfax Court-House, and the next day he had me relieved because I was promoted, and assigned me to a position on his staff. So that what his views and intentions were previously to that I do not know. Half past two in the morning was the hour appointed. When he had the assembly of all his division commanders, and explained to them the movements and everything, he was very particular in giving directions about General Tyler's division being out of the way, as his division was the first to take the road, so as not to stop up the road for the others.

By Mr. Odell:

Question. You spoke of the delay of two or three hours being in your judgment a very serious one upon the success of the day?

Answer. Yes, sir.

Question. What was the occasion of that delay?

Answer. I always heard that it was occasioned by General Tyler not getting his division out of the way of the troops that were to follow. He was to lead, and was to march down the road past the point where they were to turn off to go up to the place with the other divisions, and his division did not get past in time to prevent that delay.

Question. Were not the other divisions waiting for him to pass?

Answer. I always heard so; always supposed so. We had to take one common road at first, and after crossing the little stream called Cub Run, where so much baggage and guns were lost on the retreat by the bridge being broken down, after crossing the little run a short distance we came to this turning off point.

Question. Have you any knowledge of the occasion of his delay?

Answer. I have not. There was some little firing ahead; was firing slowly at long intervals, I went down to where he had a large Parrott gun in the middle of the road in position. I asked the officer what he was firing at. He said they saw some small parties of men. I told him not to waste the ammunition of a heavy gun like that in firing at little parties of men.

By Mr. Odell:

Question. Was there the same difficulty in rallying the 14th New York regiment as in rallying the 11th regiment?

Answer. No, sir. But they were under the disadvantage of having lost their colonel. But they were rallied to some extent afterwards by General Heintzelman.

WASHINGTON, *January 8, 1862.*

General E. D. KEYES sworn and examined.

By Mr. Gooch:

Question. Were you in the battle of Bull Run as brigadier general?

Answer. Yes, sir; I was acting brigadier; I was then a colonel.

Question. Will you tell us in what part of the field you were; and, in short, what you saw—what came under your own observation on that day?

Answer. I crossed Bull Run, directly following Sherman. I was in Tyler's division and followed Sherman, and came into action on the left of our line, and my line of operations was down Bull Run, across the Warrenton turnpike. I crossed about half a mile above Stone Bridge and came into action a little before 11 o'clock, and passed to the left, and moved down a little parallel to Bull Run; and when I received orders to retire, I was nearly a mile in advance of the position where I had commenced. When I started into the action I was close up with Sherman's brigade; but as I advanced forward, and got along a line of heights that overlooked Bull Run, Sherman's brigade diverged from me, and I found myself separated from them, so that I saw nothing up there, except at a distance, beyond what related to my own brigade. I continued to advance, and was continually under fire until about 4 o'clock, when I received orders that our troops were retiring. I came off in perfect order, and was in perfect order all the day.

Question. You were on the left?

Answer. Yes, sir; opposed to the right of the enemy.

Question. Then, so far as you saw in your immediate vicinity, there was no rout?

Answer. No, sir; there was no confusion. I retired in just the same order nearly as I went into the fight; but when the masses mingled together as they came to cross Bull Run, there was confusion.

Question. What proportion of our troops reached the run without rout?

Answer. I being on the extreme left, of course all our people who withdrew before the enemy had to go a much longer distance than I had to go to reach Bull Run, because I was near to it at the time I received orders to retire. I moved up almost perpendicularly to the line of retreat of the balance of the army. As I approached the line of men in retreat they were all walking; I saw nobody run or trot even until coming down to Bull Run. In coming down there a great many wounded men were carried along, and I was detained so that the whole of my brigade got past me. I saw the quartermaster when I crossed Bull Run, and asked him where the teams were, and he said they were

ahead; he saved them all but one, and got them back to camp. I then inquired of some ten or twelve squads of men to find out if they belonged to my brigade, and I found but one that did. Shortly after that a staff officer of mine came up and told me that my brigade was all ahead. I increased my pace, and got back to Centreville a little after dark, and found nearly all my brigade there. I did not come to the Potomac until Tuesday evening. There was no confusion at all in the whole affair, so far as my brigade was concerned, except very slightly in the retreat from Bull Run to the camp at Centreville; that I considered a perfect rout.

Question. You were in Tyler's division, and you moved first on the field in the morning?

Answer. Our division started first; but I received orders to make way for Hunter's and Heintzelman's divisions to pass through, as they had to go further to the right. So that before I got into action it was nearly eleven o'clock.

Question. Do you know why your division was stopped for the other divisions to pass through?

Answer. I thought it very obvious. Hunter had to go furthest up Bull Run to cross; then Heintzelman had to go next; and the next lower down was Tyler's division. To enable the several divisions to arrive about simultaneous against the enemy, Hunter should go first and Heintzelman next. The reason we started first was, because our division was encamped ahead of the others mostly.

Question. How far from where you started did Hunter's and Heintzelman's divisions turn off?

Answer. Heintzelman's division passed through mine in the neighborhood of Cub Run.

Question. How far did they go on the same route you were going?

Answer. About a half or three-quarters of a mile beyond Cub Run, I think. I was not with them, but that is my impression.

Question. Do you know from whom the order proceeded for you to let the other divisions pass through your division?

Answer. My first order was from General Tyler, and then I received another order from General McDowell to remain where I was. When I sent word forward to know if I should go forward, General McDowell sent orders to remain where I was.

Question. Could you not have passed on to the point where the other divisions turned off without bringing you in immediate contact with the enemy?

Answer. I think I could; yes, sir. But I did not know that at the time, and I do not know whether it was known to others or not.

By the chairman:

Question. To what did you attribute the disaster of that day?

Answer. To the want of 10,000 more troops—that is, I think if we had had 10,000 more troops than we had to go into action, say at eleven o'clock in the morning, we should certainly have beaten them. I followed along down the stream, and Sherman's battery diverged from me, so that it left a wide gap between us, and 10,000 more men could have come in between me and Sherman, which was the weak point in our line, and before Johnston's reserves came up it would have been won. I thought the day was won about two o'clock; but about half past three o'clock a sudden change in the firing took place, which, to my ear, was very ominous. I sent up my aide-de-camp to find out about the matter, but he did not come back.

Question. What time was it that you ascertained on the field of battle that Patterson had not detained Johnston's column, but that it would probably be down there? Was it before the fight commenced?

Answer. There were rumors about the camp, to which I attached no particu-

lar importance. I supposed that Patterson was engaged up the river there, and would hold Johnston in check or follow him up if he should retreat. That was my impression at the time.

Question. Was that so understood at the time the battle was planned?

Answer. We had a council of war the night before the battle, but it was a very short one. It was not a council of war exactly; it was a mere specification of the line in which we should all proceed the next day. The plans appeared to have been digested and matured before that meeting was called. Whether anything was said about Johnston and Patterson at that meeting, I am not sure. I think not. That subject was discussed about the camp; but I know my own impression was that Patterson was opposed to Johnston, and would certainly follow him up if he should attempt to come and molest us. I know I conversed with some persons about it; but I do not think a word was said about it at the meeting the night before the battle.

Question. Had it been known that Patterson had not detained Johnston, would it not have been imprudent to hazard a battle there any how?

Answer. If it had been known that the 30,000 to 40,000 men that Johnston was said to have had, would have been upon us, it would have been impolitic to have made the attack on Sunday.

Question. If Johnston had not come down to the aid of Beauregard's army, what, in your opinion, would have been the result of that battle?

Answer. My impression is that we should have won it. I know that the moment the shout went up from the other side, there appeared to be an instantaneous change in the whole sound of the battle, so much so that I sent my aid at the top of his speed to find out what was the matter. That, as far as I can learn, was the shout that went up from the enemy's line when they found out for certain that it was Johnston and not Patterson that had come.

Question. Even after the disaster, what prevented your making a stand at Centreville, and sending for re-enforcements and renewing the fight there?

Answer. I was not the commander-in-chief.

Question. I know that; I only ask your opinion of what might have been done there.

Answer. If we had had troops that were thoroughly disciplined it would have been the greatest military mistake in the world to have retreated further than Centreville. But as our troops were raw, and this capital appeared to be the point in issue, I think men of decided military ability might have been in doubt as to the policy of remaining there. There was a striking want of generalship on the other side for not following us. If they had followed us they might have come pell-mell into the capital.

Question. Was it not as likely that you could defend the capital on Centreville Heights as well as after the rout here?

Answer. I will simply tell you what I did myself. I came back to my old camp at Fall's Church, and remained there until five o'clock on the afternoon of Tuesday, with my whole command. Then I marched them in good order, and passed three or four miles before I saw any of our own people. My impression then was that I could rally them there better than here. I acted upon that impulse myself. I did not bring my troops into town, which was the worst place in the world to restore order, but kept them in my camp at Fall's Church.

Question. Was there not a strong brigade on Centreville Heights that had not been in the engagement at all on that day?

Answer. There was a division there—three brigades.

Question. Could not a stand have been made there; and if it had been made, would our troops have been so demoralized as they were by running further?

Answer. It was a complicated question, and required, in my opinion, a first-rate head to decide; and if you have not a first-rate head of course you must guess a little. In my opinion it is a question that involves many considera-

tions; first, the want of absolute command of the troops. The troops then were not in a sufficient state of discipline to enable any man living to have had an absolute command of them. The next point was to balance all the probabilities in regard to this capital; that is, was it more probable that the capital would fall into the hands of the enemy by retreating than by remaining there? I confess it was a question so complicated that I cannot answer it very definitely.

Question. If you had had knowledge on the ground, before the battle, of the condition of things with Patterson and Johnston, it seems to me that battle should not have been fought that day at all.

Answer. I should not have done it myself, certainly, if I had had that knowledge.

By Mr. Gooch:

Question. I suppose there was no such absolute knowledge as that?

Answer. No, sir; I do not think there was.

By the chairman:

Question. Ought not military men to have been informed of that important and decisive fact before we made a movement?

Answer. It is certainly one of the axioms of the art of war to know what the columns are going to do, and where they are.

Question. Could not the railroad have been broken so as to prevent Johnston from coming down?

Answer. I suppose that Hunter's column intended to push forward and disable that railroad, but he found work enough to do before he could undertake that. And in the heat of the day, after marching some fifteen miles, and being called upon to fight, they could not very easily have torn up a bridge.

WASHINGTON, *January 11, 1862.*

General FITZ-JOHN PORTER recalled and examined.

By Mr. Gooch:

Question. Were you on General Patterson's staff?

Answer. Yes, sir; I was his assistant adjutant general, and with him from almost the commencement of his expedition. At all events, I was with him from about the 1st of May.

Question. Then you were with him when he moved from Martinsburg?

Answer. Yes, sir.

Question. Will you state concisely the movement from Martinsburg?

Answer. I do not recollect the dates.

Question. We understand that he moved from Martinsburg on the 15th of July.

Answer. We moved from Martinsburg direct upon Bunker Hill.

Question. What distance?

Answer. I think it was about twelve miles. We there remained one day. There was a heavy force towards Winchester, and the following morning we moved from Bunker Hill to Charlestown.

Question. Johnston was at that time intrenched at Winchester?

Answer. Yes, sir.

Question. When you were at Bunker Hill how far were you from Winchester?

Answer. I think about twelve miles.

Question. How far is it from Charlestown?

Answer. About the same distance.

Question. You sent forward a heavy force towards Winchester on Tuesday, the 16th?

Answer. Yes, sir.

Question. Did they meet any enemy?

Answer. The cavalry of the enemy came in contact with them, some 500 or 600 of them; that is the report we received; I do not know it myself. They met that force, and I think a few cannon shot and a few infantry shot passed.

Question. Did they find any obstruction?

Answer. The road, as I understood, had trees felled across; had a fence put across it; was barricaded.

Question. Did they go near enough to ascertain whether Johnston was intrenched at Winchester?

Answer. They did not.

Question. Did you know at that time whether he was or not intrenched at Winchester?

Answer. Yes, sir; we knew it six weeks before.

Question. And these barricades were thrown up to prevent your progress towards Winchester?

Answer. Yes, sir; I always presumed these barricades were put there with the design, if he retired, (as I supposed he was prepared to do,) that we should not be able to pursue him.

Question. To prevent your pursuit if he retired towards Manassas?

Answer. Yes, sir; to give us all the obstructions he could while he was at his ease.

Question. While at Bunker Hill you were threatening Johnston?

Answer. Yes, sir; and I always considered that to be the design unless our force was superior to Johnston.

Question. You considered that during that campaign you were to take care of Johnston's force, and particularly at this period of the campaign?

Answer. Yes, sir; it was to try and hold him at Winchester.

Question. It was deemed of the first importance that Johnston should be held in the valley of Winchester at that time, in order that he might not be present and participate with Beauregard at Manassas when General McDowell made his attack?

Answer. Yes, sir; and there was also a fear which was expressed by General Scott in one of his despatches in a direction to be careful not to drive Johnston on Manassas.

Question. But to threaten him.

Answer. Yes, sir.

Question. You being on the staff of course saw the despatches of the commander-in-chief to General Patterson?

Answer. Yes, sir; they were all filed away under my direction.

Question. Did you not understand, from the general character of these despatches, that General Scott especially desired that Johnston should be held by Patterson's force?

Answer. Yes, sir.

Question. That was the great point that General Scott required there.

Answer. Yes, sir; that was the desire. And he also expressed the desire that if Johnston retired from Winchester in force not to pursue him, but take into consideration the route *via* Leesburg, through Keyes's Ferry, or better still, cross the Potomac twice and go, *via* Leesburg, down this way.

Question. That is, in case Johnston went down by way of Strasburg, it was deemed hazardous to follow him in that direction.

Answer. Yes, sir.

Question. And in order that you might be up with him, you were to take the other road right down as rapidly as possible.

Answer. Yes, sir.

Question. So that, in case Johnston should get down and form a junction with Beauregard, you should be on hand to join McDowell?

Answer. That was the design.

Question. When you made the march from Bunker Hill towards Charlestown, you were then retreating from Johnston, going further from him?

Answer. That was regarded at that time as a necessity.

Question. The fact was, you were going from Johnston?

Answer. Yes, sir; we were retiring, or rather it was going further from Winchester.

Question. Of course you were threatening Johnston less at Charlestown than you were at Bunker Hill?

Answer. Yes, sir. But the design in going to Charlestown was to get near our depot where provisions could be provided. From that point the design was, and the directions were given, to move again upon Winchester.

Question. When did you first learn of the battle of Bull Run, of the engagement of McDowell with the rebels there?

Answer. The first information was a telegraph from General Scott stating that the first move of McDowell had caused the enemy to abandon Fairfax Court-House. But there was no intimation after that, I think, until the Thursday night afterwards.

Question. Thursday, the 18th of July.

Answer. Yes, sir.

Question. You got the news then that he had moved and driven the enemy from Fairfax?

Answer. Yes, sir.

Question. Then you say you do not know when you first got the news of the battle at Bull Run.

Answer. No, sir; I do not recollect?

Question. You were about to explain why the movement was made from Bunker Hill to Charlestown.

Answer. It was in part the carrying out a plan which had been submitted to General Scott to take Charlestown and make Harper's Ferry a depot. The communication, *via* Williamsport, up to Martinsburg was a long one, and continually threatened. From Charlestown down to Harper's Ferry was a short distance, and there was a railroad there available for use; and another thing, it was much easier to go down in this direction by immediately crossing to Leesburg and striking from there, if necessary, over to Manassas. The proposition had been submitted several days before this movement was made, but there was no reply made to it by General Scott until, I think, three or four days after its probable receipt by him. It was then too late for us to make the move which had been indicated, and go to Charlestown and there establish a depot and threaten Johnston on the Tuesday when it was designed to make the threat. We had a great many supplies, and transportation was not very abundant, and the movement of the supplies from Martinsburg to Charlestown had to be covered by an advance upon Bunker Hill; and in order to carry out General Scott's wish to threaten Johnston strongly on Tuesday, as that was the day he said he was going to make the attack on Manassas, the movement to Bunker Hill was made, and we there remained threatening him. We could not carry at any time more than three days' provisions. In the mean time the provisions were being changed, and all the supply train that could possibly be gathered from Hagerstown and Williamsport was brought up there, and the movement to Bunker Hill covered the movement of the train to Charlestown.

Question. The question submitted to General Scott whether our forces should be at Charlestown or Martinsburg for threatening Johnston?

Answer. Yes, sir.

Question. And as between Charlestown and Martinsburg General Scott approved of Charlestown?

Answer. Yes, sir.

Question. That brought you into a better position with reference to Johnston at Winchester than you were in at Martinsburg?

Answer. Just about the same relative position, but better for us if we had required a forward movement.

Question. You were not threatening Johnston at Charlestown so much as at Bunker Hill?

Answer. While we were at Bunker Hill all the train we could get together at Martinsburg was carrying all our supplies over to Charlestown, and it was covered by the movement of the army over to Charlestown by Bunker Hill. If we had been compelled to come down to the assistance of McDowell, we would have been compelled to abandon everything at Martinsburg if we had remained there, or even at Bunker Hill.

Question. That was not true at Charlestown?

Answer. No, sir; everything there could have been pushed at once to Harper's Ferry and secured.

Question. Johnston was at Winchester when you were at Bunker Hill?

Answer. Yes, sir; before and afterwards.

Question. And he remained there until the next day, when you moved to Charlestown?

Answer. Yes, sir.

Question. And on Thursday, the day following, he moved to Manassas?

Answer. He broke up, I think, at 2 o'clock on Thursday.

Question. Do you know how long it took him to make the passage from Winchester to Manassas?

Answer. I think he got to Manassas on the day of the battle, Sunday.

Question. So that if you had detained him one day longer at Winchester, he would have been too late for the battle?

Answer. Yes, sir; but I do not believe he could have been detained; that was my own impression.

Question. Was it your impression at the time you were at Bunker Hill that Johnston would move down to Manassas?

Answer. Yes, sir; when it was necessary for him to go to Manassas.

Question. You believed, then, that he would go?

Answer. Yes, sir.

Question. That that was his intention?

Answer. Yes, sir; and that it was an utter impossibility for us to hold him.

Question. You came to that conclusion when you were at Bunker Hill?

Answer. Yes, sir; and not only then, but long before. We came to that conclusion when we were at Hagerstown.

Question. Did General Patterson come to that conclusion?

Answer. I do not know.

Question. Was that question discussed in your councils at all?

Answer. In speaking of it—General Patterson, Captain Newton—we all were under the impression that if we went to Winchester the enemy, as we advanced, would quietly retire; that as we went along, they would also go along a little further back, and gradually draw us forward until the time came when they would suddenly strike us, and make a dash at Manassas.

Question. The prevailing opinion among General Patterson's staff was, that the enemy would, at an opportune moment, dash forward so as to be at Manassas?

Answer. Yes, sir; that is my impression of the existing opinion.

Question. Do you know whether any such impression as that was ever communicated to the general-in-chief?

Answer. I do not.

Question. You do not know whether any such communication was ever made to the general-in-chief?

Answer. No, sir; I have no recollection of anything of the kind.

Question. You say General Scott had indicated Tuesday as the day he would fight?

Answer. Yes, sir.

Question. Therefore you deemed it of prime importance to hold Johnston over Tuesday?

Answer. Yes, sir; of great importance to hold him over Tuesday. Even if the fight was delayed, or not decided for one or two days, Johnston could not reach there.

Question. Did you not also deem it of prime importance that you should, if possible, detain Johnston until you knew the result of the attack by General McDowell upon Manassas?

Answer. Yes, sir; and when we got to Charlestown preparations were made at once to advance upon Winchester and continue the same movement.

Question. Was there any demonstration ever made from Charlestown towards Winchester?

Answer. Yes, sir. Quite a heavy reconnoissance was sent from there under Colonel, now General, Thomas.

Question. The enemy must have inferred from your movement from Bunker Hill to Charlestown—must have come to the conclusion that you did not intend to commence an attack upon them?

Answer. They may have come to that conclusion. I presume their thought was that we were then making a move to get down to Leesburg, and so on down.

Question. They probably inferred that you intended to go down by way of Leesburg?

Answer. Yes, sir.

Question. And therefore they must hasten their forces forward and go down, so as to be equal with you?

Answer. Probably so.

Question. That would have been natural?

Answer. Yes, sir.

Question. If they had drawn that inference they would have done what they did do?

Answer. Yes, sir; and to prevent their drawing that conclusion this force was sent out the following morning.

Question. You felt it was necessary to do something to do away with that impression?

Answer. Yes, sir; and a force was thrown out for that purpose. I will say here that when we were at Bunker Hill there was a commencement—in fact, it commenced at Martinsburg—of demoralization among the troops, which tended to prevent an attack. Some of them positively refused. There was a petition from one of the regiments, signed by a number of the captains, which I think is, or ought to be, in General Patterson's possession. He always kept it. It never went on the files of the records of the office.

Question. Have you any doubt that your men would have gone forward from Bunker Hill if you had desired them to do so?

Answer. I think they would have gone, but with very great reluctance—with no confidence. I think the great confidence of that command was destroyed immediately after the withdrawal of the regular troops from the command, when it first crossed the Potomac.

Question. Did you communicate to General Scott, immediately upon your withdrawal to Charlestown, the fact that you were not in position then to hold Johnston?

Answer. I have no recollection of it.

Question. Why did you not follow down by way of Leesburg, *via* Keyes's Ferry, as indicated by General Scott in his despatch to which you have referred?

Answer. My impression about that is that General Patterson was ordered to remain there.

Question. And that was the reason he did not move immediately down?

Answer. Yes, sir.

Question. Otherwise he would have moved immediately forward?

Answer. That I do not know.

Question. You would suppose so?

Answer. I do not know. I cannot say with reference to General Patterson's opinion at all.

Question. I do not ask you what General Patterson's opinion was.

Answer. I think the reason we did not move forward was the effort being made to retain Johnston at Winchester. That is my own impression; that was my own view at the time we were there; and, in order to retain Johnston, orders were given for the men to carry two days' provisions, and those provisions were being prepared for the purpose. The circular was sent around, and immediately after a number of officers came in. Some of them spoke to me, and begged, if I had any influence at all, I would prevent that movement. One came in and said his men were very much demoralized, and said they would not go.

Question. On what day was this?

Answer. I think that was Thursday.

Question. Do you remember what officer that was who said his men would not go?

Answer. I think it was Colonel Johnson, Colonel Meredith, or Colonel Minier; one of those three I think it was.

Question. When you were at Bunker Hill an order was given, was it not, to move forward on Wednesday towards Winchester?

Answer. Not that I am certain of; I think not.

Question. Was not General Sanford's division ordered to move forward on Wednesday?

Answer. Not towards Winchester that I know of.

Question. Do you know what time on Tuesday the order was issued to move on Charlestown on the next day, Wednesday?

Answer. I do not think it got out until one o'clock that night.

Question. Then you were in doubt during the day of Tuesday about the movement on Charlestown?

Answer. There was a design of remaining at Bunker Hill that day, but provisions would not permit them to remain there over Wednesday. We were obliged to meet the provisions at Charlestown, which were then in the train moving from Martinsburg. The regiments were ordered to leave Martinsburg with three days' provisions; but many of them did not take one day's provisions; some of them were very improvident. There were two regiments, and one was Colonel Johnson's, that had no provisions at all.

Question. Could you not have brought your provisions from Charlestown to Bunker Hill as well as have gone from Bunker Hill to the provisions at Charlestown?

Answer. We could have got them up, but not in time to move forward and make an attack.

Question. They could have reached you at Bunker Hill?

Answer. Yes, sir. I would like to say this much: that at the time this order was given for the movement from Charlestown the officers came in and requested that it should be delayed, and that an appeal should be made to the men. It was suspended until General Patterson went out and made his appeal. The intention then was to move upon Winchester.

Question. That was on Thursday?

Answer. Yes, sir; the day after we got to Charlestown. He went out and made this appeal, and a very earnest one; and from some of the regiments that he asked at first the cry immediately was for shoes and pants.

Question. Was the appeal that they should go on and attack Winchester?

Answer. I was not present at this appeal, but I was informed that they were told that this movement was to be made, or that they were wanted for a few days longer. Some of them said they would not march—they were unprepared.

By Mr. Covode:

Question. Did not some of the regiments say they would remain if they were led to battle?

Answer. Not a word said upon that.

By Mr. Gooch:

Question. Your men had got very tired of marching?

Answer. I think that was the case; I think they had not much confidence in each other. There were a great many of the men without shoes. There was one regiment which afterwards came forward, expressing its willingness to remain—Colonel Wallace's regiment from Indiana; and when General Patterson thanked them for it a number of the Pennsylvania regiments did the same thing—offered to remain; others refused. Colonel Wallace turned to me and said: "Those boys have come up to offer their services to remain or move forward; but if they were called upon to march, there would not be three hundred of them that could march for want of shoes." I think General Patterson's great desire was to hold Johnston at Winchester. I think he felt he could not do so; I am certain of it. I think the main portion of that command felt that if they made an attack upon Winchester there would be nothing left of them.

Question. You think it was the general feeling in General Patterson's staff that it was absolutely beyond your power to hold Johnston?

Answer. I think so.

Question. And you think that General Patterson shared that feeling with his staff officers?

Answer. Yes, sir.

By the chairman:

Question. At what time was that feeling?

Answer. I do not think it was in the mind of any of General Patterson's staff, or any of the brigade commanders, that Johnston would stay in Winchester to meet an attack unless he was very powerful; and if he was wanted down in this direction, he could move whenever he pleased, and we could not touch him. I think that was the prevailing opinion.

Question. Can you tell why General Patterson did not communicate to General Scott the fact that he could not hold Johnston, as soon as he was satisfied of that fact?

Answer. I cannot tell you why he did not. I am of the opinion that General Scott was of that opinion himself. I think he says so in his despatch, where he says if Johnston retires in force do not follow him.

By Mr. Gooch:

Question. That is, if he retire by Strasburg?

Answer. I do not think he said if he retire by Strasburg—but if he retire in force. I never expected that he would retire by Strasburg.

By the chairman:

Question. It was the design, in that case, for Patterson to follow down to Manassas.

Answer. He said, take into consideration the going by way of Leesburg.

Question. General Scott did at one time think that Patterson could detain Johnston in the valley of Winchester, did he not?

Answer. I do not think there is anything in his despatches to that effect. I think that General Scott, by sending more troops there, showed that he thought we had not enough.

Question. Your idea is that General Scott did not suppose that General Patterson would detain Johnston in the valley there?

Answer. I do not think he thought so.

Question. Of course, then, in your estimation, any such expectation could not have entered into his calculations in regard to the attack upon Manassas?

Answer. I think not. General Scott may have had the hope that we would detain Johnston.

Question. Why did General Patterson advance towards Winchester at all if he did not think he could detain Johnston?

Answer. The object in advancing towards Winchester was partly to cover the movement of his supplies from Martinsburg to Charlestown, and partly also to carry out what General Scott directed him to do on Tuesday, to make a demonstration with the hope of holding Johnston at Winchester. I believe General Patterson, if he had thought there was any chance at all of whipping Johnston at Winchester, would have gone there. I heard him often express the wish, and say, "we will move at such or such a time." And in some cases he gave orders to that effect. But I think General Patterson began to feel that his troops would not carry him out if he went to Winchester.

Question. He had no confidence in his troops?

Answer. I think not. Many of the officers had not, and came forward and so expressed themselves. I think he was influenced by that. I do not say he did not have confidence in his troops, but I think he was influenced in his movements by the opinions that the officers expressed.

By Mr. Covode:

Question. Did you ever know of Colonel Johnson refusing to go with General Patterson previous to the time that you came back to Charlestown; that is, was it before or after the time that you went from Bunker Hill to Charlestown that Colonel Johnson signified his unwillingness to remain?

Answer. I do not think that Colonel Johnson himself signified that, but a large portion of his regiment.

Question. Was it before or after you went to Charlestown?

Answer. It was while we were at Charlestown. I never heard it before. And I never heard Colonel Johnson refuse to remain; on the contrary, he wanted to remain there.

Question. Do you know of any other regiments that refused to remain in the service previous to the time you turned back to Charlestown?

Answer. Yes, sir; one regiment presented its petition at Martinsburg. And that written petition, I think, is in General Patterson's possession now.

Question. Do you recollect what regiment that was?

Answer. I think it was the 6th Pennsylvania regiment. I think it was a written statement that their regiment would not remain, but demanded to be sent home by the time their service expired. There was another thing occurred while we were at Martinsburg. Information came to the men—how it got there no one ever knew—that an order had been published by the Secretary of War directing all volunteers then in service to be returned to their homes in time to be mustered out at the expiration of their term of service. That information was brought up there at Martinsburg. I supposed at the time that it was brought up there by some person probably friendly to the enemy.

WASHINGTON, *January 11, 1862.*

General JOHN G. BARNARD sworn and examined.

By the chairman:

Question. Were you at the battle of Bull Run?

Answer. Yes, sir.

Question. In what capacity?

Answer. I was the chief of the engineer corps of General McDowell's army.

Question. Without going minutely into the matter, will you state concisely to what you attribute the disaster to our army in that battle?

Answer. One of the influential causes was, I think, the loss of time in getting under way the morning of the fight. The fact that the repulse turned into a disastrous defeat I attribute to the fact that our troops were all raw. General McDowell had not even time to see all his troops. They were brigaded only for the march, and put under officers whom the troops had not time to know, and who had no time to know the troops; and they had not been under military training long enough to be thoroughly educated as to what they had to do. With every disposition to fight well, they had not acquired the knowledge and experience they should have had, and when they were driven back on the narrow roads, in small bodies, they became so mixed up that it was almost impossible to recognize them.

Question. You attribute the first bad phase of that battle to the fact that our troops did not get on the ground in time?

Answer. Yes, sir. I think an hour's difference would have gained the battle. We had almost gained it as it was.

Question. What caused that delay?

Answer. There were two causes distinct from each other. One was that in the plan of attack General Tyler's division was to move first on the Warrenton turnpike to Stone Bridge, while the really attacking column which was to turn the enemy's left flank, and which consisted of Hunter's and Heintzelman's divisions, had to follow Tyler until they reached the road where they were to turn off to make this detour. The road into which they were to turn was not a beaten, travelled road, but a mere country path. And Tyler's division was not out of the way so that they could get up to that turn-off for an hour and a half later than was expected. So that, instead of getting at that point at four o'clock, the head of Hunter's column was not able to get there until, say about half-past five. That was the first cause.

Question. What delayed Tyler's division; did you ever know?

Answer. When General McDowell and his staff rode along after waiting for the columns to get in motion—this was at four or half past four o'clock—we found the columns standing in the road waiting for one of Tyler's brigades to get out of camp and under motion. Perhaps there was some fault in planning it, in overlooking the fact that Tyler's division was so large, including three brigades, and the want of experience that we all had in moving large bodies of men. But whether it was General Tyler's fault in not getting his troops under way in time, I am not competent enough to decide. I think that after we had waited for some time General McDowell had to stop the last brigade of Tyler's division until Hunter's division filed past.

I said there were two causes for that delay. The second was the much longer time it took for the column of Hunter's to get around to Sudley's Ford than we calculated for. In going over the ground as far as we could the day before, we fell upon the enemy's patrol, and, not liking to attract their attention that way, we did not explore the ground up to the ford. We

found that the ground was perfectly free; that there was nothing to obstruct cavalry or artillery; and the guide took them by a detour, saying that we would be exposed to the enemy's batteries if we took the shorter road. So that we were three or four hours making that march through the woods. We did not get to the ford until half past nine or ten o'clock, and we ought to have been there at six o'clock. We succeeded in our operations. We deceived the enemy as to the point we were going to attack. We turned his left flank. He actually did not know the point of attack until twelve o'clock, when he commenced accumulating his forces at that point. If we had been earlier, we should have got on the Warrenton turnpike, in the rear of Stone Bridge, before he could have got there. We should have concentrated three divisions there.

Question. There was a strong brigade on Centreville Heights after the retreat began?

Answer. Yes, sir.

Question. What would have been the effect of ordering up that force to support the retreating columns?

Answer. When I saw that there was danger of losing the battle—when I saw the first charge, the first repulse of the Zouave regiment, the first capture of Ricketts's battery—I began to fear that we would be beaten. I had felt confident of a victory up to that time, but then I began to see the possibility of a repulse. We supposed that the Stone Bridge was unguarded, and if we were beaten, and the enemy should cross there, we would be cut off. I had got separated from General McDowell, and I hunted up the adjutant, who was behind attending to some duty, and requested him to order up the brigade at Centreville to the Stone Bridge, in order to support us there, as we supposed the division of Tyler had entirely got across the bridge. General McDowell left that brigade at Centreville as a reserve at a central point, as he was afraid that while we were operating on the enemy's left, making this long detour to do so, the enemy would pass Blackburn's Ford and manœuvre up by Centreville on our left flank. I had rather overlooked that until I saw it in General McDowell's report. And General Beuregard says that if we had not anticipated him, he would have attacked us. He actually did send an order to General Ewell to move up and attack our communication that way; and the reason it was not done was because the order miscarried in some way, so that that part of his plan failed. If they had attacked and carried that position at the same time that we were repulsed on our left, we would have been worse off than we were.

Question. But would not have been defeated, would you, if that strong division at Centreville had been at the fight? They would have gone right through them, would they not?

Answer. If our line had held out for a half an hour longer, we would have beaten the enemy as it was, because Schenck's brigade at the Stone Bridge was at that moment just ready to act. The enemy had made an abattis on the other side; cut down the woods for some two hundred yards back from the bridge. Two of Tyler's brigades had crossed over to join our left. Schenck's brigade had remained at the bridge, and Captain Alexander had cut through the abattis and was ready to move on the enemy's right just at the moment that they received news that our men were retreating. I believe if we had held out a half an hour, or even but a quarter of an hour, longer, we should have beaten them.

Question. If Patterson had held Johnston back, what would have been the effect?

Answer. We should have beaten them. That was the only thing that saved them.

Question. At what time before the battle commenced was it understood that Patterson was not holding Johnston back?

Answer. All that I knew about it, and all, I believe, that was distinctly known in the army about it, was that we heard the railroad cars running all night long. We were near enough at Centreville to hear the locomotives at Manassas.

Question. Suppose that when Patterson turned off from Bunker Hill to Charlestown, the moment that he knew he was no longer able to hold Johnston back, he had given notice to General Scott, and that notice had come to you, what would have been the effect of it upon your councils, had you heard it the day before the battle?

Answer. I think we should have fought any way. We could not have delayed any longer; that would have done us no good. The time of the three months' volunteers was expiring. We had made that march to fight, and I think we would have fought.

Question. Suppose you had held your own there until Patterson had followed Johnston down?

Answer. If we had received something definite—a communication of that kind—I think it is likely the determination would have been altered.

Question. I mean if that communication had been given directly from Patterson to General Scott, and from General Scott had been sent immediately to you, I suppose the effect upon your council would have been at least to wait until Patterson had followed Johnston down?

Answer. If we had received the information in a distinct form, we might have acted differently. I know that, with what information we had, it was uncertain. The question was discussed, "Shall we defer the attack?" and it was concluded that we better fight as soon as we could. We heard the railroad cars running all night, and presumed that Johnston's forces were coming in. But the moral effect of a delay would have been bad, and that action at Blackburn's Ford had a bad effect on the army.

Answer. Could you not have brought up 10,000 or 15,000 more troops from Washington by a little delay?

Answer. By stripping Washington entirely of all its troops we might have done so, I suppose. I do not recollect what the whole force was here then.

Question. General Tyler was sent around to make a reconnoissance merely, as we have been told, not to make an attack, on the 18th?

Answer. He was not expected to go further than Centreville, I think. I think he was not expected to make any attack at all.

Question. Seeing that he did make an attack, he should have carried those batteries, should he not, if he could have done so? And if he had, would it not have cleared the way for the next battle, so that you could have turned their left?

Answer. He ought not to have made the attack at all without knowing that he could do something. He ought to have made the attack with the intention of carrying the position, or not have made it at all. I was on the spot, and warned him twice that it was not intended to fight a battle there; that it was on the straight road to Manassas, at one of the strongest crossings on Bull Run, and that it was evident the enemy was moving up his force to meet us there. And as he had no orders to fight, and as there was no plan to fight there, I did all I could to get him to desist. I had no objection to his opening his artillery fire, for that was a sort of reconnoissance, to make them show just what they were. But I had no idea that they were going to march down to the Run and fight as they did.

WASHINGTON, *January 11, 1862.*

Colonel DAVID B. BIRNEY sworn and examined.

By the chairman:

Question. What is your rank and position in the army?

Answer. I am colonel of the 23d regiment of Pennsylvania volunteers, from Philadelphia. I was the lieutenant colonel of the same regiment in the three months' service, under General Patterson.

Question. What number of troops, with which to operate against Johnston's army, had General Patterson while at Martinsburg?

Answer. I have only my own estimate from seeing the regiments. I have no official knowledge of it.

Question. Will you give your best estimate?

Answer. I thought there were about 25,000 men—from 20,000 to 25,000—merely from seeing the camps and troops; that is only my estimate of them.

Question. What number of troops had General Johnston under him at that time, according to the best estimate that you had about it?

Answer. There was a great variety of opinions about that. I thought, from information that I got from the people there, in the country, that he had from 15,000 to 20,000 men.

Question. Was his army thought to be superior in numbers to that of General Patterson?

Answer. I do not know as I could state that; there was such a variety of opinion about it. Our regiments were all very anxious to try that point—to meet them—but they had no chance. That was the great trouble with our regiments.

Question. How long did you remain at Martinsburg?

Answer. We remained at Martinsburg some ten days, I think.

Question. Where was Johnston understood to be during those ten days?

Answer. On the road between Martinsburg and Winchester, and intrenched at Winchester. We marched from Martinsburg to Bunker Hill.

Question. How far was that?

Answer. About seven miles.

Question. Can you give the date of your march from Martinsburg to Bunker Hill?

Answer. I know we spent the 4th of July at Martinsburg. It was a few days after the 4th of July, but I cannot tell exactly the date.

Question. When you got to Bunker Hill, how long did you stay there?

Answer. We got there in the evening and encamped. The next day I was sent by General Patterson, with a detachment of six companies of infantry, a squadron of cavalry, and two sections of artillery of the Rhode Island battery, with instructions to make a demonstration and persuade the enemy that the army was marching upon Winchester, and to approach within two or three miles of Winchester. I marched down the road until we came to Stuart's cavalry. We fired upon them and they retreated, and I continued my march as far as I thought was prudent. I found the road barricaded—trees across it, and fences built across it. My instructions were only to give the enemy the idea that the army was coming. When I thought I had done that, I halted and came back. I suppose I went to within about four miles of Winchester.

Question. How far is Bunker Hill from Winchester?

Answer. I think the sign-post shows it to be eight miles.

Question. While you were at Bunker Hill what direction would Johnston's army have to take to get down to Manassas? How near to where you were stationed would they have to pass?

Answer. As I understand the geography of the country, they would come no nearer to us.

Question. They would still keep about the same distance from you?

Answer. Yes, sir.

Question. They would have to pass within about eight miles of you?

Answer. Yes, sir.

Question. If you had remained at Bunker Hill, would there have been any difficulty in your encountering them on their way to Manassas, if you had sought to intercept them on their way? Would there have been any difficulty in having an encounter with them, supposing they had come out of Winchester to go down to Manassas?

Answer. They would have been going in a side direction—laterally. They would not have come any nearer to us.

Question. You could have moved so as to have prevented their going down without an engagement with you, could you not?

Answer. Yes, sir; that could have been done by a forced march.

Question. Do you know any reason why you turned off from there to Charlestown?

Answer. No, sir; I do not.

Question. That, however, opened the way to them—gave them a free way to Manassas, did it not?

Answer. Yes, sir. Well, we would not have obstructed them if we had remained where we were at Bunker Hill. But we were told when we left Bunker Hill on our march that morning, that we were to take a road about half-way between Bunker Hill and outflank them. We were told that, as the road from Bunker Hill to Winchester had been found to be barricaded, we were to march towards Charlestown, and take the road turning off to the right as we approached Charlestown, and thus outflank them and prevent their coming down to Manassas. We had no idea of marching to Charlestown.

Question. You had no such idea when you started?

Answer. No, sir. We understood from our brigade commanders, &c., that we were still going to march upon Winchester, but to take this side road, instead of the one that was barricaded, and thus intercept them and prevent their joining Beauregard down here?

Question. Do you know the real purpose that was expected to be effected by this army of Patterson? Was it to prevent Johnston from joining Beauregard? Was that understood to be the object of Patterson's movements?

Answer. I do not know as I understood that it was especially to prevent him from joining Beauregard. Our conversation with our superior officers led us to suppose that we were to attack Johnston and whip him. I knew nothing about Johnston joining the enemy at Manassas, except, when we left Bunker Hill, we were then told that our object was to take this side road and prevent Johnston from coming down to Manassas on the railroad.

Question. You knew nothing, then, about the expectation of a battle being fought at Manassas at that time?

Answer. Yes, sir; the reason I knew was this: I called upon General Patterson about that time. General Cadwalader, who was our brigade general, referred me to General Patterson. We called to represent to him the state of our regiment, and he told me that he expected that a battle had been fought at Manassas on Tuesday, and thought he should hear of that battle on that day, and that we were to attack Winchester.

Question. In your judgment, as a military man, while you were at Bunker Hill would it have been in your power to have detained Johnston in the

valley of Winchester, if that had been your purpose and object? Could you have prevented him from coming down to Manassas?

Answer. That is rather a difficult question to answer. I do not know what I would have thought then, if I had had the information that General Patterson had. But I think now, knowing the strength of the two parties, that we could have done it. That opinion is, however, based upon my present knowledge of the situation of the two parties, and not upon the knowledge that General Patterson and all the officers may have had at that time.

Question. How strong did you take the enemy to be at that time? Did you estimate his strength to be superior to your army?

Answer. He was not generally thought by the officers composing our army to be superior. There was a great deal of indignation among men and officers that we were marched and countermarched so much. There was great anxiety to march on—to get on. It was very difficult for those of us commanding regiments to make our men satisfied. We were there without tents—only four tents to a company—and when it rained the men were exposed. We had supposed that we were going to be marched on to fight. And the men were marched and countermarched until they became very tired of it.

Question. At what time did you first discover that it was not the intention to bring on a battle?

Answer. At Charlestown.

Question. Was there any dissatisfaction among the men until it was found that there was no probability of their being led to battle?

Answer. There was not in our brigade—in the 21st, the 6th, and the 23d Pennsylvania regiments, composing our brigade.

Question. Did the men refuse to go further or stay longer after their time should expire, at any time before they ascertained that they were not going to be led against the enemy?

Answer. I can speak better of my own regiment. At Charlestown there was some dissatisfaction in the regiment about the marching and countermarching, and the retreat; for they considered this march to Charlestown a retreat.

Question. It was a retreat in fact, was it not?

Answer. Yes, sir; they so considered it when we did not take this side road, as we expected. When we came to Charlestown their three months' time was out, and about 300 of my men were without shoes. My regiment had offered again for the war under myself—had offered to remain before that—but the offer had not been accepted at Washington. The time had come to go home, and a great many of them were without shoes, and they felt discouraged. I went to see General Patterson, and told him that if shoes were furnished my men to march, and there was any prospect of any fighting—if they were going to march on to Winchester—the regiment would to a man go on to Winchester and fight their way to Manassas, and so come on through Washington home. But if they were to be kept there marching and countermarching, it would be almost impossible to detain them much longer than their term of enlistment.

Question. At what time did you ascertain that Johnston had left Winchester?

Answer. I did not hear of it until the 21st or 22d of July.

Question. You were not near enough to him to ascertain when he did leave, I suppose?

Answer. No, sir.

Question. How far is Charlestown from Winchester?

Answer. I think it was some fifteen or sixteen miles. We were about eight miles from Winchester while we were at Bunker Hill, and this was a

side movement that took us away some seven or eight miles further. I think it was about fifteen miles, though I do not know how far it was.

Question. You have already said that you considered this march to Charlestown a retreat?

Answer. Yes, sir; when we passed through the little town about half-way to Charlestown, and passed the little road down which we expected to turn towards Winchester—when we passed that, we understood that we were retreating.

Question. And then the dissatisfaction among the troops commenced?

Answer. Yes, sir; when we got to Charlestown.

Question. You had not heard the dissatisfaction before in your own brigade?

Answer. No dissatisfaction; some feeling at marching and countermarching so much.

Question. While they were expecting to be led to battle they did not reckon upon quitting the service?

Answer. No, sir. If the men had been told that they were to be led to battle, I think they would have gone. I think there would have been no dissatisfaction if there had been any certainty that they would be led to battle.

Question. I am thus particular in asking about this matter, because that has sometimes been assigned as a cause for the retreat.

Answer. There was a great deal of dissatisfaction at Charlestown—that is, these regiments did not want to be retained if they were going to be marched and countermarched as they had been.

Question. That is, after all prospect of fighting was over?

Answer. Yes, sir. There was no such dissatisfaction at Martinsburg or Bunker Hill that I saw. I never saw men more rejoiced, who seemed to feel more like being led into action, than our men at Bunker Hill.

Question. They were enthusiastic and anxious to be led on?

Answer. Yes, sir, until we began to go back.

By Mr. Chandler:

Question. Are you aware of the fact of Captain William McMullin, of the Rangers, having been sent out to ascertain the number of troops at Winchester?

Answer. Yes, sir.

Question. What was his report?

Answer. I heard from others that he reported the enemy to have forty thousand men.

Question. Did you solicit the privilege of taking some of your men, and leading a reconnoissance, to ascertain the exact force of the enemy?

Answer. I told General Thomas that I had very little confidence in Captain McMullin; that I considered him a very disreputable character; and that I had in my regiment men who would make excellent scouts, and that I should be very happy to take a few of them, and try myself to ascertain the strength of the enemy.

Question. The permission was not granted to you?

Answer. No, sir; but the general said he would mention it.

Question. You did not believe McMullin's report at all?

Answer. Well, sir, it was just in this way: You probably know McMullin's reputation. He has always been a noted character in Philadelphia—a bully, a kind of a character there. He is a fellow of courage, and all that, but he is not a man in whom I would place the most implicit confidence.

By Mr. Odell:

Question. Do you mean his judgment?

Answer. His judgment is good enough. But I would not place the utmost confidence in his statements. He is a man of courage, and of fighting propensities, and all that. He is that strong enough.

By Mr. Chandler :

Question. He would report according to circumstances, not according to the fact? That is about the amount of it, is it?

Answer. Yes, sir; that is, I would not have that amount of confidence in his statements that I would have in the statements of others who felt more interest in the cause.

By Mr. Covode :

Question. Was he sent out to reconnoitre before you came back to Charlestown or after?

Answer. He was used for that purpose. There was a company raised at the request of General Patterson—not exactly as a body guard, but he used them as scouts and in matters of that kind.

By Mr. Chandler :

Question. Did he not make this report, that Johnston had 40,000 men at Winchester, after Johnston had left Winchester entirely?

Answer. I think so. We left Winchester on Sunday, and marched back to Harper's Ferry. I did not think there was any knowledge then—at least we did not know—that Johnston had left Winchester.

By Mr. Covode :

Question. Was it after you came back to Charleston that you proposed to reconnoitre?

Answer. That was merely in the way of conversation with General Thomas. I merely stated to him, as we were talking about the fire in the evening, that I had very little confidence in McMullin, and that I had some men in my regiment whom I had the most implicit confidence in; and I would even go with them and see that this information was obtained. That was before we went to Charlestown; that was when we were at Martinsburg.

By the chairman :

Question. Had you any reason to believe that Johnston's army had been re-enforced?

Answer. No, sir.

Question. You knew that Beauregard was to be attacked at Manassas?

Answer. I heard so.

Question. They would not, of course, under those circumstances, re-enforce Johnston from Manassas. And where was there any probability of his army being re-enforced?

Answer. I do not know.

By Mr. Odell :

Question. When did the time of your regiment expire?

Answer. On the 21st of July.

Question. What was the spirit of your men at Bunker Hill, in reference to marching against the enemy?

Answer. They were perfectly willing to go; they were anxious to march on Winchester.

Question. From Bunker Hill?

Answer. Yes, sir. We had the idea that we were to go home by way of Manassas, through Washington, and so on home that way. There was a rumor that we were to go home that way.

Question. How was it with the men when they were at Charlestown?

Answer. There was great dissatisfaction there.

Question. Do you think, as a military man, that Johnston could have been held or fought better from Bunker Hill than from Charlestown?

Answer. We were then seven miles nearer to him.

Question. Seven miles nearer at Bunker Hill than at Charlestown?

Answer. Yes, sir. We supposed the idea in the movement to Charlestown was to take this side road, and thus avoid the intrenched turnpike.

Question. Did not you and your officers understand that your business at Bunker Hill was to hold or fight Johnston while General McDowell engaged Beauregard at Manassas?

Answer. Yes, sir; I was told we were to prevent the junction.

By Mr. Chandler :

Question. That was the general understanding, so far as you knew, of all the officers there?

Answer. Yes, sir; we supposed we were to attack him.

By Mr. Covode :

Question. Did you not believe that efforts were being made by McMullin and others to magnify the size and strength of Johnston's army?

Answer. Not exactly that; I only judged from my knowledge of the man. I did not feel that I could depend upon his statements.

WASHINGTON, *January 14, 1862.*

Captain CHARLES GRIFFIN sworn and examined.

By the chairman:

Question. What is your rank and position in the army?

Answer. I am a captain in the 5th regiment of artillery, in the regular service.

Question. Under what colonel?

Answer. Colonel Brown is the colonel of the regiment.

Question. Were you at Bull Run at the time of the battle there in July last?

Answer. Yes, sir.

Question. Under whose command?

Answer. I was attached to General Andrew Porter's brigade, which belonged to General Hunter's division.

Question. Will you please inform us what, according to your best judgment, led to the disasters of that day?

Answer. I can tell you what occurred on the right, where I was. I was brought into battery about half past 11, and opened on the enemy's artillery. I should suppose it maintained its position for about a half an hour, when it retired. I changed position two or three times, and opened upon their infantry. It also retired, and as far as my observation went, we were successful in all parts of the field. There was a lull; we had nothing to fire at. Then Major Barry (now General Barry) approached me and said that it was General McDowell's order for us to move on a hill about a thousand yards distant, where the enemy's battery was that I had fired at. I hesitated about going there, because I had no support. I was told the Fire Zouaves would support us. We started for the hill, and halted once or twice. Once I went to Major Barry and told him I had no support; that it was impossible to go there without a support. He told me that the Fire Zouaves would support us; that they were just ready to take the double-quick and follow us. I told him if such was the case, I wished he would permit them to go and get into position on the hill—let the batteries

(Captain Ricketts's and mine) come into position behind them, and then let them fall back. And I told him the better place for our battery was on a hill about 500 yards in the rear of the one to which we were then ordered. He said that General McDowell's order was to go to the other hill; and he also refused to let the Fire Zouaves go on the hill first and form into line. I told him they would not support us. He said they would. He said, "Yes, they will: at any rate, it is General McDowell's order to go there." I said, "I will go; but mark my words, they will not support us." In going to the hill my first lieutenant went towards another place, and I had to give the order to countermarch, and go on the hill indicated. The turning off there by my first lieutenant threw Ricketts's battery to the front. We got on the hill and fired about half an hour, when I moved two of my pieces to the right of Ricketts's battery. We were then firing upon the enemy's battery, which was not certainly over 300, if it was 250, yards from us. I had only five pieces there. One of my pieces had had a ball lodged in the bore so that it could not be got in or out. I had five pieces there, and Ricketts had six, making eleven pieces side by side. As I said, I moved these two pieces to the right of Ricketts's battery, and commenced firing. After I had been there about five minutes, a regiment of confederates got over a fence on my front, and some officer (I took it to be the colonel) stepped out in front of the regiment, between it and my battery, and commenced making a speech to them. I gave the command to one of my officers to fire upon them. He loaded the cannon with canister, and was just ready to fire upon them, when Major Barry rode up to me and said, "Captain, don't fire there; those are your battery support." I said, "They are confederates; as certain as the world, they are confederates." He replied, "I know they are your battery support." I sprang to my pieces and told my officer not to fire there. He threw down the canister, and commenced firing again in the former direction. After the officer who had been talking to the regiment had got through, he faced them to the left, and marched them about fifty yards to the woods, then faced them to the right again, and marched them about forty yards towards us, and then opened fire upon us, and that was the last of us. I had about fifty horses killed that day. I had had several horses and some men killed before. Before this occurred I started to limber up my pieces, so thoroughly convinced was I that they were the confederates. But as the chief of artillery told me they were my battery support, I was afraid to fire upon them. Major Barry said, "I know it is the battery support; it is the regiment taken there by Colonel ——." "Very well," said I, and gave the command to fire in another direction with the battery. But I never delivered the fire, for we were all cut down. The Zouaves were about twenty yards to the rear of us; they were sitting down. I begged them to come up and give them a volley, and then try the bayonet. They did not run at first, but stood as if panic-stricken. I do not believe they fired fifty shots, certainly not over one hundred. And after they had received three, perhaps four, volleys from this regiment of confederates, they broke and ran. I went down the hill and found Major Barry at the stream watering his horse. I stopped to water my horse also. Said I, "Major, do you think the Zouaves will support us?" Said he, "I was mistaken." Said, I "Do you think that was our support?" "I was mistaken," he said. "Yes," said I, "you were mistaken all around." I can substantiate all this if anything is said to the contrary. There are living witnesses to support it. Lieutenant Read stood by my side and heard the conversation about the battery support.

By Mr. Chandler:

Question. Could you have cut up that regiment with a charge of canister so that they would not have charged upon you?

Answer. I could have staggered them terribly. While the colonel was making his speech to them we had plenty of time to have passed word along the whole line, and if the whole eleven guns had been turned upon them, they could not have touched us.

Question. Was that the commencement of the repulse?

Answer. Yes, sir; the first I saw of it. We had been advancing gradually before that. The report of General Andrew Porter is the best testimony of that.

By the chairman:

Question. What time was that?

Answer. About 3 o'clock, earlier or later—later if anything. I should suppose it was not far from that time.

Question. What happened after that?

Answer. Well, sir, I got off the field with one piece, there being one wheel horse and one lead horse to the piece. That piece I only got off about a thousand yards. I got off the field two pieces—two Parrott guns—the one that the ball was lodged in, and one with the horses attached to it. I went to the rear to get some horses to get my third piece off. There were several of our regiments that attempted to retake our batteries, and the enemy was driven back twice, if not three times, to my certain knowledge, by the brigade of General Franklin. I do not know what regiments he had. I know very few of the regiments. I knew the Fire Zouaves and the New York 14th, and I knew the battalion of regular infantry; that is about all, I believe. I met the 71st regiment, but they were not in our brigade. I also knew the Rhode Island troops when I saw them, but they were not in our brigade.

Question. You attribute the disaster in that part of the field where you were principally to a mistake in the place where you were to be posted, to having no support of infantry, and to a mistake as to the character of the regiment that appeared there?

Answer. I thought we ought to have gone on a different hill, and I thought Ricketts ought to stand still. But then I was but a subaltern there, and complied with the orders. I think we would not have lost our batteries if we had done so.

Question. Suppose you had been supported, what would then have been the consequence?

Answer. If we had been properly supported, we would not have lost our batteries.

Question. Supported by the Zouaves?

Answer. The Zouaves could not have supported us. They were not supported enough. Five hundred men are not enough to support eleven pieces of artillery.

Question. What number do you think attacked you there?

Answer. There must have been 5,000 or 6,000, because there was regiment after regiment came on the field during the fight. The fight must have lasted half or three-quarters of an hour between our infantry and theirs—different troops coming up. A great many of our regiments turned right off the field as they delivered their fire, turning even as they delivered their volleys. They did not go off in any system at all, but went right off as a crowd would walking the street—every man for himself, with no organization whatever. The officers lost control of them. It is to be remarked that the men were very tired. I can readily see that if our men had been fresh when this thing occurred, with the success we had before, it might have been different.

Question. Do you understand this to be the first repulse of that day, or the first repulse where you were?

Answer. I understand it to be the first repulse of that day. I understand that is the only repulse we received that day.

Question. Suppose that reserve brigade at Centreville had been brought forward to support you, what, in your judgment, would have been the effect?

Answer. That would have had great influence. It might have been different; it might have been the same. I think the mistake was in sending our batteries so far ahead without support; and then I think the disaster was probably the result of numbers.

By Mr. Gooch:

Question. You say that you thought you should have gone to a hill five hundred yards in the rear. Do you mean in the rear of the position you occupied when the order was given to move forward to the other hill, or five hundred yards in the rear of the hill to which you were ordered to move?

Answer. I mean five hundred yards in the rear of the hill where we lost our batteries—the hill to which we were ordered.

Question. How far were you ordered to advance from the position you had been occupying?

Answer. About one thousand yards.

Question. You say that the Zouaves did not exceed five hundred at that time?

Answer. I do not think they did; I think that is a large number.

Question. What was their condition at that time?

Answer. I thought them in a disorganized state when they were ordered to support us.

Question. What support did Ricketts's battery have?

Answer. Just the same as I did.

Question. Do you mean that they were supported also by the Zouaves?

Answer. The Zouaves were in the rear to support the two batteries.

Question. Do you mean to be understood that these five hundred men were all the support both batteries had?

Answer. All the support I saw when I went on the hill, and all that I believe any of the officers saw.

Question. I suppose there is some rule in relation to the proper number of infantry to support batteries?

Answer. Yes, sir; there ought to have been at least 1,000 men to every gun, or at least there ought to have been not less than 4,000 men to support those batteries. It seems, from the reports of other officers, that there were other regiments brought up afterwards to support us. I find in General Barry's report that he met Colonel Heintzelman taking up the New York 14th. But if he meant that the New York 14th was in front of us supporting us, it certainly is not to be explained, because the New York 14th had red pants on, while the regiment in front of us had blue pants on, blue shirts, and straw hats. It can be established beyond a doubt, I think, that the New York 14th never came on the ground until after the batteries were lost. There were officers present who saw this, and can probably tell more about it than I can. Captain Averill, now in General Fitz-John Porter's division, certainly can tell more than I can. He was assistant adjutant general to General Porter, and can tell you exactly how these batteries were lost.

Question. I will ask you, as an artillery officer, in relation to the efficiency of artillery. Must it not always be accompanied by an infantry support?

Answer. Certainly; it is helpless by itself—perfectly helpless. Artillery must be supported, or you better not have it on the field.

Question. And you say that four thousand men at least were required to support our batteries at that time?

Answer. Yes, sir. If either one of those batteries had been by itself, there should have been at least a brigade to support it. But they were side by side, and I have therefore reduced the number required to four thousand good troops as the least we should have had.

Question. And your judgment is that if the batteries had been supported by four thousand men, they could not have been driven from their position?

Answer. Yes, sir; I have no idea they could.

Question. And if your batteries had retained their position there, would there have been any repulse at that time in that part of the field?

Answer. I do not believe there would. I believe if I had been allowed to take the position I wanted to go, and to which Captain Kensel wanted to go, we would not have lost our batteries. Captain Ricketts is living, and I understand that he refused to move forward. When Lieutenant Snyder, of the engineers, who died a few weeks ago, came up to him, Captain Ricketts said to him, "Snyder, I have such an order to move forward." Lieutenant Snyder said, "You have the best position in the world; stand fast, and I will go and see General McDowell." He went, and came back and said that General McDowell would comply with Major Barry's orders. That was very proper and polite in General McDowell, for Major Barry was the chief of his staff; but it shows that the officers of my battery were not the only ones who thought we should not have been moved forward. General Andrew Porter came to me after the battle, and spoke very severely. Said he, "Sir, I want to know how you got into such a situation." I said, "I went in accordance with the order of General Barry, from General McDowell." General Porter had told me that he relied upon me, as I was his only battery. He said, "When I found you had gone a thousand yards in advance, I cannot tell you my feelings. I was afraid I had allowed you to go there upon my order." He felt, perhaps, that I had gone there upon my discretion.

Question. When this confederate regiment came up in front of you, was there a fence intervening between you and them?

Answer. No, sir; but there was a four or five rail fence about two hundred yards in front of me. This regiment got over that fence, and its colonel came out between the regiment and myself and made a speech. The regiment was standing still when I gave the order to fire. There was some kind of grass there, in which the men stood, I should say a little above their knees.

Question. I do not suppose you know certainly, but do you suppose now that that could have been one of Johnston's regiments, part of Johnston's reserves?

Answer. From what I have learned since, it was a North Carolina regiment.

Question. Are they supposed to have been in Johnston's reserves?

Answer. My impression is that that regiment was in Johnston's force.

Question. Was the attack of Johnston that day at that point?

Answer. I have always so understood.

Question. How many of your horses were killed by the fire of this regiment?

Answer. I should suppose there were thirty or forty killed.

By the chairman:

Question. Were the enemy all infantry that attacked you?

Answer. Yes, sir. There was a regiment of cavalry that charged through the Zouaves, as it appears from some of the reports; but that was before we lost our battery. That cavalry I never saw.

Question. How far were you followed off the field?

Answer. We were followed certainly to Cub Run.

Question. Why did they leave you there?

Answer. I do not know. It was almost dark when we got there. It must have been dark in ten or fifteen minutes after I crossed Cub Run. It was then between seven and eight o'clock.

Question. You say this attack was made about three o'clock, or a little after?

Answer. Yes, sir.

Question. Then it took you about four hours in your retreat to get from where you were attacked to Cub Run?

Answer. We had troops to cover our retreat; for instance, Arnold's battery covered our retreat, and the regular infantry and cavalry covered their retreat; and the men went very slowly in a dense mass, probably not more than two or two and a half miles an hour.

By Mr. Gooch:

Question. Were there any other batteries besides yours and Ricketts's on that part of the field?

Answer. The Rhode Island, I should say, was some 500 or 600 yards to my left in battery, and firing when I first came on the field in the morning. The position where I first opened my battery was not more than 1,000 to 1,500 yards from where I lost my battery.

Question. Did that battery change its position during the day?

Answer. No, sir; when I came back I found that battery limbered up with the horses turned towards Centreville. They were a mile or a mile and a half from where my battery was lost.

Question. You have supposed that the principal attack was on our right?

Answer. I have always supposed so.

Question. You say if your battery and Ricketts's had been properly supported, it could not have been taken?

Answer. If those eleven guns had been properly supported, I think the day would have been different; and I think if we had not been moved on that point, and the captains of the batteries had been allowed to exercise their own judgment, the day would have resulted differently.

By Mr. Chandler:

Question. Probably if you had cut up that one regiment in front of you, it might have changed the fate of the day?

Answer. I think it would probably have done so.

Question. They would then have retired in disorder if you had fired canister upon them?

Answer. They would have been cut to pieces.

Question. It is not expected that raw troops will stand point blank range of canister and advance afterwards?

Answer. No troops can stand it long; for we could certainly have cut them all to pieces.

Question. Was it not possible to ascertain, during this time, whether they were or not confederate troops? Could not Major Barry have sent an aid or gone himself and ascertained in time to have saved you?

Answer. Of that I think the committee can best judge. Every man is capable of judging that. For instance, if one who is the chief states to another, "There stands your support," and he wants to convince another of that fact, he can easily do so if he is on a horse. He might have gone right down in the woods to see where the support was. That is a question that every man is capable of judging about. It would merely be my opinion any way.

By Mr. Covode:

Question. You have fixed a definite number necessary to support your

battery. Does it not depend entirely upon the advanced position the battery occupies as to the number of infantry necessary to support it?

Answer. Yes, sir; it might. But a battery, if thrown forward at all, to be properly supported, should have certainly a thousand men to a gun.

Question. If you had occupied a position 500 yards further in the rear of where you were, would not a less number of men have been necessary to support it than you think should have supported you where you were?

Answer. We could have got support easier, and we could have known what the enemy were doing. If I had had 500 yards more space in front of me then, I could have seen what was coming.

Question. Was it not necessary, in your advanced position, that you should have had the largest requisite number to support you?

Answer. Yes, sir. In the first place, a battery should never have been sent forward to reconnoitre. That is a military mistake. Of course, I am only a captain, and a great many would censure me for saying this; but it is so. It was the duty of the infantry to have gone forward and found out what the enemy were doing, and not have sent the battery forward to find that out.

By Mr. Odell :

Question. You spoke of a conversation you had with Major Barry in reference to the character of the regiment that came out in front of you?

Answer. Yes, sir.

Question. How near were you and he to each other when you had that conversation?

Answer. Side by side almost, as two gentlemen who would meet each other and talk to each other would naturally be.

Question. There could be no mistake between you?

Answer. No, sir. There could be no mistake about it, because we had two or three conversations in reference to the support—in reference to the Zouaves more immediately. When I countermarched my pieces, after they had turned off, and moved up on the hill, my last words were, "These Zouaves will never support us."

Question. Why did you think that?

Answer. I had seen them on the field in a state of disorganization, and I did not think they had the moral courage to fight. I do not think that any troops that will go through the country in a disorganized state, thieving and robbing, are brave men. They were all running around the field in any way. They were in no kind of order. We got them collected together in some kind of order when we moved on the hill; but before that they were in no kind of order. At least, that is my recollection of it.

Question. And it was that that induced you to say they would not support you?

Answer. Yes, sir.

By Mr. Gooch :

Question. You did not consider them sufficient in number?

Answer. No, sir.

By the chairman :

Question. You do not believe in the maxim, "The worse the man the better the soldier?"

Answer. No, sir; I do not. I believe in the maxim that he who is universally cruel to a fallen foe is a coward.

By Mr. Odell :

Question. Did you have more than one conversation with Major Barry about this regiment of confederates?

Answer. I did not. Lieutenant Read was a witness to Major Barry's telling me that those were our troops. I state this that what I say may be established by something beyond my own hearsay. In justice to Major Barry, I will say that before this battle we were never on good terms. We never have been on good terms. But I do not wish to do him a particle of injustice.

Question. Were you in a good position to fire upon this confederate regiment when they presented themselves?

Answer. I could not possibly have been in a better position. They stood about two hundred yards in front of us, with the slightest slope in the world between us and them. All I had to do was to fire right down upon them.

By the chairman :

Question. Could you not tell by the flag they carried what they were?

Answer. I did not see any flag. I saw no flag that day on the field. I do not recollect of seeing a flag the whole day, either with the confederates or our own troops, except after the battle, when I saw a regiment or two going off the field have their flags rolled up. I do not pretend to have seen much on that field. I only know what occurred in reference to my own battery, and those standing by the side of them.

Question. In a battle like that should not the colors be shown, so that there should be no mistake?

Answer. Yes, sir; I have no doubt our troops had their colors; they say they had. But I had a particular duty to perform. I had no support all day long, with the exception that the New York 14th came to me when I was in my second or third position. An officer said, "I have been ordered here to support you; where shall I go?" He went to a fence in rear of the batteries. I said, "Don't go there in rear of us, for you will stand a chance of being hit. If their batteries fire at me, and don't hit me, it will pass over us and hit you." They then went to one side, and when I saw them again they were falling back, every man for himself, about 500 yards from me. That was the last I saw of that regiment that day, excepting a straggling man here and there, or groups of twenty or so.

By Mr. Gooch :

Question. You consider one of the errors—the serious error of that day—was the fact that the artillery was not properly supported by infantry?

Answer. Undoubtedly. I consider that the first great error that was committed that day was the sending these batteries forward without support. And it is my opinion—at any rate, I do not know that I am called upon to express an opinion—but it is my opinion that if an officer received an order from the general to advance those two batteries forward, no matter how peremptory that order was, it was his duty, I think, not to have carried out that order if the batteries could not be supported, especially if he was the chief of the staff. Times may arrive when it is necessary to sacrifice a battery to secure some important result; for instance, Arnold's battery was sacrificed on our retreat to cover that retreat. But this was not one of those desperate cases.

Question. You think that it was a part of Major Barry's duty to see that the batteries were properly supported before they were ordered forward?

Answer. I pretend to say I should not have done it.

By Mr. Covode:

Question. Could Major Barry order this infantry forward without his superior's orders?

Answer. According to his report, he did.

By the chairman:

Question. If the general commanding should order the batteries forward, would not the chief of artillery understand that they were to be properly supported, without any particular orders to do so?

Answer. I should certainly consider it so.

Question. You would consider the order to mean that?

Answer. I think if the chief of a corps has no discretion like that, the general is in a bad situation. He certainly cannot be expected in a time like that to enter into all the details of his orders. He cannot do it. He gives his orders in a general form, and the details are attended to by others.

Question. You do not impeach the order of General McDowell in advancing the artillery forward, because undoubtedly he intended them to be supported properly?

Answer. Yes, sir; I take that for granted.

Question. It would be as unreasonable to expect a battery to go forward without a support as without horses—that is, a support is a necessary accompaniment to a battery?

Answer. I have always supposed so. There may be a time when it is necessary to sacrifice a battery. At Buena Vista General Taylor had lost everything, and was trying to retrieve. He ordered General Bragg to go forward. General Bragg undoubtedly turned to him and said, "I shall lose my battery;" and General Taylor probably said, "You must lose your battery, or all will be lost." And he went forward, and by his fire of grape gained the day.

Question. You were under no such necessity that day?

Answer. No, sir.

Question. You think the battery ought not to have been ordered forward until after the advanced position had been reconnoitred by infantry?

Answer. Or without a sufficiently strong support.

Question. Do you mean to say these two things should have been done: first, to have the advanced position reconnoitred by infantry, so as to have known what there was in advance, and what the position of the enemy was, and what they were doing, as far as possible; and, second, when the batteries did go forward, they should have had a sufficient support of infantry?

Answer. Yes, sir. I contend that as long as the chief of artillery had not the sufficient support for the batteries he should not have moved them forward. If they were to be moved forward on that hill, we should have had a heavy and strong support, for the reason that that was the hill the enemy had occupied. We could see nothing beyond that hill. We could not tell what they were doing. We could not tell whether there were 1,000 or 5,000 beyond the hill. I had occupied about as high a position as any one, and I do not believe any man could see beyond that hill. And then I contend that the next blunder was that Major Barry told me the confederate regiment was our support.

Question. These two errors, you think, led to the first and most important repulse of the day?

Answer. I think these two errors led to the first and the repulse of the day. I think General Porter's report will sustain me in that.

By Mr. Covode:

Question. Was Major Barry in a position where he was able to distinguish between our forces and theirs?

Answer. The major stood about 200 yards from them, right by my side. That is, he was on his horse and I was on my horse, and we were side by side.

Question. Was his opportunity a good one, from the position he occupied, for knowing the character of these confederate troops?

Answer. That would be a mere matter of opinion. His opportunity was just as good as mine.

By the chairman :

Question. They seemed like our soldiers?

Answer. They may have been dressed like some of our regiments. I went across the river on the 5th of July. The battle was on the 21st. I had not seen all our troops. I knew but four or five regiments.

By Mr. Covode :

Question. Were not cavalry in reach of you at that time?

Answer. I am under the impression that there was a squad of cavalry at my right. But they were in the woods, and might have just as well been at Centreville.

Question. That was not a proper time to use cavalry to reconnoitre?

Answer. No, sir; infantry should have been thrown forward.

By Mr. Gooch :

Question. Had you any cavalry that could be called in to support your battery?

Answer. No, sir. I am told by a cavalry officer that he received an order to charge right down through the woods. In the first place, he could not do it. Even if there was no enemy there, the cavalry could not charge through the woods.

WASHINGTON, *January 14, 1862.*

Colonel THOMAS A. DAVIES sworn and examined.

By the chairman :

Question. What is your position in the army?

Answer. My present position is colonel of the 16th New York volunteers.

Question. Were you present at the battle of Bull Run?

Answer. I was not present at what is called the battle of Bull Run, but I was six miles from that, upon the left wing.

Question. What position did you occupy there?

Answer. I left Alexandria in command of the 2d brigade, 5th division of the army of the Potomac.

Question. Acting as brigadier general?

Answer. Yes, sir.

Question. Will you, in your own way, go on and tell us what you know about the causes of the disaster of that day, what was done, and what you think might have been done?

Answer. Shall I tell what I did?

Question. Give us a general idea, without any great minuteness.

Answer. The fifth division, together with Runyon's division, was marked upon our programme when we started as the reserve—I mean in the card that was issued by General McDowell. Colonel Miles, of the infantry, was in command of the fifth division, and Brigadier General Runyon was in command of his part of the reserve. There were two commanders to the reserve. We went by the way of the old Braddock road to Fairfax Court-House the second night, driving the enemy before us, and capturing some few things; skirmishing all the way through the woods about six miles. On

the third day we arrived at Centreville, and camped about a mile from Centreville. The part we took in the battle of Sunday was decided upon in a military conference held the night before the battle, at which the division and brigade commanders were present. General McDowell read off the programme, and as soon as we found that our position was to be in the reserve and remain at Centreville, we left the council very early, and I heard nothing more said in respect to the plan of campaign than what was read there. Early the next morning we got our troops up—very early, for they were awake pretty much all night, or half asleep and half awake all night. We started in the morning, I with instructions to go down to the position that was occupied as a battle-field on the afternoon of the 18th, what was then called the battle of Blackburn's Ford.

By Mr. Chandler:

Question. You were not in the affair at Blackburn's Ford?

Answer. No, sir; I lay at Centreville that day. Instead of stopping where he ought to have stopped, as I understood it, General Tyler went on there. The bringing on of that battle, as I understand it, was an accidental affair altogether. This division of Miles, on Sunday, was to occupy a position at Centreville Heights, and also at Blackburn's Ford, which was two miles further towards Bull Run. The road from Centreville to Blackburn's Ford runs directly to Manassas Junction. The Warrenton turnpike that led up to where the battle of Bull Run was fought made an angle with the Blackburn's Ford road of about thirty degrees, and bore off to the right, went on to the Stone Bridge, and so on across where the balance of the army went. All the army, excepting Miles's division, moved up the Warrenton road, while that division moved off to the left to Blackburn's Ford with my brigade, leaving Blenker's brigade on Centreville Heights, with instructions to intrench the heights that day. Lieutenant Prime was to furnish the tools for that purpose. We went off to the left and were to make a feint at Blackburn's Ford to attract the attention of the enemy and draw their troops there.

Richardson's brigade, I found, was up there. But Colonel Miles told me to go down and compare notes with him, and find out which ranked, the one ranking to take command of the two brigades. I met Colonel Richardson, compared notes with him, and found that I ranked him. I then took command of the troops, and stationed him on the road directly to Blackburn's Ford, and exactly on the battle-ground of the 18th. I took a road that led off further south from this road, and went into an open wheatfield and took possession of the brow of a hill, where I could annoy the enemy by shell during the day, and make a demonstration. My position was about eighty rods, I should think, from Colonel Richardson's. I had brought into the field two regiments of infantry and Hunt's battery. Green's battery was behind, but by mistake Green's battery, belonging to my brigade, got into Richardson's brigade, and Hunt's battery, belonging to Richardson's brigade, got into my brigade. We went on making a demonstration, and at 10 o'clock I found that our ammunition was running short. I sent back word to Colonel Miles, at Centreville Heights, that our ammunition was running short, and I wanted to slacken my fire. He sent me back word to fire on. I did fire on very slowly, and kept up the fire till about 11 o'clock, when Colonel Miles came himself. He made some new disposition of the troops. I suppose, however, that is not important.

Question. Unless it led to important results.

Answer. It did. I had stationed two of my regiments on a road that led around from Centreville Heights off in the rear of my position entirely. I happened to find it out from the guide who went along with me down there to show me the way. He mentioned casually, saying, "There is a road

that leads around to the enemy's camp direct." Said I, "Can they get through that road?" "Oh, yes," said he, "they can." I gave the word of command to halt immediately, and put two of my regiments on this road, and two pieces of artillery, and went on with my other two regiments into the open field with the battery. When Colonel Miles came down in the morning he was in a terrible passion because I had put these two regiments there. He gave me a very severe dressing down in no very measured language, and ordered the two regiments and the artillery forward, without knowing what they had been put there for. I complied with the order, and said nothing. But when he left me, about an hour afterwards, I immediately sent back pioneers who cut down about a quarter of a mile of trees and filled the road up. As I expected, the enemy made an attempt to go up that road, but finding it obstructed by trees, and protected by a few pickets, they went back. We did not see them coming up, but when they were going back we shelled them pretty severely.

We continued the firing by degrees all day, until I got a line from some one in the advance. I could not read the whole of it. It said something about being beaten, but I did not understand which side was beaten; but I knew one or the other was. The firing about six miles to the right had ceased when this line came to me. I afterwards learned it was from Colonel Richardson, and I could see that the enemy or we were beaten, but I could not tell which. And there was something else about it, but I do not remember now, for I have lost the note. I saw unmistakable evidence that we were going to be attacked on our left wing. I got all ready for the attack, but did not change my front. About 5 o'clock, I think, the enemy made their appearance back upon this very road up which they had gone before; but instead of keeping up the road, they turned past a farm-house, went through the farm-yard, and came down and formed right in front of me in a hollow out of my sight. Well, I let them all come down there, keeping a watch upon their movements. I told the artillery not to fire any shots at them until they saw the rear column go down, so as to get them all down in the little hollow or basin there. There was a little basin there, probably a quarter of a mile every way. I should think that, may-be, 3,000 men filed down before I changed front. We lay there with two regiments back, and the artillery in front, facing Bull Run. As soon as about 3,000 of the enemy got down in this basin I changed the front of the artillery around to the left in face of the enemy, and put a company of infantry between each of the pieces of artillery, and then deployed the balance of the regiments right and left, and made my line of battle. I gave directions to the infantry not to fire a shot under any circumstances until they got the word of command from me. I furthermore said I would shoot the first man that fired a shot before I gave the command to do so. I gave them orders all to lie down on their faces. They were just over the brow of the hill, so that if they came up in front of us they could not hit a man. As soon as I saw the rear column, I told whom I thought to be Lieutenant Edwards to fire. It proved to be Lieutenant Benjamin, because in placing the companies between the artillery they had got displaced. Lieutenant Benjamin fired the first shot at them when the rear column presented itself. It just went over the tops of their heads, and hit a horse and rider in the rear. As soon as the first shot was fired, I gave the order for the whole six pieces of artillery to open with grape and canister. The effect was terrible. They were all there right before us, about 450 yards off, and had not suspected that we were going to fire at all, though they did not know what the reason was. Hunt's battery performed so well that in 30 minutes we dispersed every one of them. I do not know how many were killed, but we so crippled their entire force that they never came

after us an inch. A man who saw the effect of the firing in the valley said that it was just like firing into a wheatfield: the column gave way at once before the grape and canister; they were just within available distance. I knew very well that if they but got into that basin the first fire would cut them all in pieces; and it did. We continued the fire for 30 minutes, when there was nothing more to fire at, and no more shots were returned.

About the time this firing commenced, or a little before that, I received this note from Colonel Richardson. It seems that Colonel Miles, instead of sending the order through me, as the ranking colonel in command, to Richardson to retire on Centreville Heights, sent it, or his aid gave it, directly to Colonel Richardson himself, and also gave orders directly to my two regiments, which lay back as a reserve for me, to move back on Centreville Heights, leaving me in this open field with two regiments and six pieces of artillery, and no reserve to support me. As luck would have it, however, I was successful in the manner of making the fight there, and I did not require any support.

When I got through, and the order came to me to retire on Centreville Heights, I retired my own brigade first, because I was the ranking brigade. I went over to give the order for Colonel Richardson to retire, but I found he had been gone about an hour. I then went to find my other two regiments, which I had had in reserve, and found that they had already been ordered back to Centreville Heights. And when I retired my force, which I did in perfect order, I found my two regiments there on Centreville Heights, and Richardson's brigade all formed on the heights; rather, they were all there, but running about in a great deal of confusion, for Colonel Miles was not in a condition to be very accurate that afternoon. But for the defence which Hunt's battery made there, and the little arrangement to keep the men from firing, I think we should have been broken through by the enemy.

By Mr. Chandler:

Question. You have referred to Colonel Miles. Did you see him frequently during the day?

Answer. I saw him two or three times during the day.

Question. What time in the afternoon did you last see him on the field?

Answer. He left me about three o'clock in the afternoon, with instructions to encamp on the ground.

Question. Did you see him after that?

Answer. I did, at Centreville Heights, when I first got back with these two regiments. He had thrown forward the balance of the division and Richardson's brigade on Centreville Heights.

Question. Did you consider him in a fit condition to give orders at three o'clock in the afternoon.

Answer. Well, sir, I do not want to be the accuser of Colonel Miles here; I will give my testimony at the proper time; but I would prefer not to answer the question now, unless it be deemed essential as eliciting information in regard to the conduct of the war.

Mr. Chandler: We want to know what causes might have led to the disasters of that day. We want to find out, if we can, all the causes.

The chairman: We have some testimony to that effect already, and perhaps, in justice to those who have testified about it, we should have all of it.

The witness: Well, sir, I do not think the colonel was exactly fitted for duty much of the day. I did not see him drink, but I pretty well understood what his condition was.

By the chairman:

Question. You consider that the portion of the army you led were victorious throughout?

Answer. Entirely so. I claim that 13,000 of our men were victorious in that battle, and I never want it written down in any other way.

By Mr. Gooch:

Question. That is, our left wing.

Answer. Yes, sir. We are entitled to that, and we should have a report made so; and the 18,000 on the right were victorious, too, until a very late hour; but the left wing were entirely victorious, and have a right to claim such to be the case.

By the chairman:

Question. What led to the final defeat, as near as you could ascertain on the ground?

Answer. I can tell you what I think is the cause of the whole defeat of that day. The troops were raw; the men had been accustomed to look to their colonels as the only men to give them commands. They had never been taught the succession of officers, which is necessary to understand upon the battle-field. They did not understand the command devolving in succession upon the colonel, lieutenant colonel, major, and the captains, in their order of rank. The officers did not themselves know what to do; they were themselves raw and green. Every man went in to do his duty, and knew nothing about anybody else. When the colonels were killed or wounded, the subordinate officers did not know what to do, or the men did not know whether to obey them or not. When they lost their commanding officers, or those to whom they had alone been instructed to look for commands, they supposed they had a right to leave the field. That, I think, was the cause of many of the regiments retiring from the field; not from any cowardice, or fear of fighting, but because, having lost their colonels, they supposed they were out of the battle. I consider that the great cause of our army being put in rout on the right wing.

Question. Were you in a position to observe about the arrival of Johnston's re-enforcements at that time?

Answer. No, sir; I know nothing about that; I was too far to the left. I was going on to give my reasons for what I suppose caused our defeat that day. There were two, probably three things, which, though they may not have controlled the matter, are, in my judgment, to be considered as some of the reasons why we were not as successful as we might have been. But every general has his own plan of campaign, and my ideas may run counter to those of our general, as he may have had, doubtless did have, reasons and considerations for his plan which I am ignorant of. But judging from what I knew, if I had been in command there I should have harassed the enemy for the three nights before the battle that we were there. I would not have allowed them to lay there quiet all that time, when, with a half a regiment or a regiment, we could have kept them awake all night and worried them exceedingly. We had the power to do it. If we had done that we should have fought them to great advantage.

Question. You spoke of a council of war the night before the battle?

Answer. Yes, sir.

Question. What was understood there as to Patterson's holding Johnston from that battle? Was that an element taken into consideration in that council?

Answer. I did not hear it mentioned, that I am aware of. It might have been mentioned there, but I did not hear it. I was on the outside, and did

not enter much into the inside of the discussion. There were two tents there, and most of the officers were a great way inside, while I was on the outside.

Question. Was not that a fact of so much importance that it should have been known and acted upon in planning the battle?

Answer. I think it should have been considered, and it may have been. I know it was understood by all the officers there that Johnston was to be held by Patterson. That matter was talked over among the officers, and it was so understood.

Question. If it had been known the day before the battle that the next morning Johnston would be down there with re-enforcements, would it have been prudent to hazard a battle until you had also obtained re-enforcements, or until Patterson's army had followed Johnston down?

Answer. I should not have risked it, though my reasons for not risking it may be different from those of the one in command. He may have supposed that he had good grounds for fighting the battle.

Question. Would it be according to military prudence to fight a battle that must be uncertain, when you can make it all but certain by waiting a day or two?

Answer. That is very clear, according to my view of things.

Question. What would have been the effect had you waited there on Centreville Heights and rested your men a day or two—seeing Johnston was down there—until Patterson's army had followed him there, and been ordered to turn their left?

Answer. We should undoubtedly have won the battle.

Question. Was there anything to prevent that?

Answer. I know of nothing that could. I was going to mention three things which seems to me ought to have been done. One was to harass the enemy all we could. Another was to have intrenched Centreville Heights during the three days we lay there. The men would have fought better after working all day and sleeping well all night, than to have gone into the field as they did. And another thing was this: Now, I do not know the facts, I am only telling you my opinion of what should have been done, if the circumstances of the case had all been as I suppose they were. Not that I find the least fault with General McDowell, for I believe he is a splendid soldier; but if I had been in command of the right wing I should have intrenched after I got to the first run, and allowed them to attack me; we had the sure thing; we had the game there, and they might have got it back the best way they could. After the first run, after their first line broke and retired, then we should have intrenched and let them attack, and we would have had the victory. We had a sure thing, and there was no use in throwing it away.

Question. How was it about the men coming on the ground fatigued with marching? Had they marched any considerable distance, many of them?

Answer. No, sir, I do not think they had marched a great deal. But they had been loafing around a great deal; had been out a great deal of nights, and had been broken of their rest, and had not had full rations. They were not altogether in a prime condition for fighting.

Question. There was a brigade or a division in reserve on Centreville Heights most of the day, was there not?

Answer. Yes, sir; Blenker's brigade lay there the whole day.

Question. Could not they have strengthened our centre if they had taken their position on the field of battle?

Answer. The object of leaving that force there was to intrench Centreville Heights so that in case any accident occurred we could have retired there. But instead of that being done as was designed, there was some

difficulty about getting intrenching tools forward, and on that account they never broke ground there. There were 3,000 men there, and in one day they could have thrown up a pretty fair intrenchment. If those intrenchments had been prepared there when we got back we need not have gone back any further.

Question. After the repulse of our army, the enemy did not follow up their victory?

Answer. No, sir; not at all. There were only a few who came running after the right wing, firing random shots.

Question. They did not pursue?

Answer. No, sir; they did not pursue at all. Some cavalry came down, I believe, and made one or two charges which amounted to nothing.

Question. What necessity was there for bringing our army back to Washington? Why not have taken position on the heights and intrenched there at Centreville?

Answer. I did take position there. General McDowell, after the suspension of Colonel Miles, wrote an order on a visiting card, putting me in command of the left wing of the army as it stood; and I was going to stay there, and should have stayed there, except that I got an order between 11 and 12 o'clock, first to retire to Fairfax Court-House, and then to Washington. My brigade was the last to leave the heights at Centreville, which we did between 12 and 1 o'clock. There was no enemy there then.

Question. Would there have been any difficulty in rallying your whole forces and holding your position on Centreville Heights, while you sent for Patterson, or for re-enforcements from here and Fortress Monroe? Would you not have worsted the enemy in that way?

Answer. We never should have been compelled to leave the place with what troops I had under my command. I could have held my position there with the troops I had, which were my brigade, Richardson's brigade, Blenker's brigade, and some batteries that came down from the point above.

Question. Was it not a terrible military blunder to come back to Washington in disorder?

Answer. That is putting it rather strong. I should not like to say it was a military blunder.

Question. Well, it was a mistake, then?

Answer. I think this: that we could have held our position there; there is no doubt about that.

Question. Then you ought to have held it, ought you not?

Answer. That is a matter I am not responsible for. That is a matter which rests with the other powers, for I do not know all that combined to make up their judgment.

Question. Would it not have been easier to have defended Washington on Centreville Heights than to have come pell-mell here to do it?

Answer. I can answer that very readily: I think it would; there is no doubt about that.

By Mr. Gooch:

Question. I understand you to say that our left wing was victorious that day?

Answer. Yes, sir.

Question. Have you stated precisely what the left wing did?

Answer. Not in every respect, for Runyon's division lay behind us as part of the left wing.

Question. Was that engagement you have referred to the only one of the left wing that day?

Answer. Yes, sir.

Question. Did our left wing make any attack that day?

Answer. No, sir; not at all; we only defended ourselves. We were the reserve; we were to maintain our position.

Question. When you say you were victorious, you mean to say that you maintained the position assigned you?

Answer. Yes, sir; that is always a victory. When one is attacked in a position, and is successful in repelling that attack, that is as complete a victory as can be; and I think that all those troops which have been, in the accounts, submerged with a defeated body of troops, ought to have the credit of being victorious. It ought to have read that we were victorious with the 13,000 troops of the left wing, and defeated in the 18,000 of the right wing. That is all that Bull Run amounts to. The attack upon the left wing was repulsed, and the enemy never attacked there again. I have understood from the secession accounts of that battle that we killed there about one-third of all that we killed at the battle of Bull Run. And neither of my two regiments there fired a shot; if they had, we probably should have been defeated.

Question. What was the number of the enemy that came around the first time upon the road you speak of?

Answer. As near as we could judge, there were about 3,000—that is, judging from the time it took them to pass a given point; we could see the dust, but we could not see the troops; there was a light growth of bushes that separated them from us; we fired shell into the bushes.

Question. The force left at Centreville and the force under your command were both necessary, in your opinion, to prevent the enemy coming around and attacking the main body of our army in the rear?

Answer. Certainly: entirely so.

Question. Then you cannot strictly call that a reserve?

Answer. No, sir; not strictly so. We were put down upon the programme, as I stated in the forepart of my testimony, as a reserve. But we, in truth, expected to make an attack upon the enemy, as well as the right wing. We, however, made an attack simply upon a body of troops that lay in the woods waiting for us. There were about 10,000 of the enemy's troops concentrated upon our position all day long, hoping to take our army in the rear.

Question. So that it would not have been safe at any hour of the day to have taken our troops from Centreville and moved them forward to the main body of the army?

Answer. I think, as it turned out, that Blenker's brigade, which was expected to have intrenched Centreville Heights, might have been spared. Yet, after all, we might not have been able to have maintained our position. We might have been broken, and then Blenker's brigade would have been necessary for us to have fallen back upon. If the failure had taken place on our left wing, nothing in the world could have saved our army or Washington. When I got here to the city I could have taken the place with a thousand men, or even a less number. I never saw such an excited condition of things as there was here.

By the chairman:

Question. At what time did you get back and form on Centreville Heights?

Answer. The last two regiments got on Centreville Heights about 7 o'clock in the evening.

WASHINGTON, *January 18, 1862.*

Colonel R. BUTLER PRICE sworn and examined.

By the chairman.

Question. Did you serve with General Patterson during his expedition into Virginia; and if so, about what time?

Answer. I served with him from his first orders from the President, some time in April. He left Philadelphia on the 2d of June, and I remained with him until he was discharged from the service.

Question. What was your rank and position?

Answer. I was senior aid under General Patterson, with the rank of major.

Question. You accompanied him on his march from Martinsburg to Charlestown?

Answer. Yes, sir.

Question. About what was his force at that time?

Answer. He had about 19,000 men with him—that is, for all purposes. A portion of those men were detailed for special duty, guarding wagon trains, &c. He had probably 15,000 or 16,000 fighting men—not over 19,000 men in all.

Question. What was the object of that expedition? What particular purpose was it intended to accomplish?

Answer. From Martinsburg over to Charlestown?

Question. Yes, sir.

Answer. There were two reasons, I think, which prompted General Patterson to make that movement from Martinsburg to Charlestown: one was partly the condition of the quartermaster's and commissary's departments in relation to the supply of the army; and another was to make Charlestown as a more favorable base of operations, either to the front, or to fall back to Harper's Ferry. Charlestown was considered safer than Martinsburg; Harper's Ferry being within six miles of Charlestown.

Question. You were with him on the march from Martinsburg to Bunker Hill?

Answer. Yes, sir.

Question. What was the distance?

Answer. About twelve miles.

Question. How far is Bunker Hill from Winchester?

Answer. I think about sixteen miles; I am not positive about that; but I think the distance is in the neighborhood of sixteen miles.

Question. Was one great object of General Patterson's expedition to prevent Johnston from joining Beauregard at Manassas?

Answer. Yes, sir.

Question. That was the principal object?

Answer. That was one of the motives; yes, sir. To place General Patterson in a position where he could do that to the most advantage. As I said before, Charlestown is a point which would have facilitated either in making a forward movement, or falling back upon Harper's Ferry.

Question. When he was at Bunker Hill, was he not then in as good a position to have prevented Johnston from joining Beauregard as from any other point?

Answer. No, sir; he was not in so good a position as at Charlestown. And under the circumstances it would have been impossible for him to have remained at Bunker Hill.

Question. For what reason?

Answer. The difficulty of provisioning his army; getting forage forward. There was no nearer point there than Maryland.

Question. How came he to go to Bunker Hill, then ?

Answer. He did not go there with the intention of staying there.

Question. Was it on the direct road to Charlestown ?

Answer. No, sir; but he went to Bunker Hill because he was ordered to keep Johnston in check, and always keep a force in front of him. He went there for the purpose of offering Johnston battle.

Question. Johnston was not at Bunker Hill, was he ?

Answer. He was there while we were at Winchester. As we approached him he fell back.

Question. And Johnston having fallen back to Winchester, General Patterson approached him no further ?

Answer. No, sir; not towards Winchester.

Question. Why not ?

Answer. Because he heard while at Bunker Hill that the force of General Johnston was very much greater than his own, both in number and in artillery force.

Question. Had he any intelligence that Johnston's army had been increased during this period ?

Answer. Yes, sir; very materially increased.

Question. Where from ?

Answer. Somewhere between Winchester and Manassas; it was not known where. He got positive information at Bunker Hill that Johnston had 42,000 men at Winchester, and, I think, sixty-three pieces of artillery.

Question. From whom did he get that information ?

Answer. It was given to him by General Cadwalader, who obtained it through private parties; I do not know who they were.

Question. Where did these re-enforcements come from ?

Answer. From towards Manassas.

Question. At what time were these re-enforcements supposed to have joined Johnston ?

Answer. Between the time of our leaving Martinsburg and leaving Bunker Hill, which was a period of two and a half days.

Question. Was it not very singular that he should have retreated to Winchester with this great increase of force ?

Answer. He was re-enforced while he was at Winchester, after he left Bunker Hill. From the best knowledge we could obtain while at Martinsburg, General Johnston had in the neighborhood of 25,000 or 26,000 men.

Question. Was it not very singular that Johnston should be re-enforced from Manassas when they knew they were about to be assailed by the central army, under General McDowell ?

Answer. I can give no opinion in reference to their motives.

Question. Had you any authentic information of re-enforcements joining Johnston during this period ?

Answer. It was information that was given to General Cadwalader from what he considered a reliable source, and he so reported to General Patterson. The information proved to be correct, as we learned from various sources afterwards.

Question. That he received a very large re-enforcement at this period from Manassas ?

Answer. Yes, sir; making his whole force over 42,000 men.

Question. How did you learn that afterwards ?

Answer. By information from various persons. One was a gentleman, whose name I forget. His *soubriquet* is "Porte Crayon." He was in Winchester at the time General Johnston left with 35,000 men, leaving 7,000 at Winchester. There were two or three other persons, who were at Winchester at that time, who reported the same thing, thus verifying the report Cadwalader made to General Patterson.

Question. Had it not been for this supposed re-enforcement, would he have advanced upon Winchester from Bunker Hill?

Answer. Yes, sir.

Question. That was his intention?

Answer. Yes, sir; provided he thought proper to do so after arriving at Bunker Hill.

Question. Where was he when he heard of this re-enforcement?

Answer. At Bunker Hill.

Question. And then he retreated from the enemy to go to Charlestown?

Answer. No, sir; he did not. It was not a retreating movement. It was merely a movement across the country to Charlestown.

Question. He gave up all idea of encountering Johnston?

Answer. Yes, sir.

Question. Then, when he left Bunker Hill, he knew he could no longer hold Johnston in check, did he not?

Answer. Yes, sir; he gave up the idea of attacking Johnston. But then he was under the impression that the necessity of his holding Johnston in that part of Virginia had passed away, from the fact that he supposed the battle at Manassas had at that time been fought.

Question. What made him think that?

Answer. From despatches he received from General Scott, and letters fixing the date of the attack.

Question. Did General Scott ever send him any despatch that he would fight at Manassas on any particular day?

Answer. Yes, sir.

Question. Where is that despatch?

Answer. I suppose it is among the papers of General Patterson. It was either a despatch or letter; I did not know which.

Question. Did you learn the date of that despatch?

Answer. I do not recollect now.

Question. Do you know what time was stated when the battle would be fought at Manassas?

Answer. Yes, sir; on the Tuesday previous to the Sunday on which it was fought.

Question. Do you suppose, as a military man—I ask your opinion as a military man—that General Scott could fix, beyond a doubt, upon a day when he could attack the enemy with such an army, the two being so far apart? Could he fix with certainty that he would fight, on a particular day?

Answer. I think he could, having the control of his operations.

Question. He did not fight on the day he proposed?

Answer. No, sir; he did not.

Question. Then it is possible for a military man to be mistaken about that?

Answer. Yes, sir.

Question. And a military man would know that there would not be any certainty about such a thing?

Answer. Yes, sir.

Question. General Patterson, if I understand it, had the means of communicating by telegraph with General Scott?

Answer. The facilities were not great from Bunker Hill. There was no telegraph nearer there than Hagerstown.

Question. How far was that?

Answer. About 42 miles. All the despatches received from and sent to General Scott were carried by carriers from any position in which the army happened to be to Hagerstown.

Question. Would it not have been well for General Patterson, when he had ascertained that Johnston had received re-enforcements, that rendered it impossible for him to detain him—would it not have been well to have sent General Scott the earliest information of that?

Answer. He did.

Question. What was the import of that communication?

Answer. The import of that information was that Johnston's force was then estimated at 42,000 men, and was much larger than what General Patterson had.

Question. And when he turned off to Charlestown, and found he could no longer detain him, did he notify General Scott of that?

Answer. No, sir; I do not know as he sent any despatch that he could no longer detain him, but General Patterson was under the belief he could not detain him there any longer. When he discovered that Johnston's force was moving he telegraphed to General Scott.

Question. As the matter stood, suppose he had, the moment he received that information, and had made up his mind that he could no longer detain him—for you have said already that it was the object of this expedition to detain him there, and prevent his joining Beauregard—had he communicated that immediately to General Scott, would it not have been a military fact that would have had a controlling effect upon planning and carrying out the battle of Manassas?

Answer. I think it ought to have been.

Question. And if he did not give General Scott the earliest information of that, would it not have been a negligence and unmilitary act?

Answer. So I should have considered it.

Question. But you think he did give him that information?

Answer. I am under that impression—yes, sir.

Question. How long did you remain at Charlestown?

Answer. I think we stayed there, at Charlestown, five days.

Question. Was there any order from General Scott to General Patterson, that if he could not detain Johnston, he should follow him down to Manassas?

Answer. No, sir.

Question. No such arrangement?

Answer. None that I have ever heard.

Question. When he turned off from Bunker Hill to Charlestown, had you heard any dissatisfaction manifested among the officers and troops?

Answer. Nothing of the kind—not the slightest; nothing but the most unqualified approbation.

Question. Was there any period when the troops whose time was expiring refused to go further?

Answer. Yes, sir.

Question. What time was that?

Answer. That was at Charlestown.

Question. You did not hear anything of that before?

Answer. No, sir. I heard of the circumstance, but it was not within my own positive knowledge.

Question. Charlestown was the first?

Answer. Yes, sir; the first open exhibition of it.

Question. Then, in brief, the Pennsylvanians, when they supposed he was advancing upon the enemy, did not wish to take advantage of their time being out?

Answer. They did not grumble about there being no fight, because General Patterson, in the appeal he made to them at Charlestown, begged them to stay for ten days in case he might have to fight with the enemy.

Question. Did he expect to have a fight with the enemy?

Answer. He thought he might have a fight, and in the mean time he had sent to General Scott for orders, and did not know what orders he would get.

Question. After Johnston had been re-enforced, he had double your force; would he have fought him then?

Answer. He would not follow him up, but he would have fought if Johnston had attacked him.

Question. Why not throw himself across Johnston's path, and detain him in that way?

Answer. It was impossible for him to do that while at Bunker Hill or at Charlestown.

Question. Was it not possible to do that?

Answer. It was totally impossible.

Question. What was the impossibility?

Answer. It was that he could not reach the track that Johnston took before Johnston could reach it; for he could march his men to a point below Strasburg, and then take his men to Manassas, and it was impossible that General Patterson could reach that point to intercept him. I do not think he would have made an attempt to do that.

Question. If it was an object to detain him, how did he expect to detain him?

Answer. He did not expect to do it after he left Bunker Hill.

Question. If he was willing to fight double his force in the open field, why not follow him up?

Answer. He was intrenched there; not in the open field.

Question. You say he could not get to the railroad without attacking Johnston at Winchester. Now I want to know this: I find from the testimony that General Patterson turned from Bunker Hill, and gave up the original intention of detaining Johnston, because Johnston had been greatly re-enforced.

Answer. Yes, sir, that was one reason; and another reason was that he thought the necessity had passed.

Question. Now I understand you to say that he would have fought Johnston even after he had been re-enforced, perhaps at Charlestown, and expected to do it, and wanted to keep his troops there.

Answer. Yes, sir. He would have fought him, if he had attacked him.

Question. If so, and his main purpose being to detain him in the valley there, why did he relinquish his original position?

Answer. The design no longer existed after he left Bunker Hill; and if he had been so disposed, he could not have thrown himself across the track of Johnston after he left Winchester.

Question. Suppose that, before Johnston left Winchester, Patterson had taken a position between Manassas and Winchester upon that railroad, could he not have done that?

Answer. No, sir; not before Johnston.

Question. Not before Johnston left?

Answer. No, sir.

Question. Then he could not have prevented Johnston from going to Manassas, whether he was re-enforced or not?

Answer. No, sir. He could not have prevented Johnston from going to Manassas, whether he was re-enforced or not. But he would have attacked him at Winchester, if he had not been re-enforced. He offered him battle on two or three different occasions. Johnston was between Martinsburg and Bunker Hill when we marched to Martinsburg. He then fell back to Bunker Hill, and then he fell back to Winchester, laying a trap for us all the time.

Johnston would not have fought before he got to Winchester, and there he had a great advantage over us.

Question. You think General Scott was apprised of this right off.

Answer. Yes, sir.

By Mr. Gooch:

Question. General Patterson moved from Martinsburg to Bunker Hill because there he more directly threatened Johnston?

Answer. Yes, sir; he marched there for the purpose of offering him battle.

Question. For the purpose of threatening him?

Answer. Yes, sir, to threaten him, and to hold him there and give him battle. From the best information we had, Johnston's force was from 22,000 or 23,000 to 26,000.

Question. The great object you deemed to be to hold Johnston, and you moved to Bunker Hill so as to threaten him and hold him?

Answer. Yes, sir; and fight him there.

Question. And Johnston fortified himself at Winchester?

Answer. Yes, sir.

Question. You moved to Bunker Hill and sent out some pickets?

Answer. There was a reconnoissance made from Bunker Hill on the day we arrived there, I think, with probably 800 or 1,000 men. They marched on the road to Winchester, a distance of four or five miles. There they found the cavalry pickets of Johnston, which they dispersed. They found the road obstructed.

Question. The object of the reconnoissance was successful?

Answer. Yes, sir. To find the condition of the road from there to Winchester, and to find out the preparations to prevent General Patterson from marching to Winchester.

Question. You found no indication to show that Johnston intended to attack you at Bunker Hill?

Answer. No, sir.

Question. The indications were that he wanted to fight you behind his intrenchments at Winchester, and not to come out to attack you?

Answer. Yes, sir.

Question. Did you send some of your baggage trains directly from Martinsburg to Charlestown?

* Answer. No, sir. They all came down by the way of Bunker Hill. We marched on two roads from Martinsburg to Bunker Hill.

Question. During all this time you were following up Johnston, there was no time that he offered you battle, or proposed to do so in any way in the open field?

Answer. No, sir. Not upon any occasion.

Question. He wanted to fight you upon unequal terms at Winchester?

Answer. Yes, sir.

Question. You did not believe when you reached Bunker Hill that Johnston intended to fight you at Bunker Hill?

Answer. No, sir. We found no such indication.

Question. When you were at Bunker Hill, I suppose that you felt that, during that time, you were threatening that position of Johnston, instead of his threatening you?

Answer. Yes, sir.

Question. Then, when you moved from Bunker Hill, you moved to a point, Charlestown, which was further from Winchester than Bunker Hill?

Answer. I think Charlestown is rather further from Winchester than Bunker Hill is: probably five or six miles further.

Question. You moved down from Martinsburg to Bunker Hill in two

columns. Did you propose to move forward upon Winchester in two columns?

Answer. No, sir. I do not know that we did.

Question. General Sanford had a column there, had he not?

Answer. We marched in two columns from Martinsburg, but they were all concentrated in the vicinity of Bunker Hill.

Question. Was it not the intention to move from Bunker Hill to Winchester?

Answer. Yes, sir. At one time General Patterson had given an order to move from Bunker Hill to Winchester. He was very unwilling to leave Johnston even at Winchester without attacking him; and on the afternoon before we left Bunker Hill he decided to attack him, notwithstanding his strong force.

Question. Behind his intrenchments?

Answer. Yes, sir; it went so far that his order was written by his adjutant, General Porter. It was very much against the wishes of General Porter; and he asked General Patterson if he would send for Colonel Abercrombie and Colonel Thomas and consult them on the movement. General Patterson replied: "No, sir; for I know they will attempt to dissuade me from it, and I have made up my mind to fight Johnston under all circumstances." That was the day before we left Bunker Hill. Then Colonel Porter asked to have Colonel Abercrombie and Colonel Thomas sent for and consulted as to the best manner to carry out his wishes. He consented, and they came, and after half an hour they dissuaded him from it.

Question. At that time General Patterson felt it was so important to attack Johnston that he had determined to do it?

Answer. Yes, sir; the order was not published, but it was written.

Question. You understood General Patterson to be influenced to make that attempt because he felt there was a necessity for detaining Johnston?

Answer. Yes, sir; to detain him as long as he possibly could.

Question. That order was not countermanded until late on Tuesday, the 16th, was it?

Answer. That order never was published. It was written; but at the earnest solicitation of Colonel Porter it was withheld until he could have a consultation with Colonel Abercrombie and Colonel Thomas.

Question. It remained the intention of General Patterson to make the attempt to move on Winchester from Bunker Hill?

Answer. Yes, sir.

Question. And the order to move on Charlestown was not promulgated until 12 o'clock that night?

Answer. It was later than that; it was between 1 and 2 o'clock in the morning.

Question. Your position on the staff of General Patterson was such as to enable you to know of the telegraphic despatches passing between him and General Scott?

Answer. Yes, sir.

Question. If I understand you, after you moved from Bunker Hill to Charlestown, you were then no longer directly threatening Johnston?

Answer. No, sir; the movement towards Charlestown was a flank movement, not one threatening General Johnston.

Question. So that Johnson at that time would not have felt that his force at Winchester was in danger of being attacked by your force?

Answer. No, sir.

By the chairman :

Question. If I have understood you, I am not able to see how at any time you could have prevented Johnston from going to Manassas, if he saw fit to go?

Answer. We never could have prevented Johnston from going to Manassas if he had chosen to do so. He retreated before us all the time. His cavalry force, under Colonel Steuart was hanging around us all the time.

Question. So that you knew all the time that if he saw fit to retreat from Winchester, and so on down to Manassas, he could have done so?

Answer. Yes, sir, at any time.

Question. You have been asked if you thought General Scott, the commanding general, would positively fix the time upon which a battle could be fought?

Answer. I thought he could fix upon the time when he decided to have the attack, unless circumstances arose to prevent it.

Question. As a military man, do you not know that there are numerous contingencies to render it very uncertain when two armies shall meet?

Answer. There is always an uncertainty. But I think an officer with a large army could fix upon the day when he should commence his attack. That was not done in this case.

Question. You mentioned that the roads were barricaded in front of you at Bunker Hill, what was the character of those barricades?

Answer. From the reports of officers, I understand there were trees cut down and thrown across the roads there.

Question. Would you, as a military man, consider that a formidable obstacle in the way of an army 20,000 strong?

Answer. No, sir, not by any means. There were fences built across the road, stone walls built across the road; and they became more numerous as we approached Winchester, and more formidable. And it was reported that the road was defended all the way from that point to Winchester. They would not retard the progress of an army, but they would give great advantage to a foe lurking in the neighborhood. I should not think it was a serious obstacle in the way by any means. I only mention this to show that there was no disposition on the part of General Johnston to attack General Patterson at that point.

Question. Were you not cognizant of the fact that General Patterson had a positive order from General Scott to hold Johnston in the valley of Winchester?

Answer. Yes, sir; those were General Scott's orders all the time.

Question. Was not that with direct reference to the battle that was expected to take place at Manassas?

Answer. Yes, sir.

By the chairman:

Question. Was not the order a little more than that? Was it not that if he could not detain Johnston he should follow him down by way of Leesburg?

Answer. No, sir; the Leesburg proposition was made by General Patterson, but not consented to by General Scott. That was before we left Martinsburg.

By Mr. Odell:

Question. Do you think your position at Bunker Hill was a success so far as holding General Johnston was concerned, in accordance with the order received from General Scott?

Answer. Yes, sir; but the position of General Patterson, at Bunker Hill, could not have prevented Johnston from leaving Winchester any moment he pleased.

Question. Your army, while at Bunker Hill, was successful in holding Johnston in the valley of Winchester, in accordance with the orders of General Scott.

Answer. Yes, sir.

By the chairman:

Question. Is there anything else that occurs to you which you wish to state?

Answer. In reference to the forward move from Martinsburg, there was a council of war held there, at which I was present, and heard all the opinions given. They were unanimous against a forward movement any further than Bunker Hill. In reference to the discontent shown by officers and soldiers, I never saw anything of the kind. After the army left Bunker Hill, on the march to Charlestown, every regiment that we passed were halted and faced to the front, and by the command of their officers, they cheered General Patterson, without a single exception. There was not the slightest sign of disapprobation shown by officers or men, that I saw.

By Mr. Covode:

Question. You had no information that Johnston was reinforced at the time you held your council at Martinsburg?

Answer. No, sir. The supposition when we left Martinsburg was that Johnston would fight us at Bunker Hill.

By Mr. Gooch:

Question. What do you now understand to have been Johnston's force at Winchester on the day you commenced your movement to Charlestown?

Answer. 42,000 men. I am as certain of that as I can be of anything I do not know of my own knowledge.

Question. I suppose there is always great uncertainty in the movements of large bodies of men?

Answer. Yes, sir.

Question. And it is impossible almost for a commander to say a week beforehand that he will be with 20,000, 30,000, or 40,000 men at a given point on any given day?

Answer. Certainly.

Question. Because contingencies may arise to prevent his getting there, even if he meets with no foe?

Answer. Yes, sir.

Answer. And of course there is always great uncertainty in fixing the time when you will attack the enemy?

Answer. Yes, sir; most undoubtedly.

Question. And, as a military man, I suppose you would not be willing to base any important military operations upon the assumption that there had been an engagement, simply because it had been fixed upon a week beforehand for a certain day?

Answer. That is true. But under the circumstances under which General Patterson was at the time, and from the various letters and telegraphic despatches between Washington and himself, I would have drawn the conclusion that the battle of Manassas would be fought on Tuesday. Because General Scott was positive in his despatch in fixing Tuesday as the day. I would not have been certain the battle would have taken place on that day. But I would certainly have expected it in twenty-four hours of that time, although it might have been delayed, as it was in that case.

Question. Still you would not have based any important military operation on the assumption that it did take place that day?

Answer. Although I would not suppose it was a certain thing that the battle would take place that day, yet at Bunker Hill General Patterson's column was very much exposed; there was difficulty in getting forage and

provisions for it. His army was some thirty-two miles from the Potomac, and anything but a friendly country and people in his rear, and he might have placed himself in a very precarious and dangerous position. I would have taken these things into consideration, with the supposition that there was no longer any necessity to remain there. I should have been governed by those considerations.

WASHINGTON, *January 18, 1862.*

Colonel CRAIG BIDDLE sworn and examined.

By the chairman:

Question. Did you serve under General Patterson in his campaign into Virginia?

Answer. Yes, sir; I was his aide-de-camp.

Question. We desire a statement, in as brief yet comprehensive a manner as occurs to you, of the military incidents of that campaign, beginning with your movement from Martinsburg to Charlestown. That probably is the most of the military part that we care to inquire into. What number of men did you have at Martinsburg?

Answer. I do not recollect precisely the number. I would not like to state that except from the documents.

Question. About how many do you suppose?

Answer. I suppose we had about 18,000 men; that is, after Colonel Stone came up with his command.

Question. You marched from Martinsburg with about that number?

Answer. I think so.

Question. Where did you go?

Answer. To a place called Bunker Hill, and then diverged to Charlestown.

Question. What was your object in going to Bunker Hill?

Answer. To make a demonstration against Johnston, who was supposed to be at Winchester, and to create the impression that we were going to Winchester.

Question. Was he at Winchester while you were at Martinsburg?

Answer. We supposed so; or rather he remained at Bunker Hill a day, and then fell back on Winchester.

Question. You advanced to Bunker Hill with the intention of giving him battle?

Answer. If he was there, that was the idea. The idea was either to attack him there—it was estimated that the column was not strong enough to attack him, and therefore we meant by demonstration to hold him there as long as we could.

Question. Was not the object of your army to hold Johnston in the valley of Winchester until after the battle at Manassas?

Answer. We hoped to do so. I understood that was the object.

Question. You went to Bunker Hill?

Answer. Yes, sir.

Question. That was on the road from Martinsburg to Winchester, was it?

Answer. Yes, sir.

Question. How long did you remain at Bunker Hill?

Answer. I think we were there only a day.

Question. One day?

Answer. I think so; we went on the 16th, which was Tuesday, and stayed

there until Thursday or Friday, I think. No, sir; we got to Charlestown on Sunday morning, and we must have left Bunker Hill on Saturday.

Question. From Bunker Hill you made a reconnoissance still further towards Winchester?

Answer. Yes, sir.

Question. With a view of advancing the army still further?

Answer. Yes, sir. I ought to say to you that I am not a military man. This was my first experience in military matters. I voted for Mr. Lincoln, and I thought it my duty to set an example and go in the field, if necessary, and I joined General Patterson's staff; but upon questions relating to the military conduct of the campaign I do not feel my judgment sufficiently good for the committee to take.

Question. You came here at the instance of General Patterson to give us, I suppose, such information as he desires to have stated. I do not know precisely what he wants. We have a pretty full account of that transaction. But he wanted us to examine you. I do not know exactly to what points, and therefore I wish you to testify to anything material which occurs to you.

Answer. Anything I should say would, of course, be very much like the observations of any other person who was not a military man.

Answer. Very well; state any facts that may occur to you as material to General Patterson or to the government.

Answer. The point I have always understood to be in controversy was the propriety of General Patterson's going on to Winchester.

By Mr. Odell:

Question. We are not discussing or examining any controversy here; we merely want the facts.

Answer. I do not speak of what is said or thought here, but of what is said by others.

By the chairman:

Question. If we had summoned you I should know what it was for; but I do not know. I want General Patterson to have a fair hearing, and to let his witnesses who were with him state what they may know in relation to the matter.

Answer. I was present, of course, at all the discussions. The discussion at Martinsburg was as to whether or not General Patterson should go on to Winchester. General Patterson was very full of that himself. He was determined to go to Winchester; but the opinions of all the regular officers who were with him were against it. The opinions of all the men in whose judgment I had any confidence were against it. They seemed to have the notion that General Patterson had got his Irish blood up by the fight we had had at Falling Waters, and was bound to go ahead. He decided upon going ahead against the remonstrances of General Porter, who advised against it. He told me he considered he had done his duty, and said no more. The movement was delayed in consequence of General Stone's command not being able to move right away. It was then evident that there was so much opposition to it that the general was induced to call a council of the general officers in his command, at which I was present. They were unanimously opposed to the advance. That was at Martinsburg.

Question. You did advance to Bunker Hill?

Answer. The order of General Scott was, that if he thought he was not strong enough to attack Johnston he was to make a demonstration and endeavor to hold him there as long as he could. General Scott had fixed Tuesday, the 16th, as the day on which this was to be done. Those de-

spatches I saw. General Patterson advanced on Tuesday, and held him there until Thursday afternoon; and we were all as confident as possible that the battle at Manassas had been fought, and that General Patterson had succeeded in doing all he could; and the flank movement down to Charlestown was considered judicious by everybody, especially as we considered that our utility there was at an end.

Question. You say that before that, at Martinsburg, it was not thought best to attack Johnston?

Answer. It was thought by all the officers there that a forward movement was not advisable; that our troops were entirely undisciplined. Although it was thought perfectly proper to attack in the open field, as General Patterson had been trying to do ever since he started, yet it was perfectly idle to attack the intrenchments at Winchester. Everybody represented the force of General Johnston as from 30,000 to 40,000.

Question. Where were you when you heard that he had been re-enforced?

Answer. At Martinsburg, I think.

Question. Was it not at Bunker Hill that you first heard that?

Answer. No, sir; I do not think so.

Question. Do you think it was before the council of war was held at Martinsburg?

Answer. I think so.

Question. It is your opinion, then, that General Patterson could not have prevented General Johnston from going to Manassas?

Answer. I do not think he could possibly have done any more than he did. As I say, my opinion is founded upon the opinions of all those gentlemen in whom I have the utmost confidence. I consider General Porter one of the most accomplished officers I ever had the pleasure to meet with.

Question. When did you first hear any complaints there that the regiments wanted to go home?

Answer. I think there was no question about their going until they got to Charlestown. The time of none of them expired until then. They all expected to go home at the end of their three months. There was no appeal made to them until we got to Charlestown.

Question. They manifested no dissatisfaction before that time?

Answer. No, sir; I do not know as they did until at Charlestown, when they expected to go home. I recollect perfectly the discussions that took place in regard to those troops. The regular officers said the troops would not stay a day after their time had expired. The general said: "Well, you will see." They said: "We know, because we saw it in Mexico." I said: "This is entirely a different matter; this is a fight for the existence of our government, and the men will not dare go home, I think." General Patterson took it up and went out and made a direct appeal to the men. The general speaks very well under all circumstances, and he made remarkably good speeches then, as I thought, and as all thought. The general went to his son's regiment, which was a very fine regiment, and which we understood was willing to remain. The general made a speech to them, but to our surprise a considerable number of them refused to put up their muskets when the question was put to them. The officers were very much mortified at this, and spoke to the men, and finally they got them, with few exceptions, to put up their muskets. But still it was a sort of touch-and-go with them. That was the first time the fear crossed my mind that there would be trouble. The general then went to the other regiments, but found that it was not feasible at all; from one-half to two-thirds refused to go. He finally got to an Irish regiment and made a very powerful appeal to them, knowing the Irish character very well. He carried them with a sort of shout, and they all said they would remain. They all lifted up their mus-

kets. But he had hardly turned his back when they hallooed out, "Shoes and pants!" "Shoes and pants!"

Question. And it was evident, then, that you could do no more?

Answer. Yes, sir.

Question. You did not expect after you turned off to Charlestown that there would be any fighting?

Answer. It was supposed that if it were necessary to advance we could advance better from Charlestown than from Bunker Hill. We had not such a long line to protect; Bunker Hill was clear in the enemy's country, where it was not possible to do anything with the supplies we had.

Question. Then you knew very well it was no longer possible to hold Johnston from going to Manassas?

Answer. We thought he had gone.

Question. And if he had gone you supposed you could not have prevented his going?

Answer. We thought we could do it better if we should advance from Charlestown than from the other place, because we could get supplies. It was the opinion of the quartermaster, commissary, and engineers, that we were on a false line at Bunker Hill, and that the enemy would get in our rear.

Question. Of course you did not know whether he had gone or not?

Answer. We heard he had gone on Thursday afternoon.

Question. That was the first you heard of it?

Answer. Yes, sir.

Question. If he had gone why did you not go to Winchester?

Answer. We thought we should do no good, for if we went there we would have to come back again; we could not hold it.

By Mr. Odell:

Question. Where did General Sanford join you; was he with you at Martinsburg with his re-enforcements?

Answer. I think he joined us at Martinsburg.

Question. Did you include his men in the 18,000 you said you had there?

Answer. Yes, sir; I think we did.

Question. The understanding among your officers, I think you said, was to fight or to hold Johnston in the valley of Winchester?

Answer. We understood that that was what was desired; to fight him if we could, or, if not, to hold him there as long as we could; that is, for this fixed time; to hold him there on the 16th, which was the day that General Patterson was directed to hold him there.

Question. Was that all that he was directed to do; to hold him there one day?

Answer. That was the day on which he was to make an advance, to pretend to attack him, or rally to attack him, in order to hold him there. General Scott was to let General Patterson know on what day he wanted him to advance, or to make an attack, whichever he was able to do; and General Scott intimated to him, or telegraphed him directly, that it was on the 16th that he wanted him to do so; and having held the enemy there until Thursday afternoon, he conceived that he had done all that General Scott desired him to do. It was impossible to hold him any longer time there, for the time of the men was expiring then. There is an impression abroad in regard to General Patterson's popularity among the men. I believe General Patterson was always an extremely popular commander, and that all this dissatisfaction with him was got up afterwards; it was entirely an afterthought.

Question. While at Bunker Hill, the night before you left there, were any orders issued to march on the enemy?

Answer. I think there were such orders.

Question. Did not General Patterson issue orders at Bunker Hill, the night before you marched to Charlestown, for an attack on the enemy?

Answer. I think such orders were written. I do not think they were issued. I think General Patterson was again persuaded not to make an advance. General Patterson was extremely popular with the army until after those men got home. They all expected to be received at home with great homage; but General Patterson having asked them to stay, and they having refused, the first question asked of them after they got home was, "Why did you not stay? why did you refuse to remain?" And in order to answer that question they had to get up some excuse, and it took the form very often of abuse of General Patterson.

Question. Were not the men in good spirits and ready to fight while at Bunker Hill.

Answer. Yes, sir; the men were ready to fight at any time. I always conceived that the spirit of the men was broken when they were ordered back across the Potomac. They had been hanging on week after week, and had got the impression that there was to be no fight at all; and they did not want to be kept there on the borders for no purpose at all. And the men had got the idea that their time was out, and there would be no fight at all. When this order was given everybody was in the highest possible spirits. They dashed across the river, and the whole army was aroused to go forward. We got two orders from Washington. The general did not mind the first order; then there was another one which said, "I have twice ordered you to send on all the regular troops." And the men came back from over the river, and became greatly disheartened.

By Mr. Covode:

Question. Did you not believe all the time, up to the time when you turned back to Charlestown, that the men would remain over their time if they could have been led forward against the enemy?

Answer. I think, if the thing had been put through in a spirited way from the first, after they had got into it, they would not have backed out. There were various reasons which justified the men. The force had been raised in a great hurry—in a month or two—and a great many of their officers were totally inefficient. They had a perfect dread of going into battle with their officers, and they wanted to go back and enter into new organizations the next day after they got back.

WASHINGTON, *January 20, 1862.*

General DANIEL TYLER sworn and examined.

By the chairman:

Question. Will you please state what is your rank and position in the army, or what it was?

Answer. I was a brigadier general, second in command under General McDowell.

Question. You were present at the battle of Bull Run?

Answer. I was there.

Question. Please give a brief and concise statement of what you saw there, and how the battle was conducted, &c.; do this without questioning at first; I want to get particularly what, in your judgment, caused the disaster of that day.

Answer. The first great trouble was the want of discipline and instruction in the troops. The troops needed that regimental and brigade instruction which would have enabled them to act together in masses with advantage.

Question. Were there any other more proximate causes than that?

Answer. There was a great want of instruction and professional knowledge among the officers—the company and regimental officers.

Question. Well, sir, give a concise history of that battle.

Answer. I will begin back to the occupation of Falls' Church. The first advance made by our troops, after the occupation of Alexandria, Arlington Heights, Fort Corcoran, and Roach's Mill, was to Falls' Church. That was made by me with the Connecticut brigade, about the 5th of June. I remained in that division, commanding the advance of the army, until the advance upon Manassas. When we advanced upon Manassas I was assigned to the command of a division of four brigades. My line of march was by Vienna to Flint Hill, and from there I had authority from General McDowell to take either the route by Fairfax Court-House, or the route by Gormantown, as my judgment should indicate. I took the advance through Gormantown, and arrived there in advance of any other division of the army, on the turnpike to Centreville. We continued our march until about 4 o'clock in the evening, and then bivouacked for the night. I think that was the first misfortune of our movement. I think, if we had gone on to Centreville that night we should have been in much better condition the next day. I was ordered by General McDowell to take my division forward at 7 o'clock on Thursday morning and attack Centreville, he assigning me two twenty-pounders to assist in that attack. On arriving at Centreville, I found that the enemy had evacuated their fortifications, and that Cox's division, as I was told by the people there, had passed over Stone Bridge, and Bonham, with the South Carolina and Georgia troops, had passed down by Blackburn's Ford.

I waited there an hour and a half, getting such information as I could collect, and then, not finding General McDowell, or hearing from him, I took a squadron of cavalry and four companies of light infantry and went forward with General Richardson towards Blackburn's Ford. After passing through the woods there we came out immediately upon Bull Run. From that point we had a very good view of Manassas. We found they had not occupied the left bank of Bull Run at all. There is a distance, along the stream there, of about a thousand yards of perfectly open country. There is not a tree until you get to Bull Run, and then it is covered with trees. I got there in the morning, with merely my staff and this squadron of cavalry and the light infantry. I was perfectly astonished to find they had not occupied that position on the left bank. It had complete control of it, so complete control that, after we got our artillery in position, we had the whole control of that valley. Beauregard, in his official report, complains that we threw shot in his hospital. We did, but we did not know it was his hospital; we thought it was his headquarters. The whole ground there, clear over almost into Manassas, was commanded by that position. This was a chain of heights, extending along the whole of this ford, and completely controlling the bottom of Bull Run.

As soon as I found out the condition of things I sent back for Ayres's battery—Sherman's old battery—and had it brought and put into position. After firing two or three shots they replied to us; but having only smooth-bore guns they could not reach us. After the two twenty-pounders came up we had eight pieces in position, commanding the whole of that run. They could not make a move in front of the woods there without our controlling them. They made no movement at all; we could see no show of force. All we could see was some few around their battery. I then took Richardson's brigade and filed it down there to see what there was in the

bottom. This was evidently on the direct road to Manassas. They marched down through in front of the whole of that wood, without bringing any fire upon them. I sent some skirmishers into the woods, and there were some thirty or fifty shots fired from a few men.

I saw an opening where we could have a chance to get in a couple of pieces of artillery, and I ordered Captain Ayres to take a couple of his howitzers and go into that opening and throw some canister shot into the woods. The very moment he came into battery it appeared to me that there were 5,000 muskets fired at once. It appears by Beauregard's report that he had seventeen regiments in front there. They were evidently waiting for our infantry to get into the woods there. Ayres threw some ten or fifteen canister shot in among them, but was forced to come out, which he did very gallantly, with the loss of one man and two horses. We then came on the hill, and the whole eight pieces were placed in position, and we exchanged with them 415 shots in three-quarters of an hour, our shots plunging right in among them. They fired at an angle of elevation, and the consequence was that we lost but one man; whereas our artillery was plunging right into them, and every shot had its effect.

The Rev. Mr. Hinds, who was taken prisoner on Monday after the fight, was taken down to Bonham's camp there. He has lately been exchanged and returned, and represents their loss there at some 300 or 400 men that day. My idea was that that position was stronger than the one above. But that is a mere matter of opinion. But after this affair of Thursday that point was never abandoned. We held that point until after the battle of Sunday. Richardson's brigade was left there, and Davies's brigade supported him. And when General Ewell tried to cut us off at Centreville on Sunday afternoon they repulsed him. We could have made a first-rate artillery fight there on Friday morning before Johnston's force came up. We knew of the arrival of Johnston's forces on Friday afternoon, because we could hear the arrival of the cars up the Winchester road.

My division was stationed on Cub Run from Thursday evening, except Keyes's brigade, which was left back at Centreville. My orders were for my division to move forward on Sunday morning to Stone Bridge, and threaten that bridge. We left our camp at half-past two o'clock in the morning, and arrived there a little past six o'clock. The fire was opened immediately after getting the division posted, say at a quarter past six o'clock. Our first fire was the signal for Richardson to open fire at Blackburn's Ford at the same time. Under the instruction to threaten Stone Bridge, it was contemplated that Hunter and Heintzelman, after passing over by Sedley's Church, would drive the enemy away from the front of the bridge, and enable us to repair the Stone Bridge, which General McDowell assumed to be ruined, and would be destroyed. We had a bridge framed and prepared for that purpose.

Now, at that time, when that should have been done, my division was to pass over the bridge and take part in the action in front of the bridge. About 11 o'clock, seeing that Hunter's column was arrested on the opposite side of Bull Run, and that they were requiring assistance, I ordered over Sherman's brigade, containing the 69th and 79th New York, a Wisconsin, and another regiment, with orders to come into line on the right of the troops that we saw attacked, which we supposed, from the appearance of them, to be Hunter's division. They did so, and Sherman's brigade made a very gallant attack there, and relieved Burnside's brigade from the embarrassment they were in. General Burnside, in his official report, acknowledged that he was taken out of a very tight place.

At that time we supposed the battle to have been won. I had had no opportunity of seeing what had been done on the other side until the moment

that I came into line with Keyes's brigade on the left of Sherman's brigade, and at that moment I saw Captain Fry, of General McDowell's staff, standing by the fence, crying out "Victory! victory! We have done it! we have done it!" He supposed, and I supposed, and General McDowell at that time supposed, that the victory was substantially won. That was about half-past 12 o'clock. To show that he had some reason to believe that, we passed from that point with my division clear down to the Canady House on the Warrenton turnpike, driving the enemy without any show of resistance. There was hardly a gun fired. There appeared to be a general flight before us.

It was not until we got to that house that we met the enemy in any force at all. They had occupied a plateau of ground immediately above it with their batteries. Ricketts had his fight further over on the other side, while we attacked them by way of the road. At that point my brigade, after carrying the house twice, were repulsed and fell back under the hill. And at that moment, through General Keyes's aid, who was with me, I sent verbal information to General McDowell that we were going to try to turn the batteries on the plateau by a movement below the Stone Bridge. That movement was subsequently made. We continued under the hill, advancing with the Connecticut brigade, with General Keyes's brigade, until we reached a point considerably below the position of the enemy's batteries on the plateau. And as Keyes faced his brigade to the right, to advance up the hill to attack the batteries, we had the first intimation of the retreat of the army by seeing them pouring over towards Sedley's Church.

By Mr. Gooch :

Question. At what time was that ?

Answer. That was, perhaps, nearly three o'clock. Keyes's brigade then faced to the left and took the same route back under the hill by which they had made the advance, recrossed Bull Run at the original point of crossing, went on up the Warrenton turnpike, at or near the hospital, and on the Centreville side of Bull Run, and continued their retreat towards Centreville. I did not see General McDowell on the field, and I did not receive any orders from him during that day.

Question. Have you anything further to state ?

Answer. Nothing. I suppose you ask opinions about the panic. It has been very much discussed before military circles.

Question. We have heard various speculations as to the reason why the battle was not commenced earlier on Sunday; will you state the reason why the battle was delayed to so late an hour on that day ?

Answer. The impossibility of moving an army of 22,000 men, with their ammunition, ambulances, &c., over a single turnpike.

By Mr. Odell :

Question. Did not the most of the column wait in the road until Keyes's brigade, which was back at Centreville, came up and joined you ?

Answer. No, sir. The reason why the battle was delayed was this: The advancing so large an army as I have stated over one common road; and for the further reason that the country between Cub Run and Bull Run was supposed to be occupied by the enemy, and it became indispensable for the leading division, being without cavalry, and with no knowledge of the country, to move slowly, in order to protect themselves against any surprise on the part of the enemy, and force a position we had not the least conception of.

By Mr. Gooch :

Question. Was yours the leading division ?

Answer. Yes, sir.

Question. Were the rest of the divisions delayed by your movement?

Answer. They were not more than was absolutely necessary under the circumstances.

Question. What time did your movement commence?

Answer. At half-past two o'clock, as will appear by the official reports of Generals Schenck, Sherman, and Keyes.

Question. You were to advance how far?

Answer. To the Stone Bridge, about two and a half miles.

Question. And the other divisions turned off from the road on which you advanced before they reached Stone Bridge?

Answer. Yes, sir; some two miles from the bridge.

Question. At what time did the rear of your division reach Stone Bridge?

Answer. Keyes's brigade, being delayed to guard the road going down to Manassas, did not reach Stone Bridge until about 11 o'clock. But that brigade was acting under the orders of General McDowell.

Question. At what time did the portion of the division under your command reach Stone Bridge?

Answer. It reached there by six o'clock, perhaps a quarter before six. We opened fire, as General Beauregard states, at six o'clock. Our time said half-past six, but I presume their time was nearer right than ours. I was there more than half an hour, posting my division, before we opened fire.

Question. Then do I understand you to say that none of the other divisions were held back by any portion of your division?

Answer. Yes, sir.

Question. The last part of your division had reached the point where Hunter's and Heintzelman's divisions were to turn off in time so as not to hold them back at all?

Answer. The two leading brigades of my division, Schenck's and Sherman's, arrived at the Stone Bridge in the neighborhood of and before six o'clock. Keyes's brigade, having been detained by General McDowell's order, arrived about eleven o'clock. Keyes's brigade, therefore, is the only brigade that could have interfered with the movement of Hunter's and Heintzelman's divisions. That brigade of Keyes's had no artillery. And so soon as General Schenck got his brigade on the line of the road, I saw the difficulty that there might be in consequence of Keyes's brigade being left back at Centreville, having two miles of road to pass over, that they might interfere with Hunter's column. I then sent an aid back to tell General Keyes that as he had no artillery he should file immediately off the Warrenton turnpike into the fields, and immediately clear the turnpike for the use of the other columns. And I deemed it of so much importance, that after sending my aid, I rode back myself and saw the leading regiment of his brigade file into the fields, and gave him a positive order to put his brigade into the fields entirely out of the way of the other divisions. General Keyes reported to me that he did so, and I have no doubt of the fact, for I saw the leading regiment file off.

Question. Did any of the other divisions, or any portions of the other divisions, pass through a part of your division in order to get forward of them?

Answer. When Keyes's brigade reached the road they occupied it, and Keyes's brigade passed along parallel to the road and entirely out of their way. He was enabled to do that because he had no artillery. The others having artillery, there was no other place for them to pass, except up the road and over the bridge at Cub Run.

Question. At what time did the rear of your division—I do not mean to

include Keyes's brigade, but the rear of that which was with you that morning—pass the point where Hunter and Heintzelman turned off to the right?

Answer. We passed there before four o'clock.

Question. Or in two hours after you started?

Answer. Yes, sir.

Question. Then do I understand you to say that the road was clear, so far as your division was concerned, up to the turning-off point after four o'clock, with the exception that Keyes's portion of your division was then on that road?

Answer. Alongside the road, but off it.

Question. Why did you move first, as you were to move the shortest distance over the road?

Answer. That was the order of march by General McDowell. I did not see General McDowell or hear from him after the fight began, until we got back to Centreville.

By Mr. Odell :

Question. Did the fact of Keyes's brigade not joining yours impede the progress of the other columns?

Answer. I do not think it did in the least.

Question. You did not receive an order from General McDowell to hasten your march?

Answer. No, sir ; I received no orders from General McDowell after I left him on Saturday night. It was my suggestion to put Keyes's brigade in the field. After seeing the head of his first regiment file into the fields, I did not wait there, but immediately pushed forward to post the other brigades at the Stone Bridge.

Question. Was there any portion of the march, with reference to Centreville Cross Roads or anything, retarded, so far as you know by your column?

Answer. No, sir ; not that I know of.

By Mr. Goöch:

Question. Was it understood that Keyes, with his brigade, should march up and join your division in advance of the movement forward of all the other troops?

Answer. I presume so. That was the understanding—to keep the division together.

Question. I understand you to say that it was expected that Keyes should move up in advance of any other portion of the army, and join your division?

Answer. Certainly; for General McDowell said, "The first division, (Tyler's,) with the exception of Richardson's brigade, will move first."

Question. That was not done, was it?

Answer. Yes, sir.

Question. Why did he not move forward so as to keep out of the way of the remainder of the army?

Answer. He states that he did not interfere with them.

Question. You say he turned off into the field. Why could he not, with the road clear before him, if he was in advance, move forward so as to keep clear of the others?

Answer. He might, if the movements were made with perfect regularity.

Question. He had no artillery, and was first on the road. Why did he not pass over the road so as to offer no obstruction?

Answer. Because, by passing into the field he would have given the rear columns the advantage of two miles and a half of clear track, which there was a possibility might be interfered with, but which was not interfered with.

Question. Were Hunter's and Heintzelman's columns in advance of the position where Keyes turned off the main road?

Answer. No, sir; they moved from behind Centreville on the morning of the 21st.

Question. If he was first on the road, and they were behind him, and he had nothing but infantry, why could he not have moved forward with sufficient celerity to leave the road open to the rest, as fast as they advanced?

Answer. He could if the column in advance of him had moved with perfect regularity.

Question. What column was in advance?

Answer. Sherman's brigade and Schenck's brigade.

Question. Then it was your division which obstructed his movement forward:

Answer. We did not obstruct him at all. When I ordered Keyes into the field he had not reached the rear of my division. But seeing the possibility of an interference, I ordered him into the field.

Question. If he had marched up and joined your division, as your division then was, would the rear of his brigade have extended back to the junction of the road where the others turned off?

Answer. At the time he joined us?

Question. Yes, sir.

Answer. I think it would at that moment; but still we were all advancing.

Question. Then did you make the movement into the field with Keyes's brigade in order to prevent that difficulty?

Answer. It was to prevent a circumstance that might occur. It was to prevent difficulty, when I knew there were two brigades in advance of him, and to carry out the instruction to march through the field. It was not that any difficulty had occurred, but to take every precaution against any such occurrence. I had not seen the head of Hunter's and Heintzelman's columns, and I did not know where they were. But foreseeing the difficulty of moving 20,000 men over one turnpike, after getting the artillery and wagons and ammunition into line, I saw that there must be difficulty, and to obviate that as far as possible I rode back and ordered Keyes, who was without artillery, to file out into the field. At that time I did not know where Hunter's and Heintzelman's columns were, and I did not know that they had moved a foot.

Question. Did you see the rear of General Keyes's column?

Answer. I did not. I only saw the leading regiment filed into the field.

Question. You do not know whether Hunter's and Heintzelman's columns was directly in the rear of Keyes's brigade or not?

Answer. No, sir; but I wanted to provide against a contingency.

Question. At that moment you did not know the condition of things in the rear of Keyes's command?

Answer. I did not. I had no idea where Hunter's and Heintzelman's columns were. I supposed they were on the road, however, but I did not know where; but I wanted to do all in my power to remedy any possible difficulty that might occur.

By Mr. Chandler:

Question. The first attack on Thursday, I understood you to say, was made by a single brigade?

Answer. It was made by four companies of a brigade. There were never more than 300 men, except artillery, engaged with the enemy at any time.

Question. Supported by a brigade?

Answer. Yes, sir; by Richardson's brigade.

Question. Should that attack on Thursday have been made at all, unless it was followed up and made successful?

Answer. It was not an attack. It was merely a reconnoissance to ascertain what force they had there on Bull Run. It was not the intention to make an attack. And the very moment the force of the enemy was discovered, which it was important to know, that moment the troops were withdrawn, and merely a cannonade kept up in order to see what effect it would have upon the men in the bottom of Bull Run. The whole affair was over before six o'clock. It was one of those advance engagements that spring up sometimes without any expectation of anything very important coming from it.

Question. It was intended as a mere reconnoissance?

Answer. Yes, sir. After we had ascertained the force of the enemy there, I ordered Richardson to withdraw his brigade. He was very anxious to make an attack at the time, and was very confident that he could repulse them and force them out of the woods. I told him our object was not to bring on an engagement. But there was one thing very significant in that affair. Richardson's brigade moved along the whole front of that wood, and skirted it along without being attacked, though Beauregard says he had seventeen regiments in the woods there. The reason was that Richardson was supported by the artillery on the hill, and the enemy would have suffered very severely if he had made any attack.

Question. Was it your understanding that Patterson was to hold Johnston in the valley of Winchester?

Answer. Yes, sir.

Question. You did not expect Johnston down there?

Answer. No, sir.

Question. Had Patterson held Johnston, what, in your judgment, would have been the result of that battle?

Answer. We should have whipped Beauregard beyond a question.

Question. Then you deem that the real cause of that defeat was the failure of Patterson to hold Johnston back?

Answer. Undoubtedly. From Blackburn's Ford we could have a fair view of Manassas, and could see what they had there; and I have never had the least doubt that if Patterson had kept Johnston's army out of the way we would have whipped Manassas itself.

By Mr. Gooch:

Question. You think if you had driven Beauregard into and upon Manassas, you could have driven him out of it?

Answer. Yes, sir; if Johnston had been kept out of the way. There has been a great deal said about their fortifications there. It was the understanding that, from Flint Hill to Gormantown, we should find a succession of very severe abattis and batteries, which would render it a very difficult passage for our troops. We first fell in with, on advancing from Flint Hill, an abattis, which was so miserably constructed that the axe-men of one of our Maine regiments cut it out in the course of fifteen minutes, so that our brigade passed right on. We found a second one of the same character; and then we found an abandoned battery, which two rifled guns could have knocked to pieces in fifteen minutes. At Centreville all the fortifications were of exactly the same character. They were the meanest, most miserable works ever got up by military men. And I have no reason to believe that, even back as far as Manassas, they were much better constructed than they were on this side the run.

Question. Then you attribute the advantages of the enemy in that fight, and the advantages which they probably would have had at Manassas, so

far as they would have had any, to the natural location of the country, rather than to any earthworks or artificial works that had been erected?

Answer. Yes, sir; at Manassas particularly. There they had an elevation in their favor, and we would have been obliged to attack them there to some disadvantage.

Question. I suppose you knew, when you moved forward to make the attack, you were moving forward with undisciplined troops; but you also knew you were to attack undisciplined troops?

Answer. We supposed our men were equal to theirs, and we found them to be so.

Question. You did not expect perfection in our movements any more than you did in theirs?

Answer. There was nothing in their troops that I saw that induced me to believe that their discipline and instruction was in any way superior to ours.

Question! Do you know the particulars of the loss of Griffin's and Ricketts's batteries that day?

Answer. They were on the opposite side of the hill from me, and I did not see them. But I think the loss of those two batteries created the panic.

Question. Do you think it very probable the issue of that battle would have been different if those batteries had not been lost?

Answer. I think if we could have had two good batteries there we could have done a great deal better than we did. I think the loss of those two batteries had a great effect upon us.

By Mr. Odell:

Question. Did you receive from General McDowell, through his aid, Mr. Kingsbury, orders to make a more rapid advance?

Answer. No, sir; I did not.

WASHINGTON, *January 22, 1862.*

General DANIEL TYLER re-examined.

The witness said: I made one mistake in my testimony when before the committee on Monday last. I then stated that I received no orders from General McDowell during the day of the battle of Bull Run. That was an error. I did receive an order from him about 11 o'clock in the morning to press the attack. That was the time when Sherman's brigade advanced and relieved Burnside's brigade.

By Mr. Gooch:

Question. What regiments were engaged in the action at Blackburn's Ford?

Answer. Two Michigan regiments, a regiment from Massachusetts, and one from New York. The skirmishers belonging to those regiments were those who were engaged with the enemy. The others were sustaining the skirmishers in the woods.

Question. What was the conduct of the Massachusetts regiment, Colonel Cowdin?

Answer. Colonel Cowdin's regiment I had immediately under my eye during the whole of that affair. They behaved like gallant, brave men, and had no superiors, as a regiment, in my opinion, on the field.

Question. The regiment was well commanded?

Answer. Yes, sir; it was well led and well commanded. I will say that

on Sunday Ayres's battery repulsed the charge of the enemy's cavalry on the Warrenton turnpike, and that was what effectually checked and drove off the pursuit.

By Mr. Covode:

Question. Did you know, before the engagement on Sunday, that Johnston had arrived with his force?

Answer. Yes, sir; we knew that Johnston's forces began to arrive Friday afternoon, for we could hear, at Blackburn's Ford, the trains arrive at Manassas, and we knew they came on the Winchester road. On Saturday afternoon I told General Cameron that, in my opinion, Johnston's army had arrived. At the time we received orders on Saturday evening previous to the battle, I asked General McDowell this question: "General, what force have we to fight to-morrow?" He replied: "You know, general, as well as I do." My reply was, "General, we have got the whole of Joe Johnston's army in our front, and we must fight the two armies." I gave him the reason for that belief, that we had heard the trains coming in. He made no reply.

Question. What, in your judgment, would have been the result if you had fought them the day before?

Answer. I believe we would have whipped them beyond question before Johnston's forces arrived. I never had a doubt that, single-handed, we could have whipped Beauregard's army.

WASHINGTON, *January 20, 1862.*

General DANIEL BUTTERFIELD sworn and examined.

By Mr. Chandler:

Question. What is your rank and position in the army?

Answer. I am a brigadier general of volunteers, and lieutenant colonel of the 12th regiment of infantry in the regular service.

By Mr. Odell:

Question. We want to know something about your connexion with the army under General Patterson's command. Were you colonel of the 12th New York regiment under General Patterson?

Answer. Yes, sir.

Question. You first came to Washington?

Answer. Yes, sir; under orders from the governor of the State.

Question. And you went where from Washington?

Answer. From Washington we led the first advance over the Long Bridge in May into Virginia. About the 6th of July, I think, on a Sunday, we left Washington by rail to Baltimore, and thence to Hagerstown. We remained at Hagerstown one day. Hearing that General Patterson was going to make a fight or an advance the next day, the men were anxious to go ahead. We left Hagerstown at 6 o'clock at night, and came up with the advance guard to Martinsburg at 3 o'clock in the morning, 26 miles, besides fording the Potomac. That shows how anxious the men were to be in at the fight.

Question. How long did you remain at Martinsburg?

Answer. We remained there until Monday, the 15th.

Question. Where did you then go?

Answer. To Bunker Hill.

Question. What was the distance?

Answer. From 9 to 12 miles. I do not remember the exact distance.

Question. What did you understand was the object of that advance?

Answer. I understood the object was to advance on the position of the enemy.

Question. The enemy under General Johnston?

Answer. Yes, sir; at Winchester.

Question. Was that the understanding of the officers generally?

Answer. That was the general impression prevailing among the officers and troops, that we were going after Johnston at Winchester.

Question. What was the temper of the troops while you were at Bunker Hill?

Answer. They were very anxious for a fight; you might say "spoiling for a fight," some of them. The three regiments under my command were anxious for a fight.

Question. Was there any dissatisfaction in the army there?

Answer. Not any in my brigade. I knew nothing at all about the other regiments at that time. I was assigned, shortly after my arrival at Martinsburg, to the command of a brigade which consisted of the 12th and 5th New York militia and the 19th and 28th New York volunteers. I started from Martinsburg with the command of this brigade. I had had command of it for some time at Martinsburg; I know they were generally very anxious for a fight. With regard to the disposition of the other troops in the army there I knew nothing at that time. My time was fully occupied in taking care of my own men.

Question. In your intercourse with the officers of that force did you hear any dissatisfaction expressed?

Answer. Not the slightest. On the contrary, the general expression of the officers, of my own regiments particularly, was one of the greatest anxiety to get into a fight. They expressed great dissatisfaction in being ordered away from Washington, as they thought they would then see no fighting. I had a personal interview with General Scott, and he told me it was a very important movement indeed, and that we would probably be in a fight sooner than by remaining here, and when I told my officers that they were perfectly willing and anxious to go.

Question. Did you understand that the object of your going from here to Martinsburg, to Patterson's column, was to prevent Johnston from joining Beauregard?

Answer. I did not at the time we moved.

Question. Did you after you got there?

Answer. I did not until after the whole affair was over. I did not understand that that was the particular object for which General Scott designed us. He simply told me that our movement was a very important one, one of great importance. He made that remark to me before we left Washington, on the 6th of July. He said: "I have picked out your regiment as one of the best disciplined, and we calculate that you will lead the way; that you will not disappoint us in the estimate we have made of you." I supposed from that that there was work of some kind cut out for us there.

Question. How long did you remain at Bunker Hill?

Answer. We remained there two days. We left Bunker Hill to go to Charlestown on the 17th of July.

Question. What was the effect of your position at Bunker Hill upon the enemy?

Answer. It was a threatening position upon the enemy. We were twelve miles from Winchester, and we were in close expectation of a fight there; the troops expected it.

Question. Did you make any demonstration forward from Bunker Hill?

Answer. Yes, sir; while at Bunker Hill the Rhode Island battery and some other troops—I think Colonel Wallace's Indiana regiment and some cavalry—

went out to within six miles of Winchester, where they found an abatis constructed across the road, with a cavalry picket, which they drove in. They threw some shells towards Winchester. I afterwards understood that the effect of that demonstration was to draw up the whole of Johnston's army in line of battle behind their intrenchments at Winchester. This I learned from a young officer who was attached to the staff and went out with the expedition.

Question. Was this abatis a serious impediment to the movement of a large body of troops?

Answer. It was simply trees felled across the road—not much of an impediment; this young officer who gave me the account of it stated that a large number of trees had been felled across the road to impede the advance of the army. I supposed it was merely a precaution to enable the force behind to get into line to receive any body of men coming up.

Question. Did you receive any orders while at Bunker Hill to make an attack upon the enemy?

Answer. I do not now remember. I have got copies of all the orders I received. If there are any such orders among them I can send them to the committee. Our orders generally came about 11 o'clock at night, and were promulgated immediately. We oftentimes used to keep the orders sent to us to be sent out by staff officers to be read to the colonels, deeming it necessary to have it done at once.

Question. At what time did you receive your order to go to Charlestown?

Answer. I think we got it at 11 o'clock the night before we moved. We moved to Charlestown on the 17th. I am very positive the order came between 10 and 11 o'clock at night to move the next morning at daylight.

Question. What was the effect of that movement upon the troops?

Answer. Well, sir, it was bad.

Question. Why was it bad?

Answer. Well, sir; one colonel came to me and said that the men said they were retreating; and that if they carry their colors at all they would carry them boxed up.

Question. Was it not a retreat?

Answer. I did not so consider it at the time.

Question. Was it not a retreat, so far as your relative position to the enemy was concerned?

Answer. I did not consider it so at the time, from the nature of the country, as shown by the map. I was not consulted or advised what the nature of the movement was. I simply received the order and obeyed it. I did not know but what it was an attempt to cut off General Johnston from making a junction with Beauregard, by getting our army between him and Manassas.

By the chairman:

Question. Was it not the understanding of the troops when they started that they were merely going down to another road, and then to throw themselves in the rear of Johnston?

Answer. I had that impression, and I think I circulated it as a matter of policy among the troops. If I did not circulate and give currency to it, I explained that we could make such a move when we got to Charlestown as would not bring us in front of the intrenchments prepared for us at Winchester.

Question. Which, in your opinion as a military man, was the better position to prevent Johnston from joining Beauregard—Bunker Hill or Charlestown?

Answer. I should have selected Charlestown if my movements could have been concealed, because I could have attacked Johnston, with his army marching in flank, if he had attempted to move. I would not have attacked him at Winchester, where he was intrenched and prepared to defend himself.

By Mr. Odell :

Question. In leaving Bunker Hill for Charlestown did you not free Johnston from our control ?

Answer. No, sir; not if our movements were directed to hold him. The army was in position at Charlestown, if it was determined to cut Johnston off from joining Beauregard, to be thrown in between him and the Shenandoah.

Question. How far is Charlestown from Winchester ? More or less than Bunker Hill ?

Answer. A greater number of miles. But we would have no further to go to reach the line which Johnston would have to take to Manassas than we would at Bunker Hill ?

Question. Do you know what our force was at Bunker Hill ?

Answer. I had no positive knowledge. I judged it to be about 20,000.

Question. Did you at any time offer to make a fight with your portion of the army there ?

Answer. I stated to General Sanford that we had come there for a fight; that we were ready to fight; and if there was going to be a fight, we wanted to be counted in, and we were willing to lead at any time when the fight was opened.

WASHINGTON, *January 21, 1862.*

General ANDREW PORTER sworn and examined.

By Mr. Chandler :

Question. What is your position and rank in the army ?

Answer. I am a brigadier general of volunteers, and at present provost marshal.

Question. Were you at the battle of Bull Run ?

Answer. Yes, sir.

Question. What position did you hold there ?

Answer. I commanded the first brigade of the second division.

Question. General Hunter's division ?

Answer. Yes, sir; General Hunter was cut down almost at the first fire, and I then commanded the division.

Question. Hunter's division was on the extreme right that day ?

Answer. Yes, sir.

Question. Will you go on and give as briefly as may be the action which that division took on the day of that battle ?

Answer. I would rather refer you to my report, which was made up immediately afterwards from my notes, which I have not since read. It contains accurate details, and if I attempt to state it now I would perhaps not recollect everything.

Question. Was it in your division that the rout commenced ?

Answer. I cannot tell.

Question. Were Ricketts' and Griffin's batteries in your division ?

Answer. Griffin's battery was in my division. Ricketts' battery came up afterwards. I do not now recollect whose division he was in.

Question. Were you near Griffin's battery at the time it was captured ?

Answer. I was within a couple of hundred yards, I suppose. I recollect very distinctly the volley that was fired from the woods. I was far enough off to see that that part of the game was played out after that fire.

Question. You were there when that regiment from the woods opened fire ?

Answer. Yes, sir; but some little way off—200 or 300 yards.

Question. Had you seen any confusion or symptoms of a rout previous to that volley?

Answer. Yes, sir. The volunteer regiments were constantly breaking. They would break, and then we would rally two or three regiments and bring them up again. The New York 14th (Brooklyn) that behaved so well was broken nearly all to pieces at the first fire. But they rallied again and went up with Griffin's battery, and stood their ground remarkably well.

Question. Do you consider that Griffin's battery had sufficient support at that time?

Answer. The troops were not at all reliable. If they had been reliable, and could have been kept up to their work, I should think there was sufficient support.

Question. Was the position of that battery a good position with the support it had?

Answer. That is a mere matter of opinion. I would not like to criticise the act of others. I did not put it there.

Question. You stationed it some thousand yards further in the rear, I believe?

Answer. Not a thousand yards. But I put it in a position where it did most murderous execution.

Question. And where you considered it safe?

Answer. Yes, sir; because the enemy could not have got over to it without passing over a thousand yards of ground. I know the fuses were cut for a thousand yards, and they were pretty accurate.

Question. Had these batteries been retained in an effective position and properly supported, do you think it would have made any difference in the result of the day?

Answer. That would be a mere matter of opinion.

Question. We ask your opinion as a military man.

Answer. My experience of military life is not sufficient to warrant me in setting up my opinion against officers senior to me.

Question. You had hardly any seniors upon that field, had you? All the generals in command were brigadiers, were they not?

Answer. The only brigadier there was General McDowell. I was only a colonel. General Hunter was a general officer, but he was cut down almost at the first fire.

Question. Was it the understanding among the officers of the army that General Patterson was to hold Johnston in the valley of Winchester, so that he should not take part in that battle?

Answer. I cannot say; I knew nothing of that at the time, and I do not think that the officers generally had any idea of it one way or another.

Question. Up to the day of the fight?

Answer. Yes, sir; I know that some person told me that Patterson had been ordered down, but that was a mere matter of conversation from some irresponsible person who came out from Washington. I said nothing about it to anybody, for I supposed it was a state secret.

Question. Had Patterson detained Johnston in the valley of Winchester, so that no re-enforcements would have been brought down from Johnston to Beauregard, what in your opinion would have been the result of that battle?

Answer. Well, it might have ended one way or the other. Our troops could not stand the attacking of the enemy; they were played out quite early. The men were exhausted—somehow or other they seemed to have no heart in the matter. The officers were more to blame than the men. We had the enemy whipped up to 3 o'clock. Then their re-enforcements came up. Whether our men would, without that, have retained their success I do not know. The enemy had Manassas to fall back upon. They had skilful generals in command. I think we should have prevented the rout at all events.

Question. You would have prevented the rout but for the last re-enforcements that came down?

Answer. I think so.

Question. Was it not the understanding among the officers of the army that re-enforcements from Johnston had arrived during Friday or Saturday night, or prior to the battle on Sunday?

Answer. That I do not recollect. I have an impression that such was the case, but I do not recollect it distinctly. It would have been mere supposition on our part any how, for we gained no information from spies or in any other way in regard to their forces.

Question. Only from the whistling of the locomotives and the movement of the trains?

Answer. I did not hear anything of that. There were two or three hills intervening between my position and that.

Question. Was there any detention Sunday morning in your march?

Answer. Yes, sir. Our orders were to get under way at 2 or half past 2 o'clock in the morning. We got out into the road and were delayed a great while there. We were formed on the road in front of my camp. I had the reserve brigade in the rear. After some delay we then moved on some distance and halted again; and we kept pottering along, pottering along in that way, instead of being fairly on the road. It was intended that we should turn their position at daylight, as we could have done very easily but for the delay. There was a great deal of delay—very vexatious delay. I do not know what was the cause of it. The whole affair was extremely disagreeable to me. I was disgusted with the whole thing, and I asked no questions, and I did not want to know who was to blame.

Question. Suppose you had been on that road by daylight, as you say you might have easily been, and had reached your position and turned their left as early as was intended, what effect do you think it would have had?

Answer. I think it would have had a very beneficial effect.

Question. And all the time you were delayed the enemy were changing their order of battle?

Answer. No, sir; I do not think they knew where we were going to attack them. When we got to Bull Run we were left on a high point, and we could see in the distance two different columns of dust. Captain Griffin and my staff were with me. I remarked upon it. We saw it coming, but did not know whether it was General Heintzelman coming in from above, or whether it was the enemy. We rather thought it was Heintzelman, as we expected him there if he was successful. The enemy came closer while we were staying there three-quarters of an hour, probably more. We could see their guns, and could see some blue pantaloons. We could distinguish this, when Major Woodbury came to me and said we had got now to Bull Run, and suppose we go down and have a consultation. I mentioned what I had seen to them. They had not observed it before. General Hunter moved the column and started them at once forward, threw out skirmishers, but before the skirmishers on the left were deployed they were at work. The enemy had just got there then, for we saw them coming two or three miles off at first. If we had got around there first we probably would have had the position in open ground to fight them. As it was we went right out from the woods. If we had got there a little earlier we could have chosen our position there to meet them.

Question. In that case you would have flanked them?

Answer. Yes, sir; we would have got between them and their re-enforcements. The plan of the battle was admirable; it could not have been better. Every thing was as well looked to and taken care of as could be.

Question. The only fault was this delay?

Answer. It may not have been a fault.

Question. Accident, then.

Answer. The fact existed. If we had gotten off in time, as we might, we would have got in around them.

By Mr. Covode :

Question. Were not Griffin's and Ricketts' batteries moved too far forward to be supported by infantry ?

Answer. Not with good infantry.

By Mr. Gooch :

Question. Was the battery properly supported with infantry ?

Answer. As well as could be. There were one or two regiments that did as well or better than any other volunteer regiments. As I said, the Brooklyn 14th behaved remarkably well.

By Mr. Covode :

Question. Were you in a position to see the enemy that were mistaken for our troops at the time they opened on the batteries ?

Answer. I saw that regiment going by in the distance. I was 200 or 300 yards off.

By Mr. Gooch :

Question. What number of infantry supported those two batteries ?

Answer. I cannot tell. The marines were intended for the support of Griffin's battery in the first place. The Brooklyn 14th rallied on the battery in its first position. There was another regiment there ; I do not now remember distinctly which it was. There was enough to support it if the troops had been steady. If we had had the same number of such troops as we have now they could have supported it. I know one regiment of the old regulars would have held it.

Question. How many guns were in those two batteries ?

Answer. There were twelve. There were four rifled guns and two howitzers in Griffin's battery. I do not recollect exactly about Ricketts' battery, as it was not under my command.

WASHINGTON, *January 28, 1862.*

Colonel WILLIAM W. AVERELL sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army ?

Answer. I am lieutenant in the 3d regiment of regular cavalry and colonel of the 3d regiment of Pennsylvania cavalry, now commanding the second cavalry brigade.

Question. Were you at the battle of Bull Run ?

Answer. Yes, sir.

Question. In whose division ?

Answer. I was in General Hunter's division, acting as assistant adjutant general to Colonel Andrew Porter at that time.

Question. What, in your judgment, caused the disaster of that day ?

Answer. They commenced, I presume, almost from the time we started from Arlington, from the other side of the river. There were great many causes that combined to lose the day to us. The most apparent cause, however, at the time we first felt we were beaten, that we had to retire—and that we had felt for some time beforehand—was the want of concentration of the troops ; the feeling that we ought to have had more men in action at one time.

Question. The want of concentration on the field?

Answer. Yes, sir. We crossed the run with 18,000 men. I do not believe there were over 6,000 or 8,000 actually engaged at any one time.

Question. There were more than that number engaged during the day?

Answer. Yes, sir.

Question. Was it impossible to bring more men into action, or were not the proper steps taken to do so?

Answer. I am unable to say. I was not present at the council the night before, although I was almost immediately made aware by Colonel Porter of all that had taken place in the council. But as to what orders were given to other commanders of divisions or brigades I do not know.

Question. All you know is in relation to the management of your own division on the field?

Answer. Yes, sir.

Question. Were or not as many men of your own division brought into battle at any one time as could have been brought in?

Answer. I think they were.

Question. Was not the nature of the battle-field such that it was exceedingly difficult to bring a large body of men into action at any one time?

Answer. I think it was about as fine a battle-field as you can find between here and Richmond. I have no idea there was any better.

Question. Was the field favorable for the movement and manœuvring of large bodies of men?

Answer. One or two divisions of the size we had then could have manœuvred very well.

Question. I speak of the field as a whole?

Answer. Well, sir, to come to the causes of the disaster, another cause was perhaps the fall of General Hunter, who was wounded at the beginning of the action. That took Colonel Porter away from his brigade to look after the brigade that Colonel Burnside commanded. It was thrown into confusion, and Burnside was in danger of losing his battery, and came to Colonel Porter for a battalion of regulars to help him. That was diverted from the position it was originally intended for; from the extreme right to the extreme left of our division. They were the flank of the division, thrown out to lash the enemy, as you might say; that battalion being to our extreme right what the knot is to the lash. At the beginning of the action they could have inflicted very severe and telling blows upon the enemy. But as it was they were taken to the extreme left of the division. General Porter went to look after the affairs of that division. The enemy were repulsed and commenced giving way rapidly. In the mean time I had formed the brigade into line, developed it, and deployed it. The report of General Porter will tell you how it was done. The whole line of the centre of the enemy gave way, followed by the wings as far as we could see, and we drove them rapidly back. For the first two or three hours it seemed as though nothing could stop us. At the end of two or three hours, Heintzelman's column came on the same ground; the 2d Minnesota, the 38th New York, and the 5th and 11th Massachusetts. There was a want of a headquarters somewhere on the field. All the staff officers who knew anything about the position of the enemy had to act without orders. I had the command of Colonel Porter's brigade for about an hour and a half or two hours. After standing a half an hour in line, under a severe fire, without venturing to give an order to move, I formed the 8th and fourteenth New York in column, and pushed them down the road right straight to the house where we afterwards lost the batteries and everything. They went down in fine style, perfectly cool and in good order. They were going so rapidly that the enemy could not keep the range—were constantly losing the range; and the column was not cut much—had but very few casualties. When they got down to where the road they were on crossed the turnpike,

then, by some misunderstanding, an order was sent to them to turn up that road, instead of keeping on according to the previous purpose, and thus those two regiments were diverted to the left. If they had gone up to that hill at the time the enemy were going away, they could, I believe, have taken that house and held that position. And then Griffin's battery could have gone up there in safety, and they could have cut off the retreat of those rebels who were flying before Burnside's brigade and Sykes's battallion, probably 2,000 or 3,000 of them. Turning up this road kept our troops under the fire of the enemy's batteries, and subjected them to a desultory fire from those running rebels, which broke them up. The eighth New York broke and never afterwards formed to any extent—not over 200. The field officers left the field and went back off the ground. There were only two officers in that regiment who afterwards displayed any courage and coolness at all that was observable—two field officers, the quartermaster and the major, I think. Griffin's battery was then without support; and as I was passing by his battery at that time, he called to me and said he was without support, and asked what he should do. I saw the fourteenth New York collecting in little masses over to the left of the field. I rode as rapidly as possible over to them, collected them, and marched them over to the rear of Griffin's battery.

Question. How many men did the regiment have then?

Answer. It was pretty nearly formed.

Question. Pretty nearly full?

Answer. Yes, sir; I should think that three-fourths of the men were there. They formed very well, did very well, indeed. The officers behaved well; but, as I said before, this feeling was uppermost: want of orders. Lieutenant Whipple, who was acting assistant adjutant general to the division commander, and reported to Colonel Porter after General Hunter fell, and myself met about this time. We talked over the position of affairs, and came to the conclusion that that hill in front of us was the key-point of the enemy's position, and must be taken before the battle would be given up. We felt that we had won the battle; but in order to make it decisive and hold the position, we would have to take that hill. We agreed upon a plan which was to collect the regiments in the centre of the field: the fifth and eleventh Massachusetts, the second Minnesota, the thirty-eighth New York, and, I think, Colonel Coffey's regiment, sixty-ninth, I think—five or six regiments—and to send them up on the hill in line. Put the fourteenth on the right, with the marines and zouaves, and then move them all up together with Griffin's battery in the centre. That would make an embrasure of troops for the battery to fire through, and they never could take the battery as long as these supports were on its flanks, neither could their cavalry ever charge upon the infantry line as long as the battery was there. We went over to the centre and succeeded in getting these five regiments started. I found Colonel Franklin and two or three other officers there who assisted me. Colonel Franklin was conspicuous. Colonel Wadsworth was also conspicuous in starting these regiments. Just about this time I became aware that General McDowell had come on the field from this fact. We saw the battery moving up on the hill. I had gone to Griffin and notified him of this plan, telling him these troops were going to move up, not to mistake them for the enemy and fire upon them. He had necessarily, from his position, to fire over their heads at one point of the movement, if he kept up his fire. A great many incidents occurred along about that time that I presume you have heard many times.

Question. We want the main statement.

Answer. The battery was seen moving up on the hill, and without any support except the marines and zouaves. The New York 14th was then down in a hollow; they had followed Griffin's battery for about half the distance. There were two slopes coming down to each other; Griffin was on one slope and the

enemy was on the other, which was a little higher than the one we were on. The 14th went down into the hollow and there waited. The marines and zouaves went up with the battery, and had to cross a deep run with high banks on each side.

Question. Did Ricketts' battery go with Griffin's ?

Answer. It joined it in this movement. I immediately rode over to the right of the field and inquired where General McDowell was. I found him on top of a little hill in a little field beyond the turnpike. In going over I had spoken to the 14th, and told them to push up to the woods on the right of Griffin's battery. They went forward finely in line. I followed the 14th, going around the right flank of it, and got up on the hill where General McDowell was. General McDowell called out to the colonel of the 14th to march the regiment by flank. There was probably a delay of two or three minutes in executing that movement. I spoke, then, to the General, and said: "General, if that battery goes up on the hill it will be lost; the woods are full of the enemy, for I have seen them there. I had then been on the ground seven hours watching closely with a glass all the movements. Said I, "For heaven's sake let the 14th go up in the woods." Marching them by the flank, changing the movement, was sending them up in rear of the battery, where they could have no effect upon the enemy on the flank. General McDowell said: "Go and take the 14th where you want it." I immediately went to the 14th, changed its direction to the woods, and told it to take the double quick. The battery was still moving. The general said it was too late to recall the movement. I was so apprehensive that the battery would meet with a disaster there that I rode up to where the battery was. The marines were then sitting down in close column on the ground on the left of the battery. The battery was then getting into position and unlimbering. The fire zouaves were still in rear of the battery. The zouaves immediately commenced a movement, rose up and moved off in rear of the battery, a little to the right. I rode up then to the left of the battery, and there met Colonel Heintzelman. I saw some troops immediately in front of us, not over 75 or 100 yards off. I should say it was at least a regiment; we could see their heads and faces very plainly. I said to Colonel Heintzelman: "What troops are those in front of us?" He was looking off in another direction. I said: "Here, right in front of the battery." I do not remember the reply he made, but I dropped my reins and took up my glasses to look at them, and just at that moment down came their pieces, rifles and muskets, and probably there never was such a destructive fire for a few minutes. It seemed as though every man and horse of that battery just laid right down and died right off. It was half a minute—it seemed longer—before I could get my horse down out of the fire. I then went to the marines and halloed to them to hurry on. Their officers were standing behind them keeping them in ranks; but the destruction of the battery was so complete that the marines and zouaves seemed to be struck with such astonishment, such consternation, that they could not do anything. There were probably 100 muskets fired from the zouaves and marines—not over that; and they, of course, fired too high. They were below the battery, and where the battery was we could not see more than half of the bodies of the rebels, and what they did fire was ineffective. They began to break and run down the hill, and nothing could stop them, and then the enemy rushed right over there like a lowering cloud—right over the hill.

Question. Why did not the batteries open upon those men in front.

Answer. I do not know from actual operation why they did not. The battery was unlimbered, and the men were standing at the guns. In going down the hill, after the general wreck, I saw an officer galloping along a little in front of me. I recognized Major Barry, and cried out, "Halloo, Barry, is that you?" He said, "Yes," Said I, "Where is Griffin?" He said, "I am afraid he is killed." I said, "That battery is lost; I am afraid we are gone up," or some

remark to that effect. Barry then said: "I am to blame for the loss of that battery. I put Griffin there myself." Well, the 14th, by this time, had reached the woods on the right, The 38th New York, which led the column on the left, which we intended to support when they got there, had reached this little cross-road, and the 14th and 38th held on very well—indeed, splendidly. The enemy came right over the brow of the hill, and their fire was very deadly. They made a rush over the top of the hill, and their cavalry made their appearance at the same time; this 14th and 38th hung on for fifteen minutes there, while all the officers about there tried to collect these scattered troops and get them back to that position to the assistance of the 14th and 38th, and appealed to them in every way that possibly could be done. But it was of no avail. What there was left of the battery, a few limbers and caissons that had live horses to drag them, came galloping down the hill, right through this mass of running troops, and occasionally a horse would fall, and the whole thing would get all tangled up.

Question. Was or not that the beginning of the panic?

Answer. That was the turning point of the affair, right there.

Question. Did you not look upon that as the turning point upon the field?

Answer. Yes, sir; oh! yes, sir. We had eight regiments marching towards that hill then.

Question. Were those batteries properly supported when they moved up the hill?

Answer. No, sir; that is shown from the fact that they were taken.

Question. If they had been properly supported they would not have been taken?

Answer. No, sir.

Question. Could they have been properly supported?

Answer. Yes, sir; the troops were there to do it.

Question. Then it was a mistake to order those batteries forward without a proper support—a mistake on the part of some one?

Answer. It must have been so.

Question. Do you know why Captain Griffin did not open fire upon the regiment in front of them?

Answer. It was generally understood that these troops were mistaken.

Question. By whom was the mistake made?

Answer. It was understood that these troops were mistaken for our own, and Captain Griffin was ordered not to fire. My impression is that it was the chief of artillery on the field who made the mistake.

Question. Who was the chief of artillery?

Answer. Major Barry.

Question. General Franklin's brigade came on after that, did they?

Answer. Well, sir, they were partially on the field then. I do not know exactly what troops composed his brigade. He was there himself. Then Sykes's battalion moved across and occupied this hill in the middle ground, and held it. Our troops then scattered all over the battle-field, their backs turned towards the enemy, and all going to the rear.

Question. The capture of that battery, and the rapid retreat of the horses and men in the vicinity of the battery, tended to create confusion among all those in the rear?

Answer. Yes, sir; that taken in connexion with the exhaustion of the men. There was no water for the men to drink about there, except in the rear, and a great many were dying of thirst. Everybody wanted water. Well, sir, it was a pretty hot day; and it was probably a little unfortunate for us that the water was in the rear of the field of battle. We then came back to our first position on the field of battle. If we had had a fresh division there, or a fresh brigade there, we could have made a stand. Johnston's forces—that is, I have been

told since they were Johnston's forces—made their appearance on the field at that time.

Question. Just at the time of the loss of the batteries ?

Answer. Yes, sir. They deployed in several lines on our extreme right, and with the rapidity, apparently, of fresh troops. The moral effect of that deployment had a great deal to do with the panic among our troops.

Question. That happening at the same time with the loss of the batteries ?

Answer. Yes, sir. If we had not lost the batteries, and had had a fresh brigade there, we could have made a stand there, because our troops formed very well back on our first position. The 27th New York formed first, and stood steady (though the men were very much exhausted) for nearly half an hour, while the other fragments of regiments gathered in their places about them, the enemy's artillery throwing projectiles right through us all the while. We had no artillery to reply to them, only a section of the battery of Captain Arnold. We had no artillery, no fresh troops, and could not make a stand, but were forced to retire.

Question. Then you attribute the disasters of the day to the loss of Griffin's and Ricketts' batteries, the great exhaustion of the men from the want of water, and the fact that Johnston's troops came on the field fresh just at the time of the loss of the batteries ?

Answer. Yes, sir. Those three causes alone would have been sufficient to have defeated us. But there were many other minor causes that had their effect. There was a want of discipline in our troops.

Question. The troops were not familiar with their officers ?

Answer. Yes, sir; that was one thing. That they could have stood was shown in the way that Sykes's battalion stood, because they were disciplined, and came off the field in regular order.

WASHINGTON, *January 28, 1862.*

Lieutenant CHARLES E. HAZLITT sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army ?

Answer. First lieutenant of artillery.

Question. Where are you now stationed ?

Answer. On Minor's Hill, over in Virginia.

Question. Were you at the battle of Bull Run ?

Answer. Yes, sir.

Question. Were you in Griffin's battery ?

Answer. Yes, sir.

Question. What was your rank then ?

Answer. The same as now.

Question. Can you tell what led to the loss of Griffin's and Ricketts' batteries in that battle ?

Answer. As far as I am able to judge, it was in consequence of the battery being sent to such an advanced position without any support.

Question. Will you give us the particulars of the loss of that battery—what occurred just previous to the loss of it, and at the time ?

Answer. I do not know what occurred just at the moment of the loss, as just before the time the battery was put in position they changed and took up the position where they were lost. Another officer and myself stayed where we were in order to get away two guns that were left there; one had two horses killed, and we had to send for horses; and another one that had a wheel which was

broken, and we were engaged in putting on a spare wheel, so that we were not with the battery in the last position. All that I know is that we had been in action some time, and I understood that there was an order for us to move the battery forward up on a little hill where there was a house. I do not know who the order came from. I only knew we were to go there. The officers of the batteries were all averse to going there, as before that we had had no infantry with us that was put there as our support. We were told to go up to this place. We talked about having to go there for some time; and I know it was some time after I was told that we had an order to go that we had not gone. I heard Captain Griffin say that it was no use, and we had to go. We started to go up on this hill. I was in advance of the battery, leading the way, and I had to turn off to a little lane to go to the top of the hill. Just as we turned off the lane in the field, an officer of the enemy on horseback appeared about 100 paces in front. As he saw us turn in, he turned around and beckoned to some one on other side of the hill, and we supposed the enemy were just on the other side of the hill waiting for us, as they had been there just before. An officer hallooed up to me and said we were not to go there, that we had to go to another hill to the right, which was the place we had spoken of going to, where we wished to be sent instead of to the other position. We then started off towards the hill on the right, but I do not think we had got more than half-way up the hill when I was told to go back to the hill we had started for first. We then went back there and came into position. We had been in action there for some time; the fire was exceedingly hot; and being in such close range of the enemy we were losing a great many men and horses. We were in full relief on top of the hill, while they were a little behind the crest of the hill. We presented a better mark for them than they did for us. I do not think there was any order to move the battery around to the right of the little house on the hill. I remember asking Captain Griffin if I could not move the piece I was firing to another place, as it was getting almost too hot there, and I wanted to go to the left. The enemy had just got the range of my gun, and I wanted to move it out of range. The captain said I could do so. And then it is my impression that I asked him if we had better not move the whole battery away from there, as they had got our range so well. And then we started to move. Lieutenant Kensel and myself stayed back to get away the two guns I spoke of. Just after we got them started off we saw the battery in this other place flying all around, and the horses with the caissons running in every direction. That was the time the battery was lost, but we were not there at the time.

Question. Did you see the regiment that fired at the battery when it was lost?

Answer. No, sir.

Question. You know nothing of the loss of the battery further than you have stated?

Answer. That is all.

Question. You do not know who gave Captain Griffin the order to move forward?

Answer. No, sir.

Question. And nothing of any orders given after that?

Answer. No, sir; only what I have stated that we had orders to go up to his place. We put it off for some time and it was repeated.

WASHINGTON, *January 28, 1862.*

Lieutenant HORATIO B. REED sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army ?

Answer. I am second lieutenant in the fifth regiment of United States artillery.

Question. Where are you now stationed ?

Answer. Minor's Hill, Virginia.

Question. Were you at the battle of Bull Run ?

Answer. Yes, sir ; I was chief of line of caissons in Griffin's battery.

Question. Can you tell us the movements of the battery just before it was lost, the orders given, and what led to the loss of the battery ?

Answer. Our battery was in battery five times. We first came in battery I do not know by whose orders. A had charge of six caissons, a battery wagon, and forge. I left the battery wagon and forge some distance below where we came in battery the first time. Our battery was again ordered in battery—by whose orders I do not know. General Barry—then Major Barry—came to my captain, and I am under the impression my captain made some protest against going forward on account of the want of support. But we then advanced in a field upon the right. We found that was not where we had been ordered, and we then went upon a hill and came in battery for the fourth time. That was on the left of the house there. We then came in battery on the right of the house. I was chief of the line of caissons, and my position was in the rear. As we advanced upon the hill I wanted to go with the battery, and I left the caissons and went forward. I think we came in battery with two pieces ; Lieutenant Hasbrouck in command. There was a body of troops coming up, and I know there was something said about those troops being our own, sent by some one to support us. I have heard since that it was said General Heintzelman sent them, but I did not hear the name mentioned then. We did not fire there until the troops advanced so near that they fired upon us and cut us down.

Question. Why did you not fire upon them ?

Answer. We had orders not to fire.

Question. Who gave those orders ?

Answer. I am under the impression that General Barry gave them.

Question. Did you hear the order given by General Barry ?

Answer. I heard the order given by some one to Captain Griffin and Lieutenant Hasbrouck—and I am under the impression that it was General Barry—not to fire upon that body of men, for the reason that they were troops sent up to support us. Just after that they fired upon us and cut us down.

Question. Was General Barry there at that time ?

Answer. Yes, sir.

Question. Could you have broken up that body of men by your battery if you had opened on them ?

Answer. We could have done so unless they were better troops than we saw that day ; I think we could have swept them off with canister ; we could have scattered any body of troops, I think, no matter how efficient—that is, to the best of my belief.

Question. Was Ricketts' battery captured at the same time ?

Answer. I presume it was. My horse was shot from under me at the time, and I was somewhat stunned by falling on my breast. We advanced together, but I never met Captain Ricketts except on that occasion, and he rode up in advance of his battery, and I was in rear of ours.

Question. Did the panic on the field commence immediately after the capture of those batteries ?

Answer. Well, sir, the Ellsworth zouaves were ordered to support us, but they ran away before that.

Question. Did you have any support at that time?

Answer. No, sir; we were ordered there without any support but these zouaves.

Question. Did not the marines support you?

Answer. No, sir; they could not get up there. When we first went into battery, we went ahead of them.

Question. Was your battery without support during the day?

Answer. Yes, sir. I went after the 14th New York, and they went up with us for a little time, and then they left; their officers did all they could.

Question. About what time did the loss of your battery happen?

Answer. I have a very faint idea of time on that day, for I did not exactly know what time we came into battery; I was without a watch. We left our camp about 12 o'clock at night, and I suppose we went into action about 11 o'clock; and if we did, I think this was about 4 o'clock.

WASHINGTON, *February* 18, 1862.

NATHANIEL F. PALMER sworn and examined.

By Mr. Gooch:

Question. Will you state in what capacity you served in the army under General Patterson?

Answer. I was appointed wagon-master in the 8th Pennsylvania regiment by Colonel Lumley.

Question. When did you enter the army?

Answer. On the 15th day of May last.

Question. You were captured by the enemy?

Answer. Yes, sir.

Question. On what day and in what engagement?

Answer. I was taken on the 2d day of July.

Question. At the battle of Falling Waters?

Answer. There were two divisions of the army after we crossed the river; they came to a fork of the road, and one part took the right and the other the left. The 15th Pennsylvania regiment was on the extreme right of the right wing; they had an advance guard thrown out, and Dr. Tripp and myself were taken with it.

Question. Where were you taken after your capture?

Answer. To Winchester.

Question. When did you arrive at Winchester?

Answer. On the morning of the 4th of July.

Question. Can you tell what number of troops Johnston had at the time you were taken—his whole force at Winchester and with him?

Answer. After we were taken we were taken with their retreat through Martinsburg. We came around to Martinsburg from Falling Waters. We were not on the road at Falling Waters, but on the road west of it. But it was all the same engagement. They then retreated three miles out of Martinsburg to a place they called Big Springs. There we lay over night with three regiments of infantry. I do not know how much cavalry they had, for they were scattered, coming in and running out, helter-skelter, and I could not get much idea of them. We then lay there until, perhaps, the next morning at 9 o'clock, when we fell back three miles further towards Bunker Hill, and went into a field, where they drew up in a sort of line of battle. There they were met by two

more regiments and six pieces of light artillery. I think four of the guns were brass, and the other two were iron. We lay there in that field until after dark; I do not know what time in the evening it was; and then we were put on their baggage wagons, and everything was sent into Winchester—all their traps.

Question. Did the force there go into Winchester at that time?

Answer. No, sir. We left them on the ground there, but all their wagon trains went into Winchester.

Question. Tell us, as near as you can, the whole number of Johnston's force at that time, what you left behind you, and what you found at Winchester.

Answer. From the best calculations that we could make—and we got our information from very good sources—we concluded that they had about 7,000 men, besides their cavalry. That was scattered about in such confusion that we could not tell anything about it.

Question. How long did you stay at Winchester?

Answer. Until the 18th of July.

Question. Did Johnston's force continue to increase while you remained at Winchester; and if so, to what extent?

Answer. There were squads coming in there every day. I do not think there was a day but what some came in. They would come in two or three companies at a time; no full regiments ever came in while we were there. By counting up the squads and calculating the best we could, we concluded that by the 18th there was but very little over 13,000 there.

Question. Did this increase of force come in from Manassas or from other points?

Answer. They did not come from Manassas. They were reported to us as coming from towns off in Virginia. I cannot remember the names of them. We made inquiries, and they were reported to us as coming in from different places in Virginia; that is, they were volunteers that had been picked up through the country.

Question. What was the condition of the fortifications at Winchester when you arrived there?

Answer. I did not see anything of any fortifications myself. Some of our men were taken out to work on the 5th of July, I think. When they came back they reported that they had been working at a cannon to mount it on a little fortification they had in the edge of the town where the Charlestown railroad comes in at Winchester. They reported that there was a little fortification there, with a sort of rifle-pits or trench dug for some fifteen or twenty rods.

Question. Is that the only fortification you heard of there?

Answer. That is the only one we ever got information about.

Question. How many guns had they there?

Answer. Only this one they tried to mount.

Question. You left Winchester on the 18th of July?

Answer. Yes, sir.

Question. Will you state where you went and what you saw on the road?

Answer. We were taken from Winchester to Strasburg, and arrived there in the evening about nine or ten o'clock. We lay there until the next morning until two o'clock, when we were put in the cars for Manassas. On our way to Manassas, I should think twenty miles from there, we ran a foul of Johnston's men. One of them came into the cars whom I knew, because he stood guard over me while I was at Big Spring. He said they had three regiments then bound for Manassas, and that there were more coming on behind. While we lay there on one side, there were two trains that ran in there and went by us. We got into Manassas about nine o'clock in the morning. In the course of a couple of hours or so these trains came in with these men on and unloaded.

Question. How many regiments were there in all that came in?

Answer. There were three came in there. Whether they brought them all

down there is more than I can tell. They had perhaps four or five switches at Manassas, where the headquarters were. They ran in there and ran past us, unloaded the trains, and then they went right back again. They were gone until nearly night, when they ran in again and unloaded some more men there.

Question. How many men were brought into Manassas while you were there?

Answer. We were told that there were 7,000 of them.

Question. Was Johnston there himself?

Answer. That is what we understood that he was there.

Question. Did you hear of any battle when you had got to Manassas?

Answer. We heard before we got there of the battle of the 18th. We heard that at a station called the Plains. There was quite a gathering and hurraing there. Some men had shot guns and threatened to shoot us through the windows of the cars.

Question. When did you leave Manassas?

Answer. On the 19th, about ten o'clock in the evening.

Question. Where did you go?

Answer. We ran down to Culpeper Court-House. I lay there until the next day, the 20th, at one o'clock, when we left.

By Mr. Covode :

Question. Why did you lay there so long?

Answer. To let trains pass coming from the south.

Question. From Richmond?

Answer. I do not know as they all came from Richmond. Some of them came in from Gordonsville.

By Mr. Gooch :

Question. How many troops, according to your estimate, passed you going to Manassas, while you were on your way from Manassas to Richmond?

Answer. We calculated that if Johnston brought 7,000, there were then taken there twenty-two regiments.

Question. Including the 7,000 brought down by Johnston?

Answer. Yes, sir. There were three in Richmond that night; two trains were loaded, and another regiment was at the station, standing and sitting about there.

Question. The whole you think amounted to twenty-two regiments?

Answer. Yes, sir.

Question. You do not know, of your own knowledge, what became of the force Johnston left behind at Winchester?

Answer. No, sir; I could not tell anything about that.

By the chairman :

Question. Were there any large re-enforcements at Winchester at any time?

Answer. No, sir; they came in there in small squads. I do not think there was any number at one time come in higher than perhaps four or five companies.

By Mr. Gooch :

Question. And none of those came from Manassas?

Answer. No, sir; none of them were reported as coming from Manassas.

By the chairman :

Question. And in all they had not more than 13,000 there?

Answer. No, sir; there could not have been more than that.

By Mr. Covode :

Question. Did they get that gun mounted while you were at Winchester?

Answer. We did not know. They were pretty much all young men who

were taken out for that work. After they found out that that was the work they had to do, we came to the conclusion that we would not work on their fortifications or their guns. The fact of it was, we thought if we were going to be murdered by them, we might as well have it done first as at last. I protested against going out, and all the other men came up and declared that they would not go out and work on the fortifications, let the consequences be what they might. The result was that they did not come for us again.

By Mr. Gooch :

Question. What time did Johnston start with his men from Winchester ?

Answer. He started the 17th, in the night some time. We heard in the evening that he was going to start.

By Mr. Covode :

Question. You started the next day after ?

Answer. Yes, sir ; the next day at 1 o'clock.

Question. Would there have been any difficulty in Patterson's force coming and taking Winchester when you arrived there ?

Answer. No, sir ; they never could have made a stand at all. We expected them hourly all the time, and had got the wall of the jail fixed so that we could get out in five minutes. And all over town, at every door almost, there was a horse and wagon hitched, so that they might be ready to get right in and leave the town—standing there day and night.

Question. Looking for Patterson to come in ?

Answer. Yes, sir, hourly.

Question. How did you keep the jailer from knowing that you had fixed the wall ?

Answer. We hung blankets over it. The fact is, I had a scheme of my own to attend to that jailer. When we were first brought there, he came in, and when he saw me he said : "Damn you, you are the fellow I have been looking for. I am going to hang you on the bars here." As he was not armed, I answered him pretty sharply. While that was going on, Lieutenant Buck, who was a gentleman, came in and chided the jailer for treating a prisoner that way. He was a brute, that jailer, if ever there was one. There was an old man named Martin, over eighty years of age, taken because he was a Union man, and brought there a prisoner from Martinsburg. The way that the old man was treated was shameful. And I had just made up my mind to attend to that jailer if our troops came. I could have got out there in five minutes, and finished with him before our troops could get through the town ; but they did not come.

WASHINGTON, *February* 24, 1862.¹

ALFRED SPATES sworn and examined.

By Mr. Chandler :

Question. You are president of the Chesapeake and Ohio canal ?

Answer. Yes, sir.

Question. Were you along upon the line of the canal during the past summer ?

Answer. Yes, sir ; from May last up to the present time.

Question. Were you there, or in that vicinity, at the time General Patterson crossed the Potomac and went to Martinsburg ?

Answer. I was in that vicinity.

Question. Have you any knowledge of the force of the enemy under Johnston at or about that time ?

Answer. I have no personal knowledge. I have knowledge from information obtained from those constantly coming from the river—from the section at which this army was then stationed. I have that kind of knowledge.

Question. Please state it.

Answer. From the best information I could obtain—from those said to be familiar with the amount of force there—I should say it was between 8,000 and 10,000 men.

Question. Were you generally acquainted in that vicinity?

Answer. Yes, sir; intimately.

Question. Were you in frequent communication with persons on the Virginia side of the river?

Answer. I frequently saw men from the other side of the river. We were doing some work on the canal about that time, and for a part of our force the work was on the Virginia side, and within five or six miles of Williamsport, Patterson being then at Martinsburg.

Question. The general impression, in that vicinity, was that Johnston's army was between 8,000 and 10,000 men?

Answer. Yes, sir. I never heard any man put it higher than 10,000 men.

WASHINGTON, *February 24, 1862.*

A. K. STAKE sworn and examined.

By Mr. Chandler:

Question. Where do you reside, and what is your present occupation?

Answer. I reside in Williamsport. I am officially connected with the Chesapeake and Ohio canal—as general superintendent of the canal.

Question. Have you any knowledge of the force under Johnston at the time when Patterson was at Martinsburg?

Answer. None except from intercourse with Virginians whom I knew to be refugees. They corroborated all that Mr. Spates has said about it. I know that it was the impression throughout the community, and in the army, that there was not more than 10,000 men under Johnston; and there is this additional fact, ascertained since from perfectly reliable gentlemen, that there never was at any time, in Winchester, as many as 14,000 men, and of these there were, perhaps, 4,000 or 5,000 militia. The gentleman from whom I received this information is perfectly reliable. He is a southern man, and says there was not at any time as many as 14,000 men at Winchester, and of these there were from 3,000 to 5,000 militia, badly armed and equipped. I am not aware what information General Patterson may have had; but I should think he could have had the same information in regard to that matter that outsiders had.

Question. It was obtainable—current information?

Answer. Yes, sir. There was a party about him—McMullin's men, "scouts," as they were called; they were so constantly about him that very few persons could approach him with matters of that kind. I could sometimes get to his headquarters about other matters, but not upon subjects of that kind. General Patterson told Mr. Spates and myself afterwards, at Harper's Ferry, that he had positive information that Johnston had 42,000 men at Winchester. Of course, we believed as much of that as we pleased.

Question. Were you at Martinsburg when Patterson moved his force to Bunker Hill?

Answer. Yes, sir.

Question. Do you know the feeling of the troops at that time?

Answer. When he moved from Martinsburg to Bunker Hill the supposition was that he was going out to attack Johnston, and the troops were in fine spirits.

about it. They had laid there at Martinsburg four or five days, and were tired of that, and were anxious to meet the enemy, and when they turned off towards Charlestown they became very much dissatisfied; but the officers allayed a great deal of that feeling by asserting that they were going down to Wizard's Cliff, (a place on the road between Charlestown and Winchester,) from which they were to approach Winchester, so as to avoid the masked batteries that would be in their way if they went direct from Bunker Hill. But when they came to Wizard's Cliff and passed on towards Charlestown there was a great deal of dissatisfaction; and at Charlestown, as I learned afterwards—I did not go there myself—was the first distinct refusal on the part of the three months' men to follow General Patterson any longer. They declared that they had no disposition to be bamboozled any longer in that way, and as their time was up they would go home, unless he was disposed to go out and attack the enemy. He rode up before two regiments at Charlestown and announced to them that their time was up, and he had no further claim upon them; but he desired them to remain with him, as he hoped to meet the enemy in the field. My opinion is that there was not a word of dissent at that time; but when they retreated still further, to Harper's Ferry, they became still more dissatisfied, and determined to go home. I had this from those who had official positions about him at that time. I heard General Cadwalader say, at Martinsburg, that the enemy had from 25,000 to 30,000 men. I do not know where he got his information, for there was no man outside of headquarters that estimated Johnston's force at over 10,000 or 15,000 men.

WASHINGTON, *February 26, 1862.*

Dr. IRA TRIPP sworn and examined.

By Mr. Covode:

Question. What has been your connexion with the army?

Answer. My position was hospital steward.

Question. In the three months' service?

Answer. Yes, sir; under General Patterson, in the 8th Pennsylvania regiment. I was taken prisoner on the 2d of July, near Falling Waters.

Question. Well, go on and state about that.

Answer. We were captured near Falling Waters on the second day of July, and taken to Martinsburg that day. There our horses were taken away from us.

Question. By whom?

Answer. By a rebel captain; I forget his name now. That evening we were taken about three miles beyond Martinsburg, and encamped there during the night.

Question. What force had the enemy at that time?

Answer. As near as we could judge, Johnston had about 5,000 men at that time. We were with them but one day there. The next day we were taken to Winchester, where they had about 2,000 more troops, as near as we could ascertain, making their entire force at that time about 7,000.

Question. What day were you taken to Winchester?

Answer. The 4th of July.

Question. What was done with you there?

Answer. We were kept in jail there two weeks.

Question. How many of you were there?

Answer. I think there were 45. During that time the enemy received reinforcements of men, varying from perhaps a regiment down to a company, coming into Winchester at different times during the two weeks we were there.

As near as we could calculate, their re-enforcements might amount in all to 5,000 or 6,000 men.

Question. Do you know from what direction these re-enforcements came?

Answer. I should judge, from the way they came into Winchester, that they were from Strasburg and in that direction.

Question. They did not come from Manassas?

Answer. No, sir; I do not think any of them came from Manassas.

Question. What was the condition of their fortifications at Winchester at the time you went there?

Answer. They were very light. They fortified a little, not a great deal, during the time we were there. After we had been there about a week, some of our men were taken out to the fortifications and made to work to try to mount a gun, as they told us when they came back. That was the only gun they saw; they saw some little intrenchments on each side of the road, not to exceed twenty rods altogether.

Question. Rifle-pits?

Answer. No, sir; not rifle-pits. They had some empty barrels there and a trench thrown up. There was no fortification of any strength at that time.

Question. You only knew of one gun there?

Answer. That was all at that time—one large gun; they had some seven or eight pieces of light artillery that we saw. They got a few after that—some four or five that we saw come in. They never had at the outside over 13,000 men at Winchester, I think, before the battle of Bull Run.

Question. Would there, in your judgment, have been any difficulty in Patterson's taking Winchester?

Answer. No, sir; not at all. I do not think there would have been any trouble in his doing it.

Question. Did they appear to expect an attack from Patterson?

Answer. Yes, sir; daily.

Question. What do you know of any preparation to leave in case of an attack?

Answer. We hardly knew of any preparation they had to leave. They expected an attack. We had that from the jailer there and from the officers themselves. A great many of them left the day we did. I have no doubt that they expected that Patterson would come on and take Winchester after their troops left. I judge so from seeing so many going away the day we did; we saw their carriages, &c., on the road to Strasburg.

Question. What day did their army leave?

Answer. On the 18th of July.

Question. What number left?

Answer. As near as we could calculate, about 10,000 men in all left for Manassas.

Question. That would leave how many at Winchester?

Answer. Perhaps 2,000.

Question. Did they all leave at one time?

Answer. They left during the night of the 17th and the morning of the 18th, as near as we could get at it. We left on the 18th.

Question. By what route did they go to Manassas?

Answer. I do not know the route. I am not acquainted with that country. We got to Manassas in the morning on the 19th, about nine o'clock, I should judge.

Question. What time did you leave Winchester?

Answer. At noon of the 18th, in a great hurry.

Question. By what route did you go?

Answer. We went to Strasburg, about eighteen miles from Winchester, and there we took the cars to Manassas.

Question. What did you see of these troops after you left Winchester?

Answer. We saw some of the cavalry at Manassas on the 19th, and saw

General Johnston himself there. We knew three of the cavalry, because they were of those who captured us.

Question. How long did you remain at Manassas?

Answer. From nine in the morning until nine or ten o'clock at night.

Question. Do you know whether these troops came into Manassas before you left?

Answer. Only a portion of them. All I know of their being there was seeing a portion of the cavalry and General Johnston himself. There were large re-enforcements coming in that day from the direction of Richmond. That is what I suppose kept us there; we could not get away because the track was occupied by these troops coming in. I should judge that that day and the day following there were 15,000 of re-enforcements from between Manassas and Richmond, coming in from the south on different roads. We had to guess at it, but that is about as near as we could get at it. Heavy trains were coming in constantly all the day long.

Question. Did you, on your way to Winchester, see any strong fortifications anywhere, after you were captured?

Answer. No, sir; we did not see any anywhere. There were no strong fortifications made after that I am certain. I do not think they ever expected to stand a battle at all against Patterson.

Question. Did you, while at Winchester, look for Patterson to come there?

Answer. We looked for him every day. We just as much expected he would come as we were living. We expected to be taken out by our own men or hurried off by the rebels.

Question. Our force was double theirs?

Answer. Yes, sir; nearly so. I calculated that Johnston had not more than 12,000 at the outside. And knowing the difference between the strength of the two armies, we constantly expected Patterson would take the place.

Question. What was the character of the re-enforcements that came into Winchester? Were they well armed and equipped?

Answer. All had arms; not very good arms. They looked like old muskets. Some came in in the night, and we could not tell what they had. Some of them were not very well uniformed, such as we saw. Some had citizens' clothes on—no uniform at all. They looked like they had just been gathered up right out of the fields, with no uniform at all. There was in the jail yard a big pile of stone that had been pounded up for pavement, and getting on that pile we could see their encampment, and all over the country there.

Question. Did you see any fortifications at Winchester, except the small one at the terminus of the railroad from Charlestown?

Answer. That is all that we saw.

WASHINGTON, *March 5, 1862.*

Major WILLIAM W. RUSSELL sworn and examined.

By Mr. Chandler:

Question. What is your rank and position in the army?

Answer. I am major and paymaster of the marine corps.

Question. Were you attached to the staff of General Patterson during his advance into Virginia; and if so, how did you become so attached, being an officer of the marine corps?

Answer. From current reports and rumors I became convinced that General Patterson's column would be engaged in the valley of Virginia, and I sought leave of absence from the Secretary of the Navy to endeavor to join General Patterson's staff, where I thought I could be useful. I held a semi-civil posi-

tion here as paymaster of the marine corps at the time. Having a great many friends south, and being a southern man myself, when my brother officers were resigning all around me, I thought it my duty to endeavor to do something for the government which had supported me for eighteen years, and something outside of my ordinary semi-civil duties. I obtained permission from my department and authority from the commandant of my corps to transact my business during my absence. General Cameron gave me a letter to General Patterson. General Scott, finding that I was going, also gave me a letter, though I made no application to him for it. I went up and joined General Patterson at Martinsburg, and he immediately placed me on his staff as one of his aids.

Question. What movements did General Patterson make after you joined him?

Answer. On the 15th of July he moved from Martinsburg on Bunker Hill with about 18,000 men and took possession of that place. He remained there until Wednesday morning, the 17th, when he marched to Charlestown. The only rebel force we observed on the march was a detachment of cavalry, said to be commanded by Colonel Stuart. The Rhode Island battery, on the right of our column, expended several shots in dispersing them.

Question. Were you aware of any reconnoissance being made from Bunker Hill towards Winchester?

Answer. No, sir; I was not. I heard some rumors of a reconnoissance made by some of General Sanford's staff, but there were so many stories told I did not rely upon them. Colonel Thomas advanced several miles on the road with a portion of the cavalry under his command. I do not think any extended reconnoissance was made.

Question. What information had you relative to the force of the enemy?

Answer. A deserter presented himself at the headquarters of General Patterson at Bunker Hill, who seemed to be of a very communicative disposition. From his statement, the captain of engineers made a diagram of the works and defences of Winchester. I have it here. It reads "Defences of Winchester, obtained from a deserter from the confederate army, and believed to be reliable. J. H. Simpson, captain of engineers." The deserter was so very communicative that I had some curiosity to find out something about him. I asked him where he was from, and he told me he was from the neighborhood of Bunker Hill. A son of a merchant whose house we occupied there was a smart, bright little fellow of some thirteen or fourteen years of age. We were very careful to protect the property left in his charge, and at my request sentinels were posted about his father's store. He had every confidence we would protect the property and pay for what we got there. I asked him about this man. In the first place, as a deserter I did not believe him, because he was a perjured man, and had deserted the flag he had sworn to support. This boy stated that this man and his brother were worthless characters, who resided within two miles of Bunker Hill; that he would work a few days and then loaf about the drinking establishments; that he had no character or reputation in the community in which he lived. I stated the information I had thus gained.

Question. Did you state it to General Patterson?

Answer. I think I stated it in his presence. I said that on general principles I would not believe a deserter, because a man who would be false to his oath would be false in his statements.

Question. What was your opinion at that time relative to the force of the enemy?

Answer. I had no opinion about it. I did not believe a word that I heard. We had no positive means of getting information. They were all idle rumors, that I did not think were reliable at all. On the 17th we marched to Charlestown, not seeing any rebel force on that march, and encamped in and around that place with the whole of our army.

Question. During your service with General Patterson, were you aware of

the receipt by him of any despatches from General Scott, relative to the movement of his column? If so, state what they were.

Answer. On the night of the 17th, General Patterson and his staff having all retired, I was sitting on the porch of the house we occupied as headquarters. Between twelve and one o'clock at night a special messenger arrived with a despatch for General Patterson. He was accompanied by one of General Sanford's aids; I do not now recollect who it was. That despatch I took up to the adjutant general of the column, Colonel Fitz-John Porter. I woke him up, and he read it in his bed, I reading it at the same time. Colonel Porter arose from his bed, and exhibited it to Captain Newton, the chief of the engineer corps of that army. After some little discussion, of which I do not recollect the particulars, (it did not amount to much,) Colonel Porter requested me to take the despatch to General Patterson and wake him up. I suggested that I had but lately joined his staff, and would prefer his doing it. I thought it was a despatch of very great importance. He said, "You better take it." I replied, "I will do so," and proceeded to General Patterson's room, where I aroused him from his sleep, and handed the despatch to him. It was as follows:

"HEADQUARTERS OF THE ARMY,

"July 17, 1861—9.30 p. m.

"I have nothing official from you since Sunday, but I am glad to learn from the Philadelphia papers that you have advanced. Do not let the enemy amuse and delay you with a small force in front, whilst he re-enforces the Junction with his main body. McDowell's first day's work has driven the enemy beyond Fairfax Court-House. The Junction will probably be taken to-morrow.

"Major General PATTERSON,

"United States Forces, Harper's Ferry."

I read from a copy which I got at the War Department, and I believe it a true copy of that despatch. After General Patterson had read it twice over he turned to me and asked me if I had read it. I told him that I had. He then asked me what I thought of it. I replied that I had lately joined his staff, and would beg that he would ask Colonel Porter, or some other officer who had been with him longer than I had, as I did not like to give him an opinion. He said, "I desire your opinion, sir." I then replied, "I will give you my opinion, honestly and without hesitation. I look upon that despatch as a positive order from General Scott to attack Johnston wherever you can find him; and if you do not do it, I think you will be a ruined man. It will be impossible to meet the public sentiment of the country if you fail to carry out this order. And in the event of a misfortune in front of Washington, the whole blame will be laid to your charge." Those were as nearly the words as I can now recollect. He said, "Do you think so, sir?" I repeated that that was my honest conviction. He then said, "I will advance to-morrow. But how can we make a forced march with our trains?" I said, "Sir, if you cannot send them across the river into Maryland, we can make a bonfire of them." I then said, "General, have you positively made up your mind to this advance?" He said, "I have." "Then," said I, "I hope you will allow no one to influence you to-morrow in relation to it. The next morning orders were sent to the different brigades and divisions to cook three days' rations, and to be ready to march at a moment's notice. I had no conversation with any one in relation to my interview with General Patterson up to 9 o'clock in the morning. About 9 o'clock I was in the room occupied as an office, when several prominent officers of the column appeared. I think they had been summoned there by the general. General Patterson entered and said, "Gentlemen, I have sent for you, not for the purpose of consulting you as to the propriety of the movement I intend to make, but as to the best mode of making it." I then left the room. After these officers had separated I was told by the general that he did not think the

Pennsylvania troops would march, and that an order had been issued for them to be assembled on their parade grounds that afternoon, that he might consult them in person. He did so. He appealed to them in very strong terms to remain with him a week or ten days; that they had promised him that in the event of a battle taking place they would stand by him, and he desired them to intimate, when the command "shoulder arms" was given to each regiment, whether they would comply with his wish. Several of the Pennsylvania regiments came to a shoulder when the order was given—one (Colonel Patterson's) with but one exception; but the majority in the others failed to respond. I was near General Patterson during the whole time, and heard his speech to them. The advance was not made.

By Mr. Covode:

Question. Did General Patterson, at any time when he was addressing the troops, propose to march on to Winchester?

Answer. No, sir; not to my knowledge. General Patterson did not ask the troops whether they would advance against the enemy at Winchester. He asked them if they would remain with him. I think it due to those troops to state their condition as to clothing. They were very poorly clothed, indeed. Many of the men had their pantaloons patched with canvas from the flies of the tents, and their garments were particolored. They had received very hard treatment; were very badly clad, and many of them were without shoes. I did not hear General Patterson, before any regiment of Pennsylvania troops, ask them if they would advance against the enemy.

By Mr. Chandler:

Question. Had you any conversation with any of the officers in relation to this advance?

Answer. After I left the room, which I did while this discussion was going on, and which I had no curiosity to hear, Colonel Abercrombie, who commanded one of the brigades, came to me and asked me what I thought of the proposed movement of General Patterson. From the relations that existed between Colonel Abercrombie and General Patterson, I felt satisfied that he already knew my views about the proposed movement. When conversing in reference to the movement of the trains, and the suggestion that if they could not be saved, I thought that, under the circumstances, they should be burned, Colonel Abercrombie desired to know how the men could get along without their cooking utensils. I suggested that there were plenty of trees and bushes between Charlestown and Winchester, and the men could cook their meat as they did in California, by holding it before the fire. Then he remarked, "You would place everything on the hazard of the die; sacrifice our line of communication, and in all probability cause the command to be cut off." I told him that I thought General Patterson was just in the position to place everything at that hazard; that if he failed to move, I was satisfied that, no matter how pure his intentions might be, he would be overwhelmed by public sentiment. I told him that as to cutting off our communication, I felt perfectly satisfied that the people of this country would open the line of communication if he took the risk suggested. The colonel did not agree with me, and our conversation ceased.

Question. You spoke some time ago about some information furnished by a deserter. Had General Patterson, that you know of, any reliable information in regard to the enemy?

Answer. Not that I know of. I think I should have heard it if he had had any.

By Mr. Odell:

Question. You deemed Bunker Hill an important position for the purpose of holding the enemy?

Answer. Well, sir, Bunker Hill was, I think, 10 miles from Winchester, and at Charlestown we were 22 miles in another direction.

By Mr. Chandler :

Question. Did you not at Bunker Hill directly threaten Johnston ?

Answer. By our advance from Martinsburg to Bunker Hill we threatened him.

Question. When you turned off to Charlestown from Bunker Hill, did you not intimate to the enemy that you were leaving him, and that he was free to move where he pleased ?

Answer. If putting more miles between us and the enemy was such an intimation, we made it.

By the chairman :

Question. As a military man, in your judgment, was there any insuperable obstacle or barrier to your detaining Johnston there, if you had pursued him vigorously from Bunker Hill ?

Answer. I think if we had advanced on Johnston, our men could, in all probability, have marched as fast as he could. Having only 10 miles the start of us, he could not have got to Manassas much before we could. If he had attempted to pull up the railroad as he passed along, we should then have overhauled him.

By Mr. Chandler :

Question. Did General Patterson send you to Washington with despatches for General Scott ? If so, what took place at that interview ?

Answer. General Patterson sent me to Washington to explain to General Scott the reason of his not moving against Winchester. He sent me on Friday, the 19th, and I arrived here on Saturday morning. I immediately called upon General Scott at his private quarters, and found him there with several of his staff. I stated to him what General Patterson had directed me to say to him, as nearly as I could. I exhibited to him the sketch made by the captain of engineers, giving the plan of the fortifications at Winchester, and the forces that occupied them, as stated by the deserter. General Scott seemed very much annoyed at the failure of the troops to advance, and said to me, "Why did not General Patterson advance?" I said, "Sir, General Patterson directed me to say to you that he understood your orders to him were to make demonstrations; to hold Johnston, not to drive him." The general turned in his chair very fiercely on me, and said very excitedly, "I will sacrifice my commission if my despatches will bear any such interpretation." Seeing the excited manner of the general, I begged to be excused for the present, and said I would call on him again at 12 o'clock, at his office. I then left him. I called at 12 o'clock, and he informed me that the Secretary of War had the day before relieved General Patterson from the command of that column, and had ordered General Banks to succeed him. I will state, also, that at this time I urged upon General Scott the request of General Patterson that re-enforcements should be sent him to enable him to make the movement on Winchester. And after my return my impression was that if they would give General Banks 25,000 men, and let him force his way through and take possession of Winchester and Strasburg, it would be an important movement at that time. That same movement seems now to be taking place under General Banks, other troops being placed in position at his old camps. On Monday morning, the 22d of July, I left this place on my return. On my arrival at Sandy Hook, a mile this side of Harper's Ferry, I observed some officers I had left at Charlestown, and a number of troops. I called to them and asked them what they were doing there. They said that the whole army was at Harper's Ferry. That was the first knowledge I had of any contemplated movement from Charlestown to Harper's Ferry.

Question. Did you not understand when you advanced from Martinsburg to Bunker Hill that your object was to whip Johnston, or at least to hold him there?

Answer. To hold him; not to allow him to re-enforce Manassas. There is another thing that convinced me that my view of the despatch to which I have referred was correct. Another despatch was received by General Patterson from General Scott, on the 18th, as follows:

“SIR: I have certainly been expecting you to beat the enemy; if not, to hear that you had felt him strongly, or at least had occupied him by threats and demonstrations. You have been at least his equal, and I suppose his superior, in numbers. Has he not stolen a march, and sent re-enforcements towards Manassas Junction? A week is enough to win victories. The time of volunteers counts from the day of mustering into the service of the United States. You must not retreat across the Potomac. If necessary, when abandoned by the short-term volunteers, intrench somewhere and wait for re-enforcements.”

By Mr. Odell:

Question. What was the temper of the troops on the receipt of orders to move from Martinsburg to Bunker Hill, and while at Bunker Hill?

Answer. The march from Martinsburg to Bunker Hill was made in admirable order. I rode along the line several times to convey orders from the right to the left, and there did not seem to be any dissatisfaction that I could observe. The men preserved the order of march, and seemed to be in very good spirits.

Question. Did any dissatisfaction manifest itself at Bunker Hill?

Answer. I heard of none. The men violated the regulations somewhat, by foraging around, as all soldiers will.

Question. Did you hear of any expression of opinion to the effect that the men did not want to make an advance?

Answer. I heard some of the officers speak of the certainty of the Pennsylvania troops claiming their discharge at the expiration of their term of service.

By Mr. Chandler:

Question. Where was that?

Answer. I do not know. It was a general rumor.

Question. At Charlestown you heard of great dissatisfaction?

Answer. Yes, sir.

By Mr. Odell:

Question. Was there any dissatisfaction among the troops at going to meet the enemy?

Answer. I do not know that the men ever had that point—that they were going against the enemy—presented to them. Many of the men were in very bad condition as to clothing, &c. There was a regiment there from Indiana that was in as bad, if not a worse, condition than any regiment I have seen. General Patterson did not address that regiment. But they volunteered through their colonel to remain, without the suggestion of any one. Many of the men had no shoes, and the feet of some of them were so cut and injured by the flinty roads over which they marched that their officers had to order them to be carried in the wagons. Yet they volunteered through Colonel Wallace, their commander, to advance on Winchester, or against the enemy.

By Mr. Covode:

Question. Did the troops know they were retreating when they left Bunker Hill?

Answer. I do not think that either the officers or the men were aware that they were retreating, except from the direction that they took. After General Patterson was relieved, General Banks invited me to remain and occupy the same

position on his staff that I had on General Patterson's. I did so until after he moved across the Potomac with the main body of his army and encamped on this side. The movement across the river was made by General Banks after full consultation with all the highest officers in his command, who voted each separately that it would be highly imprudent and dangerous to attempt to continue the occupancy of Harper's Ferry with the small force left under his command; and that it could be held by means of guns mounted on the Maryland side, and without risk to his troops. On their advice he acted. He never surrendered, during the time I was up there, the place of Harper's Ferry, but always kept a guard there for its protection.

By Mr. Covode :

Question. Did you, before you went up there, have any conversation with General Scott; and if so, what did he tell you as to what he wanted done?

Answer. After receiving permission, and the order from General Cameron to proceed to join General Patterson, I called on Colonel Townsend, the assistant adjutant general, and offered to convey any despatches he might have for General Patterson's column. While there General Scott heard my voice and called me into his room, and inquired when I was going. I told him. He then asked why I did not come to him for a letter to General Patterson. I told him I knew he was very much engaged, and I was almost afraid to ask to see him. He then directed Colonel Townsend to write a letter and bring it to him to sign. I think he remarked that we were in the same boat, meaning that we were both southern men, he from Virginia and I from Maryland. I said to him, "General, I have made up my mind that the column of General Patterson will be engaged by Sunday." He replied, "It may be before that, but it cannot be long before it is." I told him then that I would hurry and try to join General Patterson as soon as possible, which I did. I will remark here, that what I have stated in my testimony are entirely impressions of my own. And my advice, if it may be so called, to General Patterson as to an advance, was to meet the sentiment of the country, and what I conceived to be the first wish of the people—the defeat of the army of the rebels in front of Washington.

By Mr. Odell :

Question. What were your relations with General Patterson while with him and subsequently?

Answer. The first time I ever met General Patterson was at Martinsburg, when I presented the letters of General Cameron and General Scott, recommending me to his notice. General Patterson's bearing towards me was exceedingly kind; he extended to me every courtesy and confidence during the time I was with him, and, in consequence, I have always felt the liveliest feelings of gratitude towards him. His impressions of my services may be obtained from this letter :

"HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
"Harper's Ferry, July 25, 1861.

"MAJOR: I regret that in relinquishing the command of this department I can no longer avail myself of your services on my personal staff. For the promptness and gallantry with which those services were tendered at a critical moment, and the zeal and fidelity with which they have been discharged throughout, I can only offer you my cordial thanks.

"I remain, with great regard, very sincerely, yours,

"R. PATTERSON,

"Major General Commanding.

"Major W. W. RUSSELL,

"United States Marine Corps, &c."

WASHINGTON, *March* 19, 1862.

General GEORGE CADWALADER sworn and examined.

By the chairman:

Question. What has been your rank and position in the army?

Answer. I hold a commission of brigadier general in the State of Pennsylvania, under which, upon the call of the President last spring, I came into the service for three months. I also held a commission as major general by brevet in the army of the United States, conferred upon me after my commission as brigadier general had terminated. I state that, as it is considered material by General Scott.

Question. When did you commence service last year, and where did you serve?

Answer. I was mustered into service on the 19th of April, 1861, for three months.

Question. Under General Patterson?

Answer. Not at that time. I was assigned to the command of the department of Annapolis, my headquarters being at Baltimore. I succeeded General Butler in that command. I subsequently joined General Patterson's column, where I commanded the first division of the column, consisting of the three brigades then commanded by General Williams, Colonel Thomas, and Colonel Miles.

Question. Did you accompany General Patterson in that campaign until he returned?

Answer. I joined him at Chambersburg, and remained with him until the army returned to Harper's Ferry.

Question. What was his force at Martinsburg, Virginia?

Answer. My official position only gave me official knowledge of my own division, and perhaps I can only give an estimate.

Question. Give your estimate, according to the best light you had upon the subject.

Answer. I should say, according to the general knowledge I had, that he had from 18,000 to 22,000 men; perhaps from 18,000 to 20,000 men for duty.

Question. What was the object of that expedition, as you understood it?

Answer. I never was informed there, and never was officially consulted in regard to it by General Patterson. General Scott told me when I left here, and I also knew from the Secretary of War and the President, that the object was to drive General Johnston and the rebel force under him out of Harper's Ferry. That was the object for which I went there, and I expected to be relieved and to return here the moment that was accomplished. I was so promised by the Secretary of War, but it was not done.

Question. General Patterson followed General Johnston from Harper's Ferry for a while, did he not?

Answer. My division, as a part of General Patterson's column, was in the advance. I crossed the Potomac from Williamsport; and when Johnston retreated as we advanced upon Harper's Ferry, we went down as far as Falling Waters, on the Virginia side. I was there met with an order to send to Washington all the regular troops—they were all under my command—as it was thought that Johnston had fallen back to re-enforce Beauregard, and that Washington was in danger. All the regular troops being ordered to Washington, and the object of dislodging the enemy from Harper's Ferry having been accomplished, General Patterson was compelled, or rather induced, to give me the order to fall back. I was then on the way to Martinsburg, and had got as far as Falling Waters, some miles on the other side of the Potomac. General Patterson was still at Hagerstown. A great misfortune, by the by, was that recall.

Question. Did you accompany his army into Virginia?

Answer. Yes, sir; I remained with the army until we went on up to Martinsburg, and on to Bunker Hill, which is ten miles from Winchester.

Question. What was Johnston's force at Falling Waters, as near as you could estimate it?

Answer. My information was so uncertain, so vague, that I never had any very definite idea upon the subject.

Question. He retreated before you after the battle of Falling Waters, did he not?

Answer. Yes, sir. He fell back first upon Bunker Hill, and then upon Winchester, which is due south about ten miles from Bunker Hill.

Question. Your position at Bunker Hill threatened Winchester, did it not?

Answer. Yes, sir.

Question. Do you know the orders General Patterson received from headquarters here?

Answer. I know now; I did not know then. When I returned here General Scott expressed great astonishment that I had been kept in ignorance of everything of that kind, and directed Colonel Townsend, his adjutant general, to furnish me with copies of everything that had passed between him and General Patterson.

Question. When Patterson was at Bunker Hill with his army, was there any difficulty in his detaining Johnston in the valley of Winchester, and preventing his going down to join Beauregard?

Answer. I always considered our position a false one from the time that Johnston retreated from Bunker Hill. I could see that no movement we could make from there could accomplish the purpose of holding Johnston at Winchester one moment longer than he chose to stay. To the south of him he had the whole country open, while we were directly north of him. I always thought we should have moved more in a southeasterly direction, where we could have been more within supporting distance of a column moving from here, and also in a position more threatening upon Johnston's right flank—our left upon his right. On the only occasion I ever was consulted, which was at Martinsburg, where the commanding officers of divisions and brigades, and the officers of the engineer corps on duty with our column, were summoned together by General Patterson, I expressed my opinion that, as we were not holding Johnston at Winchester one moment longer than he chose to stay there, we ought to attack him, and move in this direction at once, and unite with the forces that we supposed were about to attack Manassas. That was the advice I gave before all the officers present.

By Mr. Wright:

Question. When did you advise that?

Answer. It was within two days before we left Martinsburg for Bunker Hill. It was at the only meeting of the officers that was held during the campaign. It was a large meeting, and all the principal officers and the engineer officers were present.

By the chairman:

Question. What was the reason given for not attacking Johnston?

Answer. General Patterson gave no reason. He summoned these officers, myself among others, and asked our opinion as to what, under existing circumstances, we would advise being done. And, according to military usage, beginning with the junior in rank, it came to me last. Major General Sanford, of New York, and Major General Keim, of Pennsylvania, among others, were there. I at last gave my opinion, stated it briefly, as I

have stated it here. We were not holding Johnston, because, as we were ten miles north of him, he could leave whenever he chose. He could get information much more rapidly from Beauregard than we could get it from Washington, and he knew exactly what the movements over in this direction were. If the intention was to hold Johnston there, we were not accomplishing the purpose; and we could not do it where we then were.

Question. Would it not have been easy to have placed yourself in a position where you could have done so?

Answer. Certainly. If we had moved upon Berryville and got upon his right flank, and he could not have moved one foot without our being upon his flank, we could have been at Manassas sooner than he could, and could have attacked him at any moment. Some of the officers thought that, as our army moved from here under General McDowell, Beauregard might retreat, falling back upon the whole of Patterson's army, General Johnston uniting with him for that purpose. It was the opinion of two or three of the officers that Johnston might advance and cut us off while Beauregard came with his whole army upon Patterson's column.

Question. Suppose that Patterson had orders from General Scott to hold Johnston in the valley of Winchester?

Answer. Which, I say, he could not have done without attacking him.

Question. Then, with such orders, he should have attacked him?

Answer. That was what I thought; either to have attacked him or to have come down here, as we were doing no good there.

Question. You were at Bunker Hill when Johnston turned off to Charlestown?

Answer. Yes, sir; my division was in the advance from Bunker Hill in the direction of Winchester; and I marched with that column from Bunker Hill to Charlestown through Smithfield.

Question. If you threatened Winchester while at Bunker Hill, did you not relinquish your threatening attitude when you turned off towards Charlestown?

Answer. Of course, for we then went away from Winchester.

Question. So, from the time you turned off from Bunker Hill to Charlestown, all hope of detaining Johnston must have entirely vanished?

Answer. Certainly; we were marching away from him. In other words, we were on our way to Harper's Ferry through Charlestown.

Question. Do you know whether General Patterson, when he resigned all hope of detaining Johnston, immediately informed General Scott of that fact?

Answer. I never was consulted about any such thing. Until I came back here I never saw a line from General Scott to General Patterson, or from General Patterson to General Scott. When I so informed General Scott he expressed great dissatisfaction, saying, "General Patterson knew that my communications to him were intended as much for you as for himself." And it was then that he turned to Colonel Townsend and ordered him to make out and furnish to me copies of everything that had passed between General Patterson and himself.

Question. Is there anything more that you deem material which you would like to state? If so, please go on and state it in your own way.

Answer. I have no desire, nor do I know that there is anything of public utility for me to state, other than I have already stated. There are matters personal to myself; that, of course, I have no right to bring before this committee.

Question. You can state anything that you think best. We are endeavoring to find out how this war has been conducted, and you can state anything in that connexion that is material for us to know.

Answer. I should like to state some things on my own account ; and they are historical, too, so far as anybody may deem them of public importance. You asked me what my rank and position in the army were. When I was in command at Baltimore I was sent for by General Scott to come here. General Cameron was at General Scott's headquarters, and General Scott handed me my commission as major general by brevet in the army, saying, "That commission of General Cadwalader's as a major general of the army is a perfectly valid one at this time." The question was whether I should rank as major general with General Patterson, and whether I was to be assigned to duty under my major general's commission. Upon that General Cameron promised to assign me to duty under my brevet commission as a major general. He offered me a commission as major general of volunteers, or a commission of brigadier general in the regular service, which was what I had held during the Mexican war. I accepted the commission of brigadier general in the regular service, with the promise of the President, through the Secretary of War, that I was to be assigned to duty under my commission as major general by brevet, with the promise of promotion as major general, when they heard from General Frémont, which they expected to do in two weeks ; under the expectation and with the conviction, as they told me, that he would decline the commission tendered to him. With that promise I took the commission of brigadier general, with the understanding that I was to be assigned to duty under my commission as major general by brevet, in preference to the commission of major general of volunteers.

Question. When was that ?

Answer. That was the 8th of June. I addressed a letter to the Secretary of War before I left here, reminding him of the promise so as to avoid all mistakes, and which he perfectly remembers. General Frémont, unexpectedly to them, returned and accepted the commission offered him, which prevented their being able to give me that. For some reason General McClellan was brought here, and had I been commissioned major general, I would have ranked him. That prevented their being able to do one thing or the other. In the mean time they made major generals of volunteers, whom I would have ranked, that ranked me. They could not comply with their promise to me, and I went home, as they did not want me. That was the military position I occupied, and those are the reasons I am not now in service.

Question. You say they were convinced that General Frémont would decline. Upon what did they found that conviction ?

Answer. I do not know. That was what General Cameron told me.

By Mr. Gooch :

Question. Did they desire that General Frémont should decline ?

Answer. That I do not know ; I merely tell you what passed. They told me that I was to have that commission ; that they knew he would decline. That was the offer to me. I certainly would not otherwise have accepted the commission of brigadier general in the regular army, when I had the commission offered me of a major general in the volunteers. My commission of major general by brevet dates back to 1847, and ranks all except General Wool. They were unable to do what they had promised. They had appointed as major generals of volunteers General Banks, General Butler, General Dix, &c., and to come in then would have placed me very differently from what their own proposition was. I had not asked for that ; they had sent for me and asked me to take it. I considered it a very complimentary and a very handsome thing ; but, as I have said, they were unable to give it to me, for it interfered with other places. I told the President that if it deranged any of their plans, I was perfectly willing to exonerate him from

any promise ; if the interest of the service required it, I was perfectly willing and ready to serve ; and it was not my fault that I went home.

Question. To come back to the other subject. You have not stated yet what you supposed Johnston's force at Winchester to be.

Answer. I desire my remark about his force at Falling Waters to apply to his force at Winchester. I had no reliable information upon which to base an opinion.

By the chairman :

Question. Had you any reason to believe that Johnston's army was materially increased after he reached Winchester ?

Answer. By general rumor it was said to have been greatly increased.

Question. From where was it supposed the troops came ?

Answer. From the south ; we did not know from where.

Question. From Manassas ?

Answer. We did not know. It was just the sort of rumor that would be current among the people of the country, entirely unreliable.

By Mr. Gooch :

Question. Have you ever made any written statement of the force under Johnston at Winchester ? If so, please state when and under what circumstances you did so.

Answer. I never made any official statement of any kind of the forces under Johnston at Winchester, having no knowledge of my own in regard to it. After many of our regiments had started on their march home, their term of service having expired while we were at Harper's Ferry, a Mr. McDaniel, a civilian, came to me on the 23d of July, with a statement of some information which he said he had obtained in regard to the force under Johnston, at Winchester. I asked him to let me copy it, which I did as he read it to me. I put no date to it, merely writing down what he read. I was about leaving, but before I went I showed it to General Patterson, as something that might be of interest to him. I did not give it as information obtained by myself, or express any opinion in regard to its reliability, giving it merely as information which McDaniel said he had obtained—not as information of my own. General Patterson asked me to allow him to take a copy of it, promising to return me the original. He, however, did not return me the original, but sent me a copy of it.

By the chairman :

Question. Did you attach any importance to the paper as containing reliable information ?

Answer. Not the slightest ; and if I had, it could not have influenced General Patterson in what he had done, for he had got back to Harper's Ferry, and the troops had crossed the river on their way home, before either of us knew anything about this.

By Mr. Gooch :

Question. When you were at Bunker Hill, if it had been known that General McDowell was about to attack Manassas, and that it was expected that the army under General Patterson would detain Johnston so as to prevent his forming a junction with Beauregard and taking part in the action at Manassas, what should have been done by Patterson's army to have accomplished that object ?

Answer. I do not think he could have detained him in any other way than by attacking him. He could have prevented his taking the route by which he did go to Manassas, by taking up a position on his right flank, that is, to the eastward of Winchester. Johnston, however, would have had open to him the route by the way of Strasburg, which was the one they had always

received and sent troops by. The way he actually did go was east, over the mountains to Piedmont, Strasburg lying west of south of him. If we had not attacked him, but had taken a position to the east of Winchester, Johnston could have gone by the way of Strasburg, but could not have gone the way he did go, over the mountains to Piedmont. Believing that we were not holding him where we then were, and that the object of any such instructions or suggestions, if any such existed, as I subsequently learned they did exist, could not be accomplished except by attacking Johnston, I advised that we should attack him, or if that was not done, that we should unite with the main body of our troops here in the attack upon Manassas. The expression used by General Scott, in one of his letters to General Patterson, which I saw afterwards, was "to consider the route by the way of Leesburg." It is true that in the telegrams that came from General Scott it was indicated that General Patterson was to hold General Johnston if he did not attack him. But there was no possibility of holding him if we did not attack. To use General Johnston's own expression in his report, he was merely waiting there looking at us.

By the chairman:

Question. Then if he was to hold him, and attacking him was the only way to hold him, it meant that he should attack him?

Answer. Attack him or consider the route by way of Leesburg.

By Mr. Gooch:

Question. Could Patterson have come down that route in time to have taken part in the battle here?

Answer. Yes, sir; if he had moved on Berryville, we would have been on Johnston's flank all the way.

Question. And you could have reached Manassas before Johnston could?

Answer. Certainly, if we had moved in time. According to McDaniel's memorandum, Johnston started from Winchester at one o'clock on the day we left Bunker Hill. It was more with a view to the time when Johnston started than for any other purpose that I showed that memorandum to General Patterson. We started from Bunker Hill at daylight, and if you take the official report of Johnston, recently published, you will see that on that very day he got his instructions to go to Manassas, and that at one o'clock on the day we left Bunker Hill for Charlestown, Johnston left Winchester for Manassas.

Question. And you should have gone from Bunker Hill to Berryville, so as to have prevented Johnston from going to Manassas by the route he did go?

Answer. If we had done that, we could have gone to Manassas also. We had but 10 miles further than Johnston to go if we had gone by the way of Winchester; and we had not much further to go if we had gone by the way of Berryville, for we were almost as near Berryville as he was.

Question. So that you could have prevented his going the route he did?

Answer. We could have attacked him, which I think would have prevented him. I think he knew that, because he would not fight us in the open ground. He showed that his object was to elude us, according to his own expression.

By the chairman:

Question. And General Scott's idea was to detain him by fighting or in any other way?

Answer. Yes, sir.

By Mr. Gooch:

Question. Then Johnston could have been prevented from forming a junction with Beauregard, and the force under Patterson might have been ready to have taken part in the attack upon Manassas?

Answer. We might have attacked Johnston, and if we had been successful, which I think we would have been, we could have prevented the junction. And if we did not attack him, if we had marched in due time, we could certainly have been at Manassas in time to have taken part in the battle. The way was open to us, and the suggestion of General Scott was "to consider the route by way of Leesburg." If I had had any discretion, I should have gone at once to Leesburg, which was half-way to Manassas, and on a good turnpike road directly there.

Question. Will you furnish the committee with the copies of the telegraphic despatches you received from General Scott?

Answer. I will.

LIEUTENANT GENERAL WINFIELD SCOTT.

NEW YORK, *March 31, 1862.*

On the statement of Major General Patterson, submitted by him as evidence to the honorable the committee of the House of Representatives on the conduct of the war, I beg leave to remark:

1. That his statement, 148 long pages, closely and indistinctly written, has been before me about 48 hours, including a Sunday when I was too much indisposed to work or to go to church; that I cannot write or read at night, nor at any time, except by short efforts, and that I have been entirely without help.

2. That, consequently, I have read but little of the statement and voluminous documents appended, and have but about two hours left for comments on that little.

3. The documents (mainly correspondence between General Patterson and myself) are badly copied, being hardly intelligible in some places from the omission and change of words.

4. General Patterson was never ordered by me, as he seems to allege, to attack the enemy without a probability of success; but on several occasions he wrote as if he were assured of victory. For example, June 12th he says: he is "resolved to conquer, and will risk nothing;" and July 4th, expecting supplies the next day, he adds: as soon as they "arrive I shall advance to Winchester to drive the enemy from that place;" accordingly he issued orders for the movement on the 8th; next called a council of war, and stood fast at Martinsburg.

5. But although General Patterson was never specifically ordered to attack the enemy, he was certainly told, and expected, even if with inferior numbers, to hold the rebel army in his front, on the alert, and to prevent it from re-enforcing Manassas Junction, by means of threatening manœuvres and demonstrations—results often obtained in war with half numbers.

6. After a time General P. moved upon Bunker Hill, and then fell off upon Charlestown, whence he seems to have made no other demonstration that did not look like a retreat out of Virginia. From that movement Johnston was at liberty to join Beauregard with any part of the army of Winchester.

7. General P. alludes, with feeling, to my recall from him back to Washington, after the enemy had evacuated Harper's Ferry, of certain troops sent to enable him to take that place; but the recall was necessary to prevent

the government and capital from falling into the enemy's hands. His inactivity, however, from that cause need not to have been more than temporary; for he was soon re-enforced up to, at least, the enemy's maximum number in the Winchester valley, without leading to a battle, or even a reconnoissance in force.

8. He also often called for batteries and rifled cannon beyond our capacity to supply at the moment, and so in respect to regular troops, one or more regiments. He might as well have asked for a brigade of elephants. Till some time later we had for the defence of the government in its capital but a few companies of regular foot and horse, and not half the number of troops, including all descriptions, if the enemy had chosen to attack us.

9. As connected with this subject, I hope I may be permitted to notice the charge made against me on the floors of Congress that I did not stop Brigadier General McDowell's movement upon Manassas Junction after I had been informed of the re-enforcement sent thither from Winchester, though urged to do so by one or more members of the cabinet. Now, it was, at the reception of that news, too late to call off the troops from the attack; and besides, though opposed to the movement at first, we had all become animated and sanguine of success; and it is not true that I was urged by anybody in authority to stop the attack, which was commenced as early, I think, as the 18th of July.

10. I have but time to say that among the disadvantages under which I have been writing are these: I have not had within reach one of my own papers; and not an officer who was with me at the period in question.

Respectfully submitted to the committee.

WINFIELD SCOTT.

NEW YORK, *March 31, 1862.*

WASHINGTON, *April 3, 1862.*

General JAMES B. RICKETTS sworn and examined.

By the chairman:

Question. What rank and position do you hold in the army?

Answer. I am at present a brigadier general of volunteers.

Question. What was your rank on the 21st of July last, the day of the battle of Bull Run?

Answer. I was a captain of the first regiment of artillery.

Question. In whose brigade?

Answer. General Franklin's brigade.

Question. Will you please give us an account, in your own way, of what you saw of the battle?

Answer. I saw very little except what concerned myself. You must know that any one who has charge of six pieces of artillery has as much as he can attend to to manage them and obey orders. I went on the field at Sudley's Spring, in General Heintzelman's division, General Franklin's brigade. After crossing the stream, where I watered my horses, my first order was to take to the right into an open field, to effect which I had to take down the fences. I then came into action about a thousand yards from the enemy, I should judge. There was a battery of smooth-bores opposed against me, doing some damage to us; it killed some horses and wounded some few of my men; I myself saw one man struck on the arm. My battery consisted of six rifled Parrott guns, consequently I was more than a match at that distance for the smooth-bore battery. It is difficult to judge of the passage of time under such circumstances, as we never look at our watches then.

But after firing, I should judge, twenty minutes or a half an hour, I had orders to advance a certain distance. I moved forward, and was about to come into battery again, when I was ordered to proceed further on, up on a hill near the Henry House.

By Mr. Chandler:

Question. About what time was it when you first came into action?

Answer. We had marched twelve miles. I should judge my first coming into action must have been somewhere about noon. That, of course, is a mere guess. I received this order to move forward. I told the officer that he must indicate the spot, so that there should be no mistake about it. I saw at a glance, as I thought, that I was going into great peril for my horses and men. But I did not hesitate to obey the order, merely asking to name the spot clearly indicated to me. The ground had not been reconnoitred at all, and there was a little ravine in front that I had to pass. As I marched at the head of my company with Lieutenant Ramsay, he said to me, "We cannot pass that ravine." I told him that we must pass it. As we were under fire, to countermarch there would be fatal. The confusion consequent upon turning around there would expose us to great danger. As it was, we dashed across, breaking one wheel in the effort, which we immediately replaced. I called off the cannoniers and took down the fence and ascended the hill near the Henry House, which was at that time filled with sharpshooters. I had scarcely got into battery before I saw some of my horses fall and some of my men wounded by the sharpshooters. I turned my guns upon the house and literally riddled it. It has been said that there was a woman killed there by our guns. It was in that house that she was killed at the time I turned my battery on it and shelled out the sharpshooters there. We did not move from that position—that is, we made no important movement. We moved a piece one way or the other, perhaps, in order to take advantage of the enemy's appearance at one point or another. But our guns were not again limbered up. In fact, in a very short time we were not in a position or a condition to move, on account of the number of our horses that were disabled. I know it was the hottest place I ever saw in my life, and I had seen some fighting before. The enemy had taken advantage of the woods and the natural slope of the ground, and delivered a terrible fire upon us.

Question. Was that the place where your battery was lost?

Answer. Yes, sir.

Question. And where you yourself was wounded and fell?

Answer. Yes, sir.

Question. Who gave you the order to march forward there?

Answer. Lieutenant Kingsbury, of General McDowell's staff, brought me the order. Lieutenant Snyder was also near, and I told him I wanted him to bear in mind that I had received that order, although no point was indicated.

Question. Had you a sufficient infantry support for your battery?

Answer. At that time I knew of no support. I was told a support was ordered. One regiment, the Fire Zouaves, I know came up to support me, and, when I saw them in confusion, I rode up to them and said something cheering to them. I had not much time to speak to them, but I thought I would say a little something cheering to them, as it might have some effect upon them.

Question. How long did you continue to operate your guns after you took that position?

Answer. Somewhere between a half an hour and an hour, I should judge.

Question. Was Griffin's battery near you?

Answer. I do not know, except from what I have heard. I know there was a battery a little to the rear on my right, and from all accounts I suppose that to be Griffin's battery. They were on my right in my first position, and moved up with me and took a position a little on my right.

By the chairman:

Question. How came they to order you to advance without infantry to support you? Is not that unusual?

Answer. The infantry came up directly afterwards. I do not know where the position of the infantry was. All I saw were the Fire Zouaves, who came up on my right to support me.

Question. In what number?

Answer. I should suppose, when my attention was called to them, that there were from two hundred to three hundred men.

Question. What number of infantry is supposed to be sufficient to support a battery?

Answer. To go into such a place as that, I should say there should have been two full regiments to have supported my battery.

By Mr. Odell:

Question. Was the smooth-bore battery of the enemy supported?

Answer. Yes, sir; and we drove them away. They retired some distance as we advanced. They must have had a heavy support, judging from the amount of lead they threw from their muskets, for long after I was down the hail was tremendous. The ground was torn up all around me, and some bullets went through my clothes. I never expected to get off at all.

By Mr. Chandler:

Question. How many of your men were hit?

Answer. I do not know. I was five months in Richmond as a prisoner. I, of course, made no report, and have made none yet. No report has been made, though I think it should have been made by the next officer, as I was virtually lost; was away from the battery, and knew nothing of what occurred to the men.

By Mr. Odell:

Question. Who was in command of the artillery—the chief of artillery?

Answer. Major Barry—now General Barry.

By Mr. Chandler:

Question. Did he direct the movements of the artillery?

Answer. I did not see him.

By the chairman:

Question. Was the place where you were posted before you were ordered to advance more advantageous than the one to which you did advance?

Answer. I think it was, up to the time that I left it; and I think it would have been for a little longer time, considering that I had longer range guns than the enemy had.

Question. Could you have sustained yourself in your first position?

Answer. I think so. Yes, sir.

Question. From whom did the order to advance emanate?

Answer. General McDowell's aid brought it to me. Major Barry had no aid. Whether it was Major Barry's order or not, I could not tell. He had charge of the artillery, and was supposed to have directed its movements.

Question. Was it good generalship to order you to advance with your battery without more support than you had?

Answer. Do you mean the one regiment?

Question. Yes, sir; the Fire Zouaves you speak of.

Answer. No, sir; I do not think it was. I desire to state here that I have seen it mentioned that I made some mistake as to the enemy. Captain Griffin and myself are coupled together as having made some mistake on the field as to the character of the enemy. I wish to say that I made no mistake in regard to the enemy.

By Mr. Chandler:

Question. You refer to mistaking a regiment of the enemy for one of our own troops?

Answer. Yes, sir.

Question. You are not connected with that in our testimony.

Answer. I am very glad to hear it. I had noticed that, among other things, in the papers; and when I came back from Richmond, I saw the President, and he said to me: "You thought you were going to certain destruction in going up there, so you said," referring to our last position. I replied, "That is a mistake, I made no remark at all, except that I wanted the place clearly indicated to which I was to move."

By the chairman:

Question. Were you present at the council of war the evening prior to the battle?

Answer. No, sir.

Question. At what time on the day of the battle did you learn that Johnston's troops were coming down from Winchester?

Answer. Well, sir, I heard before we left little Rocky Run, this side of Centreville, that there was danger of meeting Johnston's men on that day. I cannot tell you who told me.

Question. In your judgment, as a military man, after it was ascertained that Johnston would be down, was it prudent to fight that battle, unless you could have, for instance, Patterson's army to follow Johnston's down?

Answer. Yes, sir, I think so. I think we could have fought with the army we had. We had apparently as good men as ever were.

Question. Suppose that battle could have been fought two weeks before it was fought, what would have been the probable result?

Answer. I believe if we had fought it even two days before we would have walked over the field. I saw on the field of battle a number of officers who had resigned from our army, whom I had known; and while I was at Richmond some of them told me that at one time they were giving away, and that our panic was perfectly unaccountable to them. We gained the battle with the force we had. I believe there was a time when we had really won that battle, if we had only kept at it a little longer.

Question. As a military man, to what circumstances do you attribute our disaster on that day?

Answer. I impute it to the want of proper officers among the volunteers.

By Mr. Wright:

Question. Do you mean the colonels and generals?

Answer. I mean throughout. I cannot say particular colonels and particular captains, because some of them were excellent. But, as a general rule, many of the officers were inferior to the men themselves. The men were of as good material as any in the world, and they fought well until they became confused on account of their officers not knowing what to do.

By the chairman :

Question. Were you present and able to know the last charge of the enemy which was decisive ?

Answer. Which charge was that ?

Question. The same one that captured your battery, I believe. All the witnesses speak of a certain charge that was made there by the enemy.

Answer. My battery was taken and retaken three times. For a part of the time the struggle was going on over my body ; and I think that for a part of the time I must have been insensible, for I bled very freely.

By Mr. Chandler :

Question. Which of our regiments fought over your body for the battery ? Not the zouaves ?

Answer. I did not know which regiment it was. It was not the zouaves. I saw a regiment, after I was down, move very near my battery, and I saw a shell explode among them, somewhere, I should judge, about the color company; and in speaking of it to Dr. Swan afterwards, the surgeon of the 14th New York regiment, who went over the field the next day, I concluded it was the 14th regiment, because he said he saw a great many of his regiment killed there. I therefore supposed that that was the regiment engaged in that struggle for the battery.

Question. Were you captured with your guns ?

Answer. Yes, sir; I suppose I may say I was taken with my guns. When I was found I was asked my name, and I told them my name was Captain Ricketts. They asked if I was captain of that battery, pointing to one that was moving towards them, and I told them I was.

Question. Your guns were turned upon our troops after they were captured, were they not ?

Answer. They say they were turned upon us; and I remember hearing one or two explosions.

By Mr. Julian:

Question. What kind of support did you receive from the Fire Zouaves ?

Answer. Well, sir, these Fire Zouaves came up to the ground, but they soon got into confusion and left.

By Mr. Odell:

Question. Was that in consequence of want of proper directions from their officers ?

Answer. I should judge, from the manner in which the men stood there, and from their not being properly in line, that it was from want of officers; either that their officers were ignorant of their duty at that time, or that they were not there. I cannot say how that was. Our men really behaved very gallantly up to a certain time.

Question. Did the 14th New York regiment support you at all while you were in position ?

Answer. That I cannot tell you. They were in the woods on my right, I know ; because a number of officers told me about them, though they took them for the Fire Zouaves on account of their red uniform.

WASHINGTON, July 14, 1862.

General M. C. MEIGS recalled and examined.

By Mr. Chandler:

Question. It would appear from some of the testimony we have taken in

regard to the circumstances attending the battle of Bull Run, that one of the causes of the delay of our army at Centreville from Thursday until Sunday was occasioned by a lack of supplies. Do you remember anything in regard to that?

Answer. This is the first I have heard of it. I was called upon to supply a certain number of wagons and horses, the most of which I had to purchase after I was called upon for them. I did all I could. I do not think I supplied them quite as early as I had hoped to do, or as was desired. But my impression has been that before General McDowell moved we could see where were the means of transportation that had been asked for. I may be mistaken about that. I did all that I could, and I think that General McDowell was quite satisfied; at least I never heard any complaint from him in regard to it. We supplied all the wagons that could be obtained, and I think we supplied all that were asked for. The army that moved was larger than it was first intended to move.

Question. Do you recollect the number of troops that were moved out to Centreville?

Answer. My recollection is, that it was first intended that 30,000 men should go, but that some 33,000 or 34,000 actually marched.

Analysis of Beauregard's reports, showing the number of troops in the actions at Blackburn's Ford, July 18, and Bull Run, July 21, 1861.

[The troops occupied a line of eight (8) miles, from Union Mills Ford, on Bull Run, to Stone Bridge.]

	Estimated strength.	Reported.
Ewell's brigade, consisting of—		
5th regiment Alabama volunteers.....	600	
6th.....do.....do.....do.....	600	
6th regiment Louisiana volunteers.....	600	
4 guns, Walton's battery, 12th howitzers.....	60	
3 companies Virginia cavalry.....	180	
	—	2, 040
Holmes's brigade, (re-enforcements added on 20th of July, as reported)—		
Infantry.....	1, 265	1, 265
6 guns.....	90	90
1 company of cavalry.....	90	90
2d regiment Tennessee volunteers.....	600	
1st Arkansas volunteers.....	600	
	—	2, 645
D. R. Jones's brigade—		
5th regiment South Carolina volunteers.....	600	
15th.....do.. Mississippi.....do.....	600	
18th.....do.....do.....do.....	600	
2 guns, Walton's battery, 6-pounders.....	30	
1 company cavalry.....	60	
	—	1, 890

	Estimated strength.	Reported.
Early's brigade—		
7th regiment Virginia volunteers	600	
24th....do.....do	600	
7th regiment Louisiana volunteers	600	
3 guns, rifled, Walton's battery.....	45	
	<hr/>	1, 845
Longstreet's brigade—		
1st regiment Virginia volunteers.....	600	
11th....do.....do	600	
17th....do.....do	600	
2 guns, Walton's battery.....	30	
	<hr/>	1, 830
Jackson's brigade, (re-enforcements added on 20th of July)—		
4th regiment Virginia volunteers.....	600	
5th....do.....do	600	
2ddo.....do	600	
27th....do.....do	600	
33ddo.....do	600	
13th regiment Mississippi volunteers	600	
	<hr/>	3, 600
		1, 261
Part of Bee's and Bartow's brigades, all that had arrived; new regiments, estimated fuller than the others—		
2 companies 11th Mississippi volunteers.....	150	
2d regiment.....do.....	700	
1st regiment Alabama volunteers.....	700	
7th regiment Georgiado.....	700	
8th.....do.....do.....	700	
	<hr/>	2, 950
		2, 732
Bonham's brigade—		
2d regiment South Carolina volunteers	600	
3ddo.....do.....	600	
7th....do.....do.....	600	
8th....do.....do.....	600	
6 guns, Shields's battery	90	
6 guns, Delkemper's battery.....	90	
6 companies Virginia cavalry	360	
	<hr/>	2, 940
Cocke's brigade—		
18th regiment Virginia volunteers.....	600	
19th....do.....do	600	
28th....do.....do	600	
6 guns, Latham's battery.....	90	
1 company cavalry.....	60	
Re-enforcements added on 20th July:		
7 companies 8th Virginia volunteers.....	420	
3....do...49th....do	180	
2....do...cavalry	120	
4 guns, Rogers's battery	60	
	<hr/>	2, 730

	Estimated strength.	Reported.
Evans's demi-brigade—		
4th regiment South Carolina volunteers.....	600	
1 battalion Louisiana volunteers	600	
4 guns, 6-pounders.....	60	
2 companies cavalry.....	120	
Added on 20th :		
Stuart's cavalry, (army of Shenandoah).....	300	
2 companies Bradford cavalry.....	120	
8 guns, (Pendleton's,) reserve.....	120	
5 guns, (Walton's,) reserve	75	
6 companies Hampton's legion, (arrived from Richmond)	600	
	<hr/>	2, 595
Add, also, army of Shenandoah, not in position on the morning of the 21st, but came up during the day as re-enforcements.....		2, 334
	<hr/>	<hr/>
	27, 399	5, 338
	<hr/> <hr/>	<hr/> <hr/>

RECAPITULATION OF BRIGADES.

Ewell's brigade.....	2, 040
Holmes's brigade	2, 645
D. R. Jones's brigade.....	1, 890
Early's brigade.....	1, 845
Longstreet's brigade.....	1, 830
Jackson's brigade.....	3, 600
Bee's and Bartow's brigade.....	2, 950
Bonham's brigade.....	2, 940
Cocke's brigade.....	2, 730
Evans's demi-brigade	2, 595
	<hr/>
	25, 065

This is as the army was posted in the morning, including the army of the Shenandoah, then in the field.

To this is to be added the garrison of Camp Pickens, Manassas, say..	2, 000
Also the remainder of the army of the Shenandoah, which came up during the day	2, 334
And Hill's regiment.....	550
	<hr/>
Making.....	2, 884
	<hr/>
Aggregate.....	29, 949
	<hr/> <hr/>

ANOTHER VIEW.

Regiments and companies, by States, mentioned in Beauregard's report.

	Estimated.	Effective strength.	
Virginia, 1st, 2d, 4th, 5th, 7th, 10th, 11th, 17th, 18th, 24th, 27th, 28th, 19th, and 33d, being 14 regiments, estimated at.....	600	8,400	
6 companies of 8th regiment, 3 companies 49th regiment, and 6 companies Hamp- ton's legion	60	900	
23 companies cavalry.....	60	1,380	
		<hr/>	10,680
Tennessee, 1st regiment, (1)		600	
North Carolina, 5th, 6th, and 11th regiments, (3)...	600	1,800	
South Carolina, 2d, 3d, 4th, 5th, 7th, and 8th regi- ments, (6)	600	3,600	
Georgia, 7th and 8th regiments, (2)	600	1,200	
Alabama, 1st, 4th, 5th, and 6th regiments, (4)	600	2,400	
Mississippi, 2d, 15th, and 18th regiments, (3).....	600	1,800	
2 companies of the 11th regiment.....	60	120	
Louisiana, 6th and 7th regiments, (2).....	600	1,200	
Wheat's battalion, 4 companies, and 6 companies of 8th regiment.....	60	600	
Arkansas, 1st regiment, (1)	600	600	
Maryland, 1st regiment, (1).....	600	600	
Add 50 guns, manned by 15 men each—			
Walton's battery	16	guns.	
Pendleton's .do	8	“	
Imboden's .do	6	“	
Shields's .do	4	“	
Latham's .do	4	“	
Alburtis's .do	4	“	
Kemper's .do	4	“	
Rogers's .do	4	“	
	<hr/>		
	50 guns.	15	750
		<hr/>	15,270
Aggregate			<hr/> <hr/> 25,950

It will be seen that, whether the estimate be taken by brigades or by regiments and corps from States, we come to nearly the same result, and we are warranted in believing the assertion of Beauregard in his official report that the whole number of the army at Manassas was less than 30,000 after the junction of Johnston.

Suppose the whole number of regiments to be filled up, taking the highest number from each State, then the whole army raised by the Confederate States, wherever situated, would be, on that day, as follows :

South Carolina, 8 regiments, at 600.....	4,800
North Carolina, 11.....do.....600.....	6,600
Georgia 8.....do.....600.....	4,800
Alabama 6.....do.....600.....	3,600
Mississippi..... 18.....do.....600.....	10,800

Louisiana.....	7 regiments, at 600.....	4, 200
Tennessee.....	1....do.....600.....	600
Arkansas.....	1....do.....600.....	600
Maryland.....	1....do.....600.....	600
		<hr/>
	Add Virginia, 49 regiments, but we know that these are " <i>militia numbers</i> ," and it is impossible for her to have had more than all the other Confederate States; so we will say 20 regiments of infantry, at 600..	12, 000
		<hr/>
	Total infantry.....	48, 600
	Add 20 batteries artillery, at 90.....	1, 800
	Add 6 regiments cavalry, at 600.....	3, 600
		<hr/> <hr/>
	Grand total.....	54, 000
		<hr/> <hr/>

This must have been the entire force of the confederate army, as we know that the Mississippi numbers are militia numbers, and that the North Carolina numbers are also militia, because I captured the 7th North Carolina volunteers at Hatteras, on the 28th of the following August, and had been organized but a week.

But it may be asked, how do we know that these were not the earlier regiments, and others of much higher numbers had been raised and in service elsewhere; or that large reserves were not left at Manassas, and not brought up.

Beauregard says the whole army of the Potomac was, on the morning of the 21st July..... 21, 833 and 29 guns.
The army of the Shenandoah was..... 8, 334 and 20 guns.

Total..... 30, 167

Beauregard also says, in his report of the battle of Blackburn's Ford, July 18, Rebellion Record, Part 10, page 339 :

"On the morning of the 18th, finding that the enemy was assuming a threatening attitude, in addition to the regiments whose positions have already been stated, I ordered up from Camp Pickens, (Manassas,) as a reserve, in rear of Bonham's brigade, the *effective men of six companies* of Kelly's 8th regiment Louisiana volunteers, and Kirkland's *eleventh regiment* North Carolina volunteers, which, having *arrived the night before en route for Winchester*, I had halted in view of the *existing necessities of the service*."

With any considerable force at "Camp Pickens," (Manassas,) would this regiment either have been stopped *en route*, or the effective men of *six companies only* ordered up as a reserve?

In his report of Bull Run, July 21, Beauregard also speaks of the "intrenched batteries at Manassas" being under the command of Colonel Terret.

Is it possible that the rebels have been able to more than quadruple their forces in the last six months, with the whole world shut out from them, over what they did in the first six months?

All which is respectfully submitted.

BENJ. F. BUTLER.

BOSTON, February 11, 1862.

BALL'S BLUFF.

REPORT OF GENERAL McCLELLAN.

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, November 1, 1861.

Sir: I have the honor to forward herewith Brigadier General Stone's report of the engagement near Leesburg on the 21st ultimo. I also transmit a copy of the telegram sent by me to General Stone on the 20th, being the same mentioned in the beginning of his report as the basis of his movements. I also enclose a copy of his telegram in reply, on same date. My telegram did not contemplate the making an attack upon the enemy or the crossing of the river in force by any portion of General Stone's command; and not anticipating such movement I had, upon the 20th, directed Major General McCall to return with his division on the morning of the 21st from Drainesville to the camp from which he had advanced, provided the reconnoissances intrusted to him should have been then completed. Being advised by telegrams from General Stone, received during the day and evening of the 21st, of the crossing of the river, the fall of Colonel Baker, the check sustained by our troops, and that nearly all his (Stone's) force had crossed the river, I sent to him, at Edwards's Ferry, the following telegram, at 10.30 p. m.: "Intrench yourself on the Virginia side and await re-enforcements, if necessary." I immediately telegraphed Major General Banks to proceed with the three brigades of his division to the support of General Stone; and, advising the latter that he would be thus supported, I directed him to hold his position at all hazards. On the 22d I went personally to the scene of operations, and, after ascertaining that the enemy were strengthening themselves at Leesburg, and that our means of crossing and recrossing were very insufficient, I withdrew our forces from the Virginia side.

I am, sir, very respectfully, your obedient servant,

G. B. McCLELLAN,
Major General Commanding, U. S. A.

HON. SECRETARY OF WAR.

ADJUTANT GENERAL'S OFFICE, *March 4, 1862.*

Official.

E. D. TOWNSEND,
Assistant Adjutant General.

[Received October 20, 1861, from Camp Griffin.]

Brigadier General STONE, *Poolesville:*

General McClellan desires me to inform you that General McCall occupied Drainesville yesterday, and is still there. Will send out heavy reconnoissances to-day in all directions from that point. The general desires that you keep a good lookout upon Leesburg, to see if this movement has the effect

to drive them away. Perhaps a slight demonstration on your part would have the effect to move them.

A. V. COLBURN,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE, *March 4, 1862.*

Official.

E. D. TOWNSEND,
Assistant Adjutant General

[Headquarters Army of the Potomac.—Washington, October 20, 1861, received from Poolesville.]

Major General McCLELLAN :

Made a feint of crossing at this place this afternoon, and at the same time started a reconnoitring party towards Leesburg from Harrison's island. Enemy's pickets retired to intrenchments. Report of reconnoitring party not yet received. I have means of crossing 125 men once in ten minutes at each of two points. River falling slowly.

C. P. STONE, *Brigadier General.*

ADJUTANT GENERAL'S OFFICE, *March 4, 1862.*

Official.

E. D. TOWNSEND,
Assistant Adjutant General.

WASHINGTON, *December 27, 1861.*

General F. W. LANDER sworn and examined.

By Mr. Chandler :

Question. You were at Edwards's Ferry, were you not, when our troops were thrown across there ?

Answer. Yes, sir.

Question. What date was that ?

Answer. It was either the 22d or the 23d of October. It was the day after the fight at Ball's Bluff, which I think was the 21st.

Question. Was your brigade thrown across the day after the Ball's Bluff affair, or prior to that ?

Answer. One of my regiments, the Massachusetts 20th, was thrown across at Ball's Bluff the day before. Another of the regiments, the 19th Massachusetts, was put in possession of Harrison's island at Ball's Bluff. One of my regiments, the 7th Michigan, unarmed, or armed only with the Belgian rifle, which would not go off, had been thrown across at Edwards's Ferry before I arrived. One company of sharpshooters and one company of the 19th regiment had been thrown across at Edwards's Ferry. When I arrived, therefore, from Washington, where I had been by orders from headquarters, I found my regiments scattered every way. I applied to General Stone to be sent to Harrison's island, thinking I might get off some of the 20th and some of the arms that had been taken. Harrison's island is at Ball's Bluff. Edwards's Ferry is from five to seven miles south. I collected all the camp guards, called in the grand guard, and managed to collect three companies of my brigade, which I took over at Edwards's Ferry. They were tired, beat out, and wet through, and had been out all night, and were part of those who had got off from the fight the day before. I had put them

under some haystacks, and told them to get some sleep. When I met General Stone, and reported to him, about daylight on the morning of the 22d, I had come up from Washington in the night, he thought I better not join the regiment at Harrison's island, but stay there and consult with them. General Banks then asked me what I thought better be done. I asked him what the orders were from headquarters. He said to hold the position on the other side of the river at all hazards. I then said "there is nothing to be done but to re-enforce the men there at once." He spoke about the men being rested, as they had made a long march there, and getting cold and wet. I replied that there was no time to rest; that I had a regiment over there without guns, and, as the position was to be held, they must be immediately supported. He said he would give the order. I then said, "as I have no brigade, as my regiments are scattered everywhere, I will act as aid, or reconnoitring officer, or anything you choose." General Banks said something to me then. However, I went down to the river, crossed, and went to the front. On my way I met General Gorman who urged upon me to go back and press upon General Banks the propriety of withdrawing all our troops then and there. I replied that I had already advised carrying out the orders of the general-in-chief and holding the position at all hazards, as I had a regiment there without arms. Having lost one regiment, the 20th Massachusetts, I believed it was about time to save another. He said the position could be enfiladed by the enemy's fire; that he knew the country, and that it was a very risky matter. I did not reply, but went to the front. I met Colonel Tompkins. He asked if I had come to take command, saying, if so, he was glad of it. I said that as he was doing well, and as some of the men were marauding, and I should have to have some of them shot if I took the command, I would not take it then. If there was fighting, however, I would take it. I then went on, and met the lieutenant colonel of a regiment. In my opinion the rifle-pits were dug in the wrong direction. I told Colonel Grosvenor, of the 7th Michigan, to hide his men in the ravines, and if a charge of cavalry came down and tried to cut off the artillery, to form in a hollow square behind them and use the bayonet. He said he would. The line I proposed extended from a farm-house on the right and rested upon a wooded hill on the left. I supposed the enemy might make a reconnoissance on that hill, or in the woods. I stationed the sharpshooters behind that hill, behind shocks of corn and along the fence, and took their captain with me to make a general reconnoissance, and afterwards took Major Howe and his company of skirmishers under Captain W——, and made a reconnoissance of the woods. About that time Colonel Tompkins sent up one company and occupied a bridge across Goose creek. I sent word back to send two more companies up there to re-enforce them. At four o'clock in the afternoon the enemy attacked us on our extreme left. I was the only general officer then at the front, and was confident that no general officer was near enough to make any report of how they attacked, or how our men defended themselves. They attacked with about 700 men, for a reconnoissance, leaving about 2,000 men on the hills in plain sight, within cannon shot, but not within rifle shot. They drove in a Minnesota company on the left, killing some of them. That company fell back on the main body and drove in the extreme left of the Andrews sharpshooters under my command, probably twenty rods. The sharpshooters kept up a flanking fire on the rebels. The enemy not being able to ascertain the numbers arrayed against them, and losing a great many men, fell back on their main body.

Question. And they did not again attack you ?

Answer. No, sir.

Question. What force had you on the other side ?

Answer. Me, myself, with my brigade ?

Question. No, sir. How many men were there across the river?

Answer. I estimate that there must have been over 4,000 at the time the enemy attacked.

Question. This was the day after the Ball's Bluff affair?

Answer. Yes, sir.

Question. Do you know how many men were across at the time of the Ball's Bluff affair?

Answer. I do not know only what I have been told.

Question. From the best information you have, what number was thrown across at that time?

Answer. From 2,000 to 2,700 men.

Question. On the day of the Ball's Bluff affair?

Answer. Yes, sir; from noon to nine o'clock at night.

Question. What distance were they from the fight at Ball's Bluff?

Answer. There is a bend in the river, and reported to be three and a half miles around; but I think it is six or seven miles on the western bank.

Question. I mean to go around in their rear?

Answer. The captain of the sharpshooters told me it was only three and a half miles, and when they heard the firing they wanted to join their friends; but I suppose it is five miles.

Question. Was there any insuperable obstacle in the way of throwing a body of men in their rear and capturing the attacking force?

Answer. That was the arrangement of General Stone.

Question. Why was not that move made?

Answer. That I cannot tell; from the checking of the first advance of Davies, I suppose.

Question. Suppose these men had advanced at double quick and attacked the enemy in the rear?

Answer. It is said there was a masked battery between, but that could not interfere with skirmishers and sharpshooters. They could not lose over 100 men in passing them. I think the junction could have been made.

Question. You do not consider the obstacle insuperable?

Answer. Not at all; not by any means.

Question. Then an enterprising general would have had a sufficient force there to have swept around in their rear by double quick and capture the captives and the capturers?

Answer. If he had been informed of the circumstances. It appears strange to me that either General Stone or General Gorman did not order up men to relieve the men engaged when they heard the firing that afternoon. And it also appears strange to me that Devens, or Lee, or Baker did not attempt to fight their way down. He knew his friends were on that side of the river, or, if he did not know it, he should have been apprised of it.

Question. Are you advised of the fact that General McCall's division made a reconnoissance up to within a few miles of Ball's Bluff, up to near Drainesville?

Answer. Yes, sir; I heard of that.

Question. What is the distance from Drainesville to Ball's Bluff?

Answer. I do not know.

Question. Do you know the distance from Leesburg to Ball's Bluff?

Answer. I have a general idea, but I do not think I could state exactly.

Question. Do you know whether McCall's division was at Drainesville on the day of the Ball's Bluff disaster?

Answer. I do not know.

Question. Had that reconnoissance of McCall's division been pushed on

to Leesburg instead of stopping at Drainesville, would the disaster of Ball's Bluff, in your estimation, have occurred?

Answer. It could not have occurred. But McCall would have exposed his division a great deal to being cut off if the enemy had chosen to throw a column between him and our main body.

Question. McCall's division is a full division of 12,000 men, is it not?

Answer. I think so.

Question. And Smith's division, a full division, was within supporting distance of McCall, was it not?

Answer. I think so.

Question. And Banks's division was on the other side of the river?

Answer. It was twelve miles off.

Question. With sufficient transportation there were four divisions of the army within sixteen miles of that point?

Answer. Yes, sir.

Question. That, under a forced march, would not be over four hours' distance?

Answer. No, sir; I had advised the plan of which you speak: to throw forward McCall's division, provide transportation for Banks's division, then throw Banks across the river and back up McCall with sufficient force so that he could be within supporting distance on that side. That was laid before the staff before the Ball's Bluff affair at all. I said I had a regiment of Michigan men who could make all the bridges they wanted.

Question. You had discussed these things before that?

Answer. Yes, sir; twelve days before that.

Question. So that you could have had four divisions of the army within sixteen miles. Could the men of that wing of the enemy, in your estimation, have escaped if that had been carried out?

Answer. If our men had stayed where they ought to, I suppose it would have been quite a feat for them. In that matter of Ball's Bluff General Stone was tripped up by circumstances. He started on information, which afterwards did not prove to be correct, that there were few men there. General Baker crossed with those two boats, and their having a reverse, and instead of running for their friends down towards the woods, down at Edward's Ferry, or kept them in the form of a hollow square so as to guard against cavalry, by which means a great share of them would have reached Edward's Ferry—instead of that, they tried to get back across the river and sunk one of their boats.

Question. Whose duty was it to have provided sufficient transportation for that passage before it was made?

Answer. It is the duty of the general who has the responsibility of making the attack. It is regarded as the duty of a good commanding general, especially when he has inexperienced men, to see that all these things are provided. I regard General Stone, from my communication with him, as a very efficient, orderly, and excellent officer. From my experience of crossing rivers on the great plains, moving emigrants, throwing off trains to cross at different points so as not to get the animals mixed up and drowned, I think there was an error there. Perhaps from want of information they did not make preparations beforehand. If we had orders to cross that river, we should have had them a week beforehand.

Question. Did you see any batteries there that were an obstacle to moving up to relieve Baker?

Answer. I told my lieutenant colonel I was of a great mind to steal 3,000 men and take the town of Leesburg. It is true that, as there were two generals there who outranked me, I should have been broken. I could have done it, I think. At least that shows I did not think much of their batteries.

Batteries are pretty bad things for columns of troops, but not for riflemen and skirmishers.

WASHINGTON, D. C., *December 28, 1861.*

General GEORGE A. McCALL sworn and examined.

By Mr. Chandler :

Question. You were ordered on a reconnoissance in force some time about the 21st of October, were you not?

Answer. I marched on the morning of the 19th to Drainesville.

Question. How far did you go on that reconnoissance?

Answer. I measured the road to Drainesville, which is $11\frac{1}{2}$ miles, and I reconnoitred the country four miles beyond.

Question. Drainesville is on the turnpike to Leesburg, is it not?

Answer. Yes, sir.

Question. Did you go to Sugarland Run?

Answer. I went three miles beyond Sugar creek, and then to the right as far as the river, and to the left as far as the railroad, and to some distance in the rear on both sides.

Question. Did you reconnoitre as far as Broad Run?

Answer. I reconnoitred to a hill which overlooks the run, but not to the run itself.

Question. What is the distance from your outer reconnoissance to Leesburg?

Answer. It is about 11 miles.

Question. How far were you from Ball's Bluff, from your outer reconnoissance? I should infer from the map that it was about 6 or 7 miles, was it not?

Answer. Ball's Bluff could not be reached from Drainesville under 17 miles, by any road.

Question. Your reconnoissance, you say, reached Broad Run?

Answer. The brigade which I advanced to Drainesville remained there. I did move on that night (Saturday) $2\frac{1}{2}$ or 3 miles beyond Drainesville, but was ordered back to Drainesville by General McClellan, who rode up to the ground. The reconnoissance was made by small parties.

Question. This was on Saturday, the 19th of October?

Answer. Yes, sir.

Question. You took out your whole division on that reconnoissance?

Answer. Yes, sir.

Question. To Drainesville?

Answer. No, sir; not to Drainesville. Two brigades remained at Difficult creek.

Question. And two brigades marched on to Drainesville?

Answer. One to Drainesville.

Question. And then your small reconnoitring parties went from there?

Answer. They radiated from there all around the country, 3 or 4 miles in every direction.

By Mr. Odell :

Question. About what force was there in those radiating reconnoissances?

Answer. One reconnoissance, made down to Hunter's Mill, where it was understood there was a body of troops, was accompanied by two companies of rifles. The others had not more than half a dozen mounted men each.

By Mr. Chandler :

Question. How long did you remain at Drainesville with your brigade ?

Answer. Until 10 o'clock on Monday morning.

Question. That is, Saturday night, Sunday, Sunday night, and until Monday morning at 10 o'clock ?

Answer. Yes, sir.

By the chairman:

Question. What time was the order from General McClellan to fall back ?

Answer. Just about sunset on Saturday night I was ordered to fall back to Drainesville, and from that point make reconnoissances three or four miles all around. On arriving at a little branch this side of Drainesville, I had found that there was a scarcity of water—I thought not enough for my cavalry horses. I inquired of two suspicious men I had taken up on the road how far it was to Sugarland creek. I had not a correct map of the country. They said it was just beyond Drainesville. I asked how large was Drainesville, and they said it was about as large as Lewinsville. Lewinsville you could pick up in your hand, as you might say—half a dozen houses. I said I would go on where I could get abundance of water. I went on, and found that Sugarland creek was a mile and a half beyond Drainesville, and that Drainesville was a row of scattering houses all that distance, and all called Drainesville. I found the ground was not what I could encamp on. I then went on, and encamped on a hill—an excellent position to meet an attack from Leesburg. But the enemy might have come up from Centreville, and attacked my flank. I therefore sent back for the second brigade to come on and take a position at right angles with my front, which would leave my position perfectly secure.

Question. That was beyond Sugarland creek ?

Answer. Yes, sir; beyond that. However, General McClellan had told me that he would probably ride out if he had time; and he came as far as Drainesville, and then sent on Captain Colburn and the Count de Paris, to say to me that if my position was not a very strong one, to fall back upon Drainesville.

Question. This was on Saturday night ?

Answer. Yes, sir; soon after I reached my position he sent me this word. That was sufficient, and I returned immediately to Drainesville.

By Mr. Odell:

Question. He left the matter to your judgment ?

Answer. No, sir; he told me I had better return if my position was not a very strong one.

Question. Well, sir, that left it to your judgment as to what your position was, did it not ?

Answer. Not exactly. I told Colburn I thought my position strong enough. He said then that the general would be better satisfied if I should return. So that it was not left entirely to my discretion. It was in that way exactly. And I did return, and took that position at Drainesville.

By Mr. Chandler:

Question. And you remained there over Sunday, and until 10 o'clock on Monday morning ?

Answer. Yes, sir.

Question. That was the time you returned from Drainesville on Monday, was it ?

Answer. I returned between 10 and 11 o'clock.

Question. Was that retiring by order of General McClellan ?

Answer. Yes, sir.

Question. Issued that morning?

Answer. Yes, sir; about 8 o'clock. The history of that matter is this: General McClellan ordered me, at Drainesville, to return the next day—Sunday. Sunday morning, having sent out these parties, (for I was making a regular survey, not a reconnoissance, but a regular plane-table survey of a great part of the country, and measuring the roads with a gradometer.)—on Sunday morning I sent an express to him, about 10 o'clock perhaps, that I should not be able to get through with the work that day. His reply came in late at night. He said, "If you finish in the morning, return." At 6 o'clock Monday morning I reported to him that the engineers whom I had consulted reported to me that they would finish their work in two hours. I sent that express to General McClellan at 6 o'clock. I got his reply, dated 8 o'clock, telling me to return as soon as the work was finished. I got his answer between 9 and 10 o'clock. I ordered the troops then to be ready to move, and, as soon as the work was finished, I returned to my camp under orders.

Question. Did you discover the enemy at all in that reconnoissance?

Answer. None in the direction of Leesburg. But all along the Loudon and Hampshire railroad, in three or four places, we found their scouts, and encountered them in one place, and killed one man and wounded another. Five men with their rifles emptied four saddles, and one of the other parties was fired on also.

Question. Have you now any definite idea as to the force in front of you at Leesburg, or the force that fought at Ball's Bluff?

Answer. I understood that it was Evans's brigade—I suppose 2,500 men.

By Mr. Odell:

Question. At Ball's Bluff?

Answer. Yes, sir.

By Mr. Chandler:

Question. Had your division been ordered up to Leesburg and taken possession of it on Sunday, have you any idea that the battle of Ball's Bluff would have been fought on Monday?

Answer. We would have had a pretty hard fight to have taken possession of it; it was pretty strongly fortified on this side.

By Mr. Odell:

Question. How many were there at Leesburg?

Answer. I suppose there were 2,500 men. It was the troops which were at Leesburg that fought at Ball's Bluff.

By Mr. Chandler:

Question. How far is Edwards's Ferry from Ball's Bluff?

Answer. It is but a short distance.

Question. Only three or four miles?

Answer. Not more than that, I should think. Hardly so much, I should suppose, from the map—not more than two miles.

By the chairman:

Question. It seems to me singular that you should have been ordered back while Stone was ordered across the river.

Answer. General McClellan told me, when he gave me the orders to march Saturday morning, that there were no confederate troops at Leesburg; that

they had left there several days before. On my arrival at Drainesville all the inhabitants told me that the brigade at Leesburg had crossed Goose creek and returned to Manassas on Tuesday; that was a thing clearly understood. We did not see a man on the Leesburg road. I ascertained afterwards that Evans had sent back his heavy baggage, with a guard, and that body crossing Goose creek gave rise to the report that he had retired with his whole force. But he was there at the time I was at Drainesville, but I did not know it. Had I been ordered forward, I have not the slightest doubt that I could have defeated Evans and captured his whole command. But it certainly would have been a very delicate matter, because they could have thrown up 20,000 or 30,000 men from Centreville and cut off my retreat from Drainesville.

By Mr. Chandler:

Question. Was not Smith's division as near Drainesville as was Centreville?

Answer. It is about twenty-eight miles from Langley to Leesburg, and from Centreville it is not so much. From Centreville to Leesburg is only about fifteen miles.

By the chairman:

Question. The question is whether Smith could not have supported you with his division as quickly as they could have sent up re-enforcements from Centreville or Manassas?

Answer. No, sir. They could have reached Drainesville before Smith could have done so, although he is nearer, and for this reason: that information is carried to them rapidly and directly, and is cut off from us entirely.

Question. It would be from want of information, then?

Answer. Yes, sir.

By Mr. Chandler:

Question. Your couriers were not interrupted, were they?

Answer. They would have been, undoubtedly.

By the chairman:

Question. If the supposition was that Leesburg was a strong position, and that the enemy had entirely evacuated it, would it not have been a good thing to have taken possession of their works there?

Answer. It would have been a detached point, and too far off for support.

Question. You could at least have destroyed their strong works?

Answer. It would have been without supporting distance of our line. Our line is a well-marked one, from my right, which rests on the river just above Langley, to down below Alexandria. And to have thrown forward a force on the Virginia side to that distance would not, in my judgment, have been judicious.

Question. Then what was the object of ordering Stone across the river while you were ordered back?

Answer. I do not think it was intended to order Stone across the river. I never did believe it.

By Mr. Chandler:

Question. How did he go? Without orders?

Answer. I cannot say that he did altogether without orders. When I saw Stone's printed report in the newspapers of that affair at Ball's Bluff, in which it appeared that he had founded in some degree his movements across the river on my being at Drainesville, I went to General McClellan's

headquarters at once. I could not see him, for he was very much engaged at the moment. But I saw Colburn, and told him that that report put me in a false position entirely, and that it must be corrected. Says I, "What orders were given to Stone?" He said he wrote the telegram himself, and that it was that I was making a reconnoissance as far as Drainesville, and to be on a sharp lookout. I think either that Colburn misunderstood the general's order, or that Stone gave too broad an interpretation to it—a little of both I think; because, from my conversation with General McClellan on Friday, the day before I made the reconnoissance, I did not suppose that any such announcement as that was at all possible. I have never been able to account for Stone's movement, which was certainly a very injudicious one.

By the chairman:

Question. You read General McClellan's report of that affair?

Answer. Yes, sir.

Question. Did he not state there that his order to Stone was to make a slight demonstration that might have the effect to remove the enemy from Leesburg?

The witness. Do you mean that that was Colburn's despatch?

Question. Did not General McClellan in his own report—it occurs to me that he did—say that he ordered Stone to make a slight demonstration that might have the effect to remove the enemy from Leesburg?

Answer. I do not recollect.

Question. Well, I will put it hypothetically. If such an order was given, what would be Stone's duty under so vague an order as that, considering the position in which these armies were placed? Would it not be incumbent upon Stone to cross the river under such an order, and endeavor to dislodge the enemy at Leesburg?

Answer. He should not have undertaken it, because he had not the means of crossing. I should not have undertaken it under such a vague order; nor would I have done it if I had had a positive order. I would not have thrown away those men.

Question. Then the fault would be both in him who gave such an order, and in him who executed it?

Answer. I mean if such an order was given.

Question. I mean that. I put it hypothetically.

Answer. If Stone had reported that he had the means of crossing the river, then there would have been no mistake in giving such an order. Stone has misstated, unintentionally no doubt, one or two things in his report. It proved afterwards that he had not the means to cross at all; he could not have crossed in the face of the enemy.

Question. Suppose that he had had the means, or that General McClellan supposed he had the means, of crossing, what could have been the object of ordering him to cross when it was unsafe for your whole division to remain where it was, but it was ordered back? In other words, if it was unsafe for you to stay where you were, how could it be supposed that Stone could safely cross?

Answer. On that ground it could not be supposed; because I never did believe that McClellan had any such intention, because the moment he heard of it he went up and recalled the troops. I do not believe that it ever was McClellan's intention for Stone to cross, because, as I remarked just now, Leesburg is so far in advance of our lines that it is without supporting distance, and there is no object for taking it.

Question. It occurred to me that a concentration of forces might have been made, and a decisive battle fought there as well as at any other

place. Suppose you had been ordered up, Smith's division had been ordered up, and other divisions next to them had been ordered up along there, Stone's division been ordered over, and Banks's division ordered over also, so as to be able to meet any force they could have brought from Manassas or Centreville into the open field, would not that have been a good time to have done it?

Answer. No, sir.

Question. If they had failed to come out then, you would have cut their left wing up entirely?

Answer. That would have brought on the general battle of the campaign, and McClellan was not ready to fight that battle at that time.

Question. Why not?

Answer. He had not the force. His men were not disciplined as they are now. It would have been, I consider, a very imprudent thing. And I have not the smallest doubt that McClellan saw that at once, and he knew that if an affair of one or two brigades took place there, the probability was that it would have brought on the general battle of the campaign, and terminated perhaps the campaign. He was not prepared for it, and did not want to fight there. I am almost certain of that, judging from my knowledge of the man, and from what I think I should have done myself under the circumstances.

By Mr. Chandler:

Question. Suppose a pontoon bridge had been thrown across, either at Edwards's Ferry or at Ball's Bluff—which, as I understand, is $3\frac{1}{2}$ miles from Leesburg—and Smith's division had been ordered to your support, there would have been your two entire divisions, which would give you from 30,000 to 32,000 men, would it not?

Answer. No, sir: say about 28,000 men.

Question. Then there are Stone's and Banks's divisions. So that you would have had four entire divisions within $3\frac{1}{2}$ miles of Leesburg, if this pontoon bridge had been thrown across, which would have given you from 56,000 to 60,000 men within five miles of Leesburg, at what you say is a strong defensive position. Have you any idea that the enemy could have commanded force enough to meet those 56,000 men at that time at Leesburg, with any hope of success?

Answer. Perhaps not.

Question. They must have been cut up and entirely destroyed?

Answer. That small force there would have been.

Question. And any force they could have brought up to support it?

Mr. Odell: Are you not losing sight, Mr. Senator, of the fact that the enemy could have brought up their force to support?

Mr. Chandler: I am supposing that Smith's division had been, at the first, ordered up to support General McCall's division. I am supposing that this is a demonstration not only to take Leesburg, but to be in force to meet the enemy if they come out and offer battle, and to meet them at a disadvantage. I am trying to show that had this position been taken, which the general says is a strong and defensible position, with 56,000 to 60,000 men—

Question. (To witness.) I now ask whether that 56,000 or 60,000 men could not have held that strongly defensible position and utterly destroyed the enemy, if they had come out to attack them in that position?

Answer. Yes, sir; but they never would have done it, or if they had, and we had not been strong enough, we would have had a bridge to retire across the river upon, and could have taken up the bridge after us, and have all safe. That would have put a new phase on the matter entirely. But Stone

had but two scows, or flatboats, and one of them was sunk, and his men driven into the river.

Question. This canal has a large number of good-sized canal-boats. Now, with a regiment of lumbermen, how long would it have taken them to have thrown a pontoon bridge, with those canal-boats, across the river?

Answer. Not more than a half day, I think.

By the chairman:

Question. Why would it not be much better now to go over that same ground—make a bridge across there, order up all the force there to oppose anything they could bring out of Manassas, and either cut off their left wing or hazard a battle, as it would certainly be fought outside of their intrenched camp?

Answer. They would not fight us there.

Question. Then they would lose their left wing?

Answer. I do not see that. That post of Leesburg is not an important post to them, and I do not see why they occupy it.

Question. Then, would they hazard a battle outside of their intrenchments to preserve it?

Answer. Not against a large force.

Question. Your objection I supposed to have turned upon the fact that such a movement on our front would have brought on a general battle there?

Answer. I mean the sending out a small force. If we send out 10,000 men, they would send 20,000 against them; if we send 30,000 to support, they would send their whole force, perhaps; and in that way, not all at once, the battle of the campaign would most likely have been fought there, and General McClellan did not desire that; and therefore it was a very difficult measure, because there was a probability of its bringing on this battle when he did not desire it.

Question. I am speaking now of the future rather than of the past. If you could bring the enemy out of the intrenchments on ground chosen by ourselves, and fight a decisive battle there, would it not be the best thing that could now be done?

Answer. Yes, sir; but they would not fight us there.

Question. Then I would push on the expedition until they would fight—until I got across to Staunton even.

Answer. They would retire into their intrenchments into Centreville.

Question. Then you could cut their line of communication with the southwest; and the moment you get across their railroad there, they cannot support their present position, can they?

Answer. This must be taken into consideration: how are we to get our supplies to our army? That is the question.

Question. That is a question I know. Suppose, however, the quartermaster should say that he could furnish the army with supplies; that he had sufficient means of transportation to do that?

Answer. The only question is to ask him, how many wagons he has. A thousand men will consume 2,500 pounds of provisions a day. Take 50,000 men, and you can easily calculate how many wagons you would require a day.

By Mr. Chandler:

Question. A thousand wagons would be sufficient, would it not, for 50,000 men, to carry their provision along a line of 20 to 25 miles?

Answer. Yes, sir, for subsistence; and then there are your munitions of war; your intrenching tools; the quartermaster's tools, &c.; and then the

great thing is forage. Now, that country is swept of forage, and your horses are useless in three days without forage. These are the difficulties.

Mr. Odell: Is there not another difficulty? You talk, Mr. Senator, of going down with an army to bring these men out, which the general thinks they will not do. Suppose we make an experiment of that sort, and require these thousand wagons. The enemy have swept the country of forage and everything else. Suppose the army we send out get out here, and their thousand wagons are cut off while bringing supplies to them; what are you going to do?

Mr. Chandler: Our line of communication is guarded, of course. You must guard your line of communication. If you send 50,000 men on such an expedition, you must have them supported by another 50,000 men on the line of communication.

By Mr. Odell:

Question. Is there anything in that, general?

Answer. Undoubtedly.

By the chairman:

Question. That was your opinion exactly, was it not?

Answer. It has occurred to me that if we should undertake this thing coolly and deliberately—lay a railroad as we go along, and maintain every foot of ground as we gain it, and bring a train along with us—it might be done. We can do it in no other way.

Question. You have spoken about the difficulties of transportation, and its cost. If no offensive operations are designed, then why are our camps from seven to ten miles away from the river? What advantage do we gain by carrying that additional transportation over what we would have if our force was encamped along the river?

Answer. This line of camps is a defensive line.

Question. Against what?

Answer. Against an attack upon Washington.

Question. But our intrenchments are for that. If the line of camps are for defence, what are our intrenchments for?

Answer. To maintain the strong points on that line. You do not want to intrench your whole line; but you want redoubts, or roulettes, or something of that kind—small forts at certain prominent points which are the most assailable.

Question. What disposition are you now making of the contrabands that come into your lines?

Answer. I have been ordered to receive all that come in and send them into Washington.

Question. You do not send them back to their owners?

Answer. No, sir.

WASHINGTON, *December 30, 1861.*

General WILLIAM F. SMITH sworn and examined.

By Mr. Chandler:

Question. Were you present with your division, at the time of the reconnoissance by General McCall to Drainesville—about the time of the affair at Ball's Bluff?

Answer. I had my division out at that time. My division was all out at that time.

Question. How far advanced from your quarters ?

Answer. I had them out from four miles to between six and seven miles.

Question. For the support of General McCall, in case he should be attacked ?

Answer. It was to cover the Alexandria and Leesburg turnpike, and the roads, so far as we could cover them, leading from Centreville to Drainesville.

Question. What was the distance from your division to Leesburg at that time ?

Answer. I had one command there, [pointing to the map.]

By Mr. Odell:

Question. That is where you had a skirmish at one time, was it not ?

Answer. I have had two there. I had one command on the hill overlooking the road to Vienna, and I had troops as far as Flint Hill, where they came in contact with the pickets of the enemy. It was some distance this side, on a hill called Peacock's Hill, that overlooked the country about Hunter's Mill, and the road from Hunter's Mill up into this turnpike. The artillery swept that road. There is a road leading directly out of Drainesville, going off in this direction and leading into this road, [pointing on the map,] and going to Centreville. That road we could not command. I suppose we were between six and seven miles from Drainesville, and that place is, I believe, about 12 miles from Leesburg; so that we were about 18 miles from Leesburg.

By Mr. Chandler:

Question. You were sufficiently near General McCall, I suppose, in case he was attacked ?

Answer. Yes, sir; we could go right out on the turnpike.

WASHINGTON, *January 5, 1862.*

General CHARLES P. STONE sworn and examined.

By the chairman:

Question. What is your position and rank in the army ?

Answer. I am colonel of the 14th regiment of infantry, and a brigadier general of volunteers.

Question. What number of men have you under your command ?

Answer. I have for duty some 10,300.

Question. Where are you stationed ?

Answer. I am stationed at Poolesville, Maryland.

Question. What is the condition of your men in regard to health ?

Answer. They are in very good health.

Question. And what is their condition as regards discipline ?

Answer. That is a very difficult question to answer, because there are so many grades of discipline.

Question. I mean as volunteers. You, of course, do not expect them to be veterans.

Answer. The discipline is good for an army of its size, and under present circumstances.

Question. Are your troops well armed ?

Answer. Yes, sir.

Question. What is the condition of the roads now for moving the army, with its paraphernalia, provisions, artillery, wagons, &c. ?

Answer. The condition is one day very good, perhaps the next day very

bad, according to the weather we have. One night's freezing makes the roads passable; one day's rain makes them difficult.

Question. You belong to the regular army, and have been a long time in the service. Now, what is your opinion with regard to making an advance movement—an aggressive movement—upon the enemy this season?

Answer. It depends, and must depend, upon this: I must have the knowledge and the plans of the commanding general to be able to give an opinion upon that subject.

Question. I do not ask you what are the plans and information of the commanding general. I ask you what is your judgment—what you would do were you the commanding general?

Answer. I took your question in that way. It is absolutely impossible for any man who has not in his own head the positions, capacity, numbers, and armament of the troops, and the large knowledge of the enemy which a commanding general ought to have—without that knowledge it is impossible for any man to give a sane opinion upon the subject.

Question. But a soldier of your skill, science, and position of course must know very much about such matters?

Answer. I have as much as I can possibly do. I try to keep up with the movements of the army, and the movements of the enemy generally as well as I can. I try to study the maps of Tennessee, Kentucky, Missouri, South Carolina, and Louisiana as much as I can. But I find if I do my own duty in my own division, I have almost as much as I can do, for sixteen hours out of the twenty-four. I am not able to keep up a knowledge of the different positions of the corps of the army. I have not even the opportunity that you gentlemen have for that.

Question. Do you know of any insurmountable obstacle to an advance at this season? I mean whether you know of anything—whether the season would be an insurmountable obstacle, or, indeed, whether there is any other obstacle that you know of?

Answer. I do not regard, in a military point of view, any season or any circumstance of nature an insurmountable barrier, if you have the means to overcome it. We know of the campaign to Quebec in midwinter; we know of the campaign of the Alps, and the campaign of Russia. There are no circumstances to render a movement impossible if a general has the means to overcome it.

Question. What I mean by insurmountable obstacle is an obstacle that would render it extremely hazardous and imprudent to attempt any such thing. Of course, no man can say absolutely that any enterprise will be successful.

Answer. A movement where?

Question. I was going to ask you where to make it, if you found no obstacles. I want to get the plans of different military gentlemen who have reflected much upon this subject. I would ask you your own plan. Where, in your judgment, would be the best place to move?

Answer. If I had any plans, I should not wish to tell them, even to my aide-de-camp.

Question. That might be so.

Answer. Or to anybody else; certainly to no one outside of him. If I had plans of operations, I would not confide them to my own staff, to have them discussed by them, until the moment came to put them in action.

Question. That is not precisely now what we want to get at. We want to get your opinion, as we have those of other men of military science—not what you are going to do, for you are not the commander-in-chief—but your opinion, so as to enlighten us as to what plans appear to you to be the best;

but I do not know that it is an inquiry very material. I will ask you, then, how long has your division occupied the position you now occupy?

Answer. The exact position I now occupy, and the extent of line I have now—

Question. I mean about the same place—not far distant from it.

Answer. I have been there about in that neighborhood with my present command since the 15th of August.

Question. How far are you from General Banks?

Answer. I think I am at this time about twenty-two miles from his position; that is, it is about twenty-two miles from my headquarters to his.

Question. How far are you from Leesburg, across the river?

Answer. I have troops within about two miles from Leesburg.

Question. You are on the Maryland side of the river, I understand?

Answer. Yes, sir.

Question. Have you troops on the Virginia side?

Answer. No, sir; I will change my statement. I do not think I have any troops now nearer than three miles from Leesburg.

Question. You have troops on the island in the river there?

Answer. We scout that island.

By Mr. Odell:

Question. You refer to Harrison's island?

Answer. Yes, sir.

By the chairman:

Question. Were you in command there at the time of the fight at Ball's Bluff?

Answer. I was; yes, sir.

Question. What was the object of that enterprise of crossing the river on that occasion?

Answer. I was guarding at that time the entire line of the river. I occupied Harrison's island with a small observing force. A small party was sent over from Harrison's island, under the concealment of Ball's Bluff, to pass up towards Leesburg and see if there was an enemy there. This party consisted of twenty men and an officer. They were belated. At the same time a demonstration was made at Edwards's Ferry, some four miles from there. This was intended to be done at the same moment—the landing above at Ball's Bluff and the demonstration at Edwards's Ferry.

Question. By what troops was the demonstration at Edwards's Ferry made?

Answer. By Gorman's brigade and a portion of Lander's brigade at the same time. These twenty men and the officer for the reconnoissance proceeded up towards Leesburg. They found no enemy, but they found what they supposed to be a camp about in that position, [pointing to the map.] It was after dusk when they got there. It was near Harrison's house; I should think within a mile and a half of Leesburg. The report of this reconnoissance came to me at Edwards's Ferry. I slept on the hill that night. At 10 o'clock at night, or thereabouts, the report of the reconnoissance came to me that there was a camp of about thirty tents near Harrison's house. I then directed Colonel Devens to move over there in the night with four companies and to conceal himself until daybreak, and then attack that camp at daybreak, destroy it, drive the enemy out of it, and pursue them as far as it was safe, and then to return, covering him at the same time by two small guns that were sent over to Harrison's island, and by a detachment under Colonel Lee on Ball's Bluff, so that he could pass around the bluff under the fire of the men there, get back on the island—Colonel Lee to

retire under fire of the guns with his one hundred men. This detachment moved up, and found that what they supposed was a camp was not a camp at all. But Colonel Devens saw no enemy, and sent back that word. They moved along through the woods and got into the open ground, looked into Leesburg, and saw no enemy there; and were observing around here, [pointing,] while his messenger came to me here [indicating] to make his report. Having ordered Colonel Devens, between 10 and 11 o'clock, to make this movement, and guarding against the possibility of his being pursued by a very large force which he might stumble on, I ordered Colonel Baker, who was stationed out here, [indicating on the map,] to send one regiment, and have it at Conrad's Ferry at daybreak. I also ordered him to have the rest of his brigade in readiness to move from his encampment.

I then, in the morning, after getting Colonel Devens's report, sent up a small party of horsemen to report to him on the field, to scout out in front of him, to be thrown out on the roads and fields in front of him, to give him notice of the approach of any enemy. I directed five companies of the 15th Massachusetts regiment to cross, not at the bluff, but to cross and take possession of the mill here, [indicating Smart's Mill,] in a clear space, which is covered perfectly by a bluff here, [indicating,] covered by a bluff there, [indicating,] and covered perfectly by a position here, [indicating,] which I had noticed and stuck stakes upon some time before. So there would be five companies in that mill, a place where the river is narrow, and where there are only a few feet that is not fordable—not more than ten or fifteen feet. These five companies were ordered to take post in the mill, while the cavalry was sent in front. Colonel Baker came on the field in the morning after I made this disposition, and I directed him to move to the right and take control over there, telling him all that had been done. I pointed out to him the position for artillery on this side, and gave him the control of six pieces of artillery, and then placed at his disposition the Tammany regiment, such troops as he might find here [indicating on the map Harrison's island] already disposed, and the control of his own command. He moved up to the right. While this conversation was going on (I suppose at the very moment almost of this conversation) a small party attacked Colonel Devens here, [indicating.] The cavalry that I had ordered moved up to this point, [indicating.] They were ferried across from the Maryland shore to Harrison's island, carried across Harrison's island, and then ferried across to the Virginia shore here, [indicating.] And there they stood doing nothing. The first thing I knew about that force, they came back having never been thrown to the front at all. The five companies that I had ordered over to take possession of the mill, instead of occupying that place, moved forward and joined Colonel Devens where the firing was, right up the bluff. Of that I knew nothing until a messenger came back here, after Colonel Baker had gone and assumed command, and informed me that it was the desire that these troops should move forward, asking if I would permit it. I said I had given the control of that movement to Colonel Baker, and whatever he deemed right about that he would do; that I could not interfere there. The next message I received was from Colonel Baker; that he was engaged in throwing over his whole force; that Colonel Devens had been engaged in front. But I should say here that I had carefully instructed him in the morning that he was not to fight a superior force there; that if in this observation of Colonel Devens the advance should come upon a strong force, he was to retire suddenly into intrenchments that I had prepared on Harrison's island, this advance being covered by the artillery on this side, and the troops of Baker's brigade. The whole story after that is, that Colonel Baker chose to bring on a battle. He brought it on, and, I am sorry to say, handled his troops unskilfully in it, and a disaster occurred which ought not to have

occurred. There were several points. Colonel Baker came to that point of crossing.

By the chairman:

Question. Did you intend that he should cross?

Answer. I intended and instructed him to use his discretion about crossing or withdrawing the troops already over there. If we found Leesburg had been abandoned by the enemy, and we had nothing to do but to occupy it, I directed him to hold on there, and, of course, not to yield ground we had taken possession of without resistance. But if this party found there was not a strong force there; if it was a force he could easily drive before him, he should drive it off; if it was of such a size that he could not drive it off easily, then he was to fall back. But he was to use his discretion as to whether he had the means to drive off any force which might be there. After this reconnoitring party had advanced so far, it was not an unreasonable supposition that they were in small force there. Still, it was a thing to be guarded against that there might be a force there, and a strong one.

By Mr. Gooch:

Question. You were about to point out the errors in that movement?

Answer. Colonel Baker came to the point of crossing, and there occupied himself more than an hour and a half in personally superintending the getting the boat from the canal into the river.

Question. That is, at Harrison's island?

Answer. Yes, sir. That work ought to have been done by a junior officer, while Colonel Baker ought to have used that time in looking at the field he was sent to look at. Colonel Devens was a mile and a half in front of the river with a small force. He was instructed in the morning from me to receive his orders from Colonel Baker; but he received no order from Colonel Baker until a quarter past two o'clock in the afternoon, when he had been forced by the enemy back to Colonel Baker's position on the bluff. One of the last words that I said to Colonel Baker when he left me—(there was another large operation and reconnoissance going on down at Goose creek which I was watching)—one of the last things I said was, "If you use artillery there—if you move artillery, please see that it is well guarded. I do not like to see guns exposed to being lost. If you use guns, see that they are well supported by good infantry." I am sorry to say that Colonel Baker moved his guns across there with horses; whereas the small number of boats that he had could not be spared from the infantry to carry over the horses.

By the chairman:

Question. What were his means of crossing?

Answer. He had two new flatboats that I had had constructed for such a purpose in case of necessity. One of these flatboats was 27 and the other was 25 feet long, and both of them 12 feet wide. There was there a second-hand ferry-boat, which, I think—I am not certain of the size of that—I think it was about 90 feet long. Then there was a new ferry-boat, which was 45 feet long and 10 feet wide. There was one of Francis's life-boats, which easily carried 25 men besides the oarsmen. There was there a number of skiffs—the number of which I do not know. They were used by the pickets up and down the river. I presume there were two or three at his disposal there. Too much time was taken in conveying over horses and guns which could not be used there unless there was infantry to support them, as the result proved. The guns were thrown into an open field, and were

not fired more than five times, any one of them, before the cannoneers were shot away. The cannon were entirely useless, except, probably, for a single discharge; and the time occupied in carrying over these guns would have given an additional thousand of troops, I suppose. Now, here at Edwards's Ferry is Goose creek, [indicating on the map.] Here is an intrenchment of the enemy on the road to Leesburg, and there is another intrenchment in there, [indicating the places.] This is wooded ground along here, (above the ferry on the Virginia side.) When this fire commenced heavily on our right in the afternoon, these troops of the left would have gone up as a matter of course, had it not been fully explained in the warning that that was an impossibility, there being two intrenchments of the enemy here armed with cannon. It was known beforehand that they were there. But these troops on the left were held in readiness to be thrown at once on their retreat, in case Colonel Baker had fallen upon a small force, and pressed them off; they were held here so as to dash across and cut off the retreat of the enemy on the roads.

By the chairman:

Question. They could not go directly up on account of these batteries?

Answer. No, sir. And that was known and explained to Colonel Baker before he started.

By Mr. Gooch:

Question. He could not depend upon the troops at Edwards's Ferry?

Answer. No, sir; not until he had pushed the enemy forward so that these troops could go out to them here.

By Mr. Chandler:

Question. What was the strength of these batteries?

Answer. They were within the woods, and we could not tell what they were. They might be very weak or very strong. All I know about them was that they were in the woods, and that they had open spaces for the guns to play, and I know there were three guns there.

By the chairman:

Question. You did not give Colonel Baker an order to cross?

Answer. No, sir; I did not. Fortunately, there was a written order found in his hat, in which I gave him discretionary orders.

By Mr. Gooch:

Question. Have you stated all the points in which the forces were not properly used?

Answer. No, sir. The battle-field was terribly chosen. The 15th and 20th Massachusetts, by the way they were posted, could deliver only about half their fire upon the enemy, while every man of them were exposed to the fire of the enemy. The artillery was thrown into the open ground, all the three pieces he had. It was very bravely served, and by him personally, too—for there never was a braver man—and by Colonel Lee and various other officers, who stepped out and served these pieces in the open ground, when they should have been held back under cover. They might have been placed so that they could have been supported by the infantry under cover, and they might have fought there until to-day.

Question. Who was responsible for the disposition of the Massachusetts regiments you speak of?

Answer. The commanding officer.

Question. Colonel Baker?

Answer. Undoubtedly; he was the commanding officer.

By the chairman :

Question. What was the strength of the enemy at that time, as near as you have been able to ascertain ?

Answer. From my knowledge now, I think they had about 4,000 troops there at that time.

Question. And how many had Colonel Baker over there ?

Answer. I think he had on the battle-field about 1,720 men.

By Mr. Odell:

Question. In that connexion, how many men had he at his disposal ?

Answer. According to the morning report, about 7,600; and out of them you must take the sick, those on guard, and those disposed of in various other ways, probably one-sixth of the number. And he had eight pieces of artillery during the day at his disposal, while the enemy had in action none.

Question. He had eight pieces and 6,000 men ?

Answer. He had eight pieces and the ability to call—I should say now without my eye on the morning report—to bring up nearly 6,000 men.

By Mr. Gooch:

Question. Could he have transported them across—these 6,000 men—with the means of transportation he had at his command ?

Answer. I do not think he could have taken over the whole 6,000.

Question. How many of those 6,000 men could he have been reasonably expected to have taken across ?

Answer. During what time ?

Question. Any time so as to have made them available in the engagement.

Answer. Your question takes a wide scope. Had 3,000 men been thrown over before two o'clock in the afternoon, he could have had the next six months to have brought over the rest. He could have brought over enough, before two o'clock in the afternoon, with the facilities he had, if properly managed, to have crushed out the force there. There is one point I have left entirely untold, which was fatal to any body of men in such a position. With the boats I have mentioned there never was left a guard, as far as I can learn. The troops came to the landing and got into the boats the best way they could. They were very eager to get over. They got themselves over—there were no boats' crews detailed. Each set of men pushed themselves over; and then the boats would come back, sometimes with a few wounded men and half a dozen assistants to each wounded man. There were no guards there to prevent the boats being used improperly. And that thing itself was almost enough to defeat any movement—the fact that the transportation was not guarded.

Question. Is there anything else you wish to state in reference to that battle ?

Answer. I have not stated it now as well as my official report states it.

By Mr. Julian:

Question. Were these boats sufficient—if, under the discretion you gave him, he thought it was best to go over—for such speedy crossing as was necessary to meet the enemy ?

Answer. I do not think a careful commander would have attempted that crossing so heedlessly. I think any careful commander would have himself gone on the field and attempted to look before him, before he attempted to cross 2,000 men in the face of an enemy. One of the chief faults is, that he commenced crossing the troops, remaining himself on this side, before he had received one single distinct report from the front. And, so far from

going over to look at the field to see the condition of it, the officer in command over there tells me that he never received an order, or a call for information, from the time the command was turned over to Colonel Baker, in the morning, until he was forced back by the enemy to Ball's Bluff, where he found Colonel Baker at a quarter past two in the afternoon.

By Mr. Gooch:

Question. Have you now stated all the points which at this time occur to you in reference to the conduct of the battle?

Answer. I think that, possibly, hardly attention enough has been paid to the direct disobedience of my orders, in the morning, about placing the five companies on the right and in the direct line of retreat. The position I wanted them placed in was a strong position, so strong that eighty men, under Captain Trembley, of one of the Massachusetts regiments, (he had gathered together some eighty men from the different regiments,) were carried into that mill, which ought to have been in our possession all the day long, and at ten o'clock at night he took these men across to Harrison's island, by the very route I had prescribed in the morning, in one single leaky skiff. Had that place been occupied in the morning, a reconnoissance could have been made out from it, or it might have been the basis of any operation on that side.

Question. What is the distance from the Maryland shore to the island?

Answer. About 250 yards.

Question. And from the island to the Virginia shore?

Answer. About sixty yards.

Question. Could any other means of transportation have been used by Colonel Baker?

Answer. I do not think he could have obtained any there.

Question. There is a rumor that there were canal-boats there.

Answer. There were some canal-boats at Edwards's Ferry. They were not used, however.

By the chairman:

Question. Did this reconnoissance originate with yourself, or had you orders from the general-in-chief to make it?

Answer. It originated from myself—the reconnoissance.

Question. The order did not proceed from General McClellan?

Answer. I was directed the day before to make a demonstration, as is seen in General McClellan's printed orders. That demonstration was made the day previous.

By Mr. Gooch:

Question. Was that demonstration, or the reconnoissance, made for the purpose of ascertaining whether the right wing of our army could be thrown across the Potomac? Did it look to that?

Answer. I am not at liberty to state, if I know, what the commanding general's views were. But all the information that I had previously is given in a telegraphic despatch from General McClellan to myself, which is published.

Question. I did not ask you anything as to what General McClellan's views were, but whether you understand that that movement was made with the view of ascertaining whether the right wing of our army could be thrown across the Potomac. I will tell you why I ask the question. I could see some object and purpose in the movement if it looked to that. If not, I can see no object in it.

The chairman: We want to know whether, in a military point of view, it is important for our troops to hold Leesburg.

The witness: It may be very important, or not at all so, to occupy Leesburg; the importance depending upon the relations of the enemy and the balance of our army to it.

Question. If it had not been by you deemed important, you would not have ordered the reconnoissance, I suppose.

Answer. Not necessarily that, because I ought to know the strength and position of my enemy in front of me at all times, no matter what the importance of his position is.

Question. The day before a demonstration was made by General McCall's division, advancing within 12 miles of Leesburg, or thereabouts?

Answer. Yes, sir; as I am informed.

Question. Was that supported by General Smith's division?

Answer. I know nothing of that. I was far distant from that place. I was officially informed that General McCall had advanced to Drainesville on the 19th.

Question. Did they retire again to their own position the day before you ordered this reconnoissance?

Answer. I have only hearsay about that. I never saw or knew personally of any of General McCall's movements.

Question. Would it not have been practicable for those two divisions of General McCall and General Smith to have advanced upon Leesburg and taken it from any enemy that appears to have been in the vicinity?

Answer. It might have been done without the loss of a man, or it might have brought on a general battle with the bulk of the enemy's force, of his army of the Potomac.

By Mr. Odell :

Question. Could the enemy have got there before Generals McCall and Smith could?

Answer. I do not think they could have got there before our forces could. But whoever marches the way they did makes a flank movement, a flank march, which is supposed to be the most dangerous movement to be made.

By the chairman :

Question. Would not that have been a good field to have fought a decisive battle, if the enemy had come out, had you been prepared for it? Suppose you had brought up all the divisions in that vicinity, and brought your division and the division of General Banks over the river?

Answer. If I had been in command of the enemy, I would not have fought there; it would have been so fair a chance for us.

Question. And, therefore, I suppose they would have suffered you to have taken Leesburg?

Answer. If I had been the enemy, I should instantly have occupied the intrenchments of the other side on the Potomac.

Question. Would we not have had here troops enough to have annihilated them and defeated the others, as they would have lost the benefit of their intrenchments if they had come out; would have lost their left wing and Leesburg too. At all events, if that division had been ordered to have advanced instead of retiring, would not they have undoubtedly taken this army that assailed Baker? Where would they have made their escape?

Answer. If they had been ordered to advance when?

Question. On the day of the reconnoissance to support your reconnoissance.

Answer. You must be aware that General McCall knew nothing of what I was doing.

Question. No, sir ; but suppose you had given him a hint of what you were about ?

Answer. I should have been obliged to have sent a messenger at least ten miles through the enemy to give him that information.

By Mr. Odell :

Question. So far as you know there was no harmony between the action of your wing of the army and the division of General McCall ?

Answer. So far as the two demonstrations were concerned, the demonstration which I was ordered to make was evidently in connexion with the demonstration of McCall, simply a demonstration to see if the enemy left Leesburg. That was on the 20th. The movement at Ball's Bluff, which we have been discussing, was on the 21st.

By the chairman:

Question. Did you receive an order from the general-in-chief to make this reconnoissance ?

Answer. No, sir.

Question. You received an order to make the demonstration ?

Answer. Yes, sir.

Question. What was the purport of that order for a demonstration ?

Answer. It was something in this form, by telegraph; it was received by me, I think, about 11 o'clock in the day of the 20th. That "General McCall occupied Drainesville yesterday; will send out reconnoitering parties in all directions to-day. It is made for the effect to drive the enemy from Leesburg, and a slight demonstration on your part might produce the same effect." On the evening of the 20th the demonstration was made.

Question. How could you make a slight demonstration on that side of the river, without crossing it, to have any effect on Leesburg ?

Answer. It is the easiest thing to make a demonstration. Simply to show your troops; to make a feint of going across. Boats were filled with men, a cannon fire was opened on the ground to clear a space around the point of landing, and boat loads of men were sent off. I made use of that class of demonstration for the sake of trying my boats, and seeing how rapidly they could be pushed over, and to accustom the men to moving rapidly with the boats and out of them.

Question. But your idea, as a general, is that the advance of our army upon Leesburg, if we should do it in full force, would hardly induce the enemy to come there and give us battle.

Answer. Unless the enemy is very foolish. Unless he cannot help it, he will not meet us with the chances in our favor.

Question. And you think they would be very foolish to come out and meet us under these circumstances, in your judgment, as I understand you ?

Answer. Do I understand you, if we had a force here, and occupied Leesburg ?

Question. I mean this: If you were the general-in-chief, and wanted to rout the enemy from Leesburg, and take their left wing—which seems to be detached from their main body—you might move in very large force, seeing they are now located very conveniently for such a movement. Now, would you apprehend any danger of bringing on a general battle there, supposing you were provided for such a contingency. Would it not be rather good luck if they would come out and fight a general battle there ? In other words, if they did come out there when you were prepared for it, would it not be a disadvantage to them ?

Answer. I do not think I have any right to say what I would do as general-in-chief, for whatever I would say would be in approval or disapproval of the general-in-chief's movements. I would be criticising one way or the other, either favorably or unfavorably, the movements of the general-in-chief, which I have no right to do.

Question. We do not ask you to criticise. You must obey the orders of the general-in-chief. But he cannot quell an independent opinion, after all. I speak of that now particularly, because it looks to me, has looked to me all along, as though it was a very good field, and a strong one for such a demonstration.

Answer. You must be aware that all these movements that look perfectly well in themselves require to look well in reference to other movements at the same time.

The chairman: Of course. You must survey the whole field, of course.

By Mr. Chandler:

Question. I would like to know at what hour the first order was issued to Colonel Baker to advance, to cross?

Answer. I never gave him an order to cross.

Question. At what hour was the order given to him?

Answer. I can give you all the early orders to Colonel Baker. I sent him an order about midnight, on the 20th, to send the California regiment to Conrad's Ferry, and have them there at daybreak to await orders there; to have the remainder of his brigade roused early, have a comfortable breakfast, and be in readiness to move at 7 o'clock in the morning. Later in the night—it might have been between 2 and 3 o'clock in the morning—I sent a cautionary order to Colonel Baker, knowing that volunteers make too much noise sometimes, to have that regiment march with silence, and with unloaded guns. From that time I sent him no order. He came to me on the field, just after I had sent forward this cavalry and its support to be thrown into the mill, and then I discussed the whole matter with him. I had a map similar to this (referring to the one he had with him) out before me. I stood on a very elevated point where I could see all this ground. I told him about the boats, pointed out the various positions to him, and pointed out to him the position of these batteries between Edwards's Ferry and Ball's Bluff. I showed him the lines the enemy used for communications, as near as we knew them, back of Leesburg off towards Manassas. I then told him to go up and take entire command, entire control of the right, four miles from where I stood. He said: "Then I am to have entire command?" "Yes," said I. "Please put that in writing," he said. I then took out my pencil and on my knee wrote that order which has been referred to, giving him authority to take command of Coggeswell's regiment and the other troops there, to retire those already over the river, or to advance the California regiment and Coggeswell's regiment in his discretion. That is the first order which he received during the day.

Question. At what hour of the day was that?

Answer. The hours fly fast on such days as those. It was certainly between eight and half-past nine in the morning.

Question. The first order to him to hold his regiment in readiness was about midnight?

Answer. That was given to everybody. Whenever a cannon is to be fired in that division, which may bring about more result than is intended, there is a caution sent to every commander to have his troops in readiness to move.

Question. I think I understood you to say that it was not in the power of Colonel Baker to increase his means of transporting his men?

Answer. I do not think it was.

Question. At what hour in the day did you commence crossing your force at Edwards's Ferry?

Answer. I sent over a reconnoitering party of thirty cavalry at Edwards's Ferry at daybreak, so that if there was any force at Leesburg it would distract their attention from this other reconnoissance. I sent over thirty one cavalry, with four officers, at daybreak, or shortly after, with two companies of Minnesota skirmishers, to cover their falling back, so that the cavalry could move out, make their examination, and fall back behind their infantry supporters; just exactly as I expected them to do above, but which they never did. This force of skirmishers remained there until the cavalry had finished their examination—until they had got on to a regiment of infantry, and of course could go no further. They came upon a regiment of infantry between our left and right. They came back and reported. There were very few troops sent over there, for we did not try to increase our force largely over there until I had got information from Colonel Baker. I should say that about 11 o'clock, perhaps—I will not be positive about the hour, but about that time—I received a report from Colonel Baker that he was crossing his whole force. I then at once commenced crossing over Gorman's brigade, pushing them over much more rapidly than I had been doing before. The number that was over there at the time this action was going on on the right was some 1,500 or 1,600 infantry, thirty cavalry, and a section of howitzers, with their horses and equipments.

Question. You had that force across prior to the death of Baker?

Answer. Yes, sir.

Question. How many did you finally cross over that day?

Answer. Down there?

Question. Yes, sir; at Edwards's Ferry?

Answer. Those were all the troops that we had to spare then. There were afterwards thrown over in the evening a portion of the seventh Michigan regiment, which had been retained and kept back on account of its poor arms. But when it came to a time when I was to hold the other side at all hazards, we had to let them go over and hold their ground with their bayonets, if they could do nothing else.

Question. You have mentioned a couple of batteries at a certain point there. Did those batteries open fire upon your troops during that day?

Answer. No, sir.

Question. Have you reason to suppose that those batteries were entrenched, or were they only covered by bushes?

Answer. I do not think I mentioned any batteries. I mentioned two intrenchments, and that one of those intrenchments was armed with three guns, as I believed then, and as I believe now.

Question. There were earthworks, were there, thrown up?

Answer. Earth and stones to protect their guns. I have now very positive information that those three guns were there, guarded by a small body of cavalry, and a Mississippi regiment of infantry in the woods.

Question. Could not those intrenchments have been flanked by the force that you crossed over—have been taken in the rear?

Answer. Their rear was towards Colonel Baker.

Question. Precisely; I understand that. But suppose your force had been thrown around there, with the appearance of coming in their rear, would not they have been compelled to have left their intrenchments?

Answer. Yes, sir; if I had chosen to expose 1,500 men to extraordinary risk—an unusual military risk—the attempt could have been made. I might have done it in the morning, or any day in the week before. By put-

ting the troops to extraordinary and unusual and unnecessary risk it could have been done.

Question. Suppose a demonstration had been made upon the rear of the force that was attacking Colonel Baker at that time—suppose there had been a force sufficient in their rear, either your own or General McCall's, could not the force attacking Baker have been easily and quickly captured?

Answer. At what time?

Question. At any time from 2 o'clock in the afternoon to dark.

Answer. And if the force had been where?

Question. Anywhere in the rear of the enemy. Suppose, for instance, that your force was sufficient to have flanked those batteries, and gone around in their rear, would it not have been an easy matter to have captured the force attacking Colonel Baker, if your force had been sufficient to have flanked that battery at Edwards's Ferry, and driven them from their intrenchments? Suppose you had had 1,500 men, or any number of men that would have been sufficient to get around and flank that battery, and compelled them to leave their intrenchments.

Answer. If we had had 4,000 men at Leesburg we could have captured them all that day.

Question. If those batteries had not been there, or, if being there, they had been flanked in any way, would it not have been a comparatively easy task to have captured their whole force?

Answer. No, sir; because they could not have marched that distance in twice the time that the action at Ball's Bluff lasted.

Question. What distance.

Answer. The distance to turn the batteries. The distance they would have been obliged to march would have been at least eight or nine miles. And after such a march as that they would have come into action tired and fatigued. Remember that all this was unknown ground. There is a range of hills there that cuts off the view of what is behind. And for troops to march seven or eight miles around, over unknown ground, without knowledge of the force of the enemy, is very brave work indeed; but I do not think it would have been soldierlike. As the proof has shown here, at the other end of the line, if there had been a little more care taken up there, there would have been a very pretty little victory indeed.

By the chairman:

Question. You have said, I believe, that the reconnoissance and demonstration were intended to have been made together?

Answer. The first reconnoissance was intended to be made under cover of a demonstration.

Question. How happened it that it was made the day after?

Answer. There was some misunderstanding of the order. It was Sunday, and I had given directions that everybody should be quiet and use their time as well as they could, and my order did not reach the commanding officer until two or three hours after it was written. He was out of camp, gone to church, or something of that sort. It was so delayed that Captain Philbrick with his company did not make his reconnoissance until after dusk. I was expecting a report of it a little after sunset. Then a very nice little military chance seemed to have been wrought out by that reconnoissance. News was brought in that there was a small camp there without pickets. And it seemed to me precisely one of those pieces of carelessness on the part of the enemy that ought to be taken advantage of. That caused the order for Colonel Devens to move over and destroy the camp, which was to be done at daybreak the next morning. In order to make him perfectly safe

I put Colonel Lee behind him with 100 infantry and two guns behind him, so that he could fall back safely. And then, to make it still more secure, I ordered Colonel Baker to have the California regiment ready. Then finding, by the report of Colonel Devin, that he could not make out any enemy, it seemed to me that we should make a further reconnoissance. And a further reconnoissance was accordingly made at Edwards's Ferry.

Question. Are the enemy fortifying Leesburg now that you know of, putting up intrenchments or anything of the kind?

Answer. The commanding general can tell you all my detailed and almost hourly reports to him by telegraph.

Question. The question was superinduced by what I have seen in the papers, that the enemy are now fortifying Leesburg.

Answer. I ride over the hills and look over that way, and I examine the ground over there by balloon as often as the weather permits. These reports I make to General McClellan, of whatever is seen being done there. And if he wishes them to be known I suppose he would have no objection in the world to their being given. I do not feel at liberty to state these matters myself, because that is direct military information.

The chairman: I do not care particularly about it.

By Mr. Johnson:

Question. The position is such that you can know whether the fact is so or not?

Answer. O, yes, sir; I know it thoroughly. I look over them every day there.

By Mr. Chandler:

Question. There are a great many boats in the canal running along there, are there not?

Answer. Some days a great many pass along. Sometimes there are not any that pass along there for days and weeks.

Question. How long, in your estimation, would it take a regiment of men to throw a pontoon bridge across at Ball's Bluff, or at Edwards's Ferry, by taking boats out of the canal, or otherwise?

Answer. It would be a very difficult operation, indeed, to make such a bridge of canal boats. You know the theory of boat bridges, I suppose. They are set head and stern up and down the river or stream. It would be a very difficult thing to make a bridge of that kind of boats—of boats of the form of canal boats. It would take a considerable time to make a bridge at all safe for the passage of troops. The boats would have to be anchored safely front and rear, and each change, each rise in the river, would require a change in the tackle at each end to make a bridge of canal boats safe.

By Mr. Odell:

Question. There is one point I wish to inquire about in reference to the boats you enumerated. When Colonel Baker's force retreated, after they had gone over on the other side, the evidence is that there was but one boat there, and that was sunk. You have said nothing about what became of those boats, except that there was no guard placed over them.

Answer. I do not know what became of the boats on the Virginia side. There were during the day on the Virginia side of the island a life-boat, a second-hand ferry-boat, and some skiffs. I was not there, had no charge of the matter at all, and do not know exactly about it.

By Mr. Chandler:

Question. The boats you before enumerated were the boats on both sides of the island?

Answer. Yes, sir. There was a fault in not having more equally distributed the transportation on the two sides of the island. There should have been one good substantial boat on the Virginia side more than there was. One of the main faults is, that the wrong place of crossing on that side was selected. Instead of using the Swart's crossing they used the one below.

By Mr. Odell:

Question. And you consider the whole of that movement about the mill to have been a mistake—a fatal mistake?

Answer. Yes, sir. And it was equally fatal that they should use the boats intended for men to carry over horses and cannon.

By the chairman:

Question. It is said of you that you take slaves and return them to secessionists. That report is out, and it is not more than fair that you should respond to it.

Answer. That is a slander that has been circulated very freely, and, I am sorry to say, by men in official position.

Question. Do not understand that I mean it as a reflection upon you. But I have seen that statement in the papers.

Answer. It has been uttered on the floor of the Senate. I am sent with a military force into a certain county in Maryland. I was told when I was sent there that I was to give full and complete protection to that county. I have tried to obey every order of the War Department I have ever received; and, upon the other hand, I have insisted upon my troops obeying every law of the State of Maryland. I do not allow them to harbor the slaves, or the free employed negroes, or the apprentices, or the sons and daughters of the farmers in that neighborhood in my camps. If a negro runs away from a farmer into my camps and lounges around there, he is turned out of the camps. If they come along the borders of the camps selling whisky to the soldiers, they are treated precisely as white men are; they are taken and whipped and sent away just as white men are. The troops are being disorganized from day to day by men going about and selling liquor to them. The slaves that run away from the enemy and come over are got to my head-quarters as rapidly as possible; they are then questioned carefully, and all the information I can get out of them is taken. They are made as comfortable as they can be, and put to work in the quartermaster's department, or have been until lately. If they can take care of themselves, they have been allowed to do so the best way they could. If they have needed assistance, they have been fed and clothed and put to work by the quartermaster or commissary. I am not aware of any slaves coming over from the enemy's lines having been given up to any claimant. There is but one case where one has been claimed that has come in. In that one case I stated to the owner, or the son of the owner rather, who came to claim him, that it was not a matter that I had anything to do with at all, that of deciding whether he was his negro or not.

Question. We passed a law last summer, as you are aware, that that was no part of the business of the army.

Answer. The only order I have given is to attend to the discipline of the camp. I might here say that vast injury is being done, insubordination is

sown in the army, right and left, by the course pursued by newspapers and by public men in that respect.

Question. How do you mean by public men?

Answer. The governor of a State, for instance, writes to the lieutenant colonel of a regiment, reprimanding in the sharpest manner possible an officer of that regiment. And we cannot call in question the action of a senator or a member of Congress on the floor of the Senate or the House. But I have had in my own camps soldiers discussing in their tents the conduct of their general and the senator from their State, not knowing anything about the original circumstances, but simply discussing what their senator says of their commanding general. That is not a healthy state of discipline at all.

The chairman: Of course that is a matter I know nothing about. I mentioned this to you because I had seen it stated in the papers that you had taken slaves and returned them to secession owners.

By Mr. Julian :

Question. Do you give up slaves when they are pursued and demanded by the claimants?

Answer. Within the jurisdiction of the State of Maryland I shall always, until I get orders from higher authority, allow a civil functionary, on a civil paper, examine my hired house or my camp, whatever that paper may be, if it does not interfere with the military control of my camp. Until you gentlemen change the laws, I am bound to let any civil magistrate order a search of my premises, under the laws of the State in which I am serving. The civil authority can come in and take a murderer, a thief, an apprentice, or anything else, under the civil law, until I am relieved from the effect of the civil law. We have no power to proclaim martial law; no general has had that authority given to him; and therefore my camps and everything else are subject to the visits of the civil magistrates and their officers.

Question. Suppose you know the claimant is a rebel slaveholder, although he has a civil process and a constable there, would you feel it to be your duty to give up the fugitive?

Answer. Let me understand you. You say "a rebel slaveholder."

Question. I mean a disloyal man. I am supposing that you know him to be a disloyal man.

Answer. In arms against the United States?

Question. Yes, sir; or on the side of the rebels, giving them aid and comfort.

Answer. I will state this, that if the slave of a man whom I knew to be in rebellion ———. Is this being taken down?

The witness was informed that the reporter was taking down all that was said.

The witness: I can hardly imagine that I am obliged to swear to what I would do. But I will answer the question as well as I can, by stating the only case that has occurred anything like that that I know of: One slave came into my camp, announcing himself as a slave, and stating that he had been employed on some fortifications on the other side with the consent of the owner. That slave was sent to the Tammany regiment to be taken care of, and put upon the quartermaster's list of hired men and employed by the United States. Shortly after the son of the man who had this slave in his employ came and wanted to withdraw him, and I refused on the ground that I had no jurisdiction over the man; that he came under the rules; that he had been employed on rebel earthworks, as I was informed, and the man was not given up. I am not aware of another case that has occurred in my division.

By the chairman :

Question. I understood you before to have answered that question. When I said that you had been charged with doing such a thing, you replied that it was a slander. Of course that was a full answer to it. I will now ask : Do you receive valuable information from these fugitive slaves who flee to your camp ?

Answer. I do get very valuable information in that way.

By Mr. Johnson :

Question. Taking in view the posture of the army in this city, as things now stand, how many men would be necessary to garrison all the forts here, and simply to maintain a defensive position here ?

Answer. That is a question that requires considerable study. The committee will remember that since last June I have spent but a day or two at a time, for three times, in Washington. I do not know where the fortifications are. I have been off this line since early in June. I only know from hearsay where the fortifications are. I could make up an estimate I suppose. Every fort, of course, renders a less number of men necessary. When I went over the ground in May there was only one fort, I believe. I suppose you mean for the protection of the entire District.

Question. Yes, sir; to prevent an advance this way.

Answer. To hold against what force ?

Question. The present force, or to make it secure against any force that they might reasonably be expected to be able to bring.

Answer. It is a very long line. The river, to a certain extent, must be guarded above to prevent them coming in our rear.

Question. I am proceeding upon the idea that whatever was over the number required for defence here would be operating upon the other points.

Answer. Not able to reach here ?

Question. Yes, sir.

Answer. If this were anything but the capital of the nation I would consider it necessary to have a less number of troops here. But this being the capital of the country, I would not like to engage to take care of it with less than 75,000 troops.

Question. That, you think, would be ample as the thing now presents itself to your mind ?

Answer. Yes, sir; without more thought than I have given to the matter.

Question. And that would leave the balance of the force to be directed to other points, and to operate upon other expeditions. Now, taking the *morale* and discipline and health of your troops in view, their present condition for a forward movement, are they better prepared now than they would be in the spring, or would it be better for them to remain in winter quarters until next spring ?

Answer. The *morale* of troops is not improved by remaining in winter quarters.

Question. Would the discipline be much improved between now and next spring ?

Answer. Discipline, in its best sense, I do not think is ever improved in winter quarters, unless the troops are perfectly raw.

Question. Do you know whether these forts and breastworks around here are all garrisoned and manned ?

Answer. I do not know anything about it.

Question. In the absence of any information as to what the fact is, ought they not to be garrisoned if they are not ?

Answer. That depends entirely upon how the troops are posted about them. I know nothing about them. I went across the river the first morn-

ing our forces crossed, and staid two days, and have not been over on the other side of the river here since.

Question. If a forward move was made from this point, would it not be good policy to leave a force here to protect these forts?

Answer. If the line of communication of the operating army starts from these works, if this is their base, it does not require that.

By the chairman :

Question. Is your army now organized completely for aggressive movements?

Answer. I think, so far as the organization has gone on, it has been wonderfully rapid.

Question. Is it organized now any further than into divisions?

Answer. Do you mean the army of the United States?

Question. I mean the army of the Potomac.

Answer. The army of the Potomac is an army corps in itself.

Question. All under a commander-in-chief?

Answer. Under the present commander-in-chief.

Question. It is a very large army, and what I want to get at is this : Here are a number of brigadier generals commanding divisions, and to all purposes are major generals, performing all the duties of major generals? What I want to get at is, whether any further organization than that is useful in a large army like this advancing upon the foe ; or would you divide it into what is called, I believe, *corps-de-armée*?

Answer. That would depend upon whether I had commanders that I could trust with larger commands than they have at present.

Question. Could one commander handle so many troops to advantage in the field? While they lay here, with the telegraph connecting each division, so they can send immediately to the commander-in-chief, that might not be needed ; but would it not be difficult to do so on a march if the army was really on an expedition?

Answer. It would depend upon how much country was to be occupied by a division.

Question. This army of the Potomac is a very large army, infinitely larger than any army ever moved in this country before. The European armies are divided off differently, I believe, and they get up a very perfect system of subordination there.

Answer. That can be done in a very short space of time, when there is a particular work to be carried on, by a particular army corps to act by itself; it only requires the assembling of so many divisions as may be necessary for that particular work.

Question. Do you officers meet frequently in councils of war to deliberate on these movements?

Answer. In my division?

Question. I mean you generals commanding divisions—superior officers like yourself; do you consult with regard to any grand plan of movement and the like—councils of war, perhaps you call them?

Answer. I consult only with the commanding general.

Question. Of course ; but has it been usual to assemble all the high officers to consult together in relation to matters of interest to the service?

Answer. The general-in-chief consults me about every matter pertaining to my line of operations.

Question. But does not have those general councils of war?

Answer. I do not know what may occur with officers who are nearer than I am, but for me to come to headquarters here at Washington, and get back to my command, requires twenty-four hours.

WASHINGTON, *January 9, 1862.*

Major DWIGHT BANNISTER sworn and examined.

By the chairman :

Question. What is your rank and position in the army ?

Answer. I am a paymaster, with the rank of major.

Question. We have understood that you know something about the battle of Ball's Bluff. Will you tell us what you know about it ?

Answer. I do not know that I could tell you much that would make the affair at Ball's Bluff much plainer than you already have it. But I will tell you all I know concerning the matter.

Question. Give us your personal connexion with it, and what you saw of it.

Answer. I was ordered up to pay General Lander's brigade, and stopped at his headquarters.

Question. About what time was that ?

Answer. It was about the 18th or 19th of October. General Lander came down to Washington the same day I went up. I remained at his headquarters until Sunday afternoon. I had before that made arrangements with General Gorman to accompany him on his staff, in case there was an advance. About two o'clock on Sunday afternoon, while we were at dinner, we heard troops passing down the road towards the ferry—Edwards's Ferry—and General Lander's adjutant general, his brigade commissary, and myself went down on horseback to the river to find out what was the matter, and I was immediately called by General Gorman to accompany him. We found that General Stone had taken part of the Rhode Island battery, if I remember rightly, upon a hill above the ferry, and was throwing shell into the woods and the surrounding country on the other side of the river. General Gorman told me to take the 7th Michigan regiment and deploy them on a hill in sight of the enemy, and ordered his adjutant general to take the 19th regiment and deploy them on a hill beyond, so that if there was any force on the other side they would suppose we intended to cross and would come out and show themselves. This was about four o'clock on Sunday afternoon, which, I think, was the 20th of October. General Stone had then given General Gorman some order, as I judged from General Gorman's acts. General Gorman sent me back to General Stone to get more specific orders. General Stone told me to tell General Gorman to take two companies of the 1st Minnesota regiment down to the river and cross them over, but to go no further than the bluff, which was some twenty rods from the landing, where Goose creek empties into the Potomac. After doing this, I went back to General Stone and reported that I had reported to General Gorman, and I reported the words. He then told me to go back and tell General Gorman that I had misunderstood his order. I went down and found that General Gorman had taken down his whole regiment, and embarked two companies. As soon as they got upon the landing General Gorman sounded the recall, and they came back. It took about five minutes. We then marched back to quarters. General Lander's adjutant remained with General Stone, acting as his aid, and staid there during the night. The next morning news came that they had passed down to the river again, and as I had promised General Gorman the night before, I went back and acted as his aid. He had already sent over the 1st Minnesota, with a company of cavalry under Major Mix. This was the Van Allen cavalry from Rochester, New York. I then went back to General Stone for some orders to take over hard bread and rations, and I saw Colonel Baker in consultation with him, and also talking with General Gorman. This was about 9 or half past 9 o'clock on Monday. We continued to cross over troops, more or less, during the day. I could hear the firing at Ball's Bluff. I remained at Edwards's Ferry all the while.

We were posting our troops advantageously on the Virginia side, and I could hear the firing all the while. About 4 o'clock on Monday afternoon General Gorman requested me to go up to General Stone, and ask if two companies of a Massachusetts regiment better not go over the river. General Stone told me that he thought the two companies better join their regiment about where Colonel Baker was, and to tell General Gorman that he better order them up to rejoin Colonel Baker, at Harrison's island. I told him, and he told me to execute the order, which I did. General Gorman was occupied in passing over troops, and from great exertion brought on a chill. This was about sundown or dark. He went into a house near there, and ordered me to remain with his other aid, and see that the provisions were sent over. We had nearly all the troops over there at that time.

Question. How many troops did you pass over?

Answer. We had 3,740 men. The other two companies went up to Harrison's island, and reported; but got there too late to do anything, as their colonel afterwards stated to me. I went back to General Gorman to report progress; while there the captain of the guard at the bridge brought in a prisoner. Just before this, however, Captain Kenly, General Lander's adjutant general, who had been carrying despatches to Harrison's island, or to Colonel Lee, came down about 6 o'clock in the evening, and stated that General Baker was killed, and they were bringing down his body. I stated this to General Gorman while I was reporting progress; and while there this prisoner was brought in. General Gorman raised himself up from the bed upon which he had thrown himself, and went to examining the prisoner. While we were examining him General Stone sent in word that he had passed up to the right of his column; that is, up to Harrison's island. He was gone about an hour, and when he came back he called out General Gorman to consult with him. In a little while General Gorman sent for me to come out, and told me to go over on the opposite side of the river, (this was at Edwards's Ferry,) strengthen the pickets, put out the lights there, and have Colonel Dana and Colonel Dimmick bring off the troops as quietly as possible, without attracting attention, and to be very careful and make no noise in transporting the artillery. I understood this to be by General Stone's order, who had just come back from Ball's Bluff, where he had learned the full extent of the disaster. I went over and reported, and we had got across all but one regiment and the picket, when General Gorman sent word over to me by his aid to state to Colonel Dana and Colonel Dimmick that General Banks was coming up on the other side with five thousand men, and that we would probably have re-enforcements from Drainesville, and to immediately recross all the troops, and have them take their original position on the Virginia side. This was done, and completed about four o'clock on Tuesday morning. I went over, and reported to General Gorman, and then went back again. We expected a fight at daylight. I remained there until a little after daylight, and then went over again to General Gorman. He then stated that he was outranked; that General Banks and General Abercrombie had just come up, and they both outranked him. I will correct here my statement about everything having been taken back. The artillery was not taken back, but remained on the Maryland side. I asked General Gorman if the artillery ought not to be sent over again. He replied to the effect that he was anxious to have it go back, but he was outranked and could not give the order. I then proposed that General Banks, as the commanding officer, should order it over again. He told me to go to General Banks and present his compliments, and state the case to him. I went up with his aid, and the aid went in and stated the case to General Banks, who sent down word immediately to have the artillery sent over again. I reported to General Gorman the decision of General Banks, and the artillery was immediately sent over. While we were sending over the cannon General Lander

came up. He had been waiting for a boat to take him over. After the cannon had been sent over, General Banks sent down word to General Gorman to take all the canal boats in the canal, within a distance of five miles up and down the canal, I believe, and put them into the river to be used as transports. He sent one of his aids to tell me to accompany him over the river to make a reconnaissance. We went over and found that General Abercrombie, with General Banks's men, were on the flat near the river; that the first Minnesota were in advance; that General Lander had posted his sharpshooters and one company of Zouaves—the Boston Tigers they were called—in a piece of woods, and extending down from the corner of the woods, through a cornfield, to a white house that was there. While we were riding up by the corner of the woods General Gorman was shot at by the rebels, who were about forty rods from us in the bushes, but so concealed that we could only see a straggler here and there. General Gorman did not agree with General Lander entirely on the line of defences, and said that there was a better place to fight a battle. But General Lander being the ranking officer, of course General Gorman made no alteration. We then went back to the river, after General Gorman had gone to the regiments and talked to the men and cheered them up all we could. About two o'clock he ordered me to take my horse and his own, and he would cross the river and see General Banks, and get him to go over and fortify a wooded height there. I did so, and by order of General Gorman remained there until he should send for me. General Banks and General Stone came down in a few moments with General Gorman, on horseback, just about the time the firing commenced on the Virginia side. I went down to the river, but General Banks and General Gorman had shoved out into the stream, while General Stone went back to a battery on a hill on the Maryland side, and remained there. I got into the next skiff, with General Lander's surgeon, and went over with a despatch for General Banks. Before I had got upon the field the firing had nearly ceased. I met General Banks and General Gorman coming away from the bluff, where the troops were drawn up in line of battle, and about forty rods back of the place General Lander had selected. I handed the despatch to General Banks. I then went on to find General Lander, and met him coming back on his horse, wounded and supported by his orderly. His surgeon then supported him on one side, and I on the other, and took him to the ferry and got him across. General Banks, General Stone, and General Gorman came up and shook hands with him. After he had shaken hands with them I was helping him into an ambulance, when he called General Banks back, and in rather strong language requested him to go back there and fight with his men. He said that the place which he had selected and where he had beaten the enemy was the best place to fight them, and he was sure to beat them; that if he had had support he could have followed them into Leesburg, and taken them all prisoners. I helped him into the ambulance, and was about to get on my horse, when the general called to me to get into the ambulance and ride up with him, saying, "There will be no fighting until General McClellan comes up." I smiled when he said this, but he reiterated it. I got into the ambulance with him, more to keep his arm from the wheel as he lay there, and went back to his quarters with him. I remained there until the next noon, when I got on a horse to go back to assist General Gorman. I waited on the boat about two hours to get over, but found I could not cross, the river was so rough. I then went back and stayed with General Lander until daylight the next morning. In the meantime General McClellan came up, and on Wednesday morning he came to see General Lander. I stayed there that day and that night, and intended to come down on Thursday morning, when one of the captains who was in the tent said that General McClellan had ordered a retreat, and all the forces were accordingly brought back to the Maryland side.

Question. When he ordered the retreat what was the position of our forces

on the Virginia side, who were in command of them, and how many were over there?

Answer. I understood that there was a trifle over 5,000 of our forces on the Virginia side when the order to retreat was given. I ought to have stated the information we got from the prisoner I have referred to. General Gorman told me at the time that he had no doubt he stated the truth, as what he said was in accordance with information we had obtained before. The prisoner said they had about 300 cavalry and four regiments of infantry, all full regiments but one—the 11th, 13th, and 18th Mississippi, I think, and the 8th Virginia. That was all the force we had reason to believe was there up to Tuesday night, when General Lander fought them.

Question. What force had we over there at the time General McClellan ordered the retreat?

Answer. I understood from General Stone's aid, a surgeon, that there were 5,100 over there when General McClellan ordered the retreat.

Question. On the Virginia side?

Answer. Yes, sir; besides the troops on this side that had not been crossed over.

Question. How many had General McClellan within reach?

Answer. The 19th Massachusetts, a full regiment; about 500 of the 20th Massachusetts who were under Colonel Lee at Ball's Bluff; then there was the remnant of the California regiment; some Connecticut regiment, I think the 2d Connecticut, but I will not be sure about the number; and the Connecticut regiment there under Colonel D——, part of which escaped in the action at Ball's Bluff. What other troops General Banks had there I do not know. There were a great many troops around there on the Wednesday evening when I went down to cross over; but the river was so rough that they did not cross them until about 10 o'clock that night.

Question. How long was this after the disaster at Ball's Bluff?

Answer. That was on Monday evening. The retreat was Wednesday night, or rather Thursday morning.

By Mr. Chandler :

Question. Did you see any batteries in the way, or any obstacles to throwing a force up towards Ball's Bluff on Monday afternoon?

Answer. I saw nothing but a sand battery, I should think, about forty rods from the river, between us and Ball's Bluff; but we could not understand from this prisoner that it had any guns.

Question. Probably it had none?

Answer. I could not say as to that, but from the conversation with the prisoner we could not understand that there were any guns there, and we could not see any with our glasses.

Question. You could hear the firing at Ball's Bluff?

Answer. Yes, sir.

Question. What distance is that?

Answer. About four miles.

Question. You could see no insurmountable obstacle to throwing a force around from Edwards's Ferry to the assistance of those at Ball's Bluff?

Answer. Not at all. On Monday evening General Gorman came to me as we were crossing provisions, and said: "My boy, we will sleep at Leesburg to-night." It seemed to be the understanding of all that we were to make a move immediately on Leesburg, but we had not then heard the extent of the disaster at Ball's Bluff. This prisoner told us there was this battery, which he supposed had no guns in it, and another battery near Gum Springs, which I understood was to the left of Leesburg as we approached from this side, but that back of Leesburg there was a formidable battery commanding the whole town, and that

any force going into Leesburg from the river would be in danger of being cut all in pieces.

By Mr. Gooch :

Question. Then you saw nothing and heard of nothing, except this sand battery, where you understood there were no guns, to prevent moving the troops that had crossed at Edwards's Ferry up to Ball's Bluff to assist the men there engaged?

Answer. No, sir; I saw nothing, and, in fact, it was my impression during the whole day that as soon as we got our provisions over we should move right up to the support of our forces at Ball's Bluff.

Question. How early in the day could you have moved a force up to Ball's Bluff?

Answer. We could have moved two regiments by 10 o'clock in the morning.

Question. What time did the action at Ball's Bluff commence?

Answer. The heavy firing we heard seemed to commence about half past nine.

Question. And in an hour and a half after 10 o'clock you could have been up there?

Answer. Yes, sir?

Question. And you know of no obstacle in the way?

Answer. No, sir; and further than that, I believe now, and I believed then, that the enemy's whole force was engaged at Ball's Bluff, except this skeleton regiment.

Question. There was no force opposed to you at Edwards's Ferry?

Answer. No, sir.

Question. General Stone was there?

Answer. Yes, sir, on a hill on the Maryland side, directing everything. General Gorman could not do anything without General Stone's orders.

Question. Do you know whether General Stone took any steps to learn what was going on at Ball's Bluff?

Answer. He had Captain Kenly, General Lander's adjutant, carrying despatches up to Colonel Baker, or rather to Colonel Lee. He could tell you more of that matter. I have statements from Captain Kenly of the orders that he carried back and forward. I have not them with me, but can furnish them to you.

Question. Then, if I understand you, during the whole day of Monday, after half past 9 o'clock, you heard heavy firing at Ball's Bluff?

Answer. Yes, sir.

Question. And General Stone was engaged merely in crossing troops at Edwards's Ferry?

Answer. He was not. He himself was on a high bluff, or hill, up about a half a mile from the ferry, directing generally at both places, Edwards's Ferry and Ball's Bluff. General Gorman was in command at Edwards's Ferry.

Question. General Stone did not go up to Ball's Bluff?

Answer. Not until Captain Kenly came down and reported to General Stone that Colonel Baker was killed. Captain Kenly also stated to me that when he went on the field and found that Colonel Baker was killed, he of course was unable to report to Colonel Baker, and he reported to Colonel Lee. The order he took up from General Stone was to request Colonel Baker to make a dash at Leesburg, which order was given to Colonel Lee. Colonel Lee told the captain to tell General Stone that if he wanted to make a campaign into Virginia, now was the time, and to send up re-enforcements; but that if he did not intend to make a campaign into Virginia, he better withdraw the troops at once. Captain Kenly made this report to General Stone, and General Stone immediately went up to Ball's Bluff.

Question. About what time did he go up?

Answer. Captain Kenly came down about 6 o'clock, and General Stone went up about half past 7 or 8 o'clock.

Question. Was the matter discussed that day of moving troops up to Ball's Bluff to take part in the action there?

Answer. The intention was, as we understood, to move immediately on Leesburg.

Question. Why was not that done?

Answer. For the reason, as we suppose, that General Stone thought the enemy too large a force for us.

Question. Was there any question there in relation to moving up to Ball's Bluff to take part in the engagement there?

Answer. None at all.

Question. But there was no obstacle in the way?

Answer. Not that we knew of.

Question. General Stone supposed the force at Leesburg was too large for our troops to move on Leesburg?

Answer. He seemed to be under that impression after he came back from Ball's Bluff.

Question. During the day you were aware that there was fighting going on at Ball's Bluff?

Answer. Yes, sir; we could hear the firing.

Question. And General Stone knew it?

Answer. He was up making observations all the while, and he could not help but know it.

Question. There was no obstacle in the way, that you know of, to prevent his throwing the troops he had crossed at Edwards's Ferry up to the assistance of those at Ball's Bluff?

Answer. None at all.

Question. How many men were there over there at 12 o'clock that day?

Answer. I do not think there were many over two and a half regiments.

Question. About 2,500 men?

Answer. Yes, sir; I say there was no obstacle to moving up. There was none but this sand battery, which I understood had no guns.

Question. Suppose the battery had had guns mounted, could not the troops have gone around it?

Answer. We could have flanked the battery very easily; at least, it seemed so to us; we did not go up to it.

Question. If there had been guns there they would have fired on you, would they not?

Answer. I should suppose they would. They were in full sight of us.

By Mr. Chandler:

Question. Did you hear any complaints at that time of the management of Colonel Baker, in crossing the troops and landing them—any criticisms as to his action in battle?

Answer. No, sir; I only heard this fault ascribed to him. I got it from the regiment that was with Colonel Lee, and which was part of General Lander's brigade. There were men in the battle who were near Colonel Baker when he was shot. His only fault was standing in the open ground. When the final contest on the river was fought, the troops were in the shape of a half moon. The enemy were posted in the bushes, and never showed themselves, only as our men charged up through the smoke. Colonel Baker stood out in the open ground, about ten feet in advance of his men, when he might have stepped back in the bushes. His only fault was being too brave.

By Mr. Odell :

Question. Was not there a good crossing up above where Baker crossed?

Answer. Yes, sir; a very good crossing, a very fine crossing up above, at the ferry.

Question. Would not that crossing have enabled Colonel Baker to have taken a much better position on the field?

Answer. He would have had to have taken a position beyond, by going up there. Colonel Devin first crossed below there, and went out on a sort of cow-path towards Leesburg. By crossing at Conrad's Ferry, they could have taken the direct road to Leesburg.

Question. I mean a better position with reference to meeting the enemy?

Answer. He could have gone up there and come right down the bank.

Question. Do you know anything about the orders given to Colonel Baker, whether he was to cross here or there?

Answer. As near as I could understand, the final instructions to Colonel Baker seemed to have been given at his personal interview with General Stone, about 9 o'clock in the morning. As I understood, Captain Kenly went to him at 2 o'clock in the morning with orders from General Stone to be at the crossing at Harrison's island at 7 o'clock. He sent his compliments to General Stone, with the message that he would be there in time. It seems that he took his force down there, and then came down to see General Stone personally.

Question. Is not there a mill up there somewhere?

Answer. There is a mill on the creek there. I remember now of hearing two of the captains of the 20th Massachusetts speaking of going up there and getting a boat.

By Mr. Gooch :

Question. When did General Stone cross the river to the Virginia side?

Answer. He did not cross until after we brought General Lander over.

Question. That was on Tuesday night?

Answer. Yes, sir.

Question. Then General Stone knew nothing on Monday in relation to the position on the other side, except what he learned on this side?

Answer. Nothing personally, only what he learned from aids. However, I will not say that, for he was on a high point of land on this side.

Question. Then he knew nothing except from aids, and what he could see from this high point of land?

Answer. No, sir.

Question. You say you did not know or understand that there were any works between Edwards's Ferry and Ball's Bluff, except this sand battery, which you understood was not mounted?

Answer. So we heard. We could see nothing with our glasses. We were so near that if they had had guns there they could have impeded our landing at Edwards's Ferry.

WASHINGTON, *January 10, 1862.*

Colonel GEORGE W. B. TOMPKINS sworn and examined.

By the chairman :

Question. What is your rank and position in the army?

Answer. I am the colonel of the 2d regiment of New York State militia, and, I believe, the senior colonel in the volunteer service of the United States.

Question. Where are you now located?

Answer. We are now located on the road between Edwards's Ferry and Poolesville.

Question. What brigade and division are you in?

Answer. We are in General Gorman's brigade, and in General Stone's division.

Question. Where were you at the time of the disaster at Ball's Bluff?

Answer. I was in command of the forces on the Virginia side at Edwards's Ferry.

Question. Please give us your own narrative of that affair, and what took place at that time.

Answer. On Sunday afternoon about 2 o'clock we marched down to Edward's Ferry—the 1st Minnesota and the 2d New York, with the Rhode Island battery. We got there about 3 o'clock, I think, and formed a line of battle on the Maryland side of the river, on a high hill on the left side of the road going down to Edwards's Ferry. The battery was posted on a high hill on the right-hand side of the road, where General Stone was with them. About 4 o'clock we commenced firing our battery up Goose creek, shelling Goose creek and off to the right to the road towards Leesburg, as we were informed that the enemy expected to cross there Sunday. There were boats up the creek and we fired up there to destroy them. About 5½ o'clock we ceased firing and the regiments were ordered home to camp, with orders to be prepared to be called out at any moment. That evening before I went to bed I received orders to have two days' rations cooked, and my regiment march as still as possible to Edwards's Ferry, and be there by daylight or before. In accordance with that order I was there with my regiment. The 1st Minnesota regiment then commenced crossing over in three scows which would hold fifty men each, and two small row-boats and a boat which had been used for a ferry-boat before. There were no planks there and no ropes, and the boats had to be shoved across with poles.

Question. No oars?

Answer. None for the large scows, none at all. The small boats had some little oars.

Question. What was the condition of the current there?

Answer. The current was running, I should judge, at the rate of three to four miles an hour. It runs very nearly as fast as it does in our East river at New York, and there it runs at five miles an hour sometimes.

Question. How far would it carry a boat down the stream before you landed?

Answer. One of my companies was carried down 200 or 300 yards below Goose creek, and they were a long time poling up against the current, and after a great deal of effort they succeeded in landing. The whole two regiments were landed, I think, in the neighborhood of 11 o'clock. In the mean time, however, there was a canal boat in the canal which I had seen in marching down, and I suggested to General Gorman to have the boat taken out of the canal and put in the river. It had government stores in it, but had been partly unloaded. One of my companies commenced and unloaded the boat. My quartermaster took charge of the stores. The boat was put in the river, and I crossed the balance of my men over in it. We had previously sent over about thirty cavalry under Major Mix. Having no knowledge of the country or of the ground, and no orders or information in regard to what was to be done, I simply threw out two companies of the Minnesota regiment and of my own as skirmishers and picketed them on a hill, and put the two regiments in line of battle. I then made a reconnaissance around there with the cavalry, and discovered that there were some rebel pickets posted in the woods and occupying a white house upon the right.

Question. What was your force then?

Answer. Some 1,400 or 1,500 men. Immediately after we got over there two 12-pounder howitzers were sent over, but without any orders and with no commissioned officer with them. I took the two howitzers and posted them up on a hill,

and turned them towards the direction where I supposed the enemy might attack us. I took the best position which I had, and it proved to be the best because it drove them back. Then there were two companies of the 19th Massachusetts, under Major Howe, who came over with orders to report to me. I picketed one of them in a white house on the right and kept the other in reserve down under the hill, with orders to Major Howe to extend his pickets from that house to the river towards Ball's Bluff. I had heard of the disaster at Ball's Bluff, and was afraid the enemy would attempt to take my right flank by surprise.

Question. Were you over there while the battle at Ball's Bluff was going on?

Answer. Yes, sir.

Question. Did you hear firing?

Answer. Yes, sir; we did the fore part of the morning. That night I was sent over to report how many men I had. My report was 1,513, including cavalry and artillery. There was nobody but an Irish corporal to take command of the artillery?

Question. When did you commence crossing?

Answer. About 6 o'clock in the morning—about daylight; and we got our force over about 11 o'clock. However, while over there, we could hardly calculate time within an hour or two.

Question. Did you remain on the Virginia side that night?

Answer. Yes, sir.

Question. What prevented your being sacrificed to the enemy the same as those at Ball's Bluff?

Answer. There was only one thing. I suppose the enemy did not think there was enough of us there. If we had been 5,000, they probably would have taken us. They probably thought they would make a larger thing of it by waiting until we got more over there.

Question. Where was General Stone?

Answer. He was on the Maryland side of the river. I think part of the time up on a hill, and a part of the time in his own quarters. He was circulating around. He was not on the Virginia side at all at that time.

Question. Can you tell us any reason why it would not have been in your power to have aided those at Ball's Bluff, had you been ordered directly up there?

Answer. I suppose if we had had sufficient force we could have got up there. I should have been satisfied to have gone up with 5,000 men. In fact I offered to go into Leesburg if they would let me do it; though I do not suppose I would have got out again.

Question. Were there any obstacles in the way of your going up to Ball's Bluff?

Answer. None at all. No doubt we would have had to fight a little on our way up. But I think by going up that way on that side we could have drawn their attention towards us, and engaged them so that Colonel Baker's forces would have had an opportunity to have got a better foothold than they had. He had a horribly bad place to cross there.

Question. Now, in your judgment as a military man, knowing that a fight was going on at Ball's Bluff, what object could you have had in remaining where you were, and not going up to assist them?

Answer. I do not know about that. I cannot say. I could not have any object particularly.

Question. What purpose was there to be effected by your remaining across there at Edwards's Ferry?

Answer. I do not know, because I was but subordinate in command there. I did not know the general's plans. I had no orders given to me. I acted on the defensive on my own responsibility.

Question. Who ordered you to go across there?

Answer. I was ordered across by General Gorman, who was a brigadier general.

Question. Had you any further orders what to do after you had got across?

Answer. No, sir; except one order that General Gorman gave me, that if I was attacked—my men were posted about 150 feet from the river—to fall back to the banks of the river and maintain that position at any sacrifice. As that was all that was left to be done, I thought at the time it was rather a good joke, and told him so.

By Mr. Gooch:

Question. You would have had the choice between being shot and being drowned?

Answer. Yes, sir; there was a high bank there, and we must have maintained our position on that, or have been driven into the river.

By the chairman:

Question. Was this order verbal or in writing?

Answer. Verbal; I saw no written order.

Question. Where was General Gorman?

Answer. On the Maryland side. That evening, about 10 o'clock, I think, after I had my camp fires all built and my pickets all placed for the night, Major Baxter came over with orders from General Gorman to re-embark the men across the river, sending back the artillery first. I went back, ordered my men to put out their fires, and make no noise, and had the artillery taken down and sent across the river. We had one canal boat and three scows there. I then put my regiment on board and sent them across, as they had been hard at work that day. I then sent over some of the 34th regiment; I then sent for the sharpshooters, a small company of telescopic riflemen, and had them sent across; and then I sent one company of the 19th Massachusetts across; and then, much to my surprise, I saw the boats coming back again with the men after a part of them had been landed on the Maryland side. Then I was really discouraged. I had begun to feel that we had got out of the thing very nicely. We had heard of the defeat of Colonel Baker, the disaster being magnified, as is apt to be in such cases, and the men and officers were discouraged.

Question. Who ordered them back again?

Answer. I presume General Stone ordered it. General Gorman was in command on the other side of the river. The men came back again, and I posted them in the same order as they had been before. But they did not send the artillery back.

Question. At what time was this?

Answer. About 12 o'clock on Monday night. I took the men and posted them exactly as they were before. I posted them all as well as I could, went around to the pickets, had the fires lighted again, and saw that everything was as safe as I could make it. By the way, one company of the Massachusetts men did not come back from the Maryland side. I had but one company of the Massachusetts with me on the Virginia side then. That night I made Major Howe officer of the day, and I will mention a coincidence in connexion with that. No countersign had been given me, and I made a countersign myself; I made it "Potomac." About 9 o'clock the countersign was sent over to me, and it proved to be the very same I had decided upon. About 3 o'clock Tuesday morning I went across the river to the Maryland side, to see what was going to be done. They had my artillery over there. All the men had come back but one company of Massachusetts men. I had some 2,500 men over on the Virginia side, but no artillery at all. Now a little artillery with a body of men gives them confidence, for they have a great deal of faith in artillery. I went across and saw General Gorman, and asked him if he had any orders. He said he had not. "What shall I do?" I said. He replied, "Stay where you

are; you need not be afraid." "I am not afraid," I said; "but I think we will be attacked at daylight." He said, "No, you will not." "Yes, we will," said I; "these men will come down and attack us." "No, they will not," he replied; "and to-morrow you will have re-enforcements from General McCall's division, who are within seven miles of you." Said I, "I don't think it. But what about those two pieces of artillery?" He replied that he could not order them over. I told him that I must have them; and, besides, they had kept all the boats on the Maryland side, except a little row boat. I said, "General, those boats must be sent across the river: I must have them. I must have a little chance to get out of this thing if I am attacked." Now, with the three scows and the canal boat I might have got across 350 men, probably, at one time. I also said to General Gorman, "How about this artillery? I must have it." Said he, "I can't send it across without General Stone's order." "Where is General Stone?" I asked. "Up at Poolesville," he said. "Why," said I, "what in the devil is he doing up there? Why is he not down here?" I was a little excited, for I was tired, and almost worn out, and was anxious for my men. Said he, "He has a great deal to do. I will send those pieces over as soon as he gets down here." Said I, "I will take the boats any way." And I went down and had the boats taken over, and anchored them in Goose creek. I sent my adjutant around to the pickets, and to tell Major Howe that my headquarters would be down at the canal boat. At daylight some other regiments commenced coming across—the 7th Michigan, and, I think, the 29th Pennsylvania. They were posted on the right of my own. By Tuesday, at 12 or 1 o'clock, or somewhere along there, I reported that I had then, as near as I could calculate, about 4,500 men. General Gorman came over on Tuesday morning, about 9 o'clock, I think, and rode around the camp with me. He remarked that my lines were too far extended. I replied that I did not think so; that I did not think they were extended far enough; that I intended to extend them much further.

Question. You say you remained over there Monday night?

Answer. Yes, sir.

Question. That was the night after the disaster at Ball's Bluff?

Answer. Yes, sir.

By Mr. Odell:

Question. Where did you say you were on Sunday afternoon at 2 o'clock?

Answer. On Sunday afternoon about 2 o'clock I assembled my regiment under orders from General Gorman, and they, with the Minnesota regiment, were marched down to Edwards's Ferry. There we were posted on the hills and drawn up in line of battle; the 2d New York on the right and the 1st Minnesota on the left. Our batteries opened on the Virginia side, right up Goose creek, and up on the road to Leesburg, and they played there with shell an hour or two.

Question. Were there any enemy there?

Answer. None that we could see but a few pickets, and they of course ran away. We were then ordered back to camp. We got back about dark, had our supper, and went through the usual routine of camp duty. That night I received orders to have the regiment at Edwards's Ferry by daylight.

Question. From whom did you get that order?

Answer. From General Gorman. In accordance with that order I had the regiment down there soon after daylight.

Question. Who ordered you to cross the river?

Answer. General Gorman.

Question. At what time did you begin to cross?

Answer. The cavalry had crossed just before we got there, and the Minne-

sota were then crossing. We crossed as fast as we could in the scows, and I suppose we got our regiment all across in the neighborhood of 9 or 10 o'clock.

Question. How far is it from Edwards's Ferry to Ball's Bluff?

Answer. We called it five miles to Conrad's Ferry.

Question. Do you know of any obstacle having been in the way to have prevented you from going from Edwards's Ferry to the relief of Colonel Baker at Ball's Bluff?

Answer. I think a force could have been got up there. I know of no impediment, except it be the nature of the ground. I do not know how the ground is above where we were. I am not acquainted with the country there at all.

By Mr. Chandler :

Question. Did you see any batteries, or anything of that kind that would have prevented your going up to Ball's Bluff?

Answer. No, sir; I did not. We did not receive any fire from any batteries.

By Mr. Odell :

Question. When did you come back to the Maryland side?

Answer. The whole force came back on Wednesday night.

Question. By whose order?

Answer. General Stone came across on Wednesday afternoon, and superintended the retreat of our forces.

Question. Then it was by his order?

Answer. Yes, sir; but I do not know from whom he got his orders.

By the chairman :

Question. You say you remained on the Virginia side Monday night, the night after the disaster at Ball's Bluff?

Answer. Yes, sir. —

Question. How many men had you over there?

Answer. About 2,500 men.

Question. That was all until the next morning.

Answer. Yes, sir.

Question. What purpose was to be effected by your remaining over there all that night with such a force as that?

Answer. I do not know what the purpose was. I had had 1,513 men over there in the afternoon, as I reported, and then some more came over that afternoon, making about 2,500 men in all.

Question. Was there any chance for you to be re-enforced?

Answer. There were men enough on the Maryland side, if we could have got them over.

Question. Suppose you had been attacked, could you have got re-enforcements across there?

Answer. No, sir; not very well. We might have got a few across,

Question. What would have been your condition had you been attacked by the force that had just been victorious at Ball's Bluff?

Answer. We should either have been taken prisoners, killed, or driven into the river.

Question. Are there any suspicions, derived from all the circumstances, that all was not right there?

Answer. I do not know that there were any at the time.

Question. At any other time?

Answer. Well, sir; since then there has been a considerable deal of it.

Question. What did it grow out of?

Answer. I do not know exactly—various things.

Question. State some of them. We want to get just the truth, whether it be in favor or against anybody.

Answer. The expressions of officers there are certainly not very complimentary of General Stone's integrity as a Union man. But as to my own knowledge of his acts, I do not know anything from which I could positively say he was not a Union man.

Question. What do they accuse him of.

Answer. It is said he receives and sends communications back and forth across the river. In fact my officers have told me that they have sent, by his orders, letters across the river—sealed letters—and have received sealed letters from the other side, directed to him; that they have received men from the other side, purporting to be his spies; that he has ordered women to be sent across, and has sent flags of truce across for others to come over on this side. Officers have mentioned these things to me. But I cannot say that I ever presumed General Stone was anything but right, and I never took much notice of it. I presumed he had his spies. Indeed he told me he had, and that he knew everything that was going on over there, and I have been told so by other officers. I, therefore, presumed that everything was all right.

Question. Has the army there, so far as you know, confidence in General Stone?

Answer. No, sir. There is not a man in my regiment that will fight under him, if they can avoid it; not one. In fact they all want to get up a petition to be removed from his division, and I was going down to the hotel this afternoon to see General Dix, to see if we cannot get out of General Stone's division into General Dix's division.

Question. Why do you want to get out of General Stone's division?

Answer. Well, sir, for several reasons. In the first place, we do not know whether he is what he seems to be; in the next place, we do not think he is as good an officer as he has been represented to be. In fact, we have no confidence in him.

Question. No confidence in his skill as a general, or in his loyalty?

Answer. Both.

Question. You doubt both?

Answer. Well, I cannot say exactly that I doubt his loyalty, but others do; at least they express themselves so.

Question. You say that your regiment wants to get out of his division, and that some want to get out because they do not believe he is a Union or a loyal man. Why do you, individually, want to get out of it?

Answer. Because I would not like to go in an advance under General Stone, for the reason that I do not think he is a man capable of handling in the field as large a body of men as he has under him. He is a very good executive officer, and no doubt keeps all the executive departments of his division in good order, with the assistance of Captain Stewart there. But as to his military ability I have a great many doubts. I have been under men before who had no military ability, and I do not want to get under one again. I suffered at Bull Run by being under a man of no military ability. He was a fine man, but no soldier.

By Mr. Chandler:

Question. Have you ever heard a rumor that rebel officers have visited General Stone under a flag of truce?

Answer. Yes, sir; I have heard of that thing. I do not know how true it is, but some of my officers would probably know the fact. I would not come in direct contact with these things. My regiment does picket duty, but the picket companies are generally under the charge of the company officers, and those things have been done by the company officers through the pickets. I

picketed Monocacy river, and those letters were sent across there—were sent through my officers. I knew nothing about them except what I was told. My major has told me that he has sent sealed letters and received sealed letters by order of General Stone; that they were marked to be sent across confidentially. One of my officers who has resigned has told me the same thing. It is said that there has been a great deal of that going on.

By the chairman :

Question. Are such things permitted as our officers communicating in that way with officers of the enemy; is that according to the rules and regulations of war?

Answer. I cannot say about that. Different officers construe these things differently. I should not think it right to do so if I was in command. I cannot say that I ever suspected that there was anything wrong. I presumed that these things were all right.

Question. How came your army to be infected with the idea that General Stone was disloyal? You say they have no confidence in his loyalty, and do not want to serve under him.

Answer. Well, sir, in consequence of the good opinion generally of all the citizens around there. They are all very friendly towards him, and think there is no such man as General Stone.

By Mr. Chandler :

Question. You mean the secession citizens, I suppose?

Answer. Yes, sir; there are only five Union ones around there, as near as I can find out.

By the chairman :

Question. The report is that he communicates with rebel officers.

Answer. I have heard that there has been a visit.

By Mr. Gooch :

Question. Upon what grounds do your officers object to General Stone?

Answer. There are various reasons. There is a strong feeling there of opposition to General Stone.

By Mr. Odell :

Question. Is that feeling confined to your regiment?

Answer. No, sir. The Rhode Island regiment is as much opposed to him as we are, and so is the 34th New York. Indeed, it has got so that officers do not hesitate to express themselves very freely. They do not dare to come out openly, because he is their superior officer.

Question. What do they say? How do they express themselves?

Answer. To show what feeling exists there: Some officers will meet together there, for instance, at dinner, or over a glass of wine, &c. They will say: "Well, we went down and fired away on the other side, and knocked down several trees, and barked several others, on the other side, and I suppose they will make out their bill and come across here, and General Stone will order it to be paid." Such things as that will show what their feelings are.

By the chairman :

Question. I suppose direct communication with the enemy is forbidden by your rules, and these things have come to the knowledge of the officers and soldiers in that division, and he is suspected?

Answer. He is suspected by some of the officers. I heard one officer, in my

own camp, say distinctly that General Stone was a secessionist, and he would stake his existence on it. I told him he ought not to make such a statement as that unless he could prove it. Said I: "General Stone is your superior officer, and you should not say such things about him." He said he did not care a cent about staying in the service there; he knew it was so. I reproved him for saying such things.

WASHINGTON, *January 10, 1862.*

Lieutenant PHILIP J. DOWNEY sworn and examined.

By the chairman :

Question. What is your rank and position in the army?

Answer. I am first lieutenant in company I, 2d regiment New York State militia.

Question. Where have you been stationed?

Answer. The first duty we had up the river was from the aqueduct to the first lock. That was in September. We are now stationed at Edwards's Ferry.

Question. Have you been under the command of General Stone?

Answer. Yes, sir; in his division.

Question. Do you know anything in regard to General Stone holding correspondence with the enemy? If so, state all the circumstances.

Answer. I know that orders have been given to make signals to parties on the other side to come and get letters I was ordered to send over. They were delivered to me by Captain Dyer, who is now acting as assistant adjutant general for General Gorman. He was on picket, and our company relieved him.

Question. State what time that was?

Answer. That was down at the lock; we went down on the lock between the canal and the river.

Question. Where was this?

Answer. This was at the Monocacy. I was on picket another time when I had orders to send over a Mrs. Shreeves, the wife of a Captain Shreeves of the rebel army. Major Dimmick told me to send her over. I said I would not do it. He said it was General Stone's orders. I said I had no such orders, and would not do it. Then Lieutenant Colonel Wilcox came down and said I better send her over. I then made the signal to the other side, and they came down and asked what I wanted. I said Mrs. Shreeves wanted to go over. They said they would go and see General Johnston. Mrs. Shreeves had come down there with all her traps and everything of the kind, and had to go back again until two o'clock. At two o'clock they made a signal on the other side, and hailed me, and I sent up for her, and she came down. She had two trunks and some eight or ten bags of wool, as they said. I then hailed them and told them to send their boat over. They wanted me to send our boat over, and I said I would not do it. The major told me to get my boat out of the canal and send her over. I said I would not do it; that the boat was mine; I had picked it up and put my name on it, and I would not send it over for General Stone or anybody. They then sent their boat over, and we sent her and her things over there.

By Mr. Gooch :

Question. Did you examine the trunks at all?

Answer. No, sir. I asked if I should examine the trunks, and they said she was sworn to secrecy, and they were not to be examined. I said we ought to examine them, as she might give information. "And these, bags," said I, "how

do we know what she has got in those bags?" But the officer said we had to do as we were ordered.

By the chairman :

Question. How long ago was that ?

Answer. That was some time in September. We had orders about a week afterwards to proceed to Poolesville.

Question. Was this Mrs. Shreeves the wife of a rebel officer ?

Answer. Yes, sir. At least we were informed so at the ferry by Mr. Walters, the ferry-master, or rather the superintendent of the lock. He said, "this is the wife of Captain Shreeves of the rebel army." One man asked how Captain Shreeves was, and he said he was right smart, but was waiting for his wife to go over.

Question. Where was General Stone then ?

Answer. He was at his quarters.

Question. How far off ?

Answer. At Poolesville. Major Dimmick of our regiment and Lieutenant Colonel Wilcox were there at the time. I had some twelve men as a reserve, the rest were on the pickets. They saw the woman go across. She had one large, very heavy, trunk and a small sized one.

Question. Did the officers who gave this order think it was all right to do that ?

Answer. They did not seem to consider that it was altogether right, but still, they said, they had to obey their orders. I told them if I was the captain I would not let them go.

Question. Were the orders written or verbal ?

Answer. They were verbal orders from the lieutenant colonel and the major. They said they were the orders from General Stone, and I had to obey them.

Question. What was the name of the major who gave you the order ?

Answer. Major Dimmick. He said the order came from General Stone, and you ought to obey it ?

Question. When you objected what did he say ?

Answer. He said I should obey orders. He told me to take my boat out of the canal and take this lady across. I said, "I will not do it. I will be court-martialed first."

Question. What I want to know is whether these superior officers who gave these orders to you manifested in any way that they considered it extraordinary or wrong ?

Answer. The order was positive from General Stone to send her over that day.

Question. Do you know anything about letters being sent and received ?

Answer. Yes, sir.

Question. When was that ?

Answer. They have been going all the time. I could not tell you how often I have sent letters over.

Question. From whom ?

Answer. From General Stone ; sealed letters to be sent to Mrs. Madison, or some such name as that.

Question. Where was she ?

Answer. At Leesburg.

Question. Was she a Union woman or a secessionist ?

Answer. I could not say. But the folks at the canal, to whom I showed the letters, said the persons to whom they were directed were "secesh strong."

Question. The report was that they were secessionists ?

Answer. Yes, sir.

Question. You say this has happened frequently ?

Answer. Yes, sir.

Question. How often have you sent letters ?

Answer. I was there on picket at one time for a week, and we sent letters over almost every day—letters backwards and forwards, some directed to General Stone.

By Mr. Gooch :

Question. Single letters or large packages ?

Answer. Some large envelopes and some small ones.

By the chairman :

Question. How were they sealed—with wax ?

Answer. Yes, sir, some were; others were the common envelope.

Question. Did large packages ever go over ?

Answer. Some large packages came from over there and some went over. We had some letters which were open, and we read them. They spoke about the "Virginia races," as they called the fight at Bull Run. These were sent up to General Stone. They were directed to other parties at Poolesville, and some at Rockville.

Question. Did you break open these letters ?

Answer. They were already open.

Question. How was it with the others ?

Answer. All the rest were sealed.

Question. Were the others opened by any of the officers ?

Answer. No, sir. I proposed to open the letters, but Captain Dulaney said, "no; it wouldn't do."

Question. They were delivered to General Stone unopened ?

Answer. Yes, sir.

Question. Do you know what he did with them ?

Answer. No, sir; because we sent them to him by the cavalry pickets.

Question. How recent has that been ?

Answer. That was previous to our going to Edwards's Ferry; that was in September. But since I have been down at Edwards's Ferry, along in October, since the battle of the 21st, along about the latter part of October and in November, there have been letters sent across. They came to me on the 5th of November for a boat to go across with letters, and I said I would not do it, and consequently the letters went above me to another picket, and they sent the letters over.

Question. You say this is a common practice along there ?

Answer. Yes, sir.

Question. And has been ever since you have been stationed there ?

Answer. So common that their men came over on our side and stayed with our pickets, drinking; and then they would go back again. I was speaking with Captain Darrah and told him that we should arrest these men. He said some of our men were over there as hostages for these men. I said if I got hold of any of them I would hold them.

By Mr. Johnson :

Question. Is it a common thing to send hostages back and forward ?

Answer. These men came over first, and our men went over there.

By the chairman :

Question. I have heard of a certain time when it is said General Stone made signals to the other side, and some of our men went over there. Part of them returned with some of the rebels and some sealed packages to General Stone, and the rest of our men remained there as hostages.

Answer. I heard something of that, but I do not know about it. Captain Darrah said at the time that he thought this was an officer, when I spoke to him about it. This rebel officer told Captain Darrah that he thought we would get a little the worst of it next time we went over there. They had some words about it, and came near getting into a fight; and Captain Darrah told him he had better go back again. I know there were two negroes at a Mrs. Butler's who were taken at Ball's Bluff, and were sent over at Edwards's Ferry, and they would not receive them there, and they were sent up by General Stone to board there until he could send them over. They heard of it and ran away.

Question. Did this officer wear a rebel uniform?

Answer. Yes, sir.

Question. What was his grade?

Answer. Captain Darrah said he thought, from the appearance of the man, that he was an officer.

Question. Were there any confidential marks on these packages; were they marked "confidential," or any such mark as that?

Answer. That I could not say. I recollect they were addressed to "General Stone, commanding division at Poolesville."

By Mr. Johnson:

Question. How far is Poolesville from where you are?

Answer. It is some three and a half miles from Edwards's Ferry, I think.

By Mr. Covode:

Question. What is the general feeling among your friends in the army in regard to the loyalty of General Stone?

Answer. The general feeling is that a great portion of the officers and men do not think he is altogether on the square. In fact, I came right square out about it, and liked to have got myself into trouble about it.

By Mr. Odell:

Question. You say this wife of Captain Shreeves went over with trunks, &c.

Answer. Yes, sir.

Question. That was at the Monocacy, on this side?

Answer. Yes, sir.

Question. Do you know if she had recently come from the other side?

Answer. She had been over there before. This was the second time she had been over there. And a Mrs. White had been over there twice, and wanted to return.

By Mr. Gooch:

Question. Do you know where Mrs. Shreeves lived?

Answer. She was the daughter of Mr. Jones, the superintendent of the canal.

By Mr. Odell:

Question. His business was on this side?

Answer. Yes, sir. The folks at the ferry-house know all about this. They are acquainted with the folks on the other side, and this side, too.

By Mr. Covode?

Question. Is it considered wrong in you to talk about these things there?

Answer. Well, sir, I am an independent character, and speak my mind generally. I have been in the navy for some years, and I was in the Mexican war, and I generally say what I think.

Question. Is there not a great deal of restraint in the army?

Answer. Yes, sir; if you talk about your superior officer you are liable to be

tried by a court-martial. But I have in fact told all my officers that I thought that he was more of a secesh than anything else. I told my colonel so, and he told me I had better be careful what I said, as it might come to his ears, and I would be tried by a court-martial.

By Mr. Odell :

Question. Have you ever had any difficulty with General Stone?

Answer. No, sir. I never spoke with General Stone in my life.

By the chairman :

Question. You say you believe he is more of a secessionist than anything else. What have you seen to make you think he is not loyal?

Answer. Well, sir, one thing was, I did not see any move for a fight at Edwards's Ferry. When there is an attack I generally see officers try to make a close in on them. We could have closed in on their flank. We had only 1,300 men across there, I know; but General Banks could have marched up with his division. I was on the road to right where the fight was going on, and proposed to Captain Dulaney to take our company anyhow and go to the relief of Colonel Baker; but the captain said no; I would be tried by court-martial.

By the chairman :

Question. Would there have been any difficulty in going up to the aid of Colonel Baker?

Answer. General Stone was not over there at all.

Question. Were you over on the Virginia side?

Answer. Yes, sir. And I proposed to get some hawsers and run them across and make them fast, and run the canal boats over that way. I had learned how to do that by being at sea. I asked Major Dimmick about it. He said he spoke to the general about them, but could not get them.

By Mr. Gooch :

Question. Would there have been any difficulty in obtaining these hawsers?

Answer. I suppose there was rope enough in Poolesville, or at all events in Washington. But they ought to have had them ready before we started.

By Mr. Chandler :

Question. Did you see any obstacles, like batteries or anything of the kind, to prevent your marching up to Ball's Bluff?

Answer. No, sir; there was not. It was supposed there were some batteries on the hill there, and I proposed to go and try if there were any there; but the captain said no.

By Mr. Gooch :

Question. Had there been any batteries there they would have been likely to have fired upon you, would they not?

Answer. Yes, sir; I should think so.

WASHINGTON, *January 10, 1862.*

Captain DENNIS DE COURCY sworn and examined.

By the chairman :

Question. What position do you occupy in the army?

Answer. I am a captain.

Question. In what regiment and brigade?

Answer. I am senior captain of the 2d New York State militia, in General Gorman's brigade.

Question. Whose division are you in?

Answer. In General Stone's.

Question. Where are you stationed now?

Answer. At White's farm, on the road leading to Edwards's Ferry.

Question. We desire to learn if you know anything about the transmission of letters, or any kind of communications, carried on between General Stone and any one on the other side of the river.

Answer. I have sent letters over there, sealed letters, while at Monocacy.

Question. By whose orders?

Answer. By orders of General Stone.

Question. What kind of letters were they?

Answer. There were three letters sent over at one time; one, I think, had a white envelope, and the other two had brown.

Question. Were they single letters, or largish packages?

Answer. They were single letters.

Question. Do you remember to whom they were directed?

Answer. I do not remember now. I am going on to New York, and I think I can find out there. They were handed to me by the captain whom I succeeded on the picket. He said it was the positive orders of General Stone to have the letters sent over by the man who was to bring a Mrs. White across. The man's name is Mills or Miles, and he lives right across from the lower Monocacy.

Question. Is he Union or secession?

Answer. I should suppose if he was Union he would not be in Virginia there.

Question. How often has this been done to your knowledge?

Answer. It has been done frequently; I never kept any particular account.

Question. Has it been a common thing for letters to be transmitted in that way?

Answer. It has been up there.

Question. Does this lady you speak of come over and receive them?

Answer. This lady, Mrs. White, comes across and remains here. General Stone allows her to go across and see her husband in the rebel army. She is now living with her brother-in-law, pretty near our camp. When she came over I gave these letters to this Mills to take back.

Question. Is it a common thing for her to go back and forth?

Answer. She applied for leave latterly to go over, and I believe it was denied her.

By Mr. Gooch:

Question. How was it formerly?

Answer. She did go across formerly. I did not see her go over, but I received her as she came back.

Question. Did you ever know of her going over more than once?

Answer. No, sir. There was a Mrs. Shreeves; her husband is in the Loudon cavalry in Virginia. She goes over there and remains there.

By the chairman:

Question. How often does she go across?

Answer. She used to go across before our pickets came there, according to her own statement. Afterwards she was sent over by the order of General Stone.

Question. Can you give us any other instances of this communication backwards and forwards?

Answer. I cannot really think; there are so many of them.

Question. Does this cause any remark as a transaction that is wrong, or is it thought to be a matter of course?

Answer. It is the general opinion that it is wrong—at least of my men and myself.

Question. Have you ever given any notice of these things to the authorities here?

Answer. No, sir. We have to keep mighty still on that line.

By Mr. Odell :

Question. Have you reported it to your colonel?

Answer. We always send the messages that come across the river to the commanding officer of our regiment, and they go through him to General Stone?

By the chairman :

Question. Did you ever hear any remark from him that he thought it was wrong?

Answer. I have heard a great many. I believe a majority of the officers of our regiment say it was wrong.

Question. Is there any doubt among your officers and men as to the loyalty of General Stone, derived from this or any thing else?

Answer. If you take their remarks for it, there is. They speak very indifferently about the man.

Question. State whether there is a want of confidence in him.

Answer. Yes, sir. A great want of confidence in him.

Question. In his loyalty?

Answer. I think the general thing is that he is not much liked by the officers and men of the division. I do not speak of our own regiment, though they particularly do not have much confidence in him.

By Mr. Odell :

Question. Not much confidence in his loyalty, or in his ability?

Answer. Well, sir, perhaps both.

By the chairman :

Question. Is that want of confidence in consequence of these communications?

Answer. Yes, sir; and from orders that he has issued from time to time to the officers and men of the regiment.

Question. Orders of what import?

Answer. Well, sir, there was an order read on parade last Saturday or Sunday, stating that the government had trusted us with arms to protect the citizens of Maryland, and that we were getting paid, &c., for that duty. I spoke to Captain Hueston about it at the time. I had a copy of the order, but I forgot to bring it with me. It was a perfect insult to the officers and men in his command.

Question. Why?

Answer. He said that if the officers of the different regiments, and our regiment particularly, could do any better at home than they can there, they would not be there soldiering; said they received better pay now than they could get at home.

Question. What caused him to publish such an order as that?

Answer. I do not know. But I do not think any officer with any spirit in him at all would stay there under him with such orders. Every officer has a commission, and ought to be treated as a gentleman.

Question. Was there anything to lead him to say that you were there because you got more than you could get at home?

Answer. I do not know. I know I could have done much better in New York than by soldiering.

By Mr. Johnson :

Question. Did he want you to perform duty on Sunday ?

Question. And you objected to performing duty on Sunday ?

Answer. I never objected to performing duty on Sunday or any other day in the week—day or night.

Answer. Yes, sir.

By the chairman :

Question. Did you ever have any difficulty with General Stone ?

Answer. No, sir.

Question. Still you entertain doubts as to his loyalty ?

Answer. Yes, sir ; I do.

Question. And that feeling is shared largely by your regiment ?

Answer. Yes, sir.

By Mr. Gooch :

Question. Is the feeling in relation to the loyalty of General Stone so general that your men would not be willing to go into action under him ?

Answer. It is a subject we have never broached to our men.

Question. I mean among the officers.

Answer. It is the general opinion that he is not loyal. I even heard some remarks pass in our camp a few days ago that he would soon be over there ?

Question. Over where ?

Answer. Over with the rebels.

Question. Is there a feeling among the officers that they would not be willing to go into battle under General Stone for that reason ?

Answer. I think there is. I have been under him now since last August, and I have done a great deal of duty since that time.

By the chairman :

Question. Where were you at the time of the Ball's Bluff affair ?

Answer. On the Sunday before the battle I had charge of the pickets at Edwards's Ferry.

Question. Did you cross the river that day ?

Answer. I crossed on Monday, and was sent out on Tuesday, and had command of the pickets above Goose creek. I found a young man of the 13th Mississippi, who had been wounded ; but he could not be moved, and died there where we found him.

Question. Did you hear the firing at the battle of Ball's Bluff ?

Answer. I did not. On that Sunday, the night before crossing, General Stone sent an order to me by Lieutenant French to detail eight of my men, and send them up the canal with two 6-pound howitzers. I did so. I believe I sent seven and a corporal. They went across at Ball's Bluff and manned those two pieces there, and when they could not make any further use of them, they threw them into the river, so that the enemy should not get them. Those were the eight young men who brought over the body of Colonel Baker.

Question. You were not at Ball's Bluff yourself ?

Answer. I was not.

Question. You were at Edwards's Ferry ?

Answer. Yes, sir.

Question. When did you cross there ?

Answer. I crossed on Monday.

Question. What did you do then?

Answer. We remained there some time; then, late at night, were ordered back to the Maryland side; but when we had got into the middle of the river we were ordered back on the Virginia side again.

Question. You then spent the night there?

Answer. Yes, sir, and Tuesday and Tuesday night. I was on picket Tuesday night.

Question. On the Virginia side?

Answer. Yes, sir.

Question. How long were you there?

Answer. I came back, I think, Thursday. I did not come across the river until I came back for good.

Question. When were our forces finally withdrawn from the Virginia side?

Answer. They were withdrawn by degrees. Our regiment was the last that came back; we got back Thursday morning.

Question. Did you find any fortifications on the Virginia side?

Answer. No, sir.

Question. Were there any earthworks there?

Answer. No, sir; not where we were. There is an earthwork lower down, about three-quarters of a mile below Patterson's island, and there are probably 200 men working on it every day. We have thought it very foolish that General Stone did not shell them out.

Question. Would there be any trouble in driving them from there?

Answer. Certainly not.

Question. And they are allowed to go on and complete their works there under the range of our guns?

Answer. They are at work on it; or they were the day before yesterday.

Question. Would your guns reach them?

Answer. Certainly they would.

By Mr. Gooch:

Question. Was there anything to prevent our forces from going up from Edwards's Ferry to Ball's Bluff on Monday?

Answer. Nothing, that I could see. We had sent over there two 12-pound howitzers. When they were brought over they were left down in a hollow. I came up to Corporal Kelly and asked him what was the use of putting the pieces down there. He said he had done what was ordered. Our colonel was superintending the division there, and I went up and suggested to him to have them put up on the hill in the brush, and they were put there. That afternoon our men were on the wet ground, and they went to get some straw from some stacks, and there must have been 1,000 to 1,500 of the enemy who came out and fired upon them, and wounded one man. And had it not been for these two howitzers having been put where I suggested, they would have taken us and both the howitzers.

Question. Who was in command on that side of the river?

Answer. I could hardly tell you.

By Mr. Odell:

Question. Was not General Gorman there?

Answer. He was attending to transporting the troops.

Question. Was not General Stone over there?

Answer. I did not see him over there till Wednesday.

By Mr. Chandler:

Question. He was not over there Monday or Tuesday?

Answer. I did not see him.

By Mr. Gooch :

Question. If you had been attacked could your force have been taken back with the means of transportation you had?

Answer. No, sir; I understood there were orders given—I will not be positive that they came directly from General Stone—that if we were attacked we should fall back to the brow of the hill by the river. I laughed when I heard the order, because we could not have gone any further, unless we had swum for it.

By Mr. Chandler :

Question. You could have taken your choice either to be shot or to be drowned?

Answer. I would have taken the chance of being shot.

By Mr. Gooch :

Question. You think it would be more creditable for an officer or soldier to die in that way than to be drowned in the Potomac?

Answer. I do, sir. I do not like the idea of an officer running away any how.

WASHINGTON, *January 11, 1862.*

Colonel ISAAC J. WISTAR sworn and examined.

By the chairman :

Question. What is your rank and position in the army?

Answer. My rank is that of colonel of infantry in the volunteer service.

Question. What regiment do you command?

Answer. The regiment formerly known as the California regiment—now called the 71st Pennsylvania.

Question. Formerly Colonel Baker's regiment?

Answer. Yes, sir.

Question. What brigade are you in?

Answer. The third brigade of the corps of observation.

Question. Whose division?

Answer. The division of General Charles P. Stone.

Question. Where have you been stationed latterly?

Answer. Since about the 1st of October, two miles above Poolesville, in Maryland.

Question. Do you know anything in regard to communications passing between General Stone and the enemy over the river?

Answer. I know nothing, except the common rumors that we all know, except that General Stone told me that he had sent a flag of truce over for the body of an officer killed in the engagement of the 21st of October, which was successful in its mission. That is all that I have any positive knowledge of in regard to communications, except surreptitious ones, such as soldiers calling across the river, which is against orders.

Question. It would be well enough, perhaps, in order to explain the condition of the army there that I should ask you whether there is prevailing—whether justly or not—a feeling of suspicion in the army that General Stone is not entirely loyal?

Answer. No, sir; there is no suspicion of the kind; not among any of the troops that I have any connexion with; no such idea at all. I think I may safely say that in the brigade to which I belong—I have very little knowledge of the rest of the division—there is not a man of any rank who has such a feeling.

Question. They have confidence in him?

Answer. Yes, sir; full confidence in him.

Question. You never knew of his communicating with the other side, except to get the body of the officer who was killed, and that he told you about?

Answer. That is the only occasion I know anything about, and that was known to everybody; there was no concealment about it.

Question. Were you at the battle of Ball's Bluff?

Answer. I was; I commanded the left flank of our line there.

Question. Will you inform us what you know, briefly, of the movements of our forces there from the Monday morning preceding the battle, the orders, the disposition of the men, the battle, &c.?

Answer. I do not know as I could state more concisely and clearly than I did in my official report; but I will state as far as I remember about it now. The first intimation that I had of any expectation of any movement there was at about one o'clock on Monday morning, the 21st of October. I had just turned into my bed, after writing pretty late. Before I had got asleep I received an order from Colonel Baker—it was an order from General Stone to Colonel Baker, who commanded my brigade—directing me to march with the first battalion of my regiment, less the camp guards and other details, so as to arrive at Conrad's Ferry about sunrise. I was then lieutenant colonel, commanding the regiment, Colonel Baker commanding the brigade. I called upon the officer of the day and directed the proper disposition to be made. Being pretty tired I then went to sleep. I marched in the morning and arrived at Conrad's Ferry about sunrise, with 570 men, officers included. I then sent the quartermaster, who was the only mounted officer I had along, down to Edwards's Ferry, where I understood General Stone to be in person, to report my arrival at Conrad's Ferry, and ask for orders. He returned, perhaps by 8 o'clock. During the forenoon I can only give an approximation to the hours. But I should say that he returned about 8 o'clock with an order to me from General Stone to wait further orders where I was, unless I should hear heavy firing across the river, in which case I was to cross over and support Colonel Devin. About an hour before receiving those orders through my quartermaster, there had been a scattering fire of skirmishers over the river, which I took to be the enemy driving in our pickets. But about the time the quartermaster returned with this order they commenced bringing over the wounded; but for some time after receiving this order there was no firing, either heavy or light. I moved my regiment down a little way, so that, in case I should have to cross, I should be nearer the place of crossing where Colonel Devin had gone over. About a half an hour after receiving this order, and I had taken my new position, Colonel Baker and his staff came down from the camp and asked me what my orders were, and I told him. He said, "I reckon I better go down to Stone, had I not?" I said, "I don't know; those are my orders." There appeared to be nothing doing there; there was a small force across the river, but there was nothing likely to be doing there, and I said I saw no reason why he should not go down, and he started off on a gallop down there. About a half an hour afterwards the chaplain of my regiment returned in great haste, and directed me from General Baker to cross at once. His words were, "General Baker directs you, sir, to cross at once." I immediately marched my regiment down to the boats and commenced crossing them. I had scarcely commenced—I had sent over one boat-load—when General Baker himself arrived, and hurried me as fast as he could, directing me to press everything into the service and get across as quickly as I could. I did so. I went over there with the second boat-load, directing my senior captain to attend to transporting the troops over. I went over on the island in the middle of the river—Harrison's island—which is about three miles long, and perhaps two hundred yards wide; it is narrow and long. I remained on the island in order to superintend the transportation on both sides of it, as the most central place. By about 2

o'clock I had crossed six companies on to the island, and had got one company across from the island to the Virginia side. Then Colonel Baker himself arrived on the island, having been engaged in futile attempts to stretch a rope across from the Maryland side to the island, which up to that time had failed. Afterwards that was successful. He arrived and saw what had been done. "Is that all the men you have got across?" he asked. I said, "Yes, sir." He said, "You must hurry all you can; get everything that can float; cross every man you can into Virginia; I am going over now." "Very well," I said; and he went over.

I continued crossing the six companies over into Virginia. But when I had crossed four of them I became anxious lest their disposition on the other side might not be such as I desired, and I went over myself. I went up on the field, which was an oblong square, the length running at right angles with the river. I found that our troops marched up across to the end of it nearest the river, parallel with the river. As soon as I got upon the field, Colonel Baker came up to me and said, in a hurried manner, "Come and go around with me and look at my disposition and plans, and say what you think of them." There was then a slight spitting fire from the tree tops around, but no enemy in sight. They were firing at the officers—at Colonel Baker, Colonel Cogswell, and myself. The officers and men of the line were all lying down, by Colonel Baker's order, to avoid this fire. He explained to me very fully, and asked what I thought of it. I expressed no opinion, but said I would ask permission to extend the skirmishers of my regiment on the left, they being within a few paces of the left of our line, but of no great use where they were. He said: "I throw the entire responsibility of the left wing upon you." "I throw it upon you." Those were his words: "Do as you like." I then went to the left wing and sent Captain Crowningshield away, directed him to rejoin his regiment, and took one company of skirmishers of my own and directed them to advance in open order to a hill, so as to see what they could ascertain of the enemy's position and strength. Just as they were about moving out, Colonel Baker and Colonel Cogswell came up to me. Colonel Baker said: "Colonel Wistar, I want you to send out two of your best skirmisher companies to the front and feel the enemy's position and see what is on our right flank; see what is there; make a thorough reconnoissance."

I have omitted to state that just before this he came to me and read me a despatch, which he said he had just received from General Stone. He pulled it out of his waistcoat pocket and read it to me. I have not seen it since. It was something like this:

"SIR: Four thousand of the enemy are marching from Leesburg to attack you."

I at once remarked to him that, considering the time it must have taken this despatch to have passed through to us, those 4,000 men must then be in front of us. Said I: "We are greatly outnumbered in front." "Yes," said he, "that is a bad condition of things." I was about advancing these skirmishers when I received his directions to push out two companies to the front. I said: "The enemy cannot be less than 5,000 men, and probably 7,000 in front and around this field; and to send out two companies of skirmishers will be to sacrifice them." He said: "I cannot help it; I must know what is there." "Well," said I, turning to the captain of the company I was about advancing, "you hear what my orders are; do you understand them?" "Yes, sir," said he. "Don't go off in a hurry," said I. "Do you understand thoroughly what to do?" "Yes," said he, "I do." Captain Marco had a company I could trust, an excellent company, and I sent it out. I then took a company and took them out myself in support, as there was nothing particularly for me to do with the bulk of my regiment.

[The witness here took a sheet of paper and with a pencil made a rough

sketch of the position at that point of time, to which he referred in his subsequent statements.]

This represents the Potomac. This will stand for the bluff. A depression in the bluff occurred here; and here is where we landed, [indicating the several places in his sketch.] This is an open field; all around it is woods on all sides, including the bluff from the river out. Somewhere here is Ball's house; you can see it over the top of the woods. Here was a twelve-pounder gun; and here were two howitzers. There was the 15th Massachusetts, or a detachment of them. Here was the 20th Massachusetts; here was the Tammany regiment, and here was my own regiment, [indicating on his sketch.] Here was my company of skirmishers, facing to the left. In the woods, fifty yards from our left, was a hill. I assembled this company of skirmishers, and sent them out here; and got another company, and marched them out myself in support; had some little trouble with them, but finally got them along. When we reached here, advancing in this direction towards the enemy, [pointing to the place indicated in his sketch,] they had to pass across an open field; they had no time to go around. The enemy, however, did not fire on them until the first company entered the woods. They had got about ten paces in the woods, and I was about thirty paces behind with the second company, when the whole of the 8th Virginia regiment arose up from the ground, about thirty paces off, and ran right at them with the bayonet, without firing a shot. Captain Marco held his men steady. I ran up with my company, and a very hot fire immediately commenced on our part. Our men being in open order had that advantage, and a great many of the Virginians broke, and ran away. The rest of them had to stop their charge, and fire laying down, and from behind trees, &c. The enemy over here, hearing pretty sharp firing where we were, supposed we had attacked their right flank in force, and immediately threw in a heavy volley upon our main body, and our men returned it. I put these two companies in charge of Captain Marco, and ran back as hard as I could to take command of my regiment. Captain Marco, with his two companies, held his position there for about fifteen minutes, during which time they lost all their officers, all their sergeants but two, one of them wounded, all their corporals but three, and two-thirds of their privates, when the rest of them, under the command of the only remaining sergeant unwounded, fell back in pretty good order, bringing with them a first lieutenant and fourteen men, of the 8th Virginia regiment, prisoners, under the fire of the whole regiment. They fell back, and I posted them in a point of woods, as skirmishers, to cover the open place there, and prevent our being outflanked. In the meantime, at the first fire, Colonel Baker moved up his reserve, and extended our left with it, so that we were then all in position here, [referring to his sketch.] The action then went on. The first fire, brought on by these skirmishers advancing, commenced at half past two. About a half an hour afterwards this 8th Virginia, having got rid of our skirmishers, attempted to charge our left. They moved across this open place in column; came around behind this hill, which concealed them from us, and under shelter of the hill deployed into line. Fortunately I had seen them. I had feared that, and, having no skirmishers to watch them, I kept a pretty sharp lookout, and detected their movement in time to prepare for it. I at once changed front of three or four companies to meet them. I knew, of course, they would deploy behind this hill. From the top of the hill to our left was about sixty yards. About fifteen yards from there there ran a gully. The ground sloped down gently to the bottom of the gully, and then rose gently to the top of the hill. I changed front of three or four companies, and held their fire until this Virginia regiment had got to this gully, and when they had accumulated their men there I delivered them a volley, which threw them into entire confusion. They broke and ran. They cleared out, and no more was seen or heard of them. They never rallied afterwards.

About twenty minutes after that the 20th Mississippi regiment tried the same thing. They came up, deployed suddenly, delivered their volley and charged upon us. We repeated the same tactics: let them come within fifteen yards of us, when we fired a volley, and they broke and run. This was repeated at least seven or eight times between then and dark. These two howitzers had been fired four or five times before the action commenced at this house. The house was of no importance to the enemy or to us. I stopped them, saying that there was no importance attached to the house; it was not likely that we could force the enemy's position, as they outnumbered us so largely, and if we did not, we should never want the house; if we did force their position, then we could take the house. There was no use playing on it, especially if there should be a family of women and children in it. When the battle did begin the men who manned these howitzers disappeared, and I never saw any more of them. The guns were not fired. This 12-pound gun was a rifled gun, and had a crew of nine men. Five of them were shot at the first fire, and the other four disappeared, except the lieutenant of the gun, who remained with it and acted bravely during the action. Seeing this gun idle, and seeing how much execution it might do, and being pressed so severely by this constant necessity of changing our front, I went over there and asked Colonel Cogswell if he could load the gun. He said he could. We took that gun and moved it out to command this open place, and with the aid of Mr. Bramhall kept up a fire on their front. Occasionally we got an opportunity to annoy their columns that came from behind the hill upon us. Once we destroyed one entirely; opened a hole straight through them, so that we could see right through. That gun, in that way, was of great service. Even when the columns managed to get across the field and close up, they were so shattered and disorganized by this gun that we had less difficulty in repelling them. In that way the battle continued until about dark—just beginning to be dusk—when they charged with a very large column indeed; I should say there were at least 2,000 men in it, from the glimpse I got of them; from 2,000 to 2,500 men, which we did not get a shot at with the gun. I instantly attempted to change front with my whole command, knowing that there was no joke about that. I had only about some 400 men alive there at that time. I was doing it as fast as I could, they being concealed in the woods and behind these hills, when I stepped out to see if there was a support coming up. If there had been a heavy support I should have stepped back. Just as I stepped out I got my third wound, which disabled me entirely, and was carried off. But the moment after I received the wound, and while I was still sensible, I staggered against Colonel Baker. He asked where I was hit and I told him. I said, "There is not an instant to lose, there is a heavy column deployed behind that hill; you must see if you can repel that attack, for it is serious." He left me, and had not gone more than ten or fifteen steps before the enemy appeared on the top of the hill, their right wing closed in column, and their left wing deployed in line. The left wing delivered their volley and the right wing charged with a yell down the hill. At that moment a captain of one of the regiments, I supposed it was, called out in a very loud voice: "Company A, 20th Massachusetts, retreat to the ferry." His men immediately broke. Somebody repeated the same order for company B, which followed their example. They ran against the Tammany regiment and threw it into confusion, and that confused our right flank. At that moment the column of the enemy struck them and away they went. The column of the enemy up to that moment had been partially held back by the recovery of Colonel Baker's body. There was a desperate charge of about thirty or forty men upon the enemy to recover Colonel Baker's body, and that checked the whole column for about three minutes. And it was during that delay, which was a bayonet fight, that this order to retreat was given, and we were pressed back to the bluff. The bluff was exceedingly steep, about as steep as a man could climb up and

carry his musket; you could not preserve any line on it; it was covered with rocks and trees and bushes; it was very dark down there; and when the enemy came up to the brink of the bluff, they had a dark place to fire into, while our men had them against the sky in pretty close order. As our men were going down the bluff, Captain Harvey, the assistant adjutant general, rallied the men of my regiment on that bluff; they were all broken and confused; but the men at his command fell down on the ground and opened a spitting fire up the bluff at the enemy; and in that way, with the aid of the Tammany regiment and some of the Massachusetts men, they held the bluff until 11 o'clock that night. At that time the enemy, having entirely surrounded us, found their way down to the river bank and took prisoners all who were left; in the meantime a number had swum the river; but they captured all who were left.

By the chairman :

Question. What was the number of the enemy do you suppose?

Answer. I have no positive knowledge; but General Stone could tell better than I could where he received the information that 4,000 men were marching from Leesburg to attack us; there must have been at least some 1,500 or 2,000 before, who drove in Colonel Devins, and that re-enforcement swelled their number to 5,000 or 6,000 men; and while the action was going on our artillery on the Maryland side of the river saw them passing up from Edwards's Ferry. Our men informed me that they saw regiment after regiment passing up at double-quick, but supposing they were some of General Gorman's or General Stone's men going up to re-enforce us, they refrained from firing upon them. I do not know how many there were; the statements are not entirely reliable; still, I take it for granted there was some foundation for the statement that some men did pass up.

Question. What prevented our men at Edwards's Ferry passing up to assist you at Ball's Bluff?

Answer. Of that I have no knowledge but rumor; rumor said they were stopped by a battery which was discovered after they crossed the river.

Question. Do you know that there was a battery there?

Answer. I never was there; I have no knowledge of it whatever; but I take it there were military reasons best known to the general commanding why it was not safe for him to advance from Edwards's Ferry, on the Virginia side, towards us; but what those reasons were I have no knowledge whatever.

Question. If there had been no obstruction, would not the general in command have been greatly in fault, on hearing the firing at Ball's Bluff, if he had not proceeded to your assistance?

Answer. It would be assuming, in my opinion, a great deal to say that; for it would be assuming that he knew the whole face of the country there; knew exactly the force the enemy had, and where they were; and knew exactly what was going on where our firing was taking place. As we understand the truth of these facts, it would perhaps have been his policy to have advanced to our aid, provided no battery or any other obstacle interfered. It is not to be supposed that he had that knowledge; I do not know whether he had or not; I presume he had not.

By Mr. Chandler :

Question. What would have been the effect of a flank movement upon the enemy of 1,500 of our men re-enforcing you, from 3 o'clock to 6 o'clock, coming up from Edwards's Ferry?

Answer. Well, it would have been a very dangerous movement—a very dangerous experiment. In the first place, the force of the enemy I assume to be 6,000 men, about. They were entirely located in the woods. A great part of this advance of re-enforcements from Edwards's Ferry would have been through

the woods. The movement would have been hasty, and the men excited. You must recollect that these men had never been under fire before, except my regiment. There would have been a great deal of confusion before they got into the fight at all. In the next place, the enemy, being in force, might have prevented a junction, and destroyed both detachments. It would have been a very hazardous experiment. I am free to say that if I had been at Edwards's Ferry with only 1,500 men, without artillery, and not knowing accurately what was going on at Ball's Bluff, where we were, I would not have tried the experiment.

By the chairman :

Question. Was it not a hazardous affair for our forces to stay there on the Virginia side of Edwards's Ferry that night, with a victorious army at Ball's Bluff?

Answer. It was a victorious army, but entirely disorganized in many regiments. There was not much to be apprehended from it.

Question. Then, if the enemy was broken up and disorganized, how can you say it would have been hazardous for 1,500 men to have gone up to your assistance?

Answer. That was at 11 o'clock at night that I spoke of. They were in very fine condition in the afternoon.

By Mr. Covode :

Question. When you were holding them in check that day from three o'clock until dark with the force you had, would not, in your judgment, a re-enforcement of 1,500 men coming up the river on the Virginia side have turned the battle?

Answer. It might have turned the victory.

Question. Would not, in your judgment, 1,500 fresh troops coming in their rear while they were on the bluff have turned the day?

Answer. I think 1,500 good troops would have done it. It is hard to say. They would, certainly, have been a great assistance.

By the chairman :

Question. Do you know what was the object of the movement there? Was it intended to carry Leesburg?

Answer. That I know nothing about whatever. I have not the least knowledge on the subject.

Question. You did not know what that demonstration was for?

Answer. No, sir.

Question. Can you tell now, from all you now know, what they did intend?

Answer. No, sir. I did not know then, and I do not know now.

Question. If the object had been to take Leesburg, when General McCall's division was the nearest to it the day before, it would have been easy to have done it?

Answer. I should have supposed that it would have been a very dangerous thing for McCall to advance to Leesburg.

Question. Why so?

Answer. He would have left a wide interval between him and Smith's division.

Question. Suppose that Smith's division had been within supporting distance?

Answer. If the whole army had moved up—

Question. I do not speak of the whole army. Suppose that Smith's and McCall's divisions had moved on Leesburg, and you Ball's Bluff men had gone there, would there have been any difficulty in taking Leesburg?

Answer. There would have been no difficulty in taking Leesburg; but there would have been, in my judgment, a great deal of difficulty afterwards.

Question. From what quarter?

Answer. From the enemy at Manassas cutting off the whole right flank of our army.

Question. Suppose you had meditated an attack on Leesburg, would it not have been easy to have thrown a pontoon bridge across the Potomac, and brought Stone's and Banks's divisions over, and made a demonstration?

Answer. That, I suppose, would have been the course if it had been intended to take Leesburg.

Question. Now, if it was not the object to take Leesburg, what, in God's name, was this fragment of a force sent over on these miserable scows for?

Answer. I do not know. I do not know whether the object was to take Leesburg or not. I do not know anything about it at all. I was ordered over there, and I went. I would have gone if there had been a million of men there.

By Mr. Covode:

Question. In your judgment, as a military man, was it justifiable to remain at Edwards's Ferry upon the supposition that there was a battery in the way, and not have gone to see whether there was really any battery there?

Answer. I do not think I have any data to give any opinion upon at all.

Question. Would you not have gone and seen where there was one?

Answer. It would have depended upon what I had in support.

Question. If you had not known to a certainty that there was a battery there, would you have gone to see whether there was or not?

Answer. I do not think that with 1,500 men—I did not know until now that there were that number there.

By Mr. Chandler:

Question. We have only supposed, for the purpose of this inquiry, that there was that number. Had you a guard for the boats in which you were crossing the river? Had you any men in charge of the boats?

Answer. There was no guard necessary, for there were troops in them all the time.

Question. Had you any detailed as boatmen?

Answer. I had not. There were some detailed from one of the Massachusetts regiments. I found them there, and asked them if they were detailed for the day. They said they were ordered to remain there for the day. They transported my men. There were four or five men in each boat.

Question. Whose duty was it to see that there was a sufficient amount of transportation there before the troops attempted to cross?

Answer. It is difficult to say. That depends on the orders issued from General Stone to Colonel Baker. If General Stone issued peremptory orders for him to cross, then he assumed the responsibility of sufficient means of crossing. But if he gave him a conditional order to cross, (as I have no doubt he did,) then it was the duty of the brigadier general in command on the immediate spot to see whether there was sufficient means to cross.

Question. How long, in your opinion, would it have taken to have thrown a pontoon bridge of boats across there, or at any point there; that is, to have taken boats out of the canal, and thrown a pontoon bridge across there sufficient for your men to have marched over upon?

Answer. I am not engineer enough to say. But if I had had plenty of canal boats, I think that in a half a day I would have fixed a bridge there myself. But I am not any engineer. I mean if I had had a sufficiency of boats in the river. But there were hardly any boats there, and there was no means there of getting them into the river.

Question. But with a sufficiency of boats, you would have thrown a pontoon bridge across there in a half a day with your regiment ?

Answer. Yes, sir ; if I had the appliances I think I could. However, perhaps I ought not to say that ; it looks a little like boasting ; I would have tried very hard, at any rate, if there had been a desperate necessity for it.

Question. You say the boats you had were sufficiently manned ?

Answer. I think so.

Question. Had the boats oars to them ?

Answer. We poled them across. There were no oars, except in the small boat. There was a small iron boat—Francis's metallic life-boat, I think—that was there ; that had oars.

Question. The rest of them were poled across ?

Answer. There was a little skiff there that would carry two or three men ; that had oars. But the large boats had nothing but poles that I saw.

Question. In transporting the men across, were you obliged to go up a little before you started out into the stream, and then cross with the current ?

Answer. Yes, sir.

Question. And you might drift down some distance below any given point, I suppose ?

Answer. Not if the boat was well managed

Question. You could reach the bottom with the poles all the way across ?

Answer. Yes, sir ; the river is fordable there in the summer. The general depth of the river was, I should say, not more than five feet ; but I did not take particular notice of that.

Question. Is the current rapid or quiet there ?

Answer. It is not very rapid. I should say it was about three miles an hour at that time. It depends a little upon the quantity of water in the river, I suppose.

By Mr. Covode:

Question. You said something about conditional orders for crossing ; were there any orders given by General Stone for General Baker to cross on certain conditions ; that is, in the event of heavy firing ?

Answer. That was his order to me. His order was in these words : " Remain where you are until further orders, unless you hear heavy firing across the river ; in that event cross at once."

Question. Did he make provisions for your crossing at once ?

Answer. These Massachusetts men had been crossing all the morning. I had moved down to where the Massachusetts regiment was crossing. They crossed before I did.

Question. Were there means provided there to carry men over faster than one regiment on the other side could have killed them off as they landed ?

Answer. I better tell you what they were. When I commenced crossing there were two large scows on the Maryland side of the river, running between Maryland and the island. They would hold from forty-five to fifty men each. I put in about forty-five men. On the Virginia side of the island there was one scow much larger than the others—it would hold, perhaps, sixty men—and one life-boat, which would hold about fifteen men, possibly twenty besides the two oarsmen, and one small skiff, which would hold about four or five men. These were all the facilities I know of when I commenced to cross ; but about a half an hour afterwards I had another boat, which I had noticed in the canal about a mile above when I marched down. I sent a detachment of men after it, had it brought down the canal, and then the men by force of muscle lifted it out of the canal and run it into the river. So that after that we had three scows on the Maryland side of the island.

Question. All the boats you had there would not carry over two hundred men at once?

Answer. I should say about two hundred and twenty men.

Question. How long did it take to cross from one side to the other—from the Maryland side to the island, across the island, and from the island to the Virginia shore?

Answer. If you had gone right straight across, and found the boat ready on the Virginia side, I should say the trip would take about three-quarters of an hour.

Question. Has your regiment been on the river, or the frontier there, on picket duty, where they would be in a position to know about communications passing either way across the river?

Answer. Yes, sir; they are now.

Question. How long have they been there?

Answer. We have been there nearly three months. We got up there about the 1st of October, and we have been doing picket duty more or less ever since. But at the time of the action at Ball's Bluff we were not doing picket duty at that place, but above.

By Mr. Chandler :

Question. What distance where you doing picket duty from General Stone's headquarters?

Answer. Several miles.

By Mr. Covode :

Question. Would communications from General Stone's headquarters be most likely to go to the river at the place where you were on picket duty, or at some other point on the river?

Answer. I should say at a point below.

Question. The point where you were would not be a point at which communications would be carried across the river?

Answer. It would not with reference to the geographical condition of the country. He sent his flag of truce in relation to the position of the enemy.

Question. Were you occupying that portion of the river where communications would be most likely to be carried across from General Stone's headquarters to the enemy?

Answer. They would be intended for the commanding general there. If the commanding general of the enemy was at Leesburg, he would naturally send them across at a point below our pickets.

Question. You were not on the line of communication between General Stone's headquarters and Leesburg?

Answer. No, sir. But whether or not the headquarters of the general of the enemy were at Leesburg, I do not know.

By the chairman :

Question. Is there a flouring mill up near where this battle was?

Answer. Yes, sir.

Question. How many run of stone has it?

Answer. I never saw it.

Question. I am told that it is a large flouring mill?

Answer. I never saw it. I understood that it was a stone mill. After the battle I inquired about it in reference to the position we might have to take in case we tried to cross again.

Question. You never saw the building?

Answer. No, sir. Harrison's island is between it and the Maryland shore. It would not, therefore, be so completely visible as if there was nothing in the way. I never looked for it; if I had, perhaps I might have seen it.

Question. Is it in operation now?

Answer. I do not know whether it is in operation now or not. My only knowledge of it is this: After the fight I thought we would probably have to attempt the taking of Leesburg at some future time, and I inquired about it in order to see if we could not get a better position than before.

Question. You would not know whether the mill was situated in such a position that it would be easily destroyed from our side?

Answer. General Stone told me that he had arranged marks and stakes with reference to that; that he had the approaches to it, as I understood him, under command of artillery on this side. In case of future movements there, he said he had paid attention to that matter, and coming from an officer of authority and ability, I paid no further attention to it.

Question. He did not tell you why he had not battered it down, as it was supplying the rebel army with flour?

Answer. No, sir. I did not know it was supplying them with flour.

By Mr. Gooch:

Question. It was intended that the crossing at Edwards's Ferry and the crossing at Ball's Bluff should be simultaneous?

Answer. That I do not know. Those things are in the mind of the general alone.

Question. I understand that. But I know that military men on the field do form impressions of what is done. Did not you understand that there was to be a simultaneous crossing?

Answer. I had not the least idea until that afternoon that anybody crossed below at Edwards's Ferry at all.

Question. Now, as a military man, taking in view the fact that the crossing was made at Ball's Bluff and one was made at Edwards's Ferry—knowing all the circumstances, do you not now suppose that it was intended that these crossings should both be made on the same day?

Answer. That I cannot say.

Question. I do not ask what you know. I merely ask your opinion as a military man.

Answer. I understand you. But I cannot form an opinion on the subject.

Question. Do you not, from the facts, infer that it was designed and intended that these crossings should be made upon the same day?

Answer. I do not know. I cannot tell. It may have been that one was intended to support the other; but I cannot tell.

Question. Then you say the two crossings of troops within four miles of each other, both under the command of the same general, and made on the same day—you do not infer that one had anything to do with the other?

Answer. I infer they had a great deal to do with each other. But I cannot infer the relations of those crossings to each other.

Question. What had they to do with each other?

Answer. Naturally I infer that one was intended to support the other.

Question. Then do you not infer that they were intended to be on the same day?

Answer. Yes, sir, or within the same twenty-four hours. One might have been in the night and the other in the day, to support it.

Question. Then as General Stone, in person, did throw across at Edwards's Ferry a force of from 1,500 to 3,000 men—anywhere along there—do you not infer that he intended General Baker should cross at Ball's Bluff?

Answer. I cannot make any such inference.

Question. Have you not made it when you say one was intended to support the other?

Answer. I do not know that General Stone intended to cross at Ball's Bluff at all.

Question. You know he did cross at Edwards's Ferry?

Answer. I heard that he did cross there. But I say that I do not know that he had any intention to cross at Ball's Bluff at all.

Question. I ask you, as a military man, if you do not infer that the two crossings being made on the same day, it was intended they should be made to support each other?

Answer. If anybody will assure me that General Stone ordered it.

Question. I do not ask that; I ask only your inference?

Answer. I cannot tell without knowing the intentions of the general. I can make no inference.

Question. You, as a military man, can make no inference without a knowledge of the intentions of the general?

Answer. No, sir; I cannot, unless they were further developed.

Question. Then I understand you to say that you do not infer that the two crossings had any connexion with each other?

Answer. I do not infer anything about it. I do not know that General Stone directed both crossings to be made.

Question. I have not asked you anything of what you knew in relation to General Stone; but whether, as a military man, the two crossings being made within four miles of each other, and by bodies of troops belonging to the command of the same general, you do not infer they were connected with each other, and intended to be connected with each other?

Answer. No, sir. I can make no inference unless I know that General Stone directed the two crossings.

Question. So, in other words, I understand that you will not draw an inference without you know the general's intentions and orders?

Answer. Without I know what he did. I do not know his acts. If I knew that General Stone himself directed the crossing at Edwards's Ferry, and ordered Colonel Baker to cross at Ball's Bluff, I could then infer something about it. But that is the whole point of controversy; and until I am informed of that I can form no inference of what General Stone meant.

Question. Do you say that General Stone did not give any order for any crossing at Ball's Bluff?

Answer. I do not know anything about his orders, except those published in the papers. And whether they are genuine or not I do not know.

Question. What was the despatch you received from General Stone?

Answer. General Baker received one on the field. It was to the effect that 4,000 of the enemy were marching down upon us from Leesburg.

Question. What time in the day was that received?

Answer. I do not know. But Colonel Baker read it to me not more than ten minutes before the battle commenced, which was about half-past two o'clock.

Question. Then you infer from that that General Stone supposed that 4,000 of the enemy were marching upon your force at Ball's Bluff at some period earlier in the day than half-past two o'clock?

Answer. Yes, sir. If I recollect aright, the despatch was qualified. It said, "I understand," or "I hear," or "I have been informed that 4,000 of the enemy," &c. But that despatch, whatever it was, must have been in existence. I fancy it was, probably, upon General Baker's body, and was found.

Question. I only ask what you know in relation to it. Where was the important point that day, at Ball's Bluff or at Edwards's Ferry?

Answer. That is a question for the general officer; I cannot say. I can say where was the important point on the field at Ball's Bluff. But with reference to the extended operations, I cannot say.

Question. Can you not give me an opinion, as a military man, knowing, as you do from report, what transpired at Edwards's Ferry, and knowing, as you do from being there, what transpired at Ball's Bluff?

Answer I do not know what transpired at Edwards's Ferry. I lay for nine weeks on my bed without turning my head; and all my knowledge about that has been gained since.

Question. You do not know whether there was any fighting the enemy at Edwards's Ferry?

Answer, I heard that there were some of the enemy there, and that General Lander was wounded, and, perhaps, some men were killed.

Question. I mean some considerable force of the enemy.

Answer. I do not know. I have not paid any attention to it. I had my hands pretty full that day where I was.

Question. Did General Stone know the condition of the enemy at Ball's Bluff on Monday night?

Answer. That I do not know. I left the field in a very disabled condition, and do not know what transpired afterwards.

Question. Did you know the condition of the enemy?

Answer. Yes, sir; I supposed we had shattered them very considerably. I know the gully on our left was piled full of their dead, over the top.

Question. Do you know anything about their force there?

Answer. Only what I have stated. I was not in a condition that night to tell anybody about the enemy. I was insensible and fainting, and supposed I was to die in the course of the night.

Question. Did you yourself know the actual condition of the enemy?

Answer. I knew this much; that if I had had 2,000 men I should have felt confident of successfully carrying that position. Whether I could have made my way to Leesburg or not, I could not tell. I considered them very much shattered.

Question. I mean as you judged them to be from what you saw?

Answer. I judged them to be very much shattered, so that a good officer, with good troops, I think, could have carried the position. In the first place, they must have been nearly out of ammunition. We were entirely out of it. For the last half hour all the ammunition we fired we took from the enemy in the gutter where the enemy's killed were piled up. Our men would run out there and cut a cartridge-box from some of the enemy, and then come back and go to firing again. We went into the action with forty rounds of ammunition. I was only a regimental officer, and could not tell about the plans and arrangements at the two points—Edwards's Ferry and Ball's Bluff. But I will say this, that if I was conducting an investigation of this sort I should suppose the point to direct attention towards would be the interview that General Baker had with General Stone that morning. It appears to me that the whole thing of the crossing of our force at Ball's Bluff depends upon the nature of that interview. But I do not know who were present at that interview.

WASHINGTON, *January 16, 1862.*

Captain FRANCIS G. YOUNG sworn and examined.

By the chairman :

Question. What position do you occupy in the army?

Answer. From the 15th of May last I was the quartermaster of Colonel Baker's California regiment. Since the 1st of September I have occupied the office of brigade quartermaster and commissary, and also aid to Colonel Baker.

Question. Where were you stationed at the time of the battle of Ball's Bluff?

Answer. I was stationed with the California regiment and Colonel Baker's brigade, about three miles north of Poolesville, in General Stone's division.

Question. Will you state when you first got your order to cross? Proceed in your own way to state the principal transactions of that day, as near as you can recollect them.

Answer. On Sunday night we had been apprised informally, from the rumors of the camp, that there was something going on, and about 3 o'clock Colonel Baker came to my tent and told me that the first battalion of the California regiment was ordered to move from camp in time to reach Conrad's Ferry on the river at sunrise. He directed me to go with it, and then return to him and report what was going on. I bestirred myself to get some stores and rations into the wagons. The order was that I should take one day's rations only. I started with the battalion at half past four, and we reached Conrad's Ferry exactly at sunrise. Conrad's Ferry is only a point on the river. There is no settlement there, and no houses, except a small shanty. There is no ferry, but a culvert to the canal, and there was a flatboat. It was a strange place to which to order the battalion. Colonel Wistar commanded the battalion; Colonel Baker remained in camp. The battalion was posted on the side of the canal, on the tow-path, and Colonel Wistar then directed me to go to General Stone to get orders, and to report that we were there as ordered. I galloped down the tow-path to Edwards's Ferry, and there found General Stone on the Maryland side, upon a hill, looking very intently at a company of skirmishers which had crossed at Edwards's Ferry, and could be seen formed as skirmishers on the Virginia side. General Stone recognized me, but did not speak to me. I knew him very well before. He seemed to be thinking very intently. I gave him my message, and waited; feeding my horse in the meantime. He finally came up to me and said, "Your order is, sir, that the California battalion will stand fast until you shall hear firing, and then immediately cross."

By Mr. Odell:

Question. Was that a verbal order?

Answer. Yes, sir.

By Mr. Chandler:

Question. What time in the morning was that?

Answer. About nine o'clock. I waited for some further order, and then asked: "General, have you any further order?" He spoke very imperiously and curt, as he always does, and said: "You have your orders, sir." The reason for my waiting for further orders was that on coming down the tow-path I had passed the crossing place where the Massachusetts boys had gone over in the night, and I had been very much surprised when they told me they had gone over in the two flatboats that were there; and there had been some jesting between myself and the men who were then on the tow-path about going over in that manner. That was the reason of my asking General Stone if he had any further orders. But he spoke so imperiously that I got on my horse and went back and delivered my orders to Colonel Wistar, who was then with his battalion at rest about half-way to Conrad's Ferry. He asked me to repeat the order again, and I repeated it literally. He asked me if I was sure I was right. I said there was no mistake about it. I then proceeded up the tow-path and met General Baker, his brother, son, chaplain, and other officers on horseback. I reported what General Stone had said to me. General Baker said, "That can't be." I told him that those were the orders, and I repeated them again—"to cross!" He said: "In what?" I told him the orders were to cross. He said, "What are you going to do?" I replied that I was going up to the camp to change my horse, as I had been riding the one I then had a great deal that morning, and would come back directly. He said, "You tell Colonel Baxter to get the brigade under arms and wait orders." I started to go, when he called me back again, and said, "Young, you are sure you understood Stone?" I said, "Colonel, I understood that the matter was very important, and I paid great

attention to it. I don't often make mistakes, and I made no mistake in this, I think." He said, "You have your orders then, too." I then went back to camp, found Colonel Baxter and the brigade turned out under arms. I changed my horse and returned to Harrison's island. On the way I met Captain Harvey, the adjutant general of our brigade, and he informed me that Colonel Baker had had an interview with General Stone since I had left him, and had been put in command of the federal forces in Virginia—not on this side—those that had crossed, and those that were going over. Captain Harvey was with Colonel Cogswell, and we had some talk about it. Colonel Cogswell and I got on our horses and went to Harrison's island, and Captain Harvey went after the brigade and brought it up. When Colonel Cogswell and I got to the crossing, we found Colonel Baker there; he came up to me and said, "I am very glad you have come. Now see what we can do about getting this boat out of the canal across the tow-path into the river." He said, "This is all we have got to go over in." The colonel was very serious and very quiet; I never knew him to be more so. I took charge of the matter, and got some 500 men, and with very great labor got the boat out of the canal and pulled it over the tow-path into the river. Colonel Baker stood by all the time very quiet. I asked him if he was going in that boat. He said, "No; you go along, I will come over in the next boat." I got in directly with my horse, and went over with those in the boat. I was the only officer who went in it then. We poled up the east side of the river a long way, and then steered out into the middle, and the current carried us down and across until we struck the island. It was very slow and tedious, but it was the only thing that could be done. When I got on the other side, I looked about, and saw Colonel Baker coming over in a little row boat made of thin boards, and not longer than this table; a little skiff, square at both ends. Before he arrived I crossed the island and ran all over that part of it.

At that time the Massachusetts men were being carried back across the island, some wounded and some dead. The fire upon the bluff was pretty sharp, and the bullets would come over on the island where we were. The island was covered with some kind of high grass, and there was a house there and some barns, and a stone building of some kind and some haystacks. I went over on the other side of the island to cross into Virginia. I found a solitary flatboat there, and a metallic rowboat with a great deal of water and mud in it. There was a very wide crack in the side, and a great deal of water was running in. There were on the island at that time some 400 or 500 of our men waiting transportation. I galloped back to the crossing on the Maryland side of the island. General Baker had arrived on the island and was on horseback. He said, "Well, how is it getting on?" I told him. He said, "Is there only one boat there?" I said, "Only one boat." He went over and looked at it. He turned and was looking at me, not saying anything at the moment, when an officer of the Massachusetts regiment on the Virginia side ran down the hill to the water's edge and shouted out, "Hurry over; we can see three regiments of infantry coming down from Leesburg." Colonel Baker paused for a moment and then seemed to make up his mind and shouted back, "Then there will be the more for us to whip." He then said to me, "Go right back for Cogswell and the artillery and I will go over; you come back as soon as you can." Captain Harvey gave the order to me in writing. I went over to the Maryland side of the island and shouted over to Cogswell, who was on the Maryland shore, and asked him if he could hear me. He replied that he could. I then said, "Leave your regiment and bring over the artillery." He held up a paper, saying it was an order from General Stone to Colonel Baker just received. I told him to open and read it. He did so and said it was "to go ahead," and gave the order back to Adjutant Newline. He said he would do so, and brought over a twelve-pounder howitzer. The boat was not managed well, because they went but a little way up, and then steered out in the middle and drifted down a long way

past the place where they should have landed. There was a half an hour lost in that. He came over on the Virginia side of the island, and I showed him the boat there. He wanted to know how we should get over in that. I said that Colonel Baker had gone over in it, and we were to join him immediately. We did so at once.

We went up on the hill, and there we saw Colonel Baker; he took my arm, and we walked around on the field. He put Colonel Cogswell in charge of the artillery, and said, "Do what is best; it is an independent command." There were two howitzers and one 12-pounder there. There was an open field there—elliptical—forming almost a half circle, containing about six acres. There were woods about it on every side. We were all on foot, having tied our horses to some locust trees there. Colonel Baker asked Colonel Cogswell what he thought of the position. Colonel Cogswell did not say anything. I said that I did not think much about it, because I did not know much about it. But, said I, "I would like to know what there is in the woods." At this time the firing was irregular, but sharp. We were doing nothing. Before we got there Colonel Baker had formed his line of battle, with the 15th Massachusetts on the right, in the woods; the 20th Massachusetts on the brow of the hill, or just under it, lying flat on their faces; in the centre was the Tammany regiment—say 200 men of them; and on the left was the California battalion, of some 650 men, all lying under the brow of the hill. The enemy's fire was annoying—they shooting down from a hill. We could occasionally see a man up in the trees shooting over. Some of our men were shot in the back and some in the feet, as they lay upon their faces on the ground. There were some 15 or 20 minutes of that, and then I proposed to Colonel Baker to send out some skirmishers on the left, and if it was possible to find any place in the woods where the enemy was not in force, to occupy that position until we could get re-enforcements on the Virginia side from Edwards's Ferry. He said, "It is a good idea, and you can take out some skirmishers." I took two companies of the California battalion and started with them, and Colonel Wistar said he would go too, in command. We went up on the left through the woods, until we got about to the end of the field, when four or five companies of Mississippians jumped up from behind the fence and gave us a volley. They did not kill anybody, and I do not think they wounded any one. Our men broke and went back; some 50 or 60 remained and took position behind the trees. But they were outflanked and taken prisoners. I retired to the left, and Colonel Cogswell came to me and said, "I am acquainted with you, and I want you to stay with me on the left. I don't care what anybody says, but we are all gone to hell; but we must make a good fight of it." Colonel Baker came over to me and said, "Young, you must go for re-enforcements." I said, "Excuse me, colonel, but we have 7,000 men in sight, and we can't get them over." He said no more about it, but went back to the field. Our men were lying under the brow of the hill. Colonel Baker was constantly walking, with his sword drawn, and one hand in his bosom. He walked in front of the men, up to where the howitzers were, crossed to Colonel Devens's regiment, standing in the woods, and back again, up and down, almost always coming to me when I was standing on the left. Once he stopped and said, "Do you suppose Stone is going to send re-enforcements up on the left?" I said, "I don't know anything about it; you know as much about it as I do; you have seen him since I have." He said, "You saw my orders." I replied, "No; I have not seen them." He then took them out of his hat and handed them to me. I read them and returned them, saying, "They are the same as those he gave to me." He put them back in his hat. The fight went on on the part of the enemy, systematically. They would give terrible yells in front and on our left; none on the right. They would yell terribly, and then pour a shower of bullets everywhere over the field. But they did not seem to take any aim at all. It was a matter of jest to us sometimes. Two or three

times some of the officers would make a joke that they did not seem to hit anybody. They would shoot into the trees, and the leaves and limbs would fall, and the bullets would go clear across the river on the island. I do not think one man was hit to a hundred bullets.

By Mr. Chandler :

Question. What time was this ?

Answer. This was exactly half past four. Colonel Baker spoke of it pleasantly, and said that they meant well enough, but did not seem to hit us. However, a great many of our men became disheartened and frightened, and whenever any one was hit, six or seven would take hold of him and carry him away.

By Mr. Odell :

Question. When you speak of the left, do you mean our left or the enemy's left ?

Answer. Our left ; toward Edwards's Ferry. About five o'clock Colonel Baker said, " You had better go down to Stone and tell him how we are fixed." I said, " Colonel, I suppose he knows that as well as you do." He said, " I command you to go for re-enforcements." I went over the hill a little way, and turned, and was coming back again to tell him there was no boat on the Virginia side, when a boy shouted out, " Colonel Baker is killed ! " I looked where I had left him, but he was not there. Captain Bierol, Captain Hicks, and others, ran up and got the body and brought it down to where I was ; and I went down the hill with it and came across the river.

By Mr. Chandler :

Question. What time was that ?

Answer. It was exactly five o'clock. I came across on the island. There was great confusion, panic, and terror, of course, when Colonel Baker was killed. I got over on the Maryland side and put the body in an ambulance and started down the towpath with it. It was dark then. I met General Stone near Edwards's Ferry as I was going down with the body in the ambulance. I recognized him, and said, " For God's sake, General Stone, send up re-enforcements on the left." He spoke in a tone of rebuke, " Who are you, sir ? " I knew him perfectly, for I had seen him a great many times. I apologized for speaking to him in that manner. He said, " Take the best care of Colonel Baker's body ; return to the field, and you will be re-enforced."

By Mr. Odell :

Question. He was then on the Maryland side ?

Answer. Yes, sir. General Stone was not near the battle-field at any time before then. He was then for the first time going up. This was nine o'clock at night. I went on to Poolesville with the body ; gave it over to the undertaker there ; got supper ; and then went to my own camp, and got there at three o'clock in the morning.

By the chairman :

Question. Did your men return the fire of the enemy ?

Answer. Not much, sir, till about the time that Colonel Baker was killed. The men, as a general thing, were lying still under the bank, waiting for the enemy to come out in the open field. The plan was to wait patiently under the brow of the hill, where we were pretty safe, and then, if they came into the field, we were to attack them with the bayonet. I understood that was the plan, and I consider that it was a good enough plan ; but Colonel Baker was killed.

Question. Where did the enemy fire from ?

Answer. From the woods.

Question. Why did you not charge up in the woods?

Answer. The enemy were greatly superior to us in numbers. We were advised by General Stone that we would find the enemy 4,000 or 5,000 strong.

Question. Did he tell you so?

Answer. After Colonel Baker was killed I went up and got the orders he had. They were covered with the blood and brains of Colonel Baker, and I carefully preserved them. When, two days afterwards, I brought the body down here to Washington, attended by cavalry, I found that the newspapers were making an attack on Colonel Baker for rashness, for exceeding his orders, going across there without duly knowing what he was to encounter, and without having provided sufficient means of transportation. At the request of his brother and his son, I wrote out a statement of facts, and put it with these orders, and handed them to Colonel Townsend, the assistant adjutant general of General Scott. He told me he would keep them in trust, subject to my order; that they were a part of my property, and I could have them whenever I wanted them. I have asked for them, and he says he will not give them to me.

Question. You have demanded them?

Answer. I have.

By Mr. Odell:

Question. Have you copies of them?

Answer. True copies of them were published in the New York Tribune at the time. When I was summoned here I called upon Colonel Townsend for them, thinking they might be wanted here; but he said they were public documents, and I could not have them.

By the chairman:

Question. You have read those orders; do you remember what they were?

Answer. They were substantially what I have stated to you. The first order was, that in the event we heard firing in front we were to cross and re-enforce Colonel Devens.

By Mr. Odell:

Question. Where was Colonel Devens?

Answer. Colonel Devens was on the bluff on the Virginia side, opposite Harrison's island, with six hundred men. He had crossed in the night.

By the chairman:

Question. And your order was to cross and re-enforce him when you heard firing?

Answer. Yes, sir.

By Mr. Julian:

Question. That was the first order?

Answer. Yes, sir.

By the chairman:

Question. You said Colonel Baker handed you some order on the battle-field. What order was that?

Answer. That was a second order, which I had not seen, although he had told me about it. The order was in substance this: "I am advised that you may expect to meet the enemy, 4,000 or 5,000 strong. You will march on Leesburg, but not press the enemy beyond Goose creek, as there they can be re-enforced from Manassas. General Gorman will come up on the left," &c. The substance of it was that he should dash ahead, and all that sort of thing, but be prudent and discreet. The first order put him in command of the forces in

Virginia. He took it to mean, as I did, that he had no discretion or power over the forces on the Maryland side. He was to take command of the forces that had crossed over and would cross over.

By Mr. Chandler :

Question. He had no command at Edwards's Ferry ?

Answer. No, sir ; General Stone was there in command.

By the chairman :

Question. You say that you expected re-enforcements from Edwards's Ferry, on the Virginia side ?

Answer. I will tell you about that. I saw two companies cross at Edwards's Ferry in the morning, and I was told at the ferry that men were going to be sent over as rapidly as possible. During the battle at Ball's Bluff, in the very height of it, Captain Stewart came on the field and said, "Tell Colonel Baker that General Gorman is coming up on the left from Edwards's Ferry with 5,000 men." Captain Stewart was General Stone's adjutant general. I replied to him, "Go and tell him yourself." He said, "I deliver the order to you as his aid," and went off. I did go to Colonel Baker then. He immediately went down the whole line of our troops and told the officers of it, and spoke cheerfully to the men : "Stand fast, boys ; we are going to have re-enforcements on the left ; General Gorman is coming up with 5,000 men ; we will beat them yet"—something like that, varying the form of expression. It was a few minutes before 5 o'clock that I gave Colonel Baker this message, and he mentioned it to Captain Harney in my presence. Captain Stewart did not, to my knowledge, speak to Colonel Baker about it. He may have done so. I do not know whether he brought any order in writing or not. He came directly from General Stone, as he told me. Colonel Devens's men, about the time Colonel Baker fell, were pretty well scattered. Their lieutenant colonel had his leg shot off, and by some mistake some of the captains led their companies away ; and Colonel Wistar, having been wounded three or four times, was being carried off just before Colonel Baker fell, and there was no one in command. Colonel Wistar was in command of the California battalion.

Question. Can you tell why they did not come up from Edwards's Ferry to relieve you ?

Answer. I was at Edwards's Ferry the next day, and met Generals Banks, Stone, and Gorman. I said, "General Stone, why did you not re-enforce us on the left from Edwards's Ferry ?" He said, "No one knew better than Colonel Baker that it was impossible to re-enforce you on the left from here, because there is a fortification half-way between the two places, and it was impossible to pass it." Said I, "Captain Stewart came on the field and told us you were going to send General Gorman up with 5,000 men. How is that ?" General Stone made no answer, but just raised his hat and went off.

Question. Was there any fortification there ?

Answer. I believe there is ; I have never seen it.

Question. Was there one then ?

Answer. I cannot tell. I was told that the night of the battle some of our men came down—I understood one company of 70 men—direct from Ball's Bluff to Edwards's Ferry, and came across there, escaping in that way. They met no enemy and saw no fortifications that I have heard. General Stone has since told me that there was a fortification there, and that he informed Colonel Baker of it on the day of the battle.

By Mr. Odell :

Question. Did Captain Stewart come to you with authority from General Stone to say that re-enforcements were coming up ?

Answer. Well, sir, he is the adjutant general of General Stone, and an officer from whom we would receive an order or any communication whatever, more than we would from anybody else.

By the chairman:

Question. Will you repeat what he said?

Answer. He said, "Captain, tell Colonel Baker that General Gorman is coming up on the left from Edwards's Ferry with 5,000 men." I said, "Go and tell him yourself." He did not go, and I did go.

By Mr. Odell:

Question. What motive had you for telling him that?

Answer. I was engaged just at that time in quarrelling with some men who were scouting around under the trees and rocks out of the way of the fire. Colonel Baker had sent me to make them come back; and I had not then despaired about getting them to come back, and did not want to leave just at that time. But I did afterwards give it up, and they did not come up at all. Some were disheartened, and they were incapable of standing under fire.

By Mr. Julian:

Question. If there had been fortifications there, would it have prevented 5,000 men from re-enforcing you?

Answer. No, sir; I should suppose not.

By the chairman:

Question. You say you think there is a fortification there. What makes you think so?

Answer. General Stone told me so. I have never seen it. I have been along the Maryland side there a great many times, and could not see it with my glass.

By Mr. Odell:

Question. Have you ever heard anybody say that they had seen it?

Answer. I have not.

By Mr. Chandler:

Question. If there was a fortification there, do you suppose there were any guns in it then?

Answer. I have never heard that there were. I have been riding up and down there on the Maryland side, as I would up and down Pennsylvania avenue here, and I never heard of it.

By the chairman:

Question. Did you ever hear that there was any fortification there until after the battle of Ball's Bluff was over?

Answer. No, sir.

Question. And the first mention you ever heard of it was the excuse of General Stone for not sending re-enforcements up to you?

Answer. Yes, sir.

By Mr. Chandler:

Question. What would have been the effect of 2,500 men going up from Edwards's Ferry and re-enforcing your left at any time after 3 o'clock until dark?

Answer. We should have gained the day beyond all doubt.

Question. You would have won even with two regiments more, would you not?

Answer. I think a thousand men would have turned the tide there, because in the latter part of the engagement, just before Colonel Baker was killed, the cannon had been used once or twice with great effect. We had no grape or

canister as I saw, but it had been loaded with shrapnell, and Colonel Cogswell had sighted it when the enemy came on the field. He fired it at them, and it made a street right through their column, and they ran back. It was some time before they came up again, when Colonel Wistar did the same thing and drove them back in the same way. We must have killed and wounded two hundred or three hundred of them. That was the only fair chance we had at them. That was just about the time Colonel Baker fell.

By Mr. Gooch :

Question. Have you given us all the orders you received ?

Answer. All the written orders I ever saw were the two which Colonel Townsend, the adjutant general, has.

Question. You say the Massachusetts regiment had crossed over there the night before ?

Answer. Yes, sir ; they went over about two o'clock, and by daylight they had got over some four hundred or five hundred men ; had pushed out nearly to Leesburg. They were driven in afterwards, and when Colonel Baker got over they had retreated to this open field and the bluff.

Question. Driven in by a superior force ?

Answer. Yes, sir. Colonel Devens could give you a better statement of the facts than I can.

Question. What was the conduct of the Massachusetts troops during the day, so far as you saw ?

Answer. I was not there until three or four o'clock.

Question. Well, after you did arrive ?

Answer. They stood their ground right in the edge of the woods. They were on the right, and had nothing to do. They complained to me that their guns would not carry bullets over where the enemy were, and we knew from the sharp crack of the enemy's guns that they were firing rifles.

Question. The Massachusetts men had smooth-bores ?

Answer. Yes, sir ; and they were very much exposed standing in the edge of the woods, not in the woods exactly, but right along in the field just by the edge of the woods. I have every reason to believe, from talking with nearly every officer who escaped from that battle, and with many of the men of that regiment, that they behaved very well all the day. On their scout out towards Leesburg they did not know the country at all, or anything about the enemy there, until they were driven in.

Question. They were exposed as much as any other regiment ?

Answer. Yes, sir. In reference to those orders, the first one in writing that came up said that Colonel Baker should cross and re-enforce Devens, in case of heavy firing, or retire him, in his discretion. Now, there was no way to retire him ; no way to get the men back. But I do not think that Colonel Baker would have crossed into Virginia if it had not been for this officer I spoke about running down the hill to the edge of the river and shouting out, "Hurry over, we can see three regiments coming from Leesburg." I think that decided Colonel Baker to go over and throw in his lot with the rest. He was talking with me about the boat, apparently hesitating about going over.

By the chairman :

Question. If he received this peremptory order you communicated to him, he had no discretion about it, had he ?

Answer. In that one he had no discretion ; that was the verbal order I received directly from General Stone.

Question. That order was to cross when he heard firing ?

Answer. Yes, sir. The written one was in pencil, and came up from General Stone after the dead and wounded began to be brought over. There were some

7,000 or 8,000 infantry, cavalry, and artillery gathering there on the Maryland side. This order was to re-enforce Colonel Devens or to retire him, at his discretion; and Colonel Baker went over on the island to see what could be done about retiring them. They cried over to him to hurry over, and that decided him.

By Mr. Chandler:

Question. When did the force cross that was over on the Virginia side at that time?

Answer. They crossed in the night.

Question. How many were over there then?

Answer. From nine hundred to one thousand, perhaps.

Question. You say there were no means of retiring them?

Answer. No, sir. In the morning, while I was down at Edwards's Ferry waiting for orders, Lieutenant Howe, of the 15th Massachusetts, came down; he said he had been out on the scout with the party of Colonel Devens, but they could see no enemy, and he had come down to General Stone to report progress. He also said to General Stone that he had left the metallic boat on the Virginia side, so that they could have something to come over in, in the event they had to retreat. General Stone replied, "You did well, sir." This metallic boat was capable of carrying twelve or fifteen persons.

Question. Was that their means of retreat?

Answer. Well, sir, I have given you the conversation between General Stone and Lieutenant Howe about the matter.

By the chairman:

Question. Was it not a mere mockery to give orders to retire so many men with such means as you had?

Answer. I think that was the way that Colonel Baker regarded it; he considered it utterly impossible to bring over the Massachusetts men, who were over there under the enemy's fire, and considered that it was his duty, and ours, to go over and re-enforce them, as he had been ordered.

Question. How long would it have taken you, with the means you had, to have retired those men?

Answer. It was utterly impossible for the men to have been retired before the enemy could have come down the bluff and captured them all; there was only one scow and that metallic boat on the Virginia side of the island.

By Mr. Chandler:

Question. Was that all the means of crossing that you had there?

Answer. Yes, sir; and when our men surrendered there, the metallic boat had been lost and the scow had sunk, and there was nothing for them to come across in; they tried to swim over, and a great many were drowned. I came across with the body of Colonel Baker in the scow the last time it came over. It was swamped on its return. The boat leaked very badly, and there was no good means of navigating it—no rope there by which it could be pulled backwards and forwards. If we had had a rope, that would have been the best arrangement.

By the chairman:

Question. How did you get it across?

Answer. With poles.

Question. Do you know anything about communications passing between General Stone and the enemy?

Answer. Of my own knowledge, I know nothing; I only know it is a common rumor there—an every-day occurrence there. The men say they have

been over with flags of truce, and taken letters over and brought letters back; I know officers who have told me they have been engaged in it. As a staff officer, it was no part of my duty to know about such things: the pickets would have charge of that.

Question. Do you understand that to be a common thing?

Answer. Major Dimmick, of the 2d New York State militia, told me that when he was in command at the Monocacy it was almost a daily occurrence. I do not know of it myself.

Question. Are such communications, among military men, considered allowable?

Answer. I do not know that I ever heard of such a thing being done before in good faith.

Question. If it has become a common current report that such things are being done, how is it regarded by the officers there?

Answer. Well, sir, I can say that I think the division has become thoroughly demoralized.

Question. In what respect?

Answer. The officers of the 15th Massachusetts have told me that they find it impossible to recruit for their regiment since the battle of Ball's Bluff. The 15th Massachusetts regiment comes from Worcester county, Massachusetts, and was what was called a crack regiment. At one time a man was considered fortunate who could get into that regiment; but the officers have told me that they have used every endeavor in the world to obtain recruits for the regiment, but they have failed to do so; that it has proved utterly impossible while the regiment is under General Stone. They told me the selectmen and minute-men of their villages and county have taken action in the matter, and decided that no more recruits should go into that division.

Question. I suppose that is because they do not regard General Stone as being a competent and safe officer. But I want to know how the men and officers regard these communications between General Stone and the enemy?

Answer. I have heard a great many officers say that they thought it was all foolishness—all idle and a sham for them to be there so long as General Stone was on such good terms with the enemy. They said that the pickets on the other side had made fun of a great many of our officers; but they say that we have got one good man there, General Stone; that they would do no harm to him if he was to go over there. That I know to have been cried over by their pickets. General Stone is very popular with all the secession people of Maryland there. He has given written protections for the strongest and most notorious secessionists there, to prevent the quartermasters from taking their forage. Oftentimes there is no forage for our cavalry and teams, and the quartermasters go out and take what they want, paying what is right; but General Stone has given several families their written protections so that their stuff shall not be touched. All these things are grouped together by the officers and men, and talked over; and I believe that General Stone is pretty unanimously regarded as not a true, loyal man.

Question. Is that what you mean by being thoroughly demoralized; that they have no confidence in General Stone's loyalty?

Answer. Yes, sir; the regiment has been there since last July or August, and they never, I was told, saw the American flag at headquarters until the 3d day of January—week before last.

By Mr. Chandler:

• Question. The headquarters of the commanding general?

Answer. Yes, sir.

By the chairman :

Question. Is not that very unusual ?

Answer. I never heard of such a thing before. I should have supposed he would have had a flag there the first thing. These things have been reported to me by the officers of that regiment, as I have for the last month been at Poolesville, and not in my own camp. I got into some trouble with General Stone because I stated pretty freely to the President, and the members of the cabinet, and to General Scott, what my opinion of that battle was, as I have stated here. The President sent me a telegraphic despatch on the night of the battle, asking me about it, and in reply I gave him some of the particulars, concluding my despatch in this way : "The disaster is attributable solely to the want of transportation." That was my despatch to the President, and it came to the knowledge of General Stone, and we have had some trouble ever since. I have not seen him but once or twice since. General Stone is a very reticent, quiet man, and does not say much.

By Mr. Odell :

Question. Was there any better place of crossing than where you did cross, at Harrison's island ?

Answer. There was no narrower place; there was a better landing above.

By Mr. Gooch :

Question. Were you ordered to cross at any particular point ?

Answer. We understood it to be at Harrison's island, for all the boats were there.

Question. Was the order imperative for you to cross at Harrison's island ?

Answer. It is the usual crossing place—the only crossing place, you may say. The people have always been accustomed to cross there.

Question. Were you ordered to cross at the crossing ?

Answer. Colonel Baker was ordered to cross and re-enforce Colonel Devens, and that was where Colonel Devens was. Lieutenant Howe told General Stone that he had left the metallic boat there for them to retreat in; and General Stone said he had done well. That would indicate that that was the place he intended the crossing to be made at. I cannot say, from memory, that General Stone said that he should cross there or anywhere else. But from the fact that he sent his orders across there, it would seem that he recognized that as the place of crossing.

Question. That was the particular crossing always used there ?

Answer. Yes, sir.

Question. When you were ordered to cross was there any new point for crossing indicated ?

Answer. None at all.

Question. Then you understood you were to cross where Colonel Devens had crossed ?

Answer. Yes, sir; and where all the boats were, at Harrison's island.

Question. General Stone never suggested to you that there was a better place of crossing ?

Answer. No, sir. He never found any fault, that I ever heard of, with the crossing there instead of anywhere else. I never heard that point raised.

Question. When you went down to see General Stone, on Monday morning, you found that he was crossing men at Edwards's Ferry ?

Answer. Yes, sir.

Question. Did you infer that the force General Stone was crossing there was to operate with the force at Ball's Bluff, on the Virginia side ?

Answer. I took it for granted that we were to strike the Leesburg turnpike

together, or to act in concert to take Leesburg. That was what I supposed to be the plan.

Question. Would you infer that if either body was attacked, the other was to go to its support?

Answer. I supposed so; I expected that. And when we got on the field they sent up word that they were going to re-enforce us on the left. But the next day General Stone said it was impossible to do so.

Question. How early in the day do you know that General Stone received information that Colonel Baker had crossed? Did Colonel Baker send any messages to General Stone?

Answer. He sent none that I know of.

Question. Do you know how early in the day General Stone received advices as to the condition of things at Ball's Bluff?

Answer. I told him about it in the evening, when I took down the body of Colonel Baker. He said, "You will take care of the body. You will be re-enforced." At that time we had been driven from the field.

Question. You had men enough on the Maryland side to have supported you and to have won the day, if you had had the means of transportation to have taken them across?

Answer. We had 7,500 men there, I was told, all enthusiastic, and first-class fighting men.

Question. Was General Stone familiar with the means of transportation that you had there?

Answer. Of course he was. He provided it.

Question. And knew what was there?

Answer. Yes, sir, except a boat that we got out of the canal. There was a boat at Conrad's Ferry just as long as the canal was wide. We had ended it across the canal, and used it as a bridge over the canal. That we had brought down, and with great difficulty taken out of the canal and put in the river.

By Mr. Odell:

Question. Was there any transportation there accessible other than that you made use of?

Answer. The canal was full of canal-boats, but it was impossible to get them out then. There was a sluiceway from the canal into the river at Edwards's Ferry, and boats could be taken from the canal there into the river without much trouble.

Question. So that if it had been intended for you to have used canal-boats, it was necessary to take them into the river at Edwards's Ferry and take them up there?

Answer. Yes, sir; I should say so.

Question. And if that was done General Stone would have known it?

Answer. Yes, sir.

By Mr. Covode:

Question. Were there empty boats passing along the canal?

Answer. Yes, sir; plenty of them.

Question. How long would it have taken for you to have taken all the canal-boats you would want from Edwards's Ferry to Harrison's island?

Answer. I don't know. Three or four hours—half a day, perhaps.

Question. Then, if it had been intended the day before to make a crossing, sufficient boats could have been taken out of the canal at Edwards's Ferry, and taken up there?

Answer. Yes, sir; or if we had had ropes, we would not have lost that fight.

Question. Do you know of any application being made to General Stone for ropes?

Answer. No, sir. General Baker was a thoroughly subordinate officer. If he was told to do a thing, he asked no questions; but went along and did it. He was very much impressed upon the subject of transportation. Notwithstanding all the stories that are told about his being excited, &c., I can say I never knew him to be more quiet. He was evidently exceedingly anxious; but cool and serious. He said very little, though, generally, he was a communicative man.

WASHINGTON, *January 17, 1862.*

Captain JAMES BRADY sworn and examined.

By the chairman :

Question. Are you now, or have you recently been, an officer in the army ?

Answer. I have been. I am not at the present time.

Question. What was your position when you were in the army ?

Answer. I was a captain.

Question. In what part of the army did you serve, and under what general ?

Answer. I was in the 2d New York State militia, under General Gorman.

Question. Where were you posted ?

Answer. I was part of the time on the Potomac river, from Nolan's Ferry down towards Conrad's Ferry, on what is called the Monocacy; and I was for a very short period at Edwards's Ferry.

Question. Were you there at the time of the battle of Ball's Bluff ?

Answer. I was at Edwards's Ferry, and crossed over into Virginia at Goose creek, I think it is called; and I was out on picket towards Leesburg part of the time.

Question. Where were you at the time the battle at Ball's Bluff was going on ?

Answer. I was on the Virginia side of Edwards's Ferry.

Question. Whereabouts ?

Answer. Right at Goose creek, opposite Edwards's Ferry; from Goose creek up towards Ball's Bluff.

Question. How far were you from where the battle at Ball's Bluff was fought ?

Answer. In my judgment, it was in the neighborhood of three or three and a half miles—perhaps four miles. I cannot tell exactly the distance.

Question. Were you acquainted with the country between there and Ball's Bluff, and opposite Ball's Bluff ?

Answer. I was acquainted with the country from the neighborhood of Ball's Bluff up to Nolan's Ferry. I have been partly over the ground on the Maryland side. I have been along the line of canal.

Question. Were you acquainted with the ground between Edwards's Ferry and Ball's Bluff, on the Virginia side ?

Answer. No, sir; I have seen part of it, not exactly in the place where Ball's Bluff is.

Question. You are acquainted with the general character of the country between these places ?

Answer. Yes, sir.

Question. What number of men were over there at Edwards's Ferry ?

Answer. The force that was over there for the first two days was about 2,200, I should think, to the best of my knowledge.

By Mr. Gooch :

Question. Do you know whether there were any forts on the Virginia side between Edwards's Ferry and Ball's Bluff; any obstructions to prevent the force that was at Edwards's Ferry from going up to Ball's Bluff?

Answer. I never heard that there was any. I never saw anything like it in that neighborhood, not close to the river. I never saw any obstructions in the way—forts or fortifications—nor have I ever heard of any. I have been on top of the hills on the Maryland side, where I could see across a good portion of the country there, and I never saw any obstructions, and never heard of any.

Question. Was there a sand battery or earthwork there at Edwards's Ferry, on the Virginia side?

Answer. I never saw it, or heard of it.

Question. There were no guns fired from any fortifications there, on that day or at any other time, to your knowledge?

Answer. I never heard of any guns in that neighborhood.

Question. Then you know of nothing that would have prevented the moving of troops from Edwards's Ferry up to Ball's Bluff?

Answer. No, sir.

Question. You were in command of a company there?

Answer. Yes, sir; and part of the time of a regiment.

Question. Did you know on that day that a battle was going on at Ball's Bluff?

Answer. I did not until night.

Question. Do you know the number of men on the Virginia side, at Edwards's Ferry, on Monday?

Answer. About 2,100, as far as I can remember.

By the chairman:

Question. You say that the number of men on the Virginia side there was 2,100?

Answer. Yes, sir. They were increasing all the time. But in the day-time on Monday—in the forenoon and a part of the afternoon, up to three o'clock, perhaps—there were not over 2,100 men over there. In the afternoon the 34th New York regiment came over. The number was increasing all the time. At night we were ordered to recross; and when part of the force had got over on the Maryland side they were sent back again.

Question. What regiments were over there?

Answer. The 1st Minnesota, the 2d New York, and the 34th New York were the first three regiments that crossed over. They remained there for some time without any more coming over. There were two howitzers and a small squadron over there. This was on Monday.

Question. Could you hear the firing in that battle where you were?

Answer. I heard two or three cannon fired, but I could not tell exactly where the firing was. I knew it was above us; but it was very light.

Question. How long would it have taken that division of the army to which you belonged to have gone up to Ball's Bluff and relieved them there, if you had been ordered to do so?

Answer. I do not think it would have taken over an hour, if that.

Question. You say you saw no obstructions between the two places?

Answer. I never knew of any, never heard of any, never saw any.

Question. What, in your judgment as a military man, would have been the effect of a rapid march of your force up to Ball's Bluff, to relieve those men up there?

Answer. My judgment would be that unless the enemy had been very strong, or strongly intrenched, we would have beaten them.

Question. Do you know any reason why that was not attempted?

Answer. I do not.

Question. Did you hear anything said about it at the time?

Answer. You confine me to Monday?

Question. Yes, sir; I am inquiring now about Monday. If you were so strong over the river there at that time, and it was known that a battle was going on at Ball's Bluff, I want to know if you know of any reason why you were not ordered up there to assist them?

Answer. I cannot give any reason, because I was not the commanding general.

Question. I know that. But did you hear anything said upon the subject of assisting those men?

Answer. I did not hear anything about it on that day.

Question. Did you remain on the Virginia side there during Monday night?

Answer. Yes, sir; I stayed there Monday, Tuesday, and Wednesday, and up to Wednesday night. I presume it was one o'clock when I came over Wednesday night. I could not tell the time exactly, but I know it was nearly daylight when my company left.

Question. How many men remained over there Monday night?

Answer. Several officers and myself counted them up, and we calculated that there were about 4,600 or 4,700, over there on Wednesday.

Question. How many were there on Monday night when you camped there?

Answer. I should think there must have been 2,600 or 2,700.

Question. Do you know any reason why the victorious enemy could not have defeated you there, just as they had done the others at Ball's Bluff, if they had known how you were situated?

Answer. If they had had a strong force I do not see why they could not have defeated us, if they had chosen to have come down upon us.

Question. You had the river behind you?

Answer. Yes, sir.

Question. And no chance to retreat?

Answer. No chance to retreat at all.

Question. What chance had you to get back over the river?

Answer. There was a very poor way of crossing there. We had three scows and a canal-boat, and two skiffs; two or three skiffs, I am not positive which; I think there were three; but the skiffs did not amount to anything, hardly; four or five men might have crowded in each; not more. The scows would carry about forty men each.

Question. Do you know anything about a mill over on the Virginia side of the river at Ball's Bluff, within range of our guns?

Answer. I have seen some buildings over there, but I did not know what they were.

By Mr. Chandler :

Question. If you had been attacked that night by a superior force—on Monday night—how many of your number could have escaped across the river?

Answer. I suppose if they had attempted to retreat not one quarter of them would have escaped; but the men there were determined to fight as long as they lived, and not retreat—that is, as far as I heard them speak.

By the chairman :

Question. Was your condition any better for attack or defence at Edwards's Ferry than that of those who had passed over at Ball's Bluff? If you had been attacked by a like force of the enemy, would your condition for defence have been any better than theirs?

Answer. Not any better, if the enemy had been intrenched, or in a good position close by the bluff.

Question. If you had been assailed by an enemy superior in numbers, would you have been in any better condition than those at Ball's Bluff were?

Answer. No, sir; not any, in my judgment.

Question. Were you expecting an attack that night?

Answer. Yes, sir; we were expecting an attack every moment. And there was an attack made on our forces on Tuesday.

Question. On what day did you recross to the Maryland side?

Answer. We recrossed on Wednesday night and part of Thursday morning. It was Thursday morning before I got back again.

Question. Did you ascertain for what purpose you first crossed there? Did you know the object?

Answer. I was informed by some persons—I do not recollect who they were—that there were a party of rebels on the other side amounting to in the neighborhood of 5,000 men, and that we were crossed over there to capture them.

Question. What, with 2,500 men?

Answer. It was supposed at the time that the whole division was going to cross over, or at least 6,000 or 8,000 men. That is what I understood. I do not know anything about the facts.

Question. Do you know, then, why you came back again without attempting an attack?

Answer. I cannot speak from any certainty. I heard that the rebels had got re-enforcements in Leesburg by railroad, and that we were not strong enough to maintain our position there, or to make an advance movement.

Question. What amount of troops were there on the Maryland side that were not taken over?

Answer. From what I could see, I should think there were from 3,000 to 4,000 men.

Question. Who were not taken over at all?

Answer. No, sir.

By Mr. Gooch:

Question. Did you hear the question discussed at all about our force going up to Ball's Bluff from Edwards's Ferry that day?

Answer. No, sir; I heard nothing at all about our force going up there.

Question. Did you understand that there was a force crossing at Ball's Bluff that day?

Answer. No, sir; I was not aware until evening of anything that was going on up there.

By the chairman:

Question. Who was the general in command there?

Answer. General Stone is our commanding general, but I did not see him on the ground there but once.

Question. When was that?

Answer. He was there on Monday, when we were crossing over the first time.

By Mr. Gooch:

Question. On the Virginia side?

Answer. I did not see him on the Virginia side; it was on the Maryland side I saw him.

By the chairman:

Question. While you were stationed there, or at any other time, did you

know anything about communications passing from one side of the lines to the other; and if so, will you state under what circumstances?

Answer. The first communication that I knew anything about was when I was on picket. When I first went on picket a man on the other side hung out a flag of truce.

Question. Where was that?

Answer. At White's Ferry, at Monocacy.

By Mr. Johnson:

Question. How far was that from the headquarters of the commanding general?

Answer. Some seven or eight miles.

By the chairman:

Question. What was done there?

Answer. I was in command of the picket; but before I got down to the river two of my men had gone across and received letters from the person who professed to be a preacher, who was on the shore on the other side. They brought the letters over, and I took them and read them. What was not opened, I opened and read them, and afterwards sent them to General Stone.

Question. Were they sealed?

Answer. Some of them were, and some were not. I opened them all, and read them all.

Question. Did you practice receiving communications from the enemy?

Answer. It was kept up afterwards, occasionally, as long as I was on picket, receiving and sending letters.

Question. How came your men to go over there on that business? Did you order them over?

Answer. No, sir. They thought that there was some one on the other side who wanted to escape, and they went over to bring him across.

Question. And then brought over these letters?

Answer. Yes, sir. The minister wanted to come over and get some groceries at a store that was on the lock, but the men told him that if he came over, he would not be permitted to go back; consequently he then requested them to bring over the letters, and deliver them to the parties to whom they were addressed, or put them in the post office, but refused to come across himself, as he would not be allowed to go back.

By Mr. Johnson:

Question. You say you read the letters, and then sent them to General Stone?

Answer. Yes, sir.

Question. What was the drift and purport of the letters?

Answer. They were letters very disgusting for us, Union soldiers to read: blackguard letters about our defeat at Bull Run, &c.

By Mr. Gooch:

Question. Do you remember by whom they were written, or to whom they were addressed?

Answer. There were different names. I do not remember them; but I think one name was Chichester. I had all the names and all the dates, but when I left the army, I threw away all I had relating to military matters?

By Mr. Johnson:

Question. Did they seem to convey information detrimental to our service, or were they treasonable in their character?

Answer. They were treasonable in character, certainly; no doubt about that. But there was no information except personal: that such and such persons were alive and well; and such and such persons were in the service; and such and such persons were killed in the action at Bull Run, &c.

By Mr. Odell:

Question. Why did your men receive these letters from a rebel?

Answer. They did not consider it any harm, I suppose.

By the chairman:

Question. You say you sent these letters to General Stone?

Answer. I went down to Poolesville, to the camp of the regiment to which I belonged, intending to go to General Stone's headquarters with the letters, but it was so late that I gave them to Colonel Wilcox, to give them to General Stone, and he told me afterwards that he did give them to him.

Question. Did General Stone ever express any disapprobation of that course of communication?

Answer. Not that I heard of—not to me.

By Mr. Johnson:

Question. Did you ever hear anything of those letters afterwards?

Answer. The only thing I ever could infer had any relation to those letters was, that I passed a letter over myself, by order of General Stone, through Major Dimmick, of our regiment, addressed to a man of that name over in Virginia—the name of Chichester, I think it was.

By the chairman:

Question. You sent that letter over by order of General Stone?

Answer. Yes, sir.

By Mr. Gooch:

Question. Was it a sealed letter?

Answer. Yes, sir.

Question. You did not open it?

Answer. No, sir.

Question. About what time was that?

Answer. I think it was the latter part of September, or the forepart of October.

By Mr. Johnson:

Question. How long was that after you received the letters that you sent to General Stone?

Answer. This must have been some five or six weeks after the letters I sent to General Stone.

By the chairman:

Question. Were you at the same place when that letter was passed over?

Answer. Yes, sir.

Question. General Stone gave directions to have the letter transmitted to the other side?

Answer. The letters were handed me by Major Dimmick, of our regiment, to be sent over the river, by orders of General Stone, as he told me.

Question. How many letters were there?

Answer. There were two letters at one time, and a large envelope at another time, that were sent over.

Question. Letters were sent over at different times, then?

Answer. Yes, sir.

Question. Did you receive any other letters from the Virginia side than those you have spoken of?

Answer. No, sir; I never received any others.

Question. What do you know about such communications passing?

Answer. I do not know anything about them except that they passed over.

Question. Do you know of any others than those you have spoken of?

Answer. The officers who were on picket there told me that they sent letters over and brought some back.

Question. Was this a common thing?

Answer. It seemed to be.

Question. Did the officers remark about it as being an extraordinary transaction?

Answer. I believe the major and I had some talk about it one day. He said he did not know what the object was. He made the remark that he thought some of these parties were spies that General Stone had over there to give him information. He made the remark that he understood that General Stone had information of almost everything that was going on over there in Virginia. I replied that I thought that if General Stone was sending sealed despatches over there they must fall into the hands of the rebel officers; that if he had any spies over there they must be detected. And it ended with that. I never thought anything more about it, or, rather, I never said anything more about it. I thought about it.

Question. Did you think it was possible to keep any of our designs from the knowledge of the enemy if these communications were allowed? Would you have been surprised if they had known all the plans we had with such free communication as that?

Answer. I should not have been astonished at it at all.

By Mr. Gooch:

Question. Did you judge, from the manner in which those communications were sent across the river, that they were sent to spies; or did you suppose that they would be known to the rebel authorities on the other side?

Answer. I was pretty well satisfied that the communications could not be sent to a spy, because the rebel officers and rebels in uniform were on the other side where they were sent, and they would not allow letters to pass there without examining them or sending them to general headquarters.

Question. You formed the opinion at that time that these communications were sent over in such a manner that the rebel officers on the other side must know of them?

Answer. I was positive that there were rebels on the other side. I saw rebel officers and soldiers there.

Question. Ready to receive those communications that were sent across?

Answer. Yes, sir. I sent communications across when I saw rebel officers on the shore waiting for the boat to land.

By the chairman:

Question. And the communications were given to them?

Answer. So far as I could judge, they were. I could not tell whether they were given into their hands or not. I saw the officers standing on the beach talking for some time with the party that went over.

By Mr. Gooch:

Question. Do you know of any persons crossing over there?

Answer. Yes, sir.

Question. What do you know about that?

Answer. There were orders given to me by our major to cross over a Mrs. White, and to give a letter, to be sent to the party to whom it was directed, at the same time. I crossed over Mrs. White, and gave the letter to a Mr. Mills, who lived over on the other side of the river, to be put in the post office, or sent to the party to whom it was directed. It was a sealed letter.

Question. Did you do that by orders of General Stone?

Answer. I did it by orders of the major, who said the orders came from General Stone.

Question. Did Mrs. White cross over more than once?

Answer. I saw her coming back, but I never saw her go over again?

Question. Do you know of any other person going over?

Answer. A Mrs. Shreeves was allowed to go over. She was the daughter of a Mr. Jones, who lived there.

By the chairman:

Question. Were they secessionists or Union women?

Answer. I believe they were secessionists. As far as I could learn from a prisoner, her husband was an officer in the rebel army.

By Mr. Gooch :

Question. Do you know anything about any packages, or trunks, or boxes being taken over?

Answer. I understood that Mrs. Shreeves was allowed to take some over. I was not on picket at the time.

By the chairman :

Question. Do you know of any other transactions of this kind?

Answer. I believe that is about all that I know.

By Mr. Odell :

Question. What is your occupation?

Answer. I am a builder.

Question. How long have you been connected with this 2d New York regiment?

Answer. Some four years.

Question. Have you ever had any difficulty with any general officer?

Answer. No, sir; I never had any trouble with them. General Stone refused me leave of absence to go home for ten days to attend to some very important business, and I was obliged to resign in order to attend to it; and I lost some \$3,000 any way by not being home in time. If I had got the furlough I should not have resigned.

By Mr. Chandler :

Question. Did you ever hear any conversations among officers there in relation to these communications back and forth, as being a remarkable thing to be allowed to go on by the commanding general there?

Answer. We had several conversations about it. Some of the officers seemed to think it was wrong. I was inclined to think so myself. I said to some of the officers myself that if it was on the secession side such things would not be allowed, and that, in my opinion, we ought to be more strict than we were. That was my impression about it. I believe I made some remarks to some officers, and they made some reply of a like character. General Stone has always been friendly with, and has always used me well.

WASHINGTON, *January 18, 1862.*

Captain JOHN H. RICHARDSON sworn and examined.

By Mr. Covode :

Question. What is your rank and position in the army ?

Answer. I am captain of company E, 7th Michigan regiment.

Question. Where have you been serving ?

Answer. At or near Edwards's Ferry. Our camp is between Edwards's Ferry and Poolesville.

Question. Were you there on the day of the engagement at Ball's Bluff ?

Answer. I was.

Question. State to the committee, in as concise a manner as you can conveniently, what transpired under your observation there; how many men were sent across the river before you went across, and what transpired after you got over there.

Answer. On Sunday, the 20th of October, orders came to our camp to form our regiment and march to the river. We did so, and we were placed back on a little rise of ground to wait there. We had information from our colonel that we were to cross the river. On the right of us was a rise of ground, where there were three rifled guns placed. I think they soon commenced shelling across the river at different points. They shelled then for a long while. Along towards 3 o'clock, I should think, we had orders to return to camp, and we did so. The next morning we had orders to march to the river again. We went down there, and took our position as before, a little behind a hill, waiting our turn. I went on the hill, and saw that they were crossing. The Minnesota was crossed first.

By Mr. Chandler:

Question. At what time in the morning did they commence crossing ?

Answer. As near as my recollection goes, it was about 10 o'clock. I am not positive about that, but I should think it was about 10 o'clock. Along in the afternoon I had got over. They crossed some three or four horses at the same time, and they rode up where we could see them. And they also crossed the sharpshooters, or a portion of them: I should think there were on towards a hundred crossed at the same time. They went up in the advance and shot one or two of the enemy's pickets. Along about 3 o'clock, I should think, we were marched down to the river and commenced crossing. There were two scows there; one of them would probably hold 60 men packed close, standing up; the other I should judge would hold about 40. I think that quite all my company did not get into the two scows when we first went over. I think there were about 20 that remained back.

By Mr. Covode:

Answer. What time did your company get over ?

Answer. One or two companies went over ahead of mine, but all our regiment was got over just about dark. It was a very slow process; poles were scarce; the river was pretty deep, the current was pretty strong, and it took some time to make a trip across. We got our regiment over just at dark, and I think that was the second regiment that crossed the river, besides the sharpshooters. We landed right at the mouth of Goose creek, where there is a flat of some 30 acres; there is a high bluff right up from there; and there is a road very near the creek that runs up on the bluff; and there was a little ravine out about 60 yards beyond. We received orders to prepare for camp. We stacked our guns

and commenced putting down our oil-cloths, and got some rails together to make a fire to cook some tea or coffee. The officer of the day came along and wanted my company to go up in advance as a picket that night. I stated to the officer that we had rather poor tools to work with; our guns were not exactly what we wanted on picket. But I have got a little ahead of my story. Previous to that we were ordered to retreat across the river, somewhere about 9 o'clock at night. We marched our regiment down to the place of landing to recross, when there came over an order for us to remain where we were, for General McCall was marching up on the left with 9,000 men. We then marched back again to our camping ground, and stacked our arms again. When this had been done, this order came for going on picket. I made some objection on account of our guns—that we had nothing to fight with. At the time we marched down to recross I heard of this disaster at Ball's Bluff. That was the first I learned of it. It was kept from our men.

Question. At what time was that?

Answer. I think it was between nine and ten o'clock. We kept it secret from our men. When I received this order to go on picket I ordered my men to take their arms and knapsacks and marched off, the officer of the day with us. When I got up to a white house near there General Gorman overtook us, and took me out one side with the officer of the day, and said to me "They are marching down upon us from above, and I want you, if they make an attack, to hold them as long as you can, and fall back as slowly as you can, and give us all the time possible." I told him I would do the best I could.

Question. What kind of arms had you?

Answer. We had what is called the Belgian rifle. It is a very good gun when we could get it off; it would shoot a long distance and shoot very well; but on an average we could not get them off without snapping four or five times; some would go off the second time snapping, and some again not until they had been snapped eight or ten times. I went up to the woods in advance, I think, a mile from the main beach, and scouted along the road that ran up. There was a road run up along by this white house. I scattered my men along there some fifteen to twenty rods apart, covering about three-quarters of a mile. I kept going along the line from one end of it to the other. My men saw some men during the night. They would fire away at them when they could get their guns off. I would hear a gun snap, snap, snap, and then I would make for it, and after a while the picket could get the gun off. About daylight I fell back some twenty rods from the house. About nine o'clock General Gorman came again. He wanted me to barricade the road and fix it up so that cavalry could not pass at all. I did so with wagons, ploughs, &c.—everything I could get hold of.

Question. By this time you had given up all expectations of General McCall's arrival?

Answer. I heard nothing of it myself. I heard the night before that he was to come up, but I asked no questions. General Gorman came there and put under my charge the company A, of the 19th Massachusetts, and one of the New York companies. He wanted me to watch certain points up in the woods, and keep a close lookout. He left a mounted orderly to report if anything was seen. Soon after he went away, I should think about eleven or twelve o'clock, General Lander came up and made some observations about the barricading, and one thing and another. He stayed awhile, and went back to the battery, which was down to the left, about one hundred and fifty rods from me. Our regiment had come up within sixty or seventy rods of my left. I think the Minnesota was by the fence running up towards the river. Up in front of the white house there was a picket of

some of the sharpshooters. Along about two o'clock, or between two and three o'clock, I saw the enemy coming from the woods away out in front of us, right out towards our picket. They gave an awful yell and began to fire upon us. It was there that General Lander received his wound in the leg. One of the Minnesotians got killed in the woods; no other man was hurt that I know of. Our battery played on them and mowed a swath right through them. They came over the fence, into a large cornfield on the side hill, coming right on towards us. I thought they were coming to the house, towards me. They went down into a little sag or hollow towards our regiment, and I sent word down to our regiment. I remained there with the orderly watching the woods to see if others came out. When they came over a little hill opposite me I signalled our colonel to go round behind them and bag them. I had to go around the barn to get sight of our colonel to signal him. When I came back the second time the enemy were going off in another direction. I then sent word to the battery instructing them to fire to a certain point, in order to take the enemy there. They did so, and the enemy were all broke up, and ran off like sheep, without any kind of order at all. I then went down and tried to get some Massachusetts companies to come there at the house and stay with me there, but I could not get them to come.

Question. What would have been your condition if the enemy had driven you to the river?

Answer. If their force had been strong enough for that, they would have taken us or murdered us.

Question. You would have had no escape?

Answer. No escape at all.

Question. It seems that you were put the furthest in advance on picket. From your advanced position did you see any batteries, or anything in the way of your going up to Ball's Bluff?

Answer. Nothing at all.

Question. There was nothing to prevent you from taking your force up to Ball's Bluff?

Answer. I think with proper care, with skirmishers thrown out, we could have gone right through there—no doubt about that.

Question. Now, with regard to any knowledge you have of any transactions of General Stone which have induced you and your comrades to believe he is not loyal: what is the general impression among your officers about that, and how did you get it?

Answer. At the time of the crossing we thought this: that it was almost an unheard-of thing in military affairs for that number of men to be thrown across such a river with but two scows, and with no other means of retreat in case of an accident. Even our common, intelligent soldiers there think it the most outrageous thing in the world. They talk about it freely. And another thing: General Stone, as we understood, did not go across the river until he was ordered over by General McClellan. General McClellan and General Stone, and some others, came down to me to bring over my company to conduct the retreat and manage the boats, as we were lumbermen and understood such things. This was on Wednesday. We stayed over the Virginia side on Tuesday night. It rained there all the next day. The wind blew a perfect gale. We could not hold a boat there any way in the world. I attempted myself, with the most experienced of my men, to manage it. We took some canal-boats out of the canal and got them into the river; and I took some twenty or thirty of my most experienced men to a boat, but they could not hold the boat against the wind. The wind blew right across the river from the Virginia side, right on the Maryland shore. We tried until dark on Wednesday to do something to get the men across from the Vir-

ginia side, but we could not do it. General McClellan, with General Banks, came down with some others, and asked me if I thought it was a possible thing to get the men over. I said I thought we could, but we would have to contrive some other way. I then got my men to wade into the river, take hold of the tow-line, and snake the boats up from half to three-quarters of a mile up the river, and then, with only men enough to barely manage the boat, to push out into the stream. In that way they managed to strike the other shore somewhere about Goose Creek Point. After they had done that, the wind was with them, right across to the Maryland shore, and they came back, by going up the river a piece, with the boat loaded with our troops. In that way only we succeeded in getting the troops across. My men reached there, and got the last boat-load over just at daylight on Thursday morning. They waded into the water, pulled on the rope, towed the boat up, and some of my men have not got over it since. It is a general conversation, even among our soldiers, that it was the most outrageous thing in the world for any general to undertake to cross an army of men there with two little scows, and no other means of retreat.

By Mr. Odell:

Question. Did you understand when you crossed at Edwards's Ferry what the object was?

Answer. I knew nothing except from report that we were going over to take Leesburg.

Question. Did you understand that your force at Edwards's Ferry was to co-operate with the force that crossed at Ball's Bluff?

Answer. There was nothing said about that to me; not a word. I understood nothing of that kind, only that we were to go over. There was something said in regard to their crossing above and our crossing there and going up to meet and surround them.

Question. That was the general understanding that the two crossings were to co-operate together in that way?

Answer. Yes, sir; that was the general understanding. After we were ordered back on Monday night I heard the account of the disaster at Ball's Bluff. That was kept from our men, for if they had known it hundreds of them might have got drowned in trying to get back.

Question. Was it understood that in the event of either party being attacked the other was to assist it?

Answer. The general understanding, as far as I know anything about it, was to land at two points and go around and attack the enemy on two sides.

By the chairman :

Question. If the object was to attack Leesburg, why did not General McCall's column assist you to do it?

Answer. That is something I have never been able to understand. I asked that question of some officers of General McCall's division whom I saw yesterday, and I was informed that they could have been there on Sunday night or Monday at noon just as well as not. But why they were ordered not to go is more than I can tell.

Question. Did you not understand that they were ordered back from their advanced position the night before the affair at Ball's Bluff, even after they had advanced as far as Drainesville?

Answer. Yes, sir.

Question. Why was that? Can you tell?

Answer. I cannot tell you. That is a question I cannot solve.

By Mr. Chandler :

Question. Do you know anything about communications across the river between General Stone and the rebels?

Answer. I know it from officers who have been on picket, and from our colonel. I never have witnessed it myself.

Question. That is the rumor?

Answer. I am as well satisfied of it as though I had seen it myself. We picket with our regiment and the Massachusetts 20th from Seneca Falls to the ferry. Our captains are selected in succession as officers of the day; I was appointed field-officer of the day some ten or twelve days ago, I think; I went down to visit the pickets and get what information I could in regard to the enemy's position; and one of the captains of the picket guard told me that a man named Young had come down with his teams, his negroes, his family, and with a load of boxes, and barrels headed up, &c., and crossed the river. There is a large island there which he has the charge of; I do not know whether he owns it or not. The captain said that Young presented a pass from General Stone giving him the right to pass to the island and back again whenever he pleased without any questions being asked. That cut him off from any examination at all. He passed over with those boxes and barrels that were headed up, full of something. I went back to the colonel and reported that there was something wrong. I could not help thinking so. Here was a large island, the main part of the river runs on the Maryland side of the island, and there is only a little stream of water on the other side of it. Their pickets line the bank there every night. In the day time they are taken back out of sight entirely. But there is a beaten path there where their pickets are of a night. Our men can see their guns glisten in the moonshine, and can hear them walk. But Young pretends to say that there are no pickets there at all. He was allowed to go back and forth when he pleases, with his family, at any and at all times.

By the chairman:

Question. Is he secession?

Answer. He is said to be by loyal men to whom I have spoken. He has a son in the rebel army.

By Mr. Chandler:

Question. And he carried those boxes, barrels, and everything else virtually into the enemy's lines?

Answer. Yes, sir.

By the chairman:

Question. When was this?

Answer. This was about three weeks ago, perhaps. I told my colonel it was an outrage, and it ought not to be done. The colonel said that he would see General Stone about the matter, and soon after an order came up from here—the account had got down here some way—an order came up from General McClellan to have no more passing at all. But there has been, and there is now, going on almost daily, as I learn from my pickets, flags of truce and packages of letters to General Stone, and letters and packages go back and forth across the river. There is something there in the dark that I am not able to solve.

By Mr. Chandler:

Question. Is there any doubt among the men and officers in that division of General Stone's loyalty to this government?

Answer. So far as our regiment is concerned, I must say there is.

Question. Arising from all these circumstances which you have detailed?

Answer. These circumstances go to substantiate that doubt. Until the time of crossing there at Edwards's Ferry, and these transactions since, I did not have any doubt as to his loyalty, and all these things have had their effect. Then the idea of going down there every little while and shelling the enemy, and firing over where there was nothing particular to fire at, I could see no object in all that except to give them the range of our guns, so that they could get back a little further. They have left a little fort that our guns can reach, and have gone up on a little hill beyond and are building a large fort.

By Mr. Covode:

Question. Have they been working there lately?

Answer. Yes, sir.

By the chairman:

Question. How lately?

Answer. I do not know whether they have got it finished or not. But I was down there not more than three or four days ago and could see them there.

By Mr. Odell:

Question. What do you say about throwing over shells?

Answer. We threw over to the first point where they had a fortification, and then we also shelled over in the woods every few days, and now they have moved back and built a new fort.

Question. Is not that shelling done for the purpose of breaking up these fortifications?

Answer. I do not know but it is. I am not able to state in regard to that.

Question. Would it not be all proper to do so for that purpose?

Answer. Well, sir, I have had my opinion in regard to these things. If we were soon to move upon them, I have had some doubts about giving them any chance to let them know the range and length of our guns by firing over there when there was nothing to fire at.

Question. As a military man, if you found the enemy building a range of fortifications that would be an impediment to our crossing there, would you not consider it a military act to destroy it?

Answer. Yes, sir, if we intended to cross. But the other fort was there at the time we crossed at Edwards's Ferry, and they fired no guns from it.

By Mr. Gooch:

Question. Was it garrisoned then?

Answer. I do not know. We could sometimes see by a glass a company of men and wagons moving along there.

Question. Could you see any guns?

Answer. We could see, as we thought, indistinctly two guns. We thought that probably there were two guns mounted.

By Mr. Chandler:

Question. Would they have been in the way of a movement up towards Ball's Bluff?

Answer. We did not fear them, because we had a high bluff on our side that would cover us. We did not fear that at all.

Question. That was no obstacle in the way of your moving up the river?

Answer. No, sir.

By Mr. Covode:

Question. Have not your officers, from the colonel down, freely expressed themselves with regard to General Stone's loyalty?

Answer. They have been very cautious. It is a military rule that a man must keep mum, or have his head taken off. Our major wrote a letter home, which unluckily happened to be published, in regard to the means of crossing we had at the time of the Ball's Bluff affair. That letter got back somehow, and General Stone had him arrested for complaining about the facilities for crossing the river, though the letter did not mention General Stone at all. Through the instrumentality of our colonel he was not cashiered, but was allowed to resign and go home. But there is no doubt that it was that unfortunate letter that was the cause of his having to go home.

Question. So far as you know, is not there such a general suspicion of General Stone among officers and men that they would be unwilling to go into battle under him?

Answer. We have discussed that matter in this way: If we have got to have a certain colonel there who never had a command higher than that of lieutenant until three months ago—if we are to have him for a brigadier general, as he has been nominated for that, and have to go with him and General Stone—we have made up our minds that we must either get out of the division, or have some alteration in the matter. We feel that we do not want to run the risk of being butchered in that way. I do not know but what General Stone is as loyal a man as there is in the country. But those transactions I have stated have created a feeling in my mind that everything is not right. And I think I may safely say that that is the general feeling in our regiment.

WASHINGTON, *January 18, 1862.*

PHILIP HAGNER sworn and examined.

By Mr. Covode:

Question. Where do you reside?

Answer. At Edwards's Ferry.

By the chairman:

Question. Have you ever been connected with the army?

Answer. I have not.

Question. What was your business while you lived there?

Answer. Buying grain or any other produce and shipping it to the District of Columbia.

Question. Were you there at the time the battle took place at Ball's Bluff?

Answer. Yes, sir. I was at Edwards's Ferry.

Question. What do you know about what happened there at the time?

Answer. I was not present at Ball's Bluff. It was $2\frac{1}{2}$ miles above where I live.

Question. Do you know anything about a flouring mill on the Virginia side?

Answer. There is one at Goose creek, right opposite where I live—about three-quarters of a mile from the river, from the mouth of the creek. There are three runs of stones in it. It used to manufacture a considerable quantity of flour; but owing to a partial failure of the owner, the mill passed into the hands of assignees, and since then it does not manufacture a great deal of flour; it does some. There is another above Ball's Bluff, which belongs to John P. Smart, of Leesburg, Virginia. It has been kept exclusively for a flouring mill, and has ground a great deal of flour to be shipped to the District and to New York.

Question. Has it furnished flour for the enemy since the war commenced?

Answer. As to my own observation I could not say anything in regard to that. But the mill has been constantly running, and unquestionably that has been its business.

Question. It could not have brought the flour on this side?

Answer. No, sir.

Question. It could not grind flour for loyal men?

Answer. No, sir.

Question. Is that mill within the range of our guns from the Maryland side?

Answer. Yes, sir; our small arms could reach it.

Question. You say it is a little above Ball's Bluff?

Answer. Yes, sir; it is turned by a stream from a large spring about a mile and a half from the river, known as the Limestone spring, which rises immediately on the road leading from Point of Rocks to Leesburg.

Question. What is the position of the owner of that mill in regard to the government?

Answer. He is said to be one of the first men who went to the polls to vote for the ratification of the ordinance of secession of Virginia.

Question. Do you know why that mill is suffered to remain there and grind grain for the rebels?

Answer. I cannot say.

Question. It is perfectly in the power of our guns?

Answer. Perfectly in range; a gun that would carry three-quarters of a mile I suppose would carry a ball right through it. They have kept rather a heavier picket at that mill, and at a place about 5 miles above Edwards's Ferry, known as White's Mill, than at any other place along the river.

Question. Do you know anything of a man named Young who has had a pass to cross and recross the river?

Answer. I know him very well.

Question. Is he a loyalist or secessionist?

Answer. His sympathies are wholly with southern rights' men and conditional Union men. He would like the Union upon certain conditions.

Question. With which side does he co-operate in this war?

Answer. Well, as regards that, I do not know that he co-operates with either side. He has a son who is in the secession army. In the interim of the three months troops leaving and the three years volunteers coming on, this son left and went over into Virginia immediately, and is reported to be in the southern army now.

Question. What do you know about this Young crossing and recrossing.

Answer. He and his son both told me that they had a pass from General Stone to pass to the island and back and forth whenever it suited their convenience. The principal part of the river flows on the Maryland side of the island; and at medium or low water they ride from the Virginia side to the island on horseback, in wagons, or any way they see fit.

Question. You consider a pass to the island the same as a pass to the secession camps if they choose to go there?

Answer. It is equivalent to a pass directly across the river.

By Mr. Gooch:

Question. Does that pass permit them to take over anything with them?

Answer. Certainly; their provisions or any such matter to their force on the island.

By Mr. Covode:

Question. Does it permit them to take anything over without being searched?

Answer. The pickets have informed me that they are not allowed to search. One was speaking to me a few days ago about it; he said he thought it a very open way of doing business. Said he, "We are not even allowed to search the barrels, boxes, bags, or anything."

By Mr. Gooch :

Question. What do you mean about taking provisions over to their force on the island?

Answer. For the men who are there to cultivate the island. Dr. King and Mr. Young rent the island conjointly. Dr. King is in one of the departments here. He was arrested a while ago for treason, but, I believe, was set free again. I suppose it is through Dr. King's influence that General Stone granted this pass to Mr. Young.

By Mr. Covode :

Question. Did not Mr. Young tell you that it was through Dr. King's influence he pretended or professed to be a Union man?

Answer. He said this : that he had been in favor of the south and southern rights; but he had a conversation with Dr. King who had told him that there was no other way for it, but that the Union would be preserved and sustained.

Question. Did Young refuse or decline to vote with Union men in Maryland?

Answer. He did not go to the polls, and gave no support or sustentation to the cause in that way.

By the chairman :

Question. Would there be any difficulty in the way of this man carrying any kind of communication he saw fit from this side to the other?

Answer. None in the world, as far as I can see.

By Mr. Chandler :

Question. He could carry ammunition, quinine, &c.?

Answer. Yes, sir, if he chose; so far as he could put them in barrels, boxes, and bags. But the most valuable information could be carried by him in regard to our forces and position. He has a son staying at the home-place, while the old man stays on the island, and comes over here but seldom. The son goes over to the island when he pleases, and carries over whatever he pleases.

Question. Then it is no mystery to you that the secessionists should have accounts of everything going on on this side?

Answer. We do not regard it as a mysterious matter at all.

By Mr. Covode :

Question. Do you know anything of the boats that were provided for the transportation of our troops at the time of the battle of Ball's Bluff?

Answer. I know there were five scows built back of my warehouse, out of sight of the rebels.

Question. Are you familiar with boats and boat-building?

Answer. I have had more or less to do with boats and their management for a great many years on the Susquehannah, and some on the Potomac, at different times.

Question. Will you describe the boats that were built there?

Answer. The lieutenant who had charge of the boats told me that they were to be twenty-five feet in length, and from eleven to twelve feet in width. They would vary a little from that, perhaps, from cutting the lum-

ber to advantage. They were to be of flat bottoms; the sides from twenty-one to twenty-two inches in depth, with rather a steep rake at the ends, which would of course make them shorter on the bottom floor than at the top. They were very flimsy affairs, as I thought, and I considered them unsafe for crossing troops in, as that was what I was told they were for. I said to the same lieutenant that the same quantity of lumber put in two boats, eighty feet long, and just wide enough to pass out of the locks, would be worth more than a dozen such as he was making; but of course it was not for me to dictate anything about it.

Question. Was General Stone there looking at them and directing their construction?

Answer. I am positive that General Stone was there on three different occasions, and conversed with the lieutenant in regard to them. There is not a shadow of doubt that they were built under his eye and direction, from the fact that he was down there several times.

By the chairman:

Question. Were these same scows that were built there used in crossing the troops there?

Answer. One was used there at Edwards's Ferry, and some of them up at Ball's Bluff, and some, perhaps, were down the river.

Question. What is the capacity of these scows?

Answer. They were intended to carry 50 men each.

Question. How were they got along; by poling?

Answer. Yes, sir, that was the only way to move them.

By Mr. Julian:

Question. Would they carry 50 men in each one?

Answer. I suppose they would if the men stood quietly in them.

By Mr. Covode:

Question. Were these scows not totally inadequate to the purpose for which they were constructed?

Answer. I deemed, at the time, that they were entirely inadequate, and that was the reason I gave my opinion to that effect in advance of their going into the water.

By the chairman:

Question. You say you suppose these scows were used at Ball's Bluff?

Answer. The men told me so, and I saw some of them up there. We heard guns firing the afternoon of the fight, but did not know what was going on until evening, when news came down that our men had been defeated. After night a surgeon called on me and said he had been sent down to see if I could procure him a couple of canal-boats to send up to Ball's Bluff. He said "there has been bloody work up there; our men have been desperately cut to pieces, and, poor fellows, I want to bring them home." I told him there were some boats below the locks, they had been stopped there. I do not know by what authority. I went down and called up the captains of two boats, and told them they were wanted by the government forthwith, and to push into the lock immediately. There was a load of hay there, and upon mentioning it to the surgeon, we had some put into the boats so as to make a pretty comfortable hay bed all over the bottom of the boats, and they were immediately sent up for the wounded men.

Question. Did you take those boats into the river?

Answer. No, sir; they were taken right up the canal, and the wounded men brought over from Harrison's island and carried up to the canal and put into the boats.

By the chairman:

Question. These canal-boats were not used to carry the men across the river?

Answer. No, sir.

By Mr. Gooch:

Question. How many of these canal-boats were there on that Monday?

Answer. I could not say.

Question. How many should you think?

Answer. Some four or five of them.

Question. How long would it have taken to have got these canal-boats into the river to be used in the transportation of troops there?

Answer. You could have taken any one of them out there at Edwards's Ferry in fifteen minutes. But they were not a boat that could be used very advantageously, for they were so high that it was difficult for the men to get in and out of them.

Question. If you had intended to pass over the number of men who were crossed over there, would you have brought these canal-boats into use, such as they were?

Answer. Certainly, every one of them; so as to have had the men taken over together.

Question. Would the safety of our men, in case of disaster, have been increased if these boats had been there and in use?

Answer. Most certainly.

Question. How long would it have taken to have had these boats taken up the canal to Ball's Bluff, and then taken out of the canal into the river?

Answer. They could not have been taken out of the canal at Ball's Bluff; the facilities for that were not the same there as at Edwards's Ferry.

By Mr. Chandler:

Question. How long would it have taken to have thrown a rope across the river at Edwards's Ferry so that these boats could have been taken across in that way by pulling on the rope?

Answer. A very little time.

Question. Would it have taken more than an hour?

Answer. An hour, or two hours at the outside.

Question. You could have used these canal-boats in that way?

Answer. Yes sir; but with the current and wind you could not control the canal-boats with poles. There was a canal-scow that I did not see used there to any amount for some time. But about Wednesday night, about 9 o'clock, General Gorman came down to the ferry and asked me if there were any poles there. I told him that there were none within two miles and a half suitable for boat poles. He said the men on the other side were in a very perilous condition, and he was afraid our poor boys on the other side would be lost. I told him there was a canal flat lying in the river and that no one was using it, and I could raise men and poles enough to take that up, and with that I could bring over more than any other three boats up there. He said, "For God Almighty's sake do it as soon as you can." I took it up there, and made nine successful trips across the river with it.

By the chairman:

Question. That boat was not used except upon your suggestion?

Answer. No sir.

Question. How long have you lived there at Edwards's Ferry and in that neighborhood?

Answer. For six years.

Question. Are you acquainted with the ground on the Virginia side between Edwards's Ferry and Ball's Bluff?

Answer. Certainly, I think I ought to be; I have been up and down there a great many times.

Question. Is there any difficulty in the way of men passing from Edwards's Ferry to Ball's Bluff, on the Virginia side?

Answer. I should think not.

Question. Are there any fortifications there that you know of?

Answer. It was reported that there was a little embankment there, but the men would not require to go within half a mile of that to go to Ball's Bluff.

Question. Were there any guns mounted there?

Answer. I never heard of any.

By Mr. Chandler:

Question. What is the distance from Edwards's Ferry to Ball's Bluff?

Answer. About three miles, I should think, in a direct line.

Question. There was no obstacle to infantry marching right up?

Answer. None at all, except right on the bluff by the river. The land is rolling there, as it is about Chain Bridge. But after you get from the river about an eighth of a mile it is perfectly accessible for infantry.

Question. Suppose these four or five canal-boats, which you say were at Edwards's Ferry, with the scows there, had all been put in requisition, with a rope across the river to work them properly, how many men could have been taken over at a time?

Answer. Any one of those canal-boats could have taken over 300 men.

Question. You could have taken over some 1,500 men at a time with all the boats there, say, in half an hour?

Answer. Yes, sir; it is but ten minutes' work to cross there.

By Mr. Covode:

Question. Are the secessionists on the Maryland side on good terms with General Stone, that you are aware of?

Answer. They applaud General Stone above all other men.

Question. Do the rebel pickets, on the other side, speak out freely in favor of General Stone?

Answer. I have not heard them do it. But the lieutenants and others on picket there have told me that the rebel pickets repeatedly halloo across that General Stone is a gentleman, and they would not do anything to injure him.

WASHINGTON, *January 18, 1862.*

Major JACOB P. GOULD sworn and examined.

By Mr. Gooch:

Question. What is your rank and position in the army?

Answer. That of major of the thirteenth Massachusetts volunteers.

Question. How long have you been in the army?

Answer. It is little more than six months since I had that commission. I had the commission of captain previous to that time.

Question. Where have you been stationed?

Answer. Up on the Potomac, in General Banks's division.

Question. Will you state to the committee, as concisely as you well can, what you know in relation to the army during that time?

Answer. I have been stationed upon the outposts guarding the canal and the Potomac river, and most of the time have had under my individual command a body of troops separate from the rest. My regiment has been brigaded, but I have only been at times with the rest of the division.

Question. How many men have you had under your own command?

Answer. From 200 to 600.

Question. State concisely the most important events that have transpired in your own command.

Answer. I can speak generally of the good order of the men that have come under my observation. They have been exceedingly faithful in the performance of their duties, and very careful in carrying out their orders. The first signal service they performed was the arrest of Mr. Boteler, of Virginia. The orders I gave my men then were particularly carried out.

Question. Have you men stationed at Harper's Ferry?

Answer. Yes, sir; since then, during the fall, I was stationed there.

Question. Have you had anything to do with the seizure of any wheat there?

Answer. Yes, sir. By order of General Banks I seized nearly 15,000 bushels of wheat.

Question. Where was the wheat?

Answer. In Mr. Herr's mill, across the river.

Question. At what point was this mill?

Answer. At Harper's Ferry, opposite Sandy Hook.

Question. State what happened at that time.

Answer. I was five days in taking the wheat, previous to the Bolivar fight; that interrupted it, for on the second day after the fight the rebels came there to attack me. But I had no force on the other side, and they set the mill on fire and burned up the rest of the wheat. In consequence of my shelling them they did not set any other buildings on fire, but retreated to Charlestown. That was the last I saw of the rebels. I remained there ten days after that. Previous to that time we had had some skirmishes. Sometimes we were across the river, but most of the time the enemy fired over at us. I can say for the troops that were under my command that they were ready to stand fire.

Question. Give us the particulars of the seizure of the wheat, and your mode of transporting it across the river.

Answer. I reported that wheat to General Banks a fortnight or so before I commenced taking it. He immediately sent me an order to take it, and asked what force I wanted. I sent word that I would require 300 additional men and a battery by a certain time, which were promised me. No one in my command, not even my own officers, knew that I was going to take the wheat. I had made arrangements for boats, for it is a good principle to go upon to keep the means of retreat open in an enemy's country. I found in the canal there what is called a repair-boat, a large deck-boat, that would hold forty or fifty men at a time. There were two large scows there that would hold twenty men each, which I attached together, making, as it were, one boat of them. There was some rope there at the railroad depot which was going up to Cumberland, but which I had stopped because I was not certain about the loyalty of the owners, and a little because I wanted to use it in this matter. Out of that I got rope enough to make a good cable that would reach across the river, so that I could cross in three minutes. I also sent some men off who obtained some two-inch cable for another rope across the river. I also got some tackle-blocks to tighten the rope across the river, which there was about 550 feet wide. For about 60 miles, as far as I have seen, the river averages about 1,000 feet in width. But there it is not quite 600 feet wide.

I had two cable lines across the river, and kept the boats coming and going all the time—one boat going over while the other was coming back. I could take one piece of artillery and the horses and men attached to it in a boat at a time; so that, with two boat-loads, I could take over a section of artillery and the men and horses connected with it. Previous to taking the wheat I ordered two companies over to form a signal line, so that no information should get out to Charlestown. Upon the firing of a cannon they were to establish a close blockade, which they did. As soon as the additional troops I had sent for arrived, I established another line out a mile further, and we put the cannon on Camp Hill to command all the roads. The next morning I was ready to commence taking across the wheat. I proceeded to take it over at the rate of about 400 bushels an hour, from 7 o'clock in the morning to 12 o'clock at night. About 400 bushels an hour was as much as I could get across the river during that time. I had received information on Sunday that a force of the enemy was approaching, but I did not suppose there was any force in that section. But some came up from Leesburg and got on Loudon Heights; and on Wednesday morning they made an attack upon our pickets with a 32-pounder, and drove them. By order of some superior officers, previous to that time, some of the cannon were removed in the night time and put on the Maryland Heights; but when they fired over the river the shot fell among our own men, and we repelled the enemy by infantry, except those on Loudon Heights, which were shelled out by our cannon. Before 4 o'clock we drove the enemy very nearly to Halltown, and took eight prisoners. That night, by orders of the superior officer, the whole command was withdrawn from the Virginia shore. I thought it was wrong, because it left exposed some five Union citizens who had been led to express themselves freely for the cause of the Union in consequence of our presence there, and who had assisted me in every possible manner. The enemy came there, arrested the owners of the mill, and burned the mill and the remainder of the wheat, some 7,000 bushels.

Question. How much wheat did you get over and save?

Answer. Not quite 15,000 bushels. It made some 3,100 barrels of flour here at Georgetown, where it was sent. I also took a large quantity of lead and copper and three cannon. The rebels, since then, have taken all the tin pipes and the cook-stoves they could get. I took about three tons of lead and copper there.

Question. Had you force enough there, if your artillery had been retained on the Virginia side, to have held the place against the force that was opposed to you?

Answer. I would have needed two larger pieces of artillery on Maryland Heights. Maryland Heights control Loudon Heights, and Loudon Heights control Camp Hill, Harper's Ferry, and Bolivar. The enemy did not serve their guns well during that day. They had two regiments on Loudon Heights, and had their cavalry up opposite Sandy Hook. Their plan was, as I afterwards learned, to engage us at Bolivar, cross the Potomac east of Loudon Heights, and surround and bag us, as they termed it. They had 4,000 men there, as I heard, while we had only about 900 men after we were re-enforced.

Question. With the arrangements you had there for crossing, how many men could you have taken over the river in an hour?

Answer. I think I could have taken over 300 men an hour easily; perhaps more.

Question. With the boats you had?

Answer. Yes, sir.

Question. Could you have got that wheat across the river without great difficulty if it had not been for the cables you had?

Answer. No, sir. The water was pretty high then. It varies in the river

very much. A freshet in the Potomac lasts about three days, as I have noticed.

Question. So far as you know, what is the condition of the troops in General Banks's division?

Answer. I think they are in very good condition indeed; ambitious to distinguish themselves, I think, when they get an opportunity to try their strength.

Question. Are the men, in your judgment, ready to go into battle?

Answer. Yes, sir. I know that from the experience I have had of them. They express themselves as desirous of doing so whenever it is necessary.

Question. Is there anything further, in connexion with these matters, which you would desire to state, and which you would consider it important for the committee to know?

Answer. I do not know as there is. Harper's Ferry has not been occupied since I left there. I had orders, when I took the grain, to rearrest Mr. Boteler, and I came very near doing it, though he did not know it. He was then returning from Richmond; but he kept himself behind a little force of the enemy there all the time. I do not think we could cross the river well without cables. At least, I should not want to try it. In the canal, once in every twenty or thirty miles, I think they have what is called a repair-boat. It is a deck-boat, and the men can walk on and off it very readily.

Question. How many men would such a boat carry across the river?

Answer. I put on forty men. I think one boat-load I put on more, but they said the boat was not a new one, and it might strain it.

WASHINGTON, *January 18, 1862.*

Lieutenant ANDREW V. REA sworn and examined.

By the chairman:

Question. What has been your position and rank in the army?

Answer. I was adjutant of the second regiment of the New York State militia. I was adjutant for five years, and resigned six weeks ago.

Question. Were you serving at Edwards's Ferry at the time of the battle of Ball's Bluff?

Answer. Yes, sir.

Question. In as brief and concise a manner as you can, tell us what you observed there that you deem material.

Answer. On Sunday, the 20th of October, General Gorman gave orders and we formed into line, went down on a hill by the ferry and remained there a couple of hours or so, while we shelled the other side, and then we came back to camp. About half-past one o'clock orders came for us to take two day's rations and start at daybreak. We did so about six o'clock, and went down to Edwards's Ferry, and they commenced to transport the men over in flat scows or boats. This was on Monday morning.

By Mr. Odell:

Question. Do you mean the second New York regiment?

Answer. The whole division.

Question. What was the division?

Answer. The first Minnesota, the seventh Michigan, and the second and thirty-fourth New York. There were others went over afterwards that I was not so familiar with.

By the chairman:

Question. You crossed over into Virginia?

Answer. Yes, sir.

Question. What were your means of transportation?

Answer. Some flat-boats, perhaps twenty-five feet long.

Question. How many men at a time did they carry?

Answer. About thirty or thirty-five men each.

Question. How long did it take to get the men across?

Answer. We commenced in the morning about seven o'clock, and, I presume, by four or five o'clock that afternoon we had some 1,400 men over.

Question. Do you know what the object of that expedition was; what it was intended to accomplish?

Answer. No, sir, I do not; I could not tell. One of our companies were out on the furthest picket, and the colonel sent me out with some orders; we heard some firing, and the captain of this company said he thought our party was getting whipped, as the firing seemed to be receding. I said, "if that is so, what have we come over here for?" He said he did not know. There were, I suppose, some 800 or 900 men there, and I supposed they would give us orders to march, but they did not. Our colonel was in command over there for two days.

Question. Do you know any reason why you were not ordered up to assist the men at Ball's Bluff?

Answer. No, sir; I do not. I did not see any general there until Tuesday morning, when I saw some time that day General Lander over there. Our colonel asked him if he would take command. He said, "No; you have placed the men as well as I could—go on." Tuesday was a very rough day indeed. It rained and the wind blew very strong. Some cavalry and some troops came over. Wednesday, I think, more came over. I suppose about 3 or 4 o'clock in the afternoon I was out with the lieutenant colonel at the furthest pickets, at a house on the Leesburg road. One of our companies and one of the Massachusetts nineteenth—the Boston Tigers, they called themselves—had fortified it. While we were talking to the captain I saw about 200 rebels come out of the woods. We had our skirmishers lying out behind the fence, and the sharpshooters gave them a volley. The colonel and I rode down to the two pieces of artillery there, and they fired on them. The first shell burst among them, and that scattered them.

The next boat that came over brought General Banks and General Gorman. I believe General Abercrombie was already on the ground, and I presume General Stone came over in the next boat, or the one after the next. But General Banks seemed to be the clearest headed general there. The first thing he said to General Gorman was, that he wanted more transportation, and asked if he had any rope. General Gorman said he had not. General Banks said that he ought to have sent for it. I was acting as aid there to one of the generals, and about 12 o'clock he told me we were going to retreat, but not to mention it even to our colonel. About 2 o'clock in the morning our regiment got off the field and into the boats. When I got through the business I had there I went back. None of the soldiers knew we were retreating. They all thought they had to go to pull the boats over. We did it very quietly and in good order. General Stone was there then at the foot of the hill.

Question. Did you stay there over night?

Answer. Until about 2 o'clock on Thursday morning. My regiment was then all over. I did not leave the ground from Monday until Thursday morning, when I returned.

Question. How many men did you have over there at any time?

Answer. I think on Wednesday the most we had was about 4,500.

By Mr. Odell:

Question. How many had you on Monday at 1 or 2 o'clock?

Answer. I think there were some 800 or 900.

By the chairman:

Question. At what time was that?

Answer. As late as one or two o'clock on Monday. I do not think there could have been there as many as 900. And then we had a flat-boat that would hold, I presume, 100 men or more, which it took some time to get out of the lock. I do not think it was got out of the lock before 11 o'clock. Then we had three boats going all the time.

Question. How many men had you there that night?

Answer. They stopped bringing them over about 7 o'clock, and then I do not think there were over 1,400 or 1,500.

Question. You remained there that night?

Answer. Yes, sir; and Tuesday night and Wednesday night.

Question. What prevented the victorious enemy from coming down and serving you as they had done those at Ball's Bluff?

Answer. Nothing at all. They could have come down and murdered every one of us, I think, if they had been strong enough. We were bounded on two sides by water.

Question. Were you aware of the battle of Ball's Bluff while you were there?

Answer. Yes, sir; we could hear it.

Question. Do you know why you did not go up to the assistance of those at Ball's Bluff?

Answer. No, sir; a great many officers said that it was a shame for us to remain there and do nothing.

Question. Who was in command of you?

Answer. Our colonel; but he had no orders to move, but merely to hold the ground.

Question. And lay there over night?

Answer. Yes, sir.

Question. No attempt was made to assist the men at Ball's Bluff?

Answer. Not at all; not a move.

Question. Do you know anything about General McCall's division having advanced the day before as far as Drainesville?

Answer. When we went down Sunday afternoon and shelled the other side, General Gorman had his glass there. I think there were three standing by him, the colonel, the quartermaster, and myself. General Gorman said, "Take this glass and look there," in the direction of Goose creek "and see if you see anything there. If you do they are General McCall's men; he is within an hour's march of this place." But we could see nothing there but one or two of the enemy's pickets, who left when the first gun was fired by us. We heard afterwards that General McCall was not within a day's march of us.

Question. Was there anything to have prevented General McCall's division from coming to your assistance and taking Leesburg, if you wanted to take it?

Answer. I do not know about General McCall's division. But I think that with all the force we had on this side, if they had been properly brought over, we could have taken Leesburg; especially as they were fighting further up.

Question. You say it was a matter of conversation with you about going to their assistance at Ball's Bluff?

Answer. Yes, sir.

Question. Did you hear anything said about there being any batteries in the way of going up there?

Answer. We heard that there were two little intrenchments thrown up over to the right of us. We could see them with our glasses.

Question. Could you see any guns there?

Answer. No, sir; only a few men there.

Question. Was that thought to constitute any reason why you did not go up to Ball's Bluff?

Answer. No, sir.

Question. Was there anything that could have impeded your progress if you had wanted to go up?

Answer. Nothing at all; because they would have been no obstacle at all.

Question. How long were you stationed at Edwards's Ferry, and up along there, under General Stone's command?

Answer. I think since August last.

Question. What can you say about communications between our forces and those of the enemy?

Answer. We had six companies; I think we had two at first, and then up to six companies, at the mouth of the Monocacy river. Letters used to come over frequently in a boat to our picket headquarters, and we used to send them down to General Stone. I was going down to Poolesville, at one time, and our major gave me a letter from General Stone. I think it was directed "General Stone, Poolesville; from Mrs. M. Mason." It was a sealed letter.

Question. Was that letter from the Virginia side?

Answer. Yes, sir.

Question. Who brought the letter over?

Answer. I think the major said a little boy had come over in a boat with it; one of the boys who brought letters. He was a big country boy. We brought him up to the camp with the letters, and the major told me that it was wrong, and that we should not have allowed him to come over; and that he should not let him go back until he had seen General Stone. I went down to General Stone who said he should not be allowed to go back until he had been detained a day or two. The boy was with us, I presume, a month or six weeks, and his clothes got worn out. I went to General Stone and told him of it, and he said the company that took him was responsible for that, and must take care of him. The boy went over with us at Edwards's Ferry. He was asked why he did not run away then. He said he did not want to go away.

Question. Was he intelligent?

Answer. Yes, sir; he was sharp. He was a white boy, with a sort of country manner about him. But he knew everything that was going on. I understand lately that he has left.

Question. Was it deemed according to military regulations to permit a sharp young man to come there and inspect your works and go away again?

Answer. He did not go back until lately, as I have heard.

Question. Who was this Mrs. M. Mason? Do you know anything about her?

Answer. No, sir. They knew her all about there. The major merely said, "Here are more letters."

Question. Was she a secessionist, as you understood?

Answer. The officers at first thought she was a woman that General Stone knew, who was giving him information about the rebels. But after this Ball's Bluff affair we concluded she must have been the other way, or we should not have had such a fight as that.

Question. Were communications frequent between the two sides?

Answer. Yes, sir ; I believe they used to send some over from our side ; but I think the most came from the other side.

Question. General Stone knew of these communications ?

Answer. Yes, sir ; certainly. We took them all down to him. He knew, because it was with his sanction.

Question. Was that supposed to be right ?

Answer. I do not think our regiment considered that it was right. They thought it was very curious.

Question. Did it cause observation ?

Answer. Yes, sir ; the officers used to talk about it.

By Mr. Odell :

Question. Did General Stone open the letters when you took them to him ?

Answer. Not before me. One night two letters came over from some men to some girls, and the major read them. One of them said she ought not to associate with the Yankees, and that he was waiting for the Yankees to come over there, so that we could whip them. The letters to General Stone were always sealed.

Question. You do not know what was in them ?

Answer. No, sir.

By the chairman :

Question. You say that caused observation ?

Answer. Yes, sir. Men could not help making remarks when a woman sent letters to a man.

Question. And from the enemy's side ?

Answer. Yes, sir.

Question. Is there anything more you think it important to state to the committee ?

Answer. No, sir ; I do not know as there is. I can say that we all thought it a little curious that there was no general over on the Virginia side at Edwards's Ferry the first or second day. We did not see General Stone over there until the third day.

Question. What was General Gorman doing there ?

Answer. He came over the second day and went around the pickets, but did not seem to give any orders. I went out with him, and only heard him give some order to one of the pickets about holding his piece up properly.

Question. The first day and night you had no general over there ?

Answer. No, sir, I think not. General Lander may have come over in the middle of the night. If he did, he did not take the command. I think General Gorman may have gone over at first in the morning of Monday, and then have gone back again. He told our colonel to take command.

Question. He gave him no orders ?

Answer. No, sir.

Question. And you do not know the object of your being over there ?

Answer. No, sir. We heard from different officers that we were only over there to reconnoitre, and then go back again. We were to retreat on Monday night. And I presume half the division did come over on this side, and then they were ordered back again.

Question. Why were you ordered back ?

Answer. We could not tell. We heard some say that it was a reconnoissance, and we had done very well, and as we were on the ground we could hold it.

Question. What number came back ?

Answer. I presume nearly half of them.

Question. How long did those who came back remain on the Maryland shore ?

Answer. I called in a Minnesota company that was out as skirmishers. I called the artillery down to the ferry, and went out after company I of our regiment, and they came over. Company K was the furthest out, and I had to wait until the others went over before the colonel sent me back again. When I came back with company K I saw some of the others coming back. I asked what was the matter, and said, "I thought you were on the other side." They said "General Stone ordered us back."

Question. What time was that?

Answer. About 12 or 1 o'clock. We could get but few over on Tuesday morning, because the wind blew from the Virginia side, and we could not get the boats over from the Maryland shore, not having any rope, and not being able to pole them over. There we stayed, and thought we should all be slaughtered if the enemy came. Tuesday night the wind stopped blowing a little, and then some more came over, and there we remained until General McClellan ordered us all back.

By Mr. Odell:

Question. Why did you resign?

Answer. On account of important business in New York.

Question. Have you had any difficulty with any of the general officers?

Answer. No, sir; none at all.

Question. Was there any understanding among the officers when you crossed at Edwards's Ferry, and the other party crossed at Ball's Bluff, that the two parties were to co-operate when they got on the Virginia side?

Answer. Certainly. We thought that a part of General Banks's division were going to cross at Seneca Mills, and that we were all going to Leesburg.

Question. You thought you were all to act in concert?

Answer. Yes, sir; that was the general belief with the officers, and when we heard the firing we did not understand what was the matter?

By the chairman:

Question. You were surprised when you were not ordered up to Ball's Bluff, when you heard the firing?

Answer. Yes, sir; we could not understand it.

WASHINGTON, *January 21, 1862.*

Captain CLINTON BERRY sworn and examined.

By the chairman:

Question. What is your rank in the army?

Answer. I am a captain.

Question. Where are you stationed?

Answer. At Edwards's Ferry, near Poolesville.

Question. In what capacity are you acting now?

Answer. As a captain.

Question. Are you in General Stone's division?

Answer. Yes, sir.

Question. Were you there at the time of the battle of Ball's Bluff?

Answer. I was not with my regiment there; I was acting as aid to General Gorman.

Question. Will you please state in your own way, and as briefly as you

can, what you deem material in relation to that battle; what you saw, what you did, and what, as a military man, you thought of it?

Answer. We received our first orders on Sunday evening to take some troops down to the river.

Question. From whom did you receive that order?

Answer. The orders were from General Stone to General Gorman to send his brigade down to the river bank at Edwards's Ferry; and afterwards I had orders from General Gorman to throw the brigade upon the hill, and deploy them so that the enemy upon the other side might see them; and two companies of the Minnesota regiment were thrown across to find out what they could. That night we were ordered back to camp. The next morning we were ordered under arms at daybreak. We marched our brigade down to the river, and we crossed over two more companies of infantry first, and some cavalry under Major Mix. They made a reconnoissance, and met some of the pickets of the enemy, and had a little skirmish with them. They came back, and we threw over the 1st Minnesota regiment, and then the 2d New York; and the 34th New York which was at Seneca came up and were thrown over.

By Mr. Chandler:

Question. At what time were they thrown across?

Answer. We were a long time sending them over; but we got over on Monday morning, and they remained there that night. And then General Banks's division came up Monday night, or Tuesday morning, and they were thrown across as rapidly as possible. On arriving on Tuesday, the command devolved on General Gorman, who selected what he considered the best places for our trenches, and General Stone sent orders to dig rifle-pits and intrench, which was done. The enemy had two fortifications, as near as I could make out. We intrenched near a white house, near the fortifications of the enemy. The rifle-pits were dug and the white house was fortified. General Stone went over himself on Tuesday, and made some important reconnoissances with cavalry himself. This was after the battle of Ball's Bluff.

By the chairman:

Question. How many of your troops went over at Edwards's Ferry on Monday?

Answer. I should judge about 2,200.

Question. Were you over on the Virginia side at the time of the battle at Ball's Bluff?

Answer. Some few of our troops were over; not the whole brigade.

Question. How many?

Answer. I should judge not over 1,000 men.

Question. Could you hear at Edwards's Ferry the firing at Ball's Bluff?

Answer. Very distinctly. I was at the time when the firing commenced up at the headquarters of General Stone.

Question. Where was General Gorman at that time, when you heard the firing?

Answer. On this side.

Question. Who was commanding on the other side of Edwards's Ferry?

Answer. Colonel Tompkins, of the 2d New York. I might state further, that we had two pieces of artillery belonging to Ricketts' battery thrown over; and owing to the good judgment of Colonel Tompkins in placing them in position, when we were attacked on Tuesday, by opening upon the enemy with some grape and canister, we have no doubt it produced some very good effect. We afterwards learned, by a reconnoissance, that they were injured to some considerable extent.

Question. And probably saved your troops.

Answer. I think so, beyond a doubt.

Question. Was it not intended at the time you crossed at Edwards's Ferry, and the others crossed at Ball's Bluff, that the two forces were to co-operate?

Answer. No, sir; I think not. I of course was not in the confidence of either General Stone or General Gorman entirely. But from what I gathered from the orders I received, and from what I could gather from my conversation with General Stone, I judged that it was nothing but a reconnaissance. And I also judged that we were under the impression that General McCall was advancing from Drainesville. Such evidently was the impression of the men; and that upon his arrival in the neighborhood of Leesburg our division, under the command of General Gorman, would push up the left bank of Goose creek, and if Colonel Baker had been successful and driven the enemy in, we would have them in the rear that way. I have no right to say such was the case; that was merely my impression.

Question. That is what ought to have been done, anyway, you think?

Answer. Yes, sir; I think so.

Question. Do you know why General McCall's division was ordered back before you passed over?

Answer. No, sir, I do not know. I never had that satisfactorily explained to me.

Question. You never heard it explained?

Answer. Never satisfactorily. I understood there was some mistake in the orders.

Question. When you heard the firing at Ball's Bluff was there anything in the way of your going up to the assistance of those there, if it had been thought best to do it?

Answer. Yes, sir; I think there was. I think the two batteries I have spoken of would have cast upon us an enfilading fire that would have cut us all to pieces.

Question. Where were those two batteries?

Answer. On a hill, about a mile to the right of our position. We did not know that they had guns there, but I judged that such was the case.

Question. What were those fortifications built of?

Answer. Merely earthworks. I merely had those places pointed out to me. I mean to say that if those batteries were there, they would have cast an enfilading fire upon us and cut us all to pieces.

Question. What time were those batteries pointed out to you? Was it not after the battle of Ball's Bluff?

Answer. I think not. I think they were pointed out to me before the battle of Ball's Bluff. I think we were under that impression all that Sunday afternoon, before we crossed over, when we first went down.

Question. Do you know whether some sixty or seventy men, more or less, came down from Ball's Bluff to Edwards's Ferry, and escaped that way?

Answer. I do not.

Question. Do you know anything about communications passing between the enemy's lines and officers on our side?

Answer. I was detailed on one occasion by General Stone to take a flag of truce and go over. The cause was this: The officer in command of our picket at Edwards's Ferry had seen a white flag waved on the other side, and they hallooed across that they had letters, or communications of importance for the commanding general. That information was sent up to General Gorman, who was then drilling his brigade, and I carried the message to General Stone. General Stone told me that I better go myself in person and take my flag and go across and receive what communication there was. I went over, and after waiting a long while I had an interview

with a Colonel Foster, I think. He told me that the letters had been sent across above. I immediately returned. That was the only time I have myself officiated in that way.

Question. Did anybody come over from the other side ?

Answer. Not on that occasion.

Question. Have they on any occasion ?

Answer. I have understood that the pickets of the enemy have crossed once or twice, the men exchanging mutual calls in that way. But I do not know that such has been the case.

Question. You have heard that the pickets have made calls on each other ?

Answer. Yes, sir.

Question. Fashionable calls.

Answer. Yes, sir; rather. General Stone gave me orders when I went over on the other side to tell the officer in command that he wanted this intercourse to cease entirely, and that if any one came across after that he would arrest them, and would give very strict orders if they came over, and would shoot them on the spot. I gave that communication to the officer on the other side, and he said he was very glad of it, and would do so himself.

Question. You did not receive any letters or packages ?

Answer. No, sir; they were sent over above, the delay was so great in my going over, in having to report first to General Stone.

Question. That is all you know about communications ?

Answer. I do know that I delivered two letters that General Stone gave me to send across, that he had had in his possession a long time; one was addressed I think to Rev. Mr. somebody at Leesburg. I do not remember the other; those two letters I delivered.

By Mr. Odell :

Question. Were they sealed letters ?

Answer. I believe they were—I think they were sealed.

By the chairman :

Question. How long ago was that ?

Answer. That was during the month of November, I think.

Question. Is there any suspicion among the officers and men there, whether well founded or not ; is it a fact that among the officers and men of General Stone's division, or any portion of them, is there any suspicion as to his loyalty ?

Answer. There certainly have been some words said to that effect; in respect to his great kindness to the people in that vicinity, his protecting their property, and such things as that. If we want forage, or wood, or anything of that kind, the commissary thinks it but right to go and take those things and pay for them.

Question. You refer to secessionists ?

Answer. They call them secessionists.

Question. Unfriendly to our government ?

Answer. I do not think they are. I have seen a great many of those so-called secessionists in my capacity as aide-de-camp, but I do not think there is any ground to call them so.

Question. You think the people around there generally take our side of this controversy ?

Answer. I really do. I think there is a strong feeling existing, and now on the increase, for the success of our cause; and I think the conduct of our commanding general, his kindness in protecting them, has created it. When we first went there, I think there was rather a strong feeling against us, but in consequence of our kindness to them they have become once more attached to the Union cause.

Question. But you have heard it whispered among the officers and men that they had doubts as to the loyalty of General Stone? I do not ask whether that is well founded, but whether it is the fact?

Answer. When you say "loyalty," I have heard nothing that would indicate that General Stone had any disloyal feeling.

Question. Your opinion is that the officers and men under him have full confidence in him?

Answer. No, sir; I do not say that. I think that the better informed portion of the army there, that is, the educated men, have great confidence in General Stone.

By Mr. Covode:

Question. You mean the West Point educated men?

Answer. Yes, sir. In regard to my own opinion of General Stone, I think he is certainly one of the most accomplished soldiers and gentlemen that I ever had the pleasure to meet. His management of his division shows that. He is constantly bringing into effect changes to make our volunteers equal to regulars. He follows the army regulations a little too strict for volunteers, perhaps, but I think it is out of regard to our own interests. In regard to his military capacity and strategy, of course I have no opinion to form upon that. I think he was mistaken in his affair at Ball's Bluff. I do not think he meant to produce anything there but to merely make a reconnaissance, to divert their attention from the movement that he thought General McCall was about to make.

Question. What number did he keep over there at Edwards's Ferry on Monday night—the night of the battle?

Answer. I forget how many were over there; but General Banks's troops were coming, and they were transferring them all night long.

Question. How many were there over there the night after the battle of Ball's Bluff—about how many?

Answer. I should think there were in the neighborhood of 2,500 or 3,000 men that I knew of. My duty was right there at the ferry, and I should judge that in the vicinity of perhaps a half a mile there may have been 2,500 men.

Question. What was the strength of the enemy there?

Answer. I think the enemy's strength at the engagement at Ball's Bluff was slight. I hardly think they had more men than we had at that time; but I think they were rapidly re-enforced afterwards.

Question. You think at the time of the fight they had no more than we had?

Answer. I think not.

By the chairman:

Question. Then it would have been easy for you, by a rapid march from Edwards's Ferry up to Ball's Bluff, to have cut them off, had there been no batteries in the way?

Answer. I think so. I think that it was possible, if we considered it a strategical point, we might have gone to their assistance at that time; but I do not think that at that time we had more than 800 men over there. However, we might have had more than that; we had two regiments over there—the 1st Minnesota and the 2d New York.

Question. If they had made an attack upon you at Edwards's Ferry with their increased force that night, you would have been in a bad place, would you not?

Answer. I think we would; although our guns were in position on the Maryland side—in a very fine position indeed—which would have thrown

shell into them, and no doubt have scattered a great many. I do not think we could have lost a discharge of our artillery there.

By Mr. Odell:

Question. I want to ask a general question in reference to what you have seen and what you have heard: whether the character of these communications to and from the other side is such as should not take place under military rule and discipline?

Answer. I do not know whether I could form an opinion of that kind. I know that very often letters are sent across—are exchanged between belligerents. But in this particular case I really do not hardly know how to answer that question. I think, perhaps, in some cases it might be conducive to our welfare. I was always under the impression that if such communications were sent over, General Stone has his reliable, good Union men over there to give him information. Long before the Ball's Bluff affair, I was then stationed at Monocacy in command of pickets, there were letters which went over to this same Rev. somebody at Leeburg. And I was certainly under the impression that it was for our interest and welfare.

Question. That was the impression made upon your mind by the transaction?

Answer. Yes, sir; that it was to the interest and welfare of the service. I will call your attention again to my explanation. I do not assert at all that there were any batteries. But it was my impression that there were batteries between us and Ball's Bluff. There were certainly some earth-works, or something thrown up there that looked very much like it. And there was not a doubt upon my mind that there were some there, and I considered it impracticable to go up there at that time.

Question. You are connected with the 2d New York regiment?

Answer. Yes, sir.

Question. Have your officers and men had any difficulty of any kind with General Stone that you know of?

Answer. No particular difficulty. Our colonel and General Stone are not on very good terms. I do not know as they have had any particular difficulty at all.

Question. Do you mean to say the regiment is not on good terms with him?

Answer. I do not say that at all. I think they consider General Stone a little hard on them. I know of no difficulty at all of any character between General Stone and our regiment. I do not think that General Stone has the best liking for our regiment or our colonel. I give you simply my own impression.

Question. That is what we want, and all we ask; the impression you have received from your observations.

Answer. That is what I have given you.

By Mr. Covode:

Question. You say that these secessionists, or men who have been secessionists, have become friendly to our cause. Have they a great deal of confidence in General Stone?

Answer. They like and admire General Stone.

Question. How is it with the original Union men?

Answer. I think that General Stone is one of the most popular men with the inhabitants in that vicinity.

WASHINGTON, *January 21, 1862.*

Quartermaster HENRY R. FOOTE sworn and examined.

By the chairman :

Question. What is your rank and position in the army ?

Answer. I am quartermaster of the 2d regiment of New York State militia.

Question. Where are you stationed now ?

Answer. Near Poolesville, between Poolesville and Edwards's Ferry, about three miles from Edwards's Ferry.

Question. Were you stationed there at the time of Ball's Bluff ?

Answer. Yes, sir.

Question. What was your capacity then ?

Answer. I was master of transportation. The crossing of the troops and the bringing them back there at Edwards's Ferry was under my immediate command.

Question. What was the extent of the means of transportation you had for that purpose ?

Answer. At Edwards's Ferry the government transportation amounted to three small scows, to which were added two skiffs and one yawl-boat. The order to move over on the Virginia side or make a reconnoissance was issued on Sunday. We went down to the river, made a display there, and came back. On Monday morning we crossed over in force. General Gornan, our brigadier general, had his orders to take the troops over at that point. He ordered me to seize the canal boats as they came up and put them into the river, so that on Monday besides these three scows and skiffs we had one canal boat which I had put into the river and by that means I was enabled to cross over our entire brigade between Monday morning and Monday evening. The battle of Ball's Bluff took place about four miles from our station. Their transportation was a little greater than ours as they had the advantage of a larger and better scow which had been used as a ferry-boat there. On Monday evening an order came to retreat, and I was engaged in moving part of our brigade back to the Maryland side. This was before General Banks's arrival. After his arrival the brigade was taken over to the Virginia side again. On Monday I succeeded in getting some more boats into the river, out of the canal, through the feed-lock, and on Tuesday and Tuesday night, besides the boats we originally had, we had nine canal boats, the largest of which was capable of moving about 400 men, and the smallest about 150. We could take them over and back, that is, make the round trip, in about an hour and ten minutes. I will state that at this point the river is about 450 yards wide with a current of about five miles an hour. For about 150 yards from each bank the bottom is soft, but in the centre of the river it is rocky. My means of propelling the boats were simply poles cut from the woods, and, in order to make the crossing, it was necessary to proceed some distance up the river so as to be able to reach the other side without being swept below a certain point where the water was entirely too deep for our setting poles.

Question. When the men began to cross over, the means of crossing that you had was very defective ?

Answer. Yes, sir.

Question. Were there any obstructions between Edwards's Ferry and Ball's Bluff on the land side—that is, on the Virginia side ?

Answer. There runs a ridge of hills from Edwards's Ferry to Ball's Bluff, and between the points were two batteries that would render it almost impossible for Ball's Bluff to be re-enforced from Edwards's Ferry without a larger body of men than we had there ?

Question. Where were those two batteries located ?

Answer. On the way up from Edwards's Ferry, as I understand the position of the batteries, they were probably concealed in the woods behind, but to the right, as we face the Virginia shore, of the white house that stands on what is known as the old Monroe homestead. The other was still further up the river to the right of that. I am not very conversant with the localities of those batteries, &c., because my business as quartermaster does not bring me in connexion with anything relating to those matters.

Question. What was the nature of those fortifications?

Answer. They were earthworks.

Question. Were there any guns mounted on them?

Answer. I did not stay there on the field but a short time on Tuesday, when the fusilade commenced at our front.

Question. Were those earthworks plainly visible from Edwards's Ferry?

Answer. They were masked; that is, they were concealed in the woods, as I understood.

By Mr. Covode:

Question. Did you ever see them at all?

Answer. I have never seen them at all.

By the chairman:

Question. When did you first hear there were batteries there?

Answer. I think it was on Tuesday, or some time during the crossing.

Question. But you never saw any?

Answer. No, sir.

Question. I can only say that many of the witnesses do not seem to think there are any batteries there at all.

Answer. The only information I have in regard to the subject is what I obtained from the officers who were on picket duty. I do not know anything about them so far as my own knowledge is concerned.

Question. Do you know anything in regard to communications between our side and the Virginia side?

Answer. At the present time.

Question. At any time.

Answer. I know nothing personal; but I have heard that there are communications sent over by General Stone, or the officer in command, and communications back, received. I do not know anything myself about them.

Question. You have not seen anything?

Answer. No, sir; I have not. I have heard what officers have said who have been on picket duty.

Question. I will ask you, not whether it is true or not—I do not know whether these charges against General Stone are true or false—but is it a fact that among the officers and soldiers of the division there, there is a suspicion of anything wrong in this particular; and what is its moral effect upon the officers and soldiers there?

Answer. Well, sir, that is a question I hardly know how to answer. Most all the officers of our division look upon General Stone as an accomplished general, a thoroughly educated military man, and a precise business man in the administration of his military matters. The moral effect of the whole affair at Edwards's Ferry was bad. We all came back frightfully disappointed, feeling that it was a terrible disaster; and since that time a great many opinions, of course, are expressed by the officers. We talk in camp just as a lot of women gossip who have nothing else to do. I do not think that, taking the intelligent officers—any of the intelligent class of men—I do not think that any of them think that General Stone is a secessionist. I do not think they would say that he sympathizes with the enemy. Still, I have heard men, in talking, give the

opinion that he does sympathize with them. The whole affair was so mysterious that they thought that, perhaps, his sympathies might lead him to favor them. I do not think so. I think General Stone an excellent officer and an accomplished gentleman. But still he is not a man that gets a particular hold of the hearts and enthusiasm of volunteer soldiers.

Question. But you state that the officers and soldiers under him have full confidence in him—in his loyalty—in his sympathy with our cause, instead of with the other. Now, if a general is strongly suspected by his men, and they have no confidence in him, I think it must destroy his usefulness, even if the ground of their suspicion is erroneous. I want to know whether there is, rightly or wrongly, a want of confidence in him that would prevent his usefulness to any extent?

Answer. The opinions of other people is a difficult matter for me to speak about. Still, I have heard such expressions uttered, and I have heard them equally as strongly denied. In fact, it is a most serious statement to make against any officer to say that you think it is the feeling of the army that the general was not favorable to the cause in which he was fighting. I think General Stone is a gentleman and a very honorable man. But there is not now near as much confidence in him as there was before the affair of Ball's Bluff. I know that to be the fact among, I believe, all the officers—that is, before that time we thought him almost infallible. But I do not think that is exactly just, because I do not consider that General Stone was so much at fault there in that matter.

Question. In regard to these communications, do you regard that as altogether safe and right?

Answer. The circumstances of the case are these: that in our section there are a great many people there who are really friendly—that is, are strictly neutral—but have a great many friends and connexions upon the other side, and a great many of them have property there. Without knowing the nature of the communications, I know that General Stone is applied to by these parties every day for some kind of permission to go over on the other side and see some of their relatives, or to see about some of their property. But these come from people who are perfectly loyal to the Union. It is almost impossible for a general constantly appealed to by men, women, and children, to keep from listening to them, and if anything can be done perfectly safe, to, perhaps, allow a letter, after it has been examined carefully, to go over with a flag of truce. I know nothing about the nature of the communications. But I do not know positively that any communications have passed over except from what I have heard officers say who have been placed on picket duty, and through whose hands the messages and letters have passed.

Question. Has not the manner in which these communications have been conducted been a matter of considerable observation?

Answer. Yes, sir; there is no question about that.

By Mr. Covode :

Question. You were not in a situation yourself to know about these communications, but you heard about them from others?

Answer. That is all.

Question. Do you not know of a great many men and officers there who have freely expressed themselves as having no confidence in General Stone's loyalty?

Answer. I have heard a number of officers say that they believe he is a secessionist.

Question. Is not there a very considerable number of them who talk in that way when they can do it with safety? It is a delicate business to do so, I suppose.

Answer. I do not know how many there are.

Question. Are not there enough of them, in your judgment, to destroy his usefulness in that command, or to injure it materially?

Answer. That is a question I would rather not express an opinion upon.

Question. I see you have some delicacy about it. But it will not be made public, for the present, at least.

Answer. I have no care in regard to the publicity of any statement I may make.

Question. We want to get at the fact. We are aware of the delicacy of your position.

Answer. I simply desire to do justice to an officer. I would not like to say that I think General Stone's efficiency is destroyed. Yet I know that, to a certain extent, it has been hurt. I know, from what I have heard, that a great many have not much confidence in him.

Question. Is not a majority of that command in that situation now?

Answer. I cannot say that a majority are; I have heard some officers express themselves so. That affair at Ball's Bluff was, of course, very inefficient, and has been discussed a great deal among our officers—those who were conversant with the whole matter. Of course, there are sides in the army just the same as out of it. I know that General Stone has been censured, and I think in some matters, to a certain extent, unjustly. I do not think he was entirely responsible for the loss that occurred there.

By the chairman :

Question. Do you know the object of that crossing—what was really proposed to be done?

Answer. I cannot say. I am told it was for a reconnoissance, and I have been told since that an order came to make a demonstration on Leesburg. If it was a reconnoissance, it was a most unfortunate one; if it was an attack upon a large force, why it was more than unfortunate—it was positively stupid; because the truth of the matter is this: that an army cannot be transported—an army of 10,000, 15,000, or 20,000—and be subsisted for three or four days, or for five or six weeks, without arrangements completed. There was no transportation for an army in the first place. General Gorman created transportation; General Baker ought to have done the same. General Gorman created transportation by seizing upon every canal boat that came up there, and giving me orders at once to get them into the river; and we had arrangements made on Wednesday, when it blew a terrific gale, so as to have our boats scattered for nearly two miles along the river.

Question. Had General Baker the knowledge that he was to cross early enough to enable him to provide boats?

Answer. That I am not able to decide, because I do not know what orders General Baker received.

Question. Or what time he received them?

Answer. No, sir.

By Mr. Covode :

Question. You say that General Gorman seized and made use of the canal boats, and Baker did not?

Answer. Yes, sir.

Question. Was not there an outlet lock where Gorman was crossing to get boats into the river?

Answer. Yes, sir.

Question. Was there any way to get boats into the river where Baker was?

Answer. It is my impression that there is an escape-lock or flood-gate, or whatever they call it, up at Monocacy.

Question. But not where Baker was?

Answer. Not there; but Baker was a couple of miles below Monocacy. I think that boats could have been brought down to him. That, however, I am not certain of.

Question. There is no way to get boats into the river where Baker was?

Answer. No, sir; and the boats that went up the canal went up light, and those that came down came down loaded. We seized all the light boats, and Baker could get none but those that were loaded. He could have unloaded them, perhaps.

Question. Without reference to military knowledge, do you not, as a business man, know that the preparations for crossing there were totally inadequate for such an undertaking?

Answer. Most undoubtedly they were.

WASHINGTON, *January 21, 1862.*

Major BYRON LAFLIN sworn and examined.

By Mr. Chandler:

Question. Where is your regiment stationed?

Answer. Between Edwards's Ferry and Poolesville.

Question. Was your regiment there at the time of the Ball's Bluff disaster?

Answer. It was.

Question. Did it take part in that affair?

Answer. No, sir; we crossed at Edwards's Ferry.

Question. What time did it cross?

Answer. I was in Washington at the time of the crossing, and I did not reach my regiment until Tuesday afternoon at 3 o'clock.

Question. When you arrived, how many troops were upon the other side of the river at Edwards's Ferry?

Answer. There were something over 4,000.

Question. What were your means of transportation over the river at that time?

Answer. I saw only three scow boats.

Question. How were they operated?

Answer. By poling.

Question. How many could be taken either way in those scows at one trip?

Answer. I should judge about forty in each scow.

Question. What time did it occupy to cross those scows?

Answer. We were from fifteen to twenty minutes in going each way.

Question. Somewhere from three-quarters to a half an hour to make the round trip.

Answer. Yes, sir.

Question. Had you been attacked there at Edwards's Ferry on that Tuesday afternoon with a superior force, what would have been the fate of our troops there?

Answer. I think we would have fallen with our faces towards the enemy. When I reached there I took command of my regiment, and in advising with the captains, my plan was, if we were overpowered, to go across Goose creek and down opposite Seneca Mills, and ford the river there, and so get into Maryland.

Question. In all probability, if you had been attacked by an overpowering force, the great majority of your command would have been lost?

Answer. It could not have been otherwise.

Question. Do you think, as a military man, that that amount of force should

have been thrown across the river there with the means of transportation that you had there?

Answer. No, sir; certainly not.

Question. Do you know of any obstructions between Edwards's Ferry and Ball's Bluff, on the Virginia side?

Answer. There are two fortifications there.

Question. Do you know whether there were any guns in those fortifications at that time?

Answer. I do not. I supposed, however, that there were.

Question. Suppose there had been guns in those fortifications, could not skirmishers have flanked and passed them?

Answer. I should suppose they could.

Question. Did you see those fortifications?

Answer. Yes, sir. I saw them with a glass from the Maryland side.

Question. Did you see any guns in them?

Answer. No, sir.

Question. What distance were they from your force on the Virginia side?

Answer. I should judge they were about two miles and a half.

Question. No shots were fired from them?

Answer. No, sir.

Question. You have no knowledge whether they were manned or not?

Answer. No, sir.

Question. Do you consider that they would have been a serious obstacle in the way of an advance to re-enforce General Baker, even if they had been manned?

Answer. I should judge they would, unless they were attacked in the rear, by going over on the Leesburg turnpike. That I supposed was the plan, that General Baker should drive them out of Leesburg and drive them to Manassas. But before I got there General Baker's force was defeated.

Question. Suppose a force of 2,500 men had been thrown upon the rear of the enemy while they were engaged with General Baker, what do you think would have been the result?

Answer. We would have overcome them.

Question. Was there any obstacle there which ought to have prevented 2,500 men from trying to relieve Baker's force, when they knew they were fighting at Ball's Bluff?

Answer. My way of fighting is the impetuous kind of fighting. I should have attempted it, that is certain.

Question. Was it the general understanding that the two parties crossing there were to co-operate with each other against the enemy on the other side?

Answer. I understood when I got there that it was intended that General Baker should drive the enemy back, and we were to push up Goose creek some two and a half miles and cut off their retreat: in other words, to bag them.

Question. You understood the two forces were to co-operate?

Answer. In that way, yes, sir.

Question. You say you belong to General Stone's division?

Answer. Yes, sir.

Question. Do you know anything of communications passing backward and forward between General Stone's division and the enemy, in the shape of letters, packages, or otherwise?

Answer. I have no personal knowledge of that. But I know that flags of truce pass over with letters. The captains of the pickets give me verbal reports of that.

Question. That flags of truce have been sent over with sealed letters?

Answer. With sealed packages. About four weeks ago, when Captain Downey, of the first Minnesota, was commanding the pickets, he informed

me that he had allowed a Mr. Young, his wife, and his servants, (slaves,) to pass over to an island there with certain bundles. I asked if he had searched them; he said he had not, for he had had orders to the contrary. I asked if he had kept a copy of that order; he said he had. This Young has a son in the southern army.

Question. Is he understood to be a secessionist?

Answer. There is no doubt about that.

Question. Are these communications frequent between our side and the enemy?

Answer. Latterly I think they have occurred at least two or three times a week.

Question. How about them formerly?

Answer. We were formerly stationed at Seneca Mills.

Question. Does it occasion any remark among the officers and men there?

Answer. Yes, sir; a great many remarks. They feel this way about it: they think that Mr. Young, who is known to be a secessionist, and who is known to have a son in the southern army, should not be allowed to go where we, as officers of the federal army, cannot go.

Question. Is this matter a general subject of remark?

Answer. It is in our regiment.

Question. Is there any question in the minds of officers and men there, so far as you know, as to the loyalty of General Stone?

Answer. I have heard that discussed very often.

Question. State what the impression is.

Answer. The general sentiment of our regiment is, that he is rather "secesh," as they term it up there. They have every confidence in him as an officer; he is extremely vigilant.

Question. Is that impression so general that it would create a doubt in the minds of your men as to the propriety of going into battle under General Stone?

Answer. I should say it was.

Question. What impression did the order of which Captain Downey spoke to you make upon your mind?

Answer. The impression was a bad one. I thought that a mother who had a son in the southern army would, had she the opportunity, visit that son. And as the island was beyond our lines, she could do so with ease, and she would naturally communicate any information she had.

By Mr. Johnson:

Question. Does the impression existing with you, and with those with whom you have conversed, as to the loyalty of General Stone, go to the extent that you think those secession proclivities would lead him to commit treachery, such as surrendering or giving up our troops, so that you would not be willing to fight under him, and all that?

Answer. My own impression is not so strong as that, though I have heard officers say theirs was. I think that is the impression of a great many officers with whom I have conversed.

Question. That he would go so far as to betray his country?

Answer. A great many have that opinion, I think. Mine is not so strong as that.

WASHINGTON, *January 24, 1862.*

Captain THOMAS H. HUNT sworn and examined.

By Mr. Covode:

Question. What is your position in the army?

Answer. I am captain of company A, 7th Michigan regiment.

Question. Where have you been in service?

Answer. I have been located most of the time up at Edwards's Ferry, near there and Poolesville.

Question. Were you at Edwards's Ferry at the time of the battle of Ball's Bluff?

Answer. Yes, sir.

Question. At what place there?

Answer. At Edwards's Ferry.

Question. State, in as condensed a manner as you can, what you know of what transpired there.

Answer. We went down to the river on Sunday, the 20th of October, remained there during the day, and returned to camp that night. On Monday we went back to the ferry again, and in the afternoon we crossed over into Virginia. We were there two days and two nights, when I was ordered back to this side again.

Question. Were you within hearing of the battle at Ball's Bluff? Do you know when it was going on?

Answer. I knew of the skirmish there at Edwards's Ferry with the pickets.

Question. I mean the fight at Ball's Bluff?

Answer. I did not hear it myself.

By Mr. Chandler:

Question. Did you see your regiment cross on Monday?

Answer. Yes, sir.

Question. Did you see any obstructions in the way, or know of any reason why the troops at Edwards's Ferry could not have gone to the rescue of those engaged at Ball's Bluff on Monday afternoon?

Answer. Yes, sir; there was a reason, from the fact that we could not get them over fast enough; and on Monday night we had only got over 2,700 men, all told.

Question. Could you not have sent up 1,000 or 1,500 in time in the afternoon?

Answer. Not until towards night; there were not means of transportation to take them across before.

Question. You remained there during Monday night?

Answer. Yes, sir, and Tuesday night.

Question. Suppose you had been attacked by an overpowering force any time between Monday night and Tuesday night, what would have become of you?

Answer. I think we must have been destroyed or captured. I do not see that there was any remedy for it.

Question. Another Ball's Bluff disaster?

Answer. Yes, sir; I do not see how we could have helped it.

Question. Did you see any object in remaining there Monday night or Tuesday?

Answer. No, sir; I did not, after we heard of the defeat.

Question. Did you understand, when you crossed at Edwards's Ferry, that you were to co-operate with those at Ball's Bluff?

Answer. Yes, sir; I so understood.

Question. Then if your force was large enough to have gone to the relief of that at Ball's Bluff, you would have deemed it your duty to have gone?

Answer. Yes, sir.

Question. You saw no obstacle in the way of sending a force up there?

Answer. No, sir; I did not.

By Mr. Covode:

Question. Have you been on picket up there?

Answer. Yes, sir.

Question. Do you know anything about communications from our side to the other during the time you have been there?

Answer. I know there has been a flag of truce sent over two or three times.

Question. From which side?

Answer. From the Virginia side; and once, I think, from our side, although I did not see it; I was lower down the river. At another time I knew there was, because our colonel told me there had been; and a man by the name of Young, there, has been allowed to pass and repass whenever he chose, upon a pass from General Stone; he passed while I was on picket.

Question. Without examination?

Answer. I examined his pass; that was all I examined. He has been doing that all the fall for some time back.

Question. Has there been much talk in the army there about these communications, and about persons being allowed to pass?

Answer. Yes, sir.

Question. Was it considered right or wrong?

Answer. It was considered wrong. I have heard a great deal of talk about it at different times, wondering at its being permitted.

Question. Do you know what Mr. Young was permitted to take over with him?

Answer. I do not.

Question. Did he have packages, or anything of that kind?

Answer. When I was on picket I did not see him have anything; he came over on horseback with one of his slaves.

Question. Where does this Young live?

Answer. I really do not know; at some place near Edwards's Ferry, I think. He farms an island near the ferry. I was told by an officer who was down there before me, that he moved over there and took all his household goods with him; at least, a great many of them. He went over there to harvest his grain, and took everything he wanted.

By Mr. Chandler:

Question. Where did this man Young go?

Answer. I do not know that he went over the river.

Question. His permit was to cross on to the island, was it not?

Answer. Yes, sir.

Question. Was there anything to hinder anything that was taken on to the island from being transported across the enemy's lines?

Answer. Nothing.

Question. Was he in the habit, with that pass, of crossing and recrossing frequently?

Answer. Yes, sir.

Question. What was to prevent his carrying arms, ammunition, contraband of war, or anything he chose?

Answer. Nothing that we could see.

Question. Was he understood to be a secessionist?

Answer. We thought so.

Question. You say these things create remark among the troops?

Answer. Yes, sir.

Question. Have you ever heard a doubt expressed as to the loyalty of General Stone?

Answer. Yes, sir; I have heard remarks of that character.

Question. Would you infer such remarks to be general among officers and men?

Answer. I do not know as it is a general remark. You can hardly expect anything of that kind to be general.

Question. Officers and soldiers are not permitted to express their opinions of their superior officers?

Answer. No, sir.

Question. And therefore they are very cautious in expressing their views?

Answer. Yes, sir; very cautious.

Question. But your opinion would be that such an idea was deep-seated in the minds of many there?

Answer. Yes, sir; I think so. That is my impression of it.

Question. Have you ever seen letters carried backwards and forwards under a flag of truce?

Answer. No, sir.

Question. Your regiment has not done picket duty where that has been going on?

Answer. No, sir. Our picket commences half a mile below that.

Question. This pass to Mr. Young and these communications were all understood to be by order of General Stone?

Answer. Yes, sir; it was very well understood that Young had a pass from General Stone to go back and forward whenever he chose.

Question. Virtually, right into the enemy's lines?

Answer. Yes, sir. I did not understand that the pass was to go on the island, merely, but to go over the river, if he chose.

Question. You had no pickets beyond or on the island?

Answer. No, sir; none at all.

Question. Was he within their pickets as soon as he got on the island?

Answer. No, sir. I say "no," because we are not certain. We have thought that they posted their pickets there after dark and took them away by daylight. We have thought we could hear them. My men have told me they had seen them go away in the morning. I have not seen them myself.

Question. When he went on the island he was beyond your pickets?

Answer. Yes, sir; entirely.

Question. This thing was a common occurrence?

Answer. Yes, sir; just as often as he chose.

Question. He could cross with his horses, teams, &c.?

Answer. Yes, sir. He came across on horseback one day when I was there, with a servant behind him.

Question. There was never any examination, that you know of, of anything that he chose to take over with him?

Answer. No, sir.

WASHINGTON, *January 25, 1862.*

Quartermaster CHURCH HOWE sworn and examined.

By the chairman:

Question. What is your position and rank in the army?

Answer. My rank is that of first lieutenant; I am quartermaster of Colonel Devens's regiment, (15th Massachusetts,) attached to General Stone's division.

Question. Where are you stationed?

Answer. At Poolesville, Maryland.

Question. How long have you been stationed there or in that vicinity?

Answer. About five months, I think. I cannot tell exactly.

Question. Do you know General Stone?

Answer. Very well. I know him as my superior officer. I have no personal acquaintance with him.

Question. What do you know about communications passing between General Stone and the people on the Virginia side?

Answer. I know nothing, any more than I have been across with flags of truce three or four times, and I have seen part of the correspondence which has been carried over. They were nothing but letters to our prisoners at Richmond. Most of the letters which go to our prisoners at Richmond are sent over in that way. They are written in our regiment to our men confined in Richmond, and transmitted under a flag of truce. We have sent many over to them, and also some letters over to persons on the other side who have friends on this side. But the letters are all examined. I have seen several letters that have been brought back.

Question. Do you know anything about packages, or boxes, or anything of that kind that have been carried over?

Answer. No, sir. The packages are always put into an envelope and sealed up. I have been in General Stone's headquarters when he has put up the letters. The last time I went there letters lay there. I read some of the letters, and saw that there was nothing in them that would give information.

Question. Where did you cross?

Answer. At Edwards's Ferry, as we call it—the crossing below Leesburg, about three miles from Leesburg.

Question. Did you ever know of any officers who came across to this side with communications for General Stone?

Answer. No, sir; they have no boat on that side to cross. They never have been over from that side.

Question. How do you transact that business?

Answer. The arrangement is made that they will receive so many men, not to exceed four men, to row the boat, and one officer, with anything they have to communicate. The men sit in the boat while I get out and deliver the package.

Question. This is all you know about communications passing, or the sending over of wares or merchandise?

Answer. Nothing of that kind.

By Mr. Odell:

Question. From your knowledge of communications passing to and fro, is there anything that would exist in your mind, or suspicion that there was anything, that was not correct in a strict military sense?

Answer. No, sir; it is very strict on General Stone's part.

By Mr. Chandler:

Question. You have never had command of the pickets along on the line where these communications pass?

Answer. No, sir.

Question. Has your regiment been?

Answer. No, sir. And there has been no flag of truce, except the day of the battle, to bury the dead. We have never been picketed at Edwards's Ferry. Our regiment pickets from Conrad's Ferry opposite Ball's Bluff. Two companies did picket duty. There we are met by the brigade that pickets from Conrad's Ferry towards Monocacy. Below Ball's Bluff is Gorman's brigade, which extends the other way towards Seneca.

Question. Were you at the battle of Ball's Bluff?

Answer. Yes, sir.

Question. Will you state in your own way, as briefly as you can and make it plain, what you know of the orders and directions given by any of the commanding generals?

Answer. Do you wish me to go back to the first crossing?

Question. To the first orders.

Answer. The first order I saw was on Sunday, the 20th of October, from General Stone to Colonel Devens, to proceed opposite to Harrison's island, and take the companies of his regiment that were stationed there on picket duty, form companies, and throw them across on the island. This was about twelve o'clock at noon on Sunday that Colonel Devens got this order. Colonel Devens despatched me to the river to notify the companies to get themselves in readiness to cross over; and at the same time General Stone ordered this: that they should take the two barges which were then in the canal and transfer them to the river, and cross from the bank of the canal on to Harrison's island. I went down and notified the companies that they were to proceed opposite Harrison's island, and when Colonel Devens arrived to cross over; and about four o'clock, I should say, we put two companies on the island. Then General Stone sent an order, which I did not see—sent up by some one of his aids—to Colonel Devens, to send a party to reconnoitre on the other side at dusk. Colonel Devens designated Captain Philbrick to pick twenty men, and himself to accompany them, which we did. We crossed at dusk on the night of the 20th, and proceeded up the bluff. There was no path that we could discover, but afterwards discovered that there was a path. We climbed the bluff, which is very hard to climb, and got on top of the bluff and proceeded out towards Leesburg. Our reconnoissance we were ordered to make toward Leesburg as far as we could do so safely, until we saw something to excite our suspicion. The reason for crossing was that no pickets had been seen opposite us for two or three days. We proceeded up on the bluff, and to within, I think, a mile and a half of Leesburg, as they call it. I suppose it is three quarters of a mile or a mile from the edge of the river. We saw what we supposed to be an encampment; we passed through an open space, then through woods into another space that was open. When we got to the outside of those woods there is a hill which overlooks Leesburg. In that woods there is a row of maple trees; and there was a light on the opposite hill which shone through the trees and gave it the appearance of the camp. We were very well satisfied it was a camp. This was about dusk in the evening. We discovered what we supposed to be a camp, and counted fifteen or twenty of these openings. We supposed it was an encampment, though we did not see any men, or find any pickets while we were there. We thought it not best to go any further, and came back about ten o'clock to the island where Colonel Devens was. Colonel Lee was also there with one of the companies of his regiment there—the 20th Massachusetts. Colonel Devens ordered me to report to General Stone what we had seen. I rode to Edwards's Ferry and reported to General Stone that we had found what we supposed to be an encampment. General Stone wrote an order to Colonel Devens to take his four companies he then had on the island, and cross them at daybreak, and proceed silently to storm this camp, surprise the enemy and break the camp up; and then if we found a large force there after doing this, to return back again. But if we did not find a large force, and had no trouble, if he found a position where he could fortify himself and remain there, to do so, and to report.

We crossed over at daybreak and found that we had been mistaken; that there was no camp there. Colonel Devens, Captain Philbrick, and myself proceeded a long ways further than we went the night before, and looked all around, and saw nothing, except some two or three camps on the hill near Leesburg. There was not a man to be seen. I then returned to General Stone, and reported that

we had been deceived; that there was no camp there; and that Colonel Devens saw nothing that indicated any enemy of any amount there. In the meantime he had ordered that the rest of our regiment up at camp the night before should come down to the river, and he ordered me to say to Colonel Ward, as I went back, to cross over with the rest of our regiment, (the other five companies,) and to proceed to Smart's Mill, which is at the right of where Colonel Devens then was, with his men. He also directed one of the captains to take ten cavalry and report to Colonel Devens, and make a reconnoissance. I went back and gave Colonel Ward the order. He commenced crossing his men, and had them partly across, when Captain Kendee arrived with his cavalry. After our men were partly over, Captain Kendee took the boats, and took his horses and men over. I reported to Colonel Devens that ten cavalry would shortly be there, and that Colonel Ward was going to take a position at Smart's Mill. I found when we got there that we had had a skirmish with a rifle company of Mississippians, and that we had maintained our ground and driven back the enemy. Colonel Devens then ordered me to report this to General Stone, that we had had a skirmish. As I was going, I met Captain Kendee. He had got his cavalry over, and had gone up the bluff as far as where Colonel Lee, of the 20th Massachusetts, was. Colonel Lee was having a conversation with him. I immediately crossed down and made the report to General Stone that our regiment had had a skirmish; and as I went down I met Captain Kendee returning with his cavalry. He did not go then and report to Colonel Devens at all; he merely crossed and reported to Colonel Lee, of the 20th Massachusetts; then brought his cavalry all back again to the other side. Colonel Devens was all the time looking anxiously for the cavalry to come and scout out. Previous to my going back we had discovered some fifty or sixty of the enemy's cavalry on a road off over towards Leesburg. I met Colonel Lee, and he told me to say to General Stone that, if he wished to open a campaign into Virginia, now was the time; he believed that there was a good chance. And as I was going back to report this I met Colonel Baker on the towpath, coming up from General Stone's quarters. Colonel Baker asked me if I was from across the river; I said I was. He asked me if I had messages for General Stone; I said I had. He asked what they were. I told him that the regiment had had a skirmish with the enemy, and that we still maintained our position where we had been; and then I told him that Colonel Lee had sent a message to General Stone that, if he wished to open the campaign into Virginia, now was the time. Colonel Baker remarked, "I am going over immediately, with my whole force, to take command." He then struck spurs to his horse and went off rapidly. I went down and reported this to General Stone. General Stone told me that Colonel Baker would probably be over in a very few minutes, as Colonel Baker had got his orders and was going to take charge of the division on the right, while General Gorman was to cross at Edwards's Ferry. I had understood that General Gorman was to come up instead of General Baker. Some one told me that General Stone corrected that. I said something to give him to understand that I supposed Gorman was to go up to Ball's Bluff; but he corrected me in that.

By Mr. Odell:

Question. You understood General Stone to say that he had given orders to General Baker to cross above?

Answer. Yes, sir; given orders to Baker to cross. In reporting to him, I told him that in this encounter our Colonel Ward, instead of proceeding to Smart's Mill, had re-enforced Colonel Devens. General Stone replied, "Colonel Baker is at that place, and will arrange these things to suit himself." He also told me to tell Colonel Baker to be very careful of his right wing. I went back and found Colonel Baker standing on the bank of the river. I reported myself as the quartermaster of the 15th regiment, and told him that General

Stone had informed me that he was in command. I asked him if he had any orders for Colonel Devens, and I asked if our regiment was still to remain in the advance. He made the reply, that the regiment had done nobly, and Colonel Devens should have any position he desired. I went back and reported to Colonel Devens that General Baker was coming right across, as he had told me, with his whole force. General Baker had said he was going to take possession with his whole force. We waited some time, but General Baker did not come.

And the skirmish took place, and we drove the enemy back again, still maintaining our ground. Colonel Devens then sent me back to the river to see where Colonel Baker was. I did so three different times. After I had carried to Colonel Devens the information that General Baker was coming across, which was somewhere between 10 and 11 o'clock, I went back to the river three different times to see where General Baker was. About a quarter past 2 o'clock General Baker made his appearance and ordered Colonel Devens to fall back from the woods where we then were. We were some forty or fifty rods through the woods, and the only way the enemy could get to us was to come up through a large field of several hundred acres. General Baker ordered us to fall back from that woods into a little open space, and there he formed his lines. He did not go himself to the front to see what was before him. He did not know the lay of the ground in front of him at all. He just ordered Colonel Devens to form upon the right, and so formed his line, and remained there until he was attacked. So that the enemy in the attack was completely in the woods, while we were open to their fire.

I had a field-glass, and General Baker ordered me to make what observation I could through it, and if I saw any cavalry of any amount, to direct Lieutenant French, who was commanding the howitzers, to throw shell among them, showing him where to do it. I did so, and where I saw a squad of cavalry through the woods he would fire a shell.

I remained upon the field until after General Baker was killed. I do not recollect where I was when he fell, as I was not in any one place any great length of time after the ceasing of the firing of the howitzers. I helped them carry his body down, as I was coming up the bluff and met them with it. We were then getting short of ammunition, and as we had 40,000 rounds on the opposite side I went over to get some. And while I was gone for that the retreat was made.

By Mr. Covode :

Question. Was it on the left flank that you suffered a raking fire from the attack of the enemy ?

Answer. I do not know. It seemed to be pretty general all around. I stood about the centre. The field-pieces were placed right out in the open space so that our men who manned them seemed to be shot down almost instantly. I have a few marks upon my sword now where the bullets struck me then. I received four shots at that one charge : one went through my cap, one struck my belt, and two struck my sword. There seemed to be a very hot fire directed right there, intended to disable these howitzers.

By the chairman :

Question. How long did that battle last ?

Answer. About two hours and a half.

Question. The enemy were covered by the woods ?

Answer. Yes, sir ; they had the woods in front of us.

Question. Were they above you—on higher ground ?

Answer. I think the ground was very nearly level. In the centre it may

have been a little lower than at the sides; but I think the ground was very nearly level.

Question. Would it not have been good generalship to charge into those woods?

Answer. I should think it would. It would have been much better generalship, I should have said, to have formed our line through the woods, instead of back where it was. I think if General Baker had passed through and seen the chance we would have had, he would have formed the line there.

Question. Why did not Colonel Devens inform him of the nature of the ground there?

Answer. General Baker did not consult with any one; he just gave his orders. It is customary in the military to say nothing in such cases—to give no advice. General Baker just gave his orders and faced right about. He was very much excited at the time.

Question. Did some of your men escape down by Edwards's Ferry on that side of the river?

Answer. They did that night after dark.

Question. How many of them?

Answer. I do not know. I know of two (a captain and a sergeant major) who crept along down the edge of the river. Some went up the stream and were taken off in boats; they found a little boat above.

Question. Of course, you knew that a defeat would be disastrous with the means of crossing that you had?

Answer. Yes, sir; though our transportation was a great deal better than the management of it. With suitable management the transportation was—well, I do not think it was as good as it ought to have been; but still it was not nearly as bad as I have heard it reported.

Question. How have you heard it reported to be?

Answer. I have heard that there was no transportation but a boat on each side of the island. Now, there was on the Maryland side, I think, two scows capable of carrying fifty men each at a time. From Harrison's island to the Virginia side there was a scow capable of carrying seventy men, a life-boat that would carry twenty men, and two little boats that would carry six or eight at a time. There was transportation, if rightly managed, for carrying 200 men over in an hour.

Question. What was the reason more did not escape when you retreated?

Answer. The boats were swamped. In their retreat the men rushed upon the boats in such numbers as to swamp them. I understand—though I do not know it to be a fact—that there was quite an engagement between two officers about crossing. There was no one to give directions; one officer wanted his company to go first, and another wanted his company to go first. It is the business of the brigade quartermaster to attend to the transportation, but he was not there at any time.

Question. Is it good generalship for a general officer to give an order to cross over where a battle might be expected with such transportation as you had there?

Answer. From what I supposed when we crossed over, I thought there was plenty of transportation to get back again.

Question. Undoubtedly, if you had had no fight. When you passed over you were looking to see whether there was an enemy there; you did not profess to know whether there was any there or not?

Answer. No, sir.

Question. It was a voyage of discovery for that very purpose?

Answer. Yes, sir.

Question. Then he who had the matter in charge and gave the orders for his troops to cross—ought not he to have known that there was transportation sufficient for any accident?

Answer. He knew very well that there was no such force on their side as there was on our side.

Question. That is so, but those on your side could not be of any use unless you had the means of going back and forth. It is a military opinion I ask of you.

Answer. I think it depends a great deal upon what the intention of crossing was. If the general knew what the force was there, and knew that he could throw up fortifications and protect himself, it might be good generalship and it might not. I think it depends a great deal upon what the object was. I do not know what General Stone's object was, or what General Baker's object was?

Question. It was to make a reconnoissance, I think you said?

Answer. It was to make a reconnoissance in the first place; but after he found out what there was there I do not know what he intended to do.

Question. Do you know what the object of that expedition was?

Answer. No, sir; I was ordered over with Captain Philbrick to make a reconnoissance. After we came back and reported, I did not know what the object was. Only as we said there was no enemy in any force, I suppose he intended to go over and fortify himself.

Question. Did you know the fact that McCall's division was as far as Drainesville the night before this happened?

Answer. It was reported the day before that he was advancing.

Question. And before you crossed he was ordered back?

Answer. I was not aware of that.

Question. Did you not know that that division retired before you crossed over?

Answer. I did not. I just heard, as a rumor, that General McCall's division was advancing. I know nothing more than except by hearsay.

Question. Was there any difficulty to his division advancing and taking position there, if it had been necessary, without having to cross the river with boats?

Answer. I do not know what the position below was. I do not know what the position on the other side is. Between us and General Gorman's brigade there is a battery that prevented our getting together, that would prevent our uniting without taking that battery. There is a battery in the woods that we saw guns mounted on.

Question. Have you ever been there?

Answer. No, sir.

Question. Have you ever seen the battery?

Answer. Yes, sir.

Question. Could you see the guns?

Answer. Yes, sir.

Question. Where could you see them from?

Answer. From our side. General Stone has shelled them out of it three or four times. He did so five or six weeks ago. Now the leaves are off the trees it shows very plain. I knew there was a battery there that morning. Two negroes of Mr. Smart, going from Leesburg to Mr. Smart's mill, ran into our lines, and we took them. I put them in the boats that day to help our men. I asked them about the force they had seen coming up. They said there was nothing but the field-works in Trunkell's woods.

Question. Are you sure there were guns in that work at the time of that battle?

Answer. We always had reason to believe so.

Question. I am particular about that, because you are the first man who has ever seen any guns there that we have come across.

Answer. They can be seen there to-day.

Question. Did you know at the period of that battle that there were guns mounted on that work?

Answer. I did not know, but General Stone knew it; that is, he said there was a battery there.

Question. What time did you hear it from him?

Answer. All summer.

Question. That there were guns there?

Answer. That there was a battery there.

Question. Did you hear it before the battle?

Answer. Yes, sir. I can see how easily we heard it; we hear these things in camp; we heard officers say, "There is a battery in the woods."

Question. You say that battery was commanded by our guns?

Answer. We can reach it now; it is about three miles distant.

Question. Of course, it is no further now than it was then?

Answer. No, sir; but since the leaves have fallen off we can see all their fortifications on the other side. But you could not see this when the leaves were on the trees.

By Mr. Odell:

Question. Where is Trunkell's wood?

Answer. I cannot say the spot exactly. These guns command the Leesburg turnpike.

By the chairman:

Question. Was that battery with its guns in the woods?

Answer. Yes, sir; in the edge of the woods. The trees in the woods blind it.

By Mr. Odell:

Question. Do you say it is three miles from the shore?

Answer. No, sir; three miles from the elevation where we placed our guns to shell them.

Question. Could this force from Ball's Bluff go down to Edwards's Ferry and keep out of the range of these guns?

Answer. No, sir; I say that the two forces never could get together without silencing this fortification, if there were guns there to be silenced.

By the chairman:

Question. What prevented them from flanking that battery?

Answer. The enemy's infantry.

Question. That would be an obstruction of infantry. I am asking if these guns were an obstruction?

Answer. Usually field-works of this kind are supported by infantry.

Question. Would there have been any difficulty with the guns themselves, provided there had been no infantry to support them?

Answer. I do not suppose there would. I suppose they could have gone around them.

Question. Were you down at Edwards's Ferry any time during that day?

Answer. Yes, sir. General Stone had his headquarters at Edwards's Ferry.

Question. At that time?

Answer. Yes, sir. I communicated between Colonel Devens and General Stone.

Question. What amount of force was there over on the Virginia side at Edwards's Ferry that day?

Answer. I am not able to say. I know some regiments that were there.

Question. Did you hear the firing at Ball's Bluff while you were at Edwards's Ferry?

Answer. No, sir. I was not down there when there was any skirmishing at Ball's Bluff.

Question. Then General Stone knew at the time he placed those troops across at Ball's Bluff that it was impossible to support them from Edwards's Ferry, on account of this battery?

Answer. I do not know. No, sir; if he went around as you suppose.

Question. But you say that was an obstruction, and supported by infantry?

Answer. Yes, sir.

Question. And therefore he had no reason to be informed that the force he put across at Ball's Bluff could receive any support from those he put across from Edwards's Ferry?

Answer. I do not know what he supposed.

Question. Well, what was the fact? What ought a military man to suppose? You have already said that these fortifications are generally supported by infantry, as a reason why they could not be re-enforced from Edwards's Ferry. Now, General Stone knew that; that they could receive no support from the force at Edwards's Ferry.

Answer. No, sir; they could not if they went in front of them. But if he threw a force over so that it might go around, he could.

Question. Exactly. But that is a path that I have made around myself.

Answer. I did not say he could not do it. I merely answered your question as to whether it would be proper to do it.

Question. Well, if you say he could do it, I want to know why he did not do it, when he heard the battle of Ball's Bluff going on?

Answer. I am not able to answer that.

Question. It was very bad generalship if he could do it and did not do it, was it not?

Answer. I suppose it was.

Question. And if he could not do it, he knew that fact, did he not? And then I want to know why, in your judgment, he put those troops across at Edwards's Ferry, when he knew they could not aid those at Ball's Bluff?

Answer. I do not know. I do not know what General Stone's plan was any more than you do; not at all. I only received my orders from him, and carried them out. His plan might have been to have gone up by going around that battery. I do not know what his plan was. He must have known that there was a battery in those woods, for it has been known, or the report has been all summer that there was a battery in the woods there.

Question. And consequently military men would suppose that that would prevent a junction of the two forces thrown over there, and that they must act separately. Now, I want to know of you, as a military man, what object he could have to throw 1,500 men across at Edwards's Ferry at the same time they were thrown across at Ball's Bluff in the numbers there were there, and thus expose them to be sacrificed in detail. For if one of them was lost, the other stood an equal chance of being destroyed.

Answer. I think General Stone thought there was no force on the other side. I think after Colonel Devens reported that we had crossed over there and found nothing—had not seen any pickets—he supposed the enemy had left the vicinity of Leesburg. I think that was his opinion after we had gone over and found no opposition.

Question. You afterwards saw that there were troops at Leesburg?

Answer. We met them in the encounter.

Question. In the first skirmish?

Answer. Yes, sir.

Question. And then General Stone ordered more troops across?

Answer. Yes, sir.

Question. At what time did he order the troops across at Edwards's Ferry?

Answer. I do not know at what time they were ordered across below. I do not know what did happen at Edwards's Ferry. I can say this: that from the hour of 11 to the hour of 1, there were more people coming back at Ball's Bluff than were going over. Then was the time we were waiting for General Baker. There seemed to be a cessation then; everything seemed to stand still.

Question. Then, of course, Colonel Devens knew there was a force of the enemy there, and perhaps about what that force amounted to, before General Baker went across?

Answer. No, sir; we had encountered but one regiment then.

Question. You did not know how many more were there?

Answer. No, sir.

By Mr. Julian:

Question. What effect did this disaster at Ball's Bluff have upon your regiment, as regards their opinion of the generalship of General Stone?

Answer. Among the men and officers?

Question. Yes, sir.

Answer. I have never heard them express anything one way or the other.

Question. How did it impress you?

Answer. As one who was in the fight, it had this effect upon me: that had General Stone been across himself, or some one else to take charge, and managed affairs as they should have been managed, I think we should have been victorious. I think if the forces had been thrown across as General Stone ordered them to be thrown across, we should have won the battle.

By Mr. Gooch:

Question. Did it not occur to you as a little strange that General Stone himself was not on the field at all that day?

Answer. I do not know as it did. He had two generals under him, one at one place and one at the other. He was lying back on the hill with artillery, watching the movements on both sides, and giving directions. I think that with five hundred more troops, there would have been no defeat there.

By Mr. Odell:

Question. How many were killed on your side that day?

Answer. There were 310 killed, wounded, and missing; I think somewhere from 50 to 60 killed and drowned.

By Mr. Gooch:

Question. Of your regiment?

Answer. Yes, sir.

Question. Of how many did your regiment consist?

Answer. In the fight I think we had some six hundred and fifty men.

Question. Did your regiment suffer more than the others?

Answer. Yes, sir; we had two skirmishes alone, and then in the principal fight we received a very hot fire. I know this: that the general opinion among our men was, that if the line had not been formed back where it was, but had been formed in the woods where Colonel Devens was before, we should have been successful with the force we had there; that if General Baker had ordered his troops up to support Colonel Devens, we should have been successful, for the enemy would have then been in the open space, instead of our being there. Had he done so, and reserved one or two companies to cover the right flank, I think, and I believe that all our men and officers in the battle think also, that we would have been successful even with the force we had there. Another thing which was very bad was, that Captain Kendee did not report with his ten cavalry to Colonel Devens, so as to reconnoitre and let us know what force there was. The cavalry was not used. If they had been there, they could have been made to do excellent service.

Question. Then you understand that General Stone remained on the Maryland side, directing operations both at Ball's Bluff and Edwards's Ferry?

Answer. He did until General Baker took command. After that he knew

nothing of what was going on at Ball's Bluff, unless General Baker sent him despatches.

Question. At what time did General Baker take command at Ball's Bluff?

Answer. At quarter past two o'clock.

Question. What time did General Baker arrive there?

Answer. It was about 10 o'clock that I met him on the towpath, when he was going up to take command. I arrived there at half past 10 o'clock, and he said he was going over with his whole command to take possession. I was sent back three different times, by Colonel Devens, to see if re-enforcements were coming over, but it was quarter past 2 before General Baker appeared upon the field on the Virginia side.

Question. How do you know that General Stone did not direct operations at Ball's Bluff after General Baker went up?

Answer. I do not know but what he did. But when I reported to him, at Edwards's Ferry, about 10 o'clock, he told me that General Baker had gone to take command there. In reporting to him that Colonel Ward had gone to the support of Colonel Devens instead of going to Smart's Mill, I asked if he should go to the mill then, as he had been ordered to do at first. He said that General Baker had gone to take command, and would direct him as he wanted.

Question. You are still with your regiment, in General Stone's division?

Answer. Yes, sir.

WASHINGTON, *January 25, 1862.*

Captain WILLIAM JUDKINS sworn and examined.

By the chairman :

Question. What is your rank and position in the army?

Answer. I hold the commission of captain in company H of the 16th Indiana regiment.

Question. Where are you stationed?

Answer. At Camp Hicks, near Frederick.

Question. Do you know anything about any communications passing between General Stone and the opposite side? If so, please to state the particulars.

Answer. In the forepart of December—somewhere from the 5th to the 10th of December—I was placed out on picket for two days. While out on picket our brigade got orders to move up to Frederick. They left on Tuesday morning, leaving me with my company on picket. I remained there until Wednesday evening, when we were out of provisions, and I went up to Edwards's Ferry to get some provisions for my men, and also to see something about having them relieved. I was sent from Edwards's Ferry out to see General Gorman. He furnished the provisions, and said that he would see that my command should be relieved. On Thursday evening a company, from the Michigan 7th, I think, came down and relieved me, and I marched my command up to Edwards's Ferry, where I remained over night. General Gorman had promised me transportation by wagon, or in some other way, to where my regiment was. When I got to Edwards's Ferry I made arrangements to go on by canal with my company to Point of Rocks. The boat, however, did not leave until the afternoon. In the morning, about 9 o'clock, there was a company came down to the bank of the river on the other side carrying a flag of truce—a company of cavalry. The officer in command at Edwards's Ferry went down to the river to answer it. He had come down a short spell before that, rode right over the bridge on the canal, passed the guards, had gone down to the water's edge, got off his horse, and took out his spy-glass and looked over at the secession pickets on the

other side. He then got on his horse and rode back up the hill, where a couple of cannon were stationed. It was while he was up there that this flag of truce came down. The officer in command at Edwards's Ferry went down to answer it, and General Stone came up and said something. I did not hear what he said. A boat went over on the other side, and three commissioned officers and some privates of the secession army came back in it. General Stone stood there and talked with them awhile. They joked with one another in a friendly way. One of the rebel officers, I think, was named Colonel Humphrey. After talking in that way a few minutes, the secession colonel pulled out a package of something or other and handed it to General Stone, who stuck it in his side pocket. They then saluted one another, and the secession colonel and the rest got into the boat and returned to the other side of the river, and General Stone got on his horse and rode off.

Question. Was the package given to General Stone a sealed package?

Answer. I cannot tell.

Question. Was it a large package?

Answer. It was a tolerably good-sized package; a large yellow envelope, a long one, and pretty full. It appeared as though there might be some six or eight sheets of paper in it, judging from the looks of it.

By Mr. Covode:

Question. Did General Stone offer to open it in your presence?

Answer. No, sir; he just stuck it in his pocket, mounted his horse, and rode off.

Question. Do you know whether any of our men were left over on the other side as hostages?

Answer. I think there were some six or eight of our men left over there as hostages.

Question. Until these officers and men returned?

Answer. Yes, sir.

Question. Did you not at the time look upon that as a rather strange proceeding?

Answer. Well, sir, I do not know as I am able to say altogether whether I did or did not. I know this: that the men there looked upon it as rather strange, and talked a great deal about it. In fact, my men were crowding around and talking rather loud, as I thought, in the presence of those there, and I ordered them over on the other side of the canal. I was merely waiting transportation there; I was not on duty at all.

Question. Do you think that such a proceeding is calculated to have a damaging effect upon General Stone's influence with the army, or its confidence in him?

Answer. I think it is. I can say that so far as my own men are concerned, they talk about it yet frequently. They could not place confidence in General Stone after seeing that.

By the chairman:

Question. The boat went from our side over to the other side?

Answer. Yes, sir.

Question. And brought these officers back?

Answer. Yes, sir.

Question. Do you know of any other transaction similar to this?

Answer. I do not.

Question. How is General Stone looked upon by the men and officers there as regards his loyalty?

Answer. I am not in that division. I was merely passing through there on my way to my regiment.

By Mr. Covode :

Question. You were present during that interview?

Answer. Yes, sir.

Question. Was there anything in that interview which, in your opinion, would justify their officers coming over here, and hostages from our side being sent over there—anything except the delivering of this package?

Answer. There was nothing else that I heard spoken of. The secession colonel inquired about the health of "Uncle Abe," and was very anxious to get "Uncle Abe's" message; said he came over expressly for it.

By the chairman :

Question. Was this in sight of our fortifications and position there, so that the enemy could get a good view of what we had on this side?

Answer. No, sir; it was not.

By Mr. Covode :

Question. You could see no occasion for all this but the delivery of this package?

Answer. That was all I could see.

WASHINGTON, *January 25, 1862.*

Sergeant CHARLES EDGERLY sworn and examined.

By the chairman :

Question. What is your position in the army?

Answer. I am second sergeant of company E of the 12th Massachusetts regiment.

Question. Where are you stationed?

Answer. We are stationed now about four miles from Frederick City, on the turnpike road.

Question. Do you know anything of any communications passing between General Stone and officers of the rebel army?

Answer. I think that on the 6th of December last, on a Friday, I was at Edwards's Ferry, and in the morning I saw General Stone coming down towards the ferry. There was a mounted man with him, who kept about twenty rods in the rear all the time, until they came to the canal. General Stone rode across the canal alone to the ferry where our brigade crossed at the time of the Ball's Bluff affair. General Stone stopped there about five minutes, looking across the river, and then returned across the canal again, and went up on the bluff. Perhaps some five minutes after that some one called my attention to him upon the bluff. I looked up and saw his orderly about one hundred yards from him, while General Stone had a glass, through which he was looking across the river. He was there some twenty minutes or so. I then heard a captain give orders to turn out the guard, as the enemy had shown themselves, and we thought they were going to shell them. I saw them emerge from the woods on the other side. I started with the captain, and when we got to the canal bridge some one said they had a flag of truce. We went down to the shore, and, as we got there, the enemy came down to the shore on the other side, and showed a flag of truce. Looking around at the time I saw that General Stone was just behind me. The rebels hallooed across the river that they had despatches for General Stone. General Stone told the captain to take a boat and go over, and I and five others went over with him. When we got there I think that Lieutenant Colonel Humphrey, of the rebels, asked who was on the other side

He was told it was General Stone. He said, "If General Stone is over on the other side, I will go over if you will leave some of your men here." I think five of us stayed there, while this lieutenant colonel went over. He was accompanied by an officer who had on a lieutenant's shoulder-straps, but some of the rebels told me he was their captain. They called themselves the "school-boys of Big Bethel." There were also an orderly sergeant, a sergeant, and a private, besides the commissioned officers, who came over to see General Stone. While I was over there I remarked to a picket that he had had a very pretty mark a short time before. He wanted to know if I meant General Stone, and I told him I did. He said he did not care to shoot General Stone. We stopped there probably ten minutes.

Question. Did you observe what they had with them; whether they had a package, or anything of the kind?

Answer. They had a sealed package about the size of this, [taking up a long envelope,] which was delivered to General Stone.

Question. What officers did you say came across?

Answer. A lieutenant colonel and an officer who had a first lieutenant's shoulder-straps on. They called him their captain. One of the boys on the other side said he would go over too, if I would ask his captain. I looked around and said I saw no captain. He pointed to this officer with a lieutenant's uniform on and said he was his captain.

By Mr. Julian:

Question. What did General Stone do with the package?

Answer. He carried it away with him.

By the chairman:

Question. From your description of the occurrence, it would appear to be evident that General Stone expected them before they came in sight?

Answer. I said so to the captain on duty there. I saw General Stone ride down to the shore and stop there several minutes looking across.

Question. Before any one appeared on the other side?

Answer. Yes, sir. He then went up on the bluff and took out his glass and looked over in the direction where the enemy afterwards emerged from the woods.

By Mr. Covode:

Question. If the rebels had wanted to kill General Stone, you say they could have done so easily.

Answer. Very easily. That was why I remarked to the picket that he had had a good mark, and he seemed to know exactly to whom I referred.

By the chairman:

Question. He rode off with that package?

Answer. Yes, sir.

By Mr. Covode:

Question. Did the rebels make any remark about General Stone?

Answer. The picket said that he did not care about killing General Stone. I then remarked, "I guess we will send him over to you." He said, "If you will send him over here we will treat him well."

By the chairman:

Question. Do you know who were hostages with you?

Answer. We had been relieved from picket that day, and there were some men on the boat from some other regiments—the 16th Indiana, who were going up to Point of Rocks, and there were some others there whom I do not remember.

Question. Do you know anything about any other communications between General Stone and the enemy?

Answer. No, sir.

Question. Do you know anything about the Ball's Bluff affair?

Answer. Our colonel, Fletcher Webster, received orders, I do not know exactly when. At least, we received orders about 11 o'clock—we were on picket about two miles from our regiment—to call in our companies and go into camp immediately. So we drew off our pickets, but we were relieved by no company at all, and we left the canal where we had been on picket without any protection at all. We started for our camp, and after we got across the canal we received another communication to extend our pickets towards Seneca. We got the pickets out again, when we received another order to draw them in again; and we kept receiving these orders all night. We did not march to Edwards's Ferry until the next day in the afternoon. We marched up the whole distance, and brought up at night at Edwards's Ferry with about half our regiment. We did not leave camp until after dinner.

Question. Did you go across the river?

Answer. No, sir; all of our brigade crossed with the exception of our regiment.

Question. Where did your brigade cross?

Answer. At Edwards's Ferry, where I went across with the flag of truce.

Question. What day was that?

Answer. The day after the battle of Ball's Bluff. I think it was on Tuesday, for we did not get there until Tuesday night.

Question. What did your regiment, or rather your brigade, go over for at that time?

Answer. I do not know.

By Mr. Gooch:

Question. Your regiment did not go across?

Answer. No, sir; our regiment did not get there until late.

By the chairman:

Question. How long did your brigade remain over there until they came back again?

Answer. I think we left Edwards's Ferry the next Friday, and went back to Seneca, where we have remained ever since, until the 4th of December, when the regiment removed to Frederick, where it is stationed now.

By Mr. Gooch:

Question. When did you first get any intimation that your regiment was wanted at Ball's Bluff or Edwards's Ferry?

Answer. It was about 11 o'clock on Monday that our captain on picket first received it.

Question. Had you any notice beforehand that you would probably be wanted in that vicinity?

Answer. We had none.

Question. The first you heard of it was on Monday?

Answer. Yes, sir; we had had orders a week before that, I think, to be ready to move at a minute's notice, and have three days' rations ready.

Question. Has that been an unusual thing, or have you frequently had such orders?

Answer. We have had such orders at different times. We have such orders now.

WASHINGTON *January 27, 1862*!

Major J. J. DIMMICK sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army, and where are you now stationed?

Answer. I am major of the 2d New York State militia. I am stationed between Poolesville and Edwards's Ferry, at present.

Question. How long have you been stationed there?

Answer. Since the 11th of October.

Question. Have you had charge of the pickets anywhere along the river?

Answer. I have had charge of them probably two days in the week.

Question. Do you know anything in relation to the transmission of letters and packages across the line?

Answer. Not at the point where we are stationed now, for I have not had charge of any pickets there.

Question. How about other points?

Answer. At Monocacy I had command from about the 12th or 15th of August to the latter part of September.

Question. State what you know in relation to communications and packages crossing the river at that point?

Answer. My orders were from General Stone, verbally. They were to take charge of any packages which he sent up by his orders to be sent across the river, and to take charge of packages to be brought back, and have them submitted to him. When we saw a flag of truce on the other side we sent over a boat and took what letters they had and sent them to General Stone. Sometimes the letters were returned to me to be delivered to parties in the neighborhood. Others were kept by General Stone, but what became of them I do not know.

Question. How frequently was this?

Answer. It was very irregular; sometimes twice a week, sometimes less, and sometimes more. I should think, on the average, they were happening twice a week.

Question. Were those letters sealed?

Answer. I think some were sealed and some were open. Letters from General Stone were sealed, and those we received were sealed. There were sealed letters from him to a Mrs. Betsy Mason. General Stone told me that she had a safeguard from General Scott to the effect that her property on the island there should not be disturbed.

Question. You frequently sent packages to this woman?

Answer. I think as many as four or five times.

Question. Where did she live?

Answer. Her address was Chesnut Hill, Loudon county; I think opposite Nolan's Ferry.

Question. How far back from the river?

Answer. I think a mile or two.

Question. Do you know anything in relation to the woman, except what General Stone told you?

Answer. No, sir.

Question. You said packages were sent to her and received them from her?

Answer. There were packages, said to be from her, directed to parties in Philadelphia and Washington, and I think to some in Baltimore?

Question. What did you do with those packages?

Answer. Delivered them to General Stone.

Question. Were they directed to General Stone?

Answer. Directed to other parties, and also a letter to General Stone.

Question. Were those packages sealed?

Answer. Yes, sir.

Question. You say General Stone told you she had a safeguard from General Scott?

Answer. Yes, sir. The way that was was this: the pickets from one of the regiments fired over at the hogs on the island, and General Stone told me to go up and say to the officer in command of the picket that she had a safeguard from General Scott, and her property must not be disturbed.

Question. Then it was in relation to the shooting of the hogs, and not about sending letters to her, that he told you about this safeguard?

Answer. Yes, sir; he said her property was not to be disturbed; that she had a safeguard from General Scott.

Question. Did he ever give you any explanation of the packages coming from her?

Answer. He did not.

Question. Do you know whether the packages sent to General Stone were forwarded to their destination?

Answer. I do not. I always supposed she was a spy employed by General Stone. That was my impression, because the packages were so frequent. He seemed to be well acquainted with her, as I judged, from what he said.

Question. Why, then, did you suppose that she directed her packages to parties in Philadelphia, Washington, and Baltimore?

Answer. That was a matter I could not explain. I was merely to obey orders. In fact, I had no right to ask questions.

Question. How about packages going over into Virginia?

Answer. Packages went to her frequently; letters, I mean.

Question. What kind of letters?

Answer. Common size, and sometimes of large size. Some from General Stone came in envelopes used in his office.

Question. If she had been a spy of General Stone would you have expected letters to be sent to her in official envelopes?

Answer. That was not regular at all. I only remember one or two such packages, addressed in General Stone's handwriting, appearing to contain three or four letters.

Question. If she had been a spy you would not have supposed that he would have sent his official envelopes to her?

Answer. I do not know. There are a great many things up there I could not understand. It is a very civil war upon our side.

Question. It is conducted upon peace principles upon our side?

Answer. More so than any war I have before heard of. Our pickets at Monocacy were not fired upon for the eight or nine weeks that we were there.

Question. This thing was a matter of frequent occurrence?

Answer. Yes, sir; I should say it averaged twice a week. General Stone gave me instructions once to deliver some letters immediately. I supposed they were to be sent over at once, and I sent over a couple of soldiers with them, and they were met upon the other side by some of the rebel soldiers. I reported what I had done to General Stone, and he rather censured me for it, saying that I should rather have sent the letters over by civilians—by other than our soldiers. I told him that it was impossible for me to have done that; I could send them over only by soldiers or negroes, and the negroes were afraid of being taken.

Question. Do you know the objection to sending them over by our soldiers?

Answer. He gave me no reason.

Question. Did any reason occur to you?

Answer. Only, perhaps, that they might be taken prisoners. But then they were very honorable on the other side whenever a white flag was raised. There

never was a boat fired upon. Several individuals were brought over, and two ladies were sent over from our side—one with her family and furniture.

Question. Who were they?

Answer. One was Mrs. Captain Shreeves, who was sent over. Her husband was a captain in the Loudon cavalry.

Question. You say she was sent over?

Answer. Yes, sir; I sent her over with her furniture. I had orders from General Stone to send her over. When I reported it on the other side, they said they could not receive her until they received orders from Leesburg. At night they came back, and she was sent over.

Question. Did you examine her trunks?

Answer. No, sir; she had bedding, bags, &c. I understand that before I came there she had petitioned to General Stone several times for permission to go back, after having been allowed to come over here. Her baggage was not examined. I understood that she took an oath before General Stone to give no information, under the penalty of having her father-in-law's property on this side confiscated.

Question. What was the nature of her packages, baggage, &c.?

Answer. I could not say, except that I recollect there was a trunk, and some bedding tied up in a blanket. I recollect one thing distinctly—a sewing machine, which I thought was rather a curious thing to be sent over there. There were one or two trunks, a carpet-bag, and such things as a woman would naturally take.

Question. You did not examine them?

Answer. No, sir. We had orders to transmit her and her baggage, without anything further.

Question. You understood they were to be sent without examination?

Answer. Yes, sir. General Stone knew the facts of her crossing, and gave especial orders for her to cross. Afterwards we crossed a Mrs. White.

Question. Who was she?

Answer. She was sent down from General Stone with orders to Lieutenant Colonel Wilcox. I was not down there.

Question. What do you know of her?

Answer. I know she has crossed twice.

Question. Who is she?

Answer. She is a Mrs. Benjamin White. She lives about half way between Poolesville and Edwards's Ferry.

Question. Do you know for what purpose she crossed?

Answer. I do not know, except that she has property on the other side.

Question. Is she secession?

Answer. Intensely secession. In fact, they all are. I know only five Union people there.

Question. Did she carry any baggage with her?

Answer. I do not know. I think not, because she went down on horseback! She may have carried a travelling bag, or something of that kind; but I do not know.

Question. Do you know anything of any rebel officers crossing over to our side?

Answer. I do not, except from report.

Question. Have you heard it reported that they have crossed?

Answer. In fact, there is no question but what four of them, officers and men, came across. They came across and played cards with our pickets. We knew there was one of them who was an officer, and we gave orders to arrest them; and we found that four of our men were in pawn on the other side. We sent them back at once.

Question. Did General Stone know that?

Answer. No, sir; that is, he knew afterwards about it, and punished the men.

Question. Do you know of any officers coming over to see General Stone?

Answer. No, sir. There are flags of truce, say, twice a week at Edwards's Ferry. But General Stone has charge of them himself.

Question. Those packages you have spoken of were not transmitted at that point?

Answer. No, sir; but above, at Monocacy.

Question. You have no personal knowledge in relation to matters which have crossed the river at Edwards's Ferry?

Answer. No, sir. I have never had an opportunity to examine any of them. I reported a matter to General Stone about three weeks ago, or to our lieutenant colonel, and through him to General Stone. It was reported to me that a man named Young, who owns an island, I believe, just at Edwards's Ferry, had a pass from General Stone to pass himself and gang to and from the island at all times, without having his baggage examined. He took quantities of baggage of all kinds over with him, his teams, &c.; and it was reported by our pickets that a rebel officer was seen on the island. From that island to the Virginia shore was a regular ford. I reported that to our lieutenant colonel, and he to General Gorman, and General Gorman reported it to General Stone; and I have heard that since then this pass has been countermanded.

Question. What did that man carry on the island?

Answer. He carried on his negroes.

Question. What else?

Answer. The negroes would have their luggage, bags, &c. I do not know what. It was not examined.

Question. Was there any considerable quantity of baggage sent over?

Answer. I do not know. This was the report of the pickets to me as officer of the day, and I immediately reported it to our lieutenant colonel.

Question. Has there been much discussion among the officers there in relation to this transmission of packages back and forth across the river?

Answer. Yes, sir.

Question. What is said about it by the officers there who know about it?

Answer. I could not give their opinions in full, because each one seems to have some difference of opinion. The impression seems to be that General Stone has become altogether too civil to the rebels; that he is too considerate. They speak of him in the highest terms.

Question. Who? The rebels?

Answer. Yes, sir. There was a rebel at Rockville who was imprisoned by General Banks, who told me the other Sunday that they thought a great deal of General Stone; but if they got General Gorman on the other side they would kill him. They would not kill General Stone, for he was a gentleman. The secessionists in the neighborhood always speak in the highest terms of General Stone; whether from any knowledge of his principles, or on account of his manner towards them, I do not know. But they all appear to think very highly of him.

Question. Do those transactions excite suspicions in the minds of the officers in relation to the loyalty of General Stone?

Answer. I have heard such opinions thrown out; more particularly among the men than among the officers. The men say right out that he is a secessionist and a traitor.

Question. The officers have their opinions?

Answer. They are more careful about expressing them, because they might get themselves into trouble by doing so. I cannot think myself that General Stone is disloyal; but I think there have been some very curious operations there. I know one thing that creates a great prejudice against General Stone, and that is having for his adjutant general Charles Stewart; or, as he calls

himself, Lord Vane Tempest, about whom so much was said in the London papers some years ago. He is a very supercilious fellow, and has insulted almost every officer who has gone there. He gets beastly drunk two or three times a week. I think that has a great deal to do with the unpopularity of General Stone.

Question. That has nothing particularly to do with the transmission of those packages back and forth?

Answer. No, sir; but I think that accounts for a great deal of General Stone's unpopularity among the officers there. It is no question that there has been a want of confidence in General Stone since the Ball's Bluff affair.

By Mr. Chandler :

Question. In his loyalty?

Answer. Well, in his generalship. There are two parties there, of course. Stone's friends throw the blame upon Baker, and Baker's friends throw the blame upon Stone. There is great question about the orders received; whether they were transmitted to General Baker or not.

By Mr. Gooch :

Question. Have you stated all that you know in relation to the crossing of packages and persons?

Answer. I can tell you nothing more, except from hearsay. I know nothing more particularly. I have heard a thousand reports; some may be true and some may not.

Question. Do you mean that you have heard reports of the crossing of other packages and other parties, besides those to which you have referred?

Answer. Yes, sir; a great many others.

Question. Do you know of any money having been collected upon our side of the river and transmitted to the other side?

Answer. I do not know it myself. I have heard something said about it. A man told me that a note against Mr. Young, who resides close to Edwards's Ferry, was sent over from Leesburg for collection, and the note was paid and the money sent back.

Question. Do you know who carried back the money?

Answer. I do not.

By Mr. Chandler :

Question. Is this Mr. Young a secessionist?

Answer. Yes, sir, strong. There are so few there that are Union men that it is very difficult to find them. I should judge, from what I have seen, that it is as bad on this side of the river as it is on the other side.

Question. Have you heard of any other transactions of that character?

Answer. No, sir; there are flags of truce going over there two or three times a week, but sometimes in relation to the exchange of prisoners and the sending of letters to our prisoners at Richmond. There was a flag of truce that went over on Friday last, and, to show the feelings of the officers there, some one asked the officer who was bearing the flag what he was going over for. He said: "I suppose it is to tell them if they do not move we may shell them, and we don't want to hurt their feelings." That shows the feelings of the officers about it. The enemy have now three very powerful forts right opposite to us. I think the first fort is about half a mile back of Edwards's Ferry. When we went to Edwards's Ferry first it was only a breastwork a few feet high. I think there were no guns there then—merely a breastwork. I went up within 300 yards of it. It was, apparently, a breastwork from which they had retired. We were on the bluff opposite Edwards's Ferry for three days, and the very day we came back they commenced strengthening that work, and they have worked on

it ever since, employing from twenty to one hundred men upon it. They have a fort there now, I should think, about 500 feet long, and pierced, I should think, for from 20 to 30 guns.

Question. Did you satisfy yourself that there were no guns there at the time of the Ball's Bluff disaster?

Answer. Yes, sir; on the day after.

Question. How near did you go to it?

Answer. Within 300 yards. There might have been a dozen men behind it then, but they kept themselves out of the way of our skirmishers who protected us.

Question. It is your opinion that that fort was not garrisoned at that time?

Answer. It was only a breastwork thrown across the road, about breast high.

Question. Is that the fort on the opposite side of the river we have heard alluded to?

Answer. Yes, sir; it is a very fine fort, with two fine entrances to it, with a deep ditch outside of it. We can see two sides of it. It commands the whole line of our pickets for six miles, from Edwards's Ferry to Conrad's Ferry. I should judge the fort would hold a thousand men.

Question. Is this fort within the reach of our guns?

Answer. Yes, sir. The Rhode Island battery shelled it once; but there were only a few tents there then, and they moved out of it.

Question. When was that?

Answer. I should think it was, perhaps, six weeks ago. The battery threw, perhaps, a dozen shells into it then.

Question. Was it in our power to have prevented their building that fort?

Answer. Yes, sir; they could not have thrown up a shovelful of dirt there if our batteries had been at the ferry.

Question. And it has been in your power at any time to have prevented its being built?

Answer. Yes, sir; I have heard many of our officers say they wish they had charge of our batteries; they would stop the fort very quick from going on.

By Mr. Julian:

Question. Can you destroy it now?

Answer. That is a question. If they have large guns there they can destroy us. It is pierced for guns, but we cannot tell whether they have any there now or not. They have had two or three regiments there. They have finished that fort very thoroughly. There is an abattis in front of the fort, of trees cut down, and, from what I have seen of their drawing logs inside the fort, I think they have strengthened it with stockades; and they have arranged another fort behind that, which commands this one. I should think it was half a mile back of Ball's Bluff. That fort commands the big fort back of Edwards's Ferry; and then back of Leesburg they have another fort much larger than either of these, which commands both of these forts. These three forts are so situated as to form the corners of a triangle.

Question. The first fort you have described you say can be reached by our guns at Edwards's Ferry?

Answer. The first fort back of Edwards's Ferry, yes, sir.

Question. Could you have prevented the construction of the second fort?

Answer. Yes, sir; both the first and second fort. But I doubt whether our guns would reach the large fort on the mountain back of Leesburg. That is some five or six miles off and cannot be reached, except by a chance shot, which would not do much damage to it, I suppose.

Question. The building of the two you say you could have prevented?

Answer. Yes, sir; they could not have thrown up a shovelful of dirt if we had tried to prevent it. When we have fired a few shots over there now and then they have made no reply to us, and therefore we do not know the range of their guns, while they know the range of ours perfectly. Last Thursday I

heard them firing for the first time. They fired some seventy shots, ranging down from Ball's Bluff, down to the rise and across Goose creek, evidently getting the range of their guns. I think they have the range for us now, and if we should go over there we should fare hardly. It would be a very difficult thing to go over there now. There is no way to take those forts except at the point of the bayonet. We might, perhaps, cover our crossing by our artillery, but we must charge with the bayonet to get those forts, and I think they have Leesburg as near impregnable as they want it, and they have a large force there, for we can see their camps.

By Mr. Gooch:

Question. Where were you on the day of the affair at Ball's Bluff?

Answer. I was on my way up from Washington that night. I was here on sick leave when I heard of the fight up there and I started right off and got up there early the next morning. Our regiment had then crossed the river at Edwards's Ferry.

Question. What transpired there on Tuesday while your regiment was over there?

Answer. I went down to the ferry, when I arrived there, intending to go over and join my regiment: General Stone detained me there, and said he wished me to remain there for orders. I told him I wanted to go over and report to my regiment. He said: "You will remain here for orders." He then took my horse, sending his own back. That afternoon there was a skirmish over there, when General Lander was wounded. I was on this side, on a high hill which overlooks the flat over there. After the skirmish was over, General Stone was there and went over. I asked him if I could be relieved and allowed to go to my regiment. He gave me permission to go, but said he would take my horse, as his was disabled. I went over without a horse, but found one when I got over there, and went up and took command of the pickets. I went out into the woods where the skirmish had taken place. The enemy had then retired out of sight, and we could see no signs of them within two miles or two and a half miles of the ferry. It is three miles to Leesburg from the ferry. I should think their pickets were back from two miles to two miles and a half from the ferry; from a half a mile to a mile from Leesburg. Our pickets were thrown out to the woods where the skirmish was; we could see no signs of the enemy. The next morning at daylight we went up and picked up two of our men who were wounded, and one who was killed, and some of their men. We saw occasionally a scout on horseback, at the distance of half a mile or so. But we saw nothing of the enemy at all. We lay there all day Wednesday, and saw nothing of the enemy. Wednesday night we had no alarm. And at 10 o'clock that night orders came for us to bring our regiments over as fast as possible.

Question. When did you go up to this breastwork?

Answer. I went up there Wednesday morning, a little before day, just at break of day. I think there were men inside; we could see figures moving, but we could not tell whether they were armed or not. The day before, during the skirmish, men were seen there throwing up earth. It was evidently very hastily constructed; nothing but a very simple earthwork running across the road, perhaps forty paces long.

By Mr. Chandler:

Question. Would you have considered that, at that time, any impediment to the march of infantry?

Answer. Not at all; hardly more than if you should turn this table up on its side and put some men behind it. The boys were so anxious to go that they would hardly wait for the order to go.

By Mr. Gooch :

Question. Were our troops exposed to their guns, if they had had any there?

Answer. No, sir; except the advanced skirmishers. There was a high bluff back from Edwards's Ferry, and we lay in under that. I should think that at the mouth of Goose creek there was a piece of meadow land of some hundred acres, and we lay there. Our skirmishers were thrown out on the top of the bluff, and they might have been exposed to the artillery there. That earthwork was thrown right across the direct road to Leesburg; and there is a branch road running off there, that follows the river bank up to Ball's Bluff.

Question. Were you at that time so near this earthwork that you could have seen if there had been any guns mounted there?

Answer. I was within half a pistol shot of it, I should think. I am positive there were no guns there at all. There is no question about that.

By Mr. Chandler:

Question. This extreme courtesy shown to the enemy by General Stone, has it or not led to a doubt of his loyalty among the officers and men?

Answer. There is no question but what it has. It has caused discussion, and, of course, there would be no discussion if there was no question. I should be very sorry to believe it myself.

Question. Could you see any reason why our troops should not have gone up from Edwards's Ferry to Ball's Bluff to the assistance of General Baker?

Answer. I could see none at all. I think we could have done it, and have turned them on their flank and captured them all. I saw the road then, and could see no obstacle in our way. They expected us to come up there to assist them, and that was the reason they made such a desperate resistance there. One of our men made his way up there from Edwards's Ferry; how he got up there I do not know. But so anxious was he to get into the fight, that he left his regiment and made his way up there and went with the Tammany regiment; and he told the Tammany boys that General Gorman was coming up with his brigade, and they fought with that expectation all day. I know he got with the Tammany regiment from our regiment. He wandered off three miles to get into the fight.

Question. Suppose that a single regiment even had gone up there and turned their flank on that Monday; what, in your opinion, would have been the result of that fight?

Answer. There could have been no question but we should have won it. If there had been even one hundred men who had gone up and took them by the flank, the shock of the first surprise, as they would not know how many there were, might perhaps have broken them. They were concealed from our men, and an attack on the flank or in the rear is a very ticklish business.

By Mr. Gooch :

Question. Are there any other facts, connected with matters there, that you think are of importance?

Answer. There are facts enough. I have stated only general facts. I know that General Stone is well acquainted with officers on the other side. He looks over with his glass, watches flags of truce going over, and mentions by name officers that he sees on the other side. For instance, he will say: "That officer smoking a cigar is Colonel Jennifer; he is a very fine man; a very gentlemanly man; he was a class-mate of mine."

Question. Do you think of anything else that you consider it important for the committee to know?

Answer. No, sir; only this, perhaps: it is a sort of standing joke among us that this is a very civil war. There has been some talk up there of our making a crossing to-morrow, and the officers say among themselves that if we do we

shall come back as we did from Ball's Bluff. We have only some 8,000 men that we could take over there into a fight. We do not know how many the rebels have there; probably from 20,000 to 30,000. The officers do not talk with the men; but among themselves they do not have much confidence about getting back if we go over there. I have made up my mind so much so, that when I knew I was to be here to-day, as I could not get leave of absence to go home, I telegraphed my wife to come on and meet me here, for I did not know as she would get another chance to see me. I think we should have a desperate fight over there. This civility up there, I think, has caused us the loss of some of our best officers and men, killed and taken prisoners. Colonel Lee is a very good officer, and Colonel Cogswell was, I think, one of the best disciplinarians we had up there.

By Mr. Chandler :

Question. Do you know anything about a mill on the other side above Ball's Bluff?

Answer. There is a mill below Ball's Bluff, or nearly under it.

Question. Is it within the range of our guns?

Answer. Yes, sir; it is the headquarters of the pickets on the other side.

Question. Is it in operation now?

Answer. I do not know. Our picket is directly opposite. The river is quite narrow there, and the pickets talk across to each other. A week ago last Saturday, I think, I went around to see the pickets there. The field officer of the day on the other side was the major of a Mississippi regiment. He talked with us for some time. He spoke very highly of our regiment, but said that if we came over there the second time we should be worse whipped than we were at Ball's Bluff. He said, "All we want is to have you keep on your own side of the river."

WASHINGTON, *January 27, 1862.*

Captain J. J. DELANY sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army?

Answer. I am a captain in the second regiment of New York State militia.

Question. Where have you been stationed?

Answer. When I first came to Washington I was stationed on East Capitol street. From there we moved to Ball's Cross Roads in the month of June, and remained there until the 16th of July, when we marched for Bull Run. After our return from Bull Run we were encamped on Seventh street, here in Washington, about a half a mile beyond the cavalry barracks. On 8th of August we took up our line of march for Poolsville, and were some two and a half or three days going up. The afternoon the regiment got under way from here, I got leave of absence for a short time and started for New York, so that when I returned on the 13th of August the regiment was in camp at Poolsville, or within half a mile of it. A portion of the regiment was then moved from that point to Monocacy. First there were two companies sent; that force was afterwards increased to four companies, and finally to seven companies. Up to the time that the force embraced but four companies it was under command of the major. When it was increased to seven companies the lieutenant colonel assumed command, leaving the colonel in camp with one company and a part of another. We continued at that point guarding the river from Mason's island up to Nolan's Ferry until some time in September, I think about the 13th,

when the whole regiment was again brought together and encamped where we now are, within about two miles of the town of Poolesville.

Question. Have you any of this time had charge of the pickets along the river?

Answer. I frequently had charge of the pickets from Mason's island up to Monocacy bridge, a distance of about three miles and a half. I had two companies under my command, my own company and another, I being the ranking captain.

Question. Do you know anything of packages, letters, &c., crossing the river at that point?

Answer. I remember sealed letters being sent over sometimes. At one time I had two or three letters in my possession, and there being no opportunity to send them across I transferred them to the officer who relieved me, and I do not, of course, know positively what became of them. I was led to suppose that they were sent across the river.

Question. From whom did you receive those letters?

Answer. They generally came down from the officer in command of the detachment of our regiment—from Major Dimmick, and sometimes from Lieutenant Colonel Wilcox, who has since resigned and is now in New York. At another time I passed over a lady by the name of Mrs. Shreeves, the wife of Captain Shreeves, either then or formerly a captain in the Loudon county cavalry, under Colonel Radford, I think.

By Mr. Chandler :

Question. Was this a rebel regiment?

Answer. Yes, sir. I was in command of the line when she was sent across, and the lieutenant colonel, as well as the major of our regiment, were present at the time. I said something to them about searching her baggage. The reply was the general commanding was well enough satisfied, so as to let the baggage go across without any search. Being on friendly terms with the lieutenant colonel, I asked him what guarantee the general had. He said that her father-in-law, or her father, Mr. Jones, who is the superintendent of that section of the Chesapeake and Ohio canal, had entered into bonds with the United States government, that if his daughter, Mrs. Captain Shreeves, should carry across any information, directly or indirectly, he would forfeit all his property to the United States government.

By Mr. Gooch :

Question. What did she carry across?

Answer. She carried two trunks, some sacks filled with some soft material, as far as I could judge from taking hold of them, and several small baskets, besides jugs and other things. In fact there were two skiff loads.

Question. Were the trunks large trunks?

Answer. Ordinarily sized trunks; say thirty inches by fifteen or eighteen inches.

Question. Were they heavy trunks?

Answer. Yes, sir; they were. They were pretty well packed, I should say.

Question. Unreasonably heavy for trunks of that size?

Answer. No, sir; I should think not more so than if heavily packed with clothing.

Question. You did not know the contents of the sacks?

Answer. I thought it was yarn, or something of that kind; I could not say. By handling it, when throwing it into the boats, I felt its contents and judged it to be nothing but that.

Question. Was there a sewing machine sent across?

Answer. Yes, sir; and she had her two children with her.

Question. Do you know of any other person crossing there ?

Answer. She was the only person who crossed of whom I have any personal knowledge. I have heard that other parties have crossed. I have also heard that that same lady came from the other side some months or so prior to this, by permission of the officer in command.

Question. Were the letters sent over there ordinary letters ?

Answer. They were ordinary letters.

Question. Sealed letters ?

Answer. Yes, sir.

Question. To whom were they directed ?

Answer. Most of the correspondence that passed through my hands seemed to be of a Mrs. Mason.

Question. To whom were the letters delivered on the other side ?

Answer. I do not remember passing any over myself. I placed in the hands of the officer who relieved me the letters I had, and he sent them over. There was a standing order, however, while on picket, that no letters should be delivered to any one wearing uniform. But as those not wearing uniform on the other side of the river were largely in the majority, I thought it was a very foolish order. I have seen a great many over there bearing arms who had no uniform.

Question. Do you know anything about rebel officers coming over on this side ?

Answer. No, sir ; not while I was in command of the pickets.

Question. Did you receive any letters from the other side ?

Answer. I have received some two or three letters.

Question. To whom were they directed ?

Answer. I do not remember.

Question. Were they directed to General Stone or to other parties ?

Answer. They were directed to other parties, and forwarded by me to the officer in command of our detachment, and so on to General Stone.

Question. Were they sealed ?

Answer. Yes, sir.

Question. Were you at Edwards's Ferry at the time our troops crossed there on the day of the Ball's Bluff disaster ?

Answer. Yes, sir ; my company was detached for skirmishing duty at sunrise Monday morning.

Question. Give us a short history of what you know of that affair.

Answer. About sunrise on the 21st of October our regiment was drawn up in line, resting on the bank of the river. The first object that attracted my attention was the means of crossing. I had come there with my mind fully prepared to find a pontoon bridge, or something of that kind. But when I saw nothing but some common flatboats, which would average about thirty men to each one, and even that would crowd those working the boats across, I was considerably astonished. I said but little, but I thought a great deal. We were crossed over and took up our position on the right of the Minnesota regiment, with my company deployed as skirmishers, with my right resting upon the Leesburg road, adjoining the house formerly, and perhaps then, occupied by a Mr. Buckley. There was an intrenchment upon the left of where we were, visible to the naked eye. . But still we were out of the reach of any musketry there. I continued on that spot until, I suppose, about two o'clock on Tuesday morning, when I was relieved, or rather received orders to fall back quietly. When I got down to the ferry below, I found that the Minnesota regiment, or the greater part of it, as well as my own regiment, with the exception of my company, had all been crossed over the river. As I approached the river company H, the last company of our regiment, had nearly completed the crossing, when they were ordered to return to the Virginia side. Accordingly, between that time

and daybreak, all the troops returned again—those that had crossed during Monday. I think the following morning the force was increased by the arrival of an Indiana regiment, and the addition of, I should say, from 150 to 200 cavalry. The only artillery we had over there were two brass howitzers, under the command of a corporal of the United States army. There was no commissioned officer then in command of the artillery, and none assumed command of it from that time until we returned. On Tuesday afternoon, at perhaps half past two o'clock, some of our men ventured out imprudently to gather some straw, &c., when a force of the enemy suddenly dashed out of the woods and made an attack upon them, as well as upon my skirmishers. There was something of a panic among the men who were gathering straw, as they were unarmed. One or two were killed there at that time, I believe. The enemy, comprising, I should judge, two or three regiments, followed up the advantages they had gained over the skirmishers, but were repulsed by the artillery opening upon them. That was done by order of Lieutenant Colonel Wilcox, who happened to be passing at the time. The corporal inquired if he should open fire upon the enemy, and the Lieutenant Colonel told him to blaze away. At that time there was no general officer in the front. The only one I recognized there was General Abercrombie. General Gorman was not there, and General Stone was not there. I understood that General Stone was on the bluff on the Maryland side. It was raining very severely during the day, and the men were out in the low ground there, which, at the last overflow, had been some fifteen or twenty inches under water, right where our men then lay. During the night the wind blew up very fresh, and during Wednesday it was impossible to cross. There were canal boats on the Maryland side, but they could not be got across to us. With the means we had it would have been impossible to cross the river then. If there had been a hawser there, by which the boats could have been pulled over, we could have been got across. During Wednesday afternoon the wind lulled to such an extent that they managed to get some boats over to us, and after dark that night all the men were sent across to the Maryland side. On Wednesday afternoon I had been again ordered out on picket, and was posted on the Leesburg road, in advance of the position I had formerly occupied, a quarter of a mile or so, in face of a very thick timber. I was there in conjunction with three other companies, company K, nineteenth Massachusetts, company I, first Minnesota, and company K, of the fifth Connecticut. We had intrenchments thrown up there by orders of General Abercrombie, and were digging rifle pits and filling up the angles of the fence there which had been torn down, and we placed our men behind them during all that night. At about half past three o'clock in the morning my command received orders to withdraw and take our intrenching tools with us. The one who first brought me the order was dressed in a half military and half civil dress, and I did not know but what it was a ruse on the part of the enemy, or something of that kind, and I did not pay much attention to it. I told him I wanted a more authentic order than that. In the course of the next half hour an orderly came up with the same orders, and I then ordered the companies to move off. We got down to the bank and found that all the troops had been drawn off, with the exception of a dozen or so men scattered around keeping the fires up. On both banks of the river, on the Maryland side as well as the Virginia side, the camp fires were very numerous, and persons seeing them would suppose that there were a great many troops encamped there. About sunrise I got across and marched to our camp, and found that the rest of the regiment had been in camp since two o'clock.

Question. You have spoken of some earthworks the enemy had on the other side?

Answer. Yes, sir.

Question. How near were you to those works?

Answer. Within cannon shot, but not within musket shot. I should say within three-quarters of a mile.

Question. Were you yourself any nearer to them at any time than that?

Answer. I was sufficiently near to distinguish with the naked eye those who were standing in front of the works, between the ditch and the intrenchments, so that I could calculate the height of the intrenchments above the ditch, and could also distinguish those on top of it. During Monday, previous to hearing the firing at Ball's Bluff, I saw a regiment come from the direction of Goose Creek and march into the intrenchment, which completely hid them for a time. I afterwards saw them march out of the other side, cross the road, go down through the timber, and in the course of ten minutes afterwards I heard the commencement of the firing in the direction of Ball's Bluff.

Question. Were there any guns mounted there?

Answer. I could distinguish none at all. There were none, unless they were masked. In fact, I only saw two embrasures for guns in that portion of the intrenchments. I also saw a body of the enemy's cavalry, I should suppose a squadron, move from the right of the works towards the timber bordering on Goose creek. Whether they went there for the purpose of making a reconnoissance of our position or not, I could not say. I did not see them after that.

Question. What was the height of that embankment, of that earthwork?

Answer. Judging from what I could see of the men there, I should say it was some nine or ten feet high.

Question. At that time?

Answer. Yes, sir; somewhere in that neighborhood. It might not have been more than eight feet high.

Question. What was the extent of it?

Answer. I should say it extended about one hundred and fifty feet.

Question. How many sides to it did you see?

Answer. I saw the front and one side.

Question. Were any of your men, as you know, any nearer to it than you were?

Answer. No, sir. The only one, I think, who went nearer to it than I did was Major Mix. I think he made a reconnoissance there during the forenoon, in which he went to a point of the road some quarter or half a mile beyond where our line was. I think General Stone himself also went there afterwards on Wednesday.

Question. Do you know how near he went?

Answer. I think he went about the same distance, to the point of the road. Major Mix was with him on that occasion.

Question. Was it supposed that there were guns there at that time?

Answer. The supposition on our part was this: We were in advance there, and were not able to discover anything there, although we scanned it very closely with a glass. We thought it was nothing more than a sort of blind, a half finished intrenchment; that they either had no guns to mount there, or, if they had the guns, they had had no opportunity to mount them.

Question. Did you satisfy yourself that there were no guns in position there?

Answer. Yes, sir; because if they had had guns of any calibre at all we were within their range.

Question. Were you aware of the fighting at Ball's Bluff?

Answer. I was not aware of any crossing being made at Ball's Bluff at the time we went across at Edwards's Ferry. I supposed we were making the only crossing that was to be made. When I heard the firing, the successive volleys of musketry, and the occasional explosion of the artillery, I made the remark to my first lieutenant that our men had undoubtedly crossed up above somewhere, either at Conrad's Ferry or in that neighborhood. I did not suppose they would cross at the bluff. I never presumed for a moment that an

action would take place at the bluff, for I supposed there were other points above that would be better. In the course of the day, say about half past three o'clock, the firing seemed to slacken, and to gradually recede. My first lieutenant made the remark that it was receding towards Leesburg; but I observed that it seemed to be going towards ——, as was really the case. There was an occasional shot after that.

Question. Would there have been anything to have prevented your force from marching from where they were up to the bluff and taking part in the engagement?

Answer. I think a force of 4,000 or 5,000 men could have marched up there, provided we had a force held in reserve to keep our flank protected from any body of troops that might cross Goose creek. We had more to fear from any party coming from Goose creek than from Leesburg; Goose creek makes a sort of curve there. It would have been an impossibility for us to have marched right up the river bank. We could have marched up to the Leesburg road and then crossed through the woods.

Question. Was there any difficulty in the way of your making that movement?

Answer. I think not. I have not been over the road; but I am pretty familiar with the nature of the country about there, and knowing one part, I think I could judge pretty well what the others were.

Question. Was there anything in the earthworks you speak of to have prevented your doing that?

Answer. No, sir; nothing but the enemy hanging around there in scattered groups; some with glasses, some with their hands in their pockets, apparently hanging about there perfectly unconcerned. Some officers were there mounted and riding about quietly as if nothing was going on. Now and then we would see an ambulance moving away from the earthworks across the hill, down the Leesburg road. I noticed that during the fire, before it as well as afterwards.

Question. Have there been any forts erected there recently, or any work on the spot where these earthworks are that you speak of?

Answer. There has been an earthwork, I think, placed on the bluff where we were engaged in throwing up our intrenchments when we crossed. It is in full view of the camp of General Gorman's brigade. It can be seen with the naked eye, and if scanned with a glass it can be distinguished very closely. I have been home on sick leave from the 10th of January until I was sent for to come here, and I have no positive knowledge of the proportions that work has assumed since I have been away.

Question. How was it when you left?

Answer. It was a place, I should say, that would mount some 20 or 25 guns. It overlooked the country about there, and in my mind covered the approaches to both Conrad's and Edwards's Ferries.

Question. Was that fort in process of construction when you left?

Answer. Yes, sir.

Question. Has anything more been done upon the earthworks that were there when you were over there?

Answer. I have not been in a position to judge what has been done upon those earthworks since we crossed there, from the fact that there is no bluff on our side, except the one at Edwards's Ferry—where I have been but once since then—where you can get a good view of those works.

Question. Are those two points commanded by our guns?

Answer. Yes, sir. Our guns, placed upon the bluff I have mentioned as being at Edwards's Ferry, would command those earthworks as well as the woods adjoining.

Question. Would they command the point where the new fort has been built since you were over there?

Answer. I think they could command it. It is right on the river bank, about midway between Edwards's Ferry and Ball's Bluff.

Question. Could the first work have been completed, or the other one built, if our folks had endeavored to prevent it?

Answer. It has surprised me very much to see any earthworks thrown up there in that manner, and no notice taken of it.

Question. Surprised you, because our guns could have prevented it?

Answer. Yes, sir; I think they could.

Question. Is there a mill at Ball's Bluff, or near there?

Answer. There is a mill at Goose creek.

Question. Is there one above, at Ball's Bluff?

Answer. There was a mill on the river bank, with a sort of inclined plane down towards the river, as if for the purpose of loading boats, or something of that kind; that is, between Edwards's Ferry and Ball's Bluff.

Question. What kind of a mill?

Answer. I could not distinguish that. It appeared to be a mill, and is about opposite the lower end of Harrison's island. A Mr. Butler, who lives opposite that point, has told me it is a mill.

Question. You do not know what kind of a mill it is?

Answer. No, sir.

Question. Do you know of any mill there, within the reach of our guns, where they are grinding grain?

Answer. I have no positive information of that kind. I have seen the enemy's pickets and fires about this place which I was told was a mill.

Question. You do not know what was done there?

Answer. No, sir.

Question. In relation to the packages and letters, &c., allowed to go back and forth there, do you know whether that has created any impression unfavorable to General Stone's loyalty?

Answer. Yes, sir; it has among some officers who have expressed themselves as somewhat opposed to it, and that they thought it was not right for us to grant them such favors when we could receive no corresponding favor in return. And I have heard others speak of the general on account of the peculiar standing he has among the people of the neighborhood, who are, to all intents and purposes, notorious secessionists in heart and feeling. Those people speak of General Stone in the highest terms. In fact, I must myself say that he is a man I have always admired up to the time of our crossing at Edwards's Ferry. That was the first time that my confidence in him was shaken. Up to that time I considered him a very fine officer. He has been educated at West Point, and is a man exceedingly careful and cautious in his conversation, weighing his words carefully before expressing his opinions. And I thought it foolish for a man of that character to attempt such a thing as that before he was prepared. My confidence was shaken in him after that. I have again and again tried to form some excuse in my own mind for that. At other times, when I was at Monocacy, whenever any reports were brought to him that the enemy were showing themselves in any number across the river, he always showed great alacrity in ordering the artillery down there. On one occasion, when Major Dimmick gave notice to him that the enemy had appeared somewhat numerously at a barn near Monocacy, some three or four Parrott guns were ordered down there that night. Up to a very late period he has always shown, to my mind, very great alacrity in responding to any call of that kind.

Question. Have you ever been able to form any explanation, satisfactory to yourself, of the course pursued on the day of the Ball's Bluff disaster?

Answer. No, sir; and all the explanations I have seen in the newspapers, and the attempts I have heard to fix up the matter, have only made it the more mystifying to me, and the more am I at a loss to find out who was to blame.

WASHINGTON, *January 27, 1862.*

Colonel CHARLES DEVENS sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army, and where are you stationed?

Answer. I am colonel of the 15th Massachusetts regiment, and stationed near Poolesville, Maryland.

Question. You were at the battle of Ball's Bluff?

Answer. Yes, sir.

Question. Your regiment was the first regiment that crossed?

Answer. Yes, sir.

Question. Will you state to the committee, in their order, what orders you received from General Stone in relation to crossing into Virginia, and the preparations for crossing at Ball's Bluff?

Answer. About one o'clock on Sunday, the 20th of October, I received an order from General Stone. I was then at Poolesville, but part of my regiment was on the Potomac river. One company was two miles from the Potomac, and one company was on Harrison's island at that time. I received from General Stone an order about 11 o'clock, or rather it reached my camp at that time; but being absent when it reached camp, I did not receive it until about one o'clock. The order was as follows:

"HEADQUARTERS CORPS OF OBSERVATION,
"Poolesville, October 20, 1861.

"COLONEL: You will please send orders to the canal to have the two new flat-boats, now there opposite the island, transferred to the river, and will, at 3 o'clock p. m., have the island re-enforced by all of your regiment now on duty on the canal and at the New York battery. The pickets will be replaced by the companies of the 19th Massachusetts there.

"Very respectfully, your obedient servant,

"CHAS. P. STONE.
"Brigadier General.

"Colonel CHARLES DEVENS,
"Commanding 15th Regiment, Massachusetts volunteers."

Question. What was done in pursuance of that order?

Answer. I sent word immediately to those companies to be ready. The quartermaster carried the orders to the companies. I went down to the river, and at a little later than three o'clock I crossed four companies to the island. Company H was either all, or substantially all, on the island. Company C was three miles from the island; that was the company at the New York battery. Companies C, G, I, and A were crossed to the island. The next order I received was a verbal one, about night, received through Captain Stewart, General Stone's adjutant general. It directed me to send Captain Philbrick over with a small party—I forget the exact number; these minor details escape my memory after the lapse of three or four months. He took ten or fifteen men and crossed opposite the bluff, in the place where the men had before been across—where Captain Philbrick had himself been across, as General Stone knew. He crossed one day, when General Stone and myself were both present, with two or three men; had gone up the bluff to the crest of the bluff and satisfied himself that that portion of the river was not picketed. Captain Philbrick, as soon as it was dark, was to cross the river with ten or fifteen men, push out to within a mile of Leesburg, if he could do so without being discovered, and then return and report.

Captain Philbrick accordingly did so. Quartermaster Horne was with me

on the island, and asked leave to go with Captain Philbrick, which I gave him. He and Captain Philbrick, with some ten other men, crossed the river, went up opposite the bluff, and found a sort of path, which led first down the river, and then up on the bluff itself, in a place where the bluff was lower than it was directly opposite the middle of the island. They went out, as they supposed, somewhere about a mile in the direction of Leesburg, and returned and reported that they had come on a camp of the enemy. I forgot how many they supposed the camp to contain, but somewhere less than half a regiment. I directed the quartermaster to immediately report the facts to General Stone. I directed him to go because he had been across himself with Captain Philbrick. I remained on the island waiting for General Stone's directions; and I received from General Stone, somewhere about 12 o'clock, this order:

"HEADQUARTERS CORPS OF OBSERVATION,
"Poolesville, October 20, 1861—10½ p. m.

"Special Orders, No. —.

"Colonel Devens will land opposite Harrison's island with five companies of his regiment, and proceed to surprise the camp of the enemy discovered by Captain Philbrick in the direction of Leesburg. The landing and march will be effected with silence and rapidity.

"Colonel Lee, 20th Massachusetts volunteers, will, immediately after Colonel Devens's departure, occupy Harrison's island with four companies of his regiment, and will cause the four-oared boat to be taken across the island to the point of departure of Colonel Devens.

"One company will be thrown across to occupy the heights on the Virginia shore, after Colonel Devens's departure, to cover his return.

"Two mountain howitzers will be taken silently up the tow-path, and carried to the opposite side of the island under the orders of Colonel Lee.

"Colonel Devens will attack the camp of the enemy at daybreak, and, having routed them, will pursue them as far as he deems prudent, and will destroy the camp, if practicable, before returning.

"He will make all the observations possible on the country; will, under all circumstances, keep his command well in hand, and not sacrifice them to any supposed advantage of rapid pursuit.

"Having accomplished this duty, Colonel Devens will return to his present position, unless he shall see one on the Virginia side, near the river, which he can undoubtedly hold until re-enforced, and one which can be successfully held against largely superior numbers. In such case he will hold on and report.

"CHARLES P. STONE,
"Brigadier General.

"Great care will be used by Colonel Devens to prevent any unnecessary injury of private property, and any officer or soldier straggling from the command for curiosity or plunder will be instantly shot.

"CHARLES P. STONE,
"Brigadier General"

Somewhere between 12 and 1 o'clock I commenced crossing the river, which was done with great care; great anxiety not to make a noise and disturb any pickets above and below. The men were put into the boat very silently and ferried across. Somewhere about 4 o'clock we had crossed five companies of my regiment. In the meantime, during the night, until this order came, they had been on the island, and had laid down on some corn-stacks they had found there. I, of course, supposed I was to have an action, and I told my troops to strip off their overcoats and knapsacks. I told them they would be the colder for two or three hours, but during the day they would be warm enough. I made

those preparations which a person would ordinarily make who anticipated going into action. At 4 o'clock, when they had been crossed, I crossed over myself. Colonel Lee was to follow me with a company. He informed me that he would go across himself with the company, although he considered that the duty was mine, and he had no disposition to interfere with it. Colonel Lee ranked me. He said he would go across with that company himself; and he sent across about one hundred men, and came with them. In the meantime it had been arranged, by Colonel Lee and myself, that Major Revere, who was then on the island—some four or five of Colonel Lee's companies had been brought over from the Maryland shore to the island—we arranged that in the morning Major Revere, as soon as it was light, should see one of the large flatboats brought down between Harrison's island and the bluff. I went across to the Virginia side, somewhere between 4 and 5 o'clock, and stayed a little while on the bank. I lost my way, in the first place, in trying to find my troops, which delayed me half an hour. The path which was found led down the river, I should say, some sixty or seventy yards, perhaps more, then you turned and came up by a not very abrupt slope on to an open field surrounded by woods. I returned once to the river, to be sure that the arrangements were provided for Colonel Lee's men to find the place where we were. I then waited with the men until daybreak, until the first glimmer of light. In the meantime I had sent my scouts out to the right and left to see if they could find anything in our immediate vicinity in the woods. They reported all quiet. As the first light began to appear, the first symptom of light—because I had some three-quarters of a mile to march before reaching this camp, which I proposed to do at daybreak—at the first symptom of light I set my column in motion, leaving Colonel Lee and his company of men on the bluff. I stripped off my overcoat, in which were these orders, and which I never saw again, as it was lost in the confusion of the day. I gave it to the adjutant, who gave it to one of the men. As Captain Philbrick and his men had a scout in the evening before, I gave them the position of advance guard, and I went with the captain. We passed across this field, which was afterwards the field of the main action of the day, into the woods, and crossed one or two more open spaces before reaching the front of the woods which was towards Leesburg. On arriving there, as it had grown lighter, I saw what had caused the mistake of the scouts. We came out upon the open field, which rises gradually. At the head of the rise there was a single row of trees—I think of fruit trees—of some description. As you first look at them in the light, the light coming through between the lower part of the branches of the trees gave very much the appearance of a row of tents. I said to Captain Philbrick when I saw these trees, "Are we not mistaken?" He said he was not. We went forward two or three paces further, and then I gave directions to halt. I in a moment or two satisfied myself that there had been a mistake, caused in this way; and in the uncertain light, even in the first light of the morning, it did not look unlike a row of tents. The night previous was, I think, a light night—a moonlight night—I am quite confident—and misty, so that it was not a very brilliant night. We then halted the force. Captain Philbrick and myself, with three or four men, pushed up over the slope. I moved forward with Captain Philbrick down in the direction of Leesburg. It had begun then to get so light that the high valley in which Leesburg lay was in full sight, and we were apparently three-quarters of a mile or a mile from the town. Where we stood was perhaps from an eighth to a sixteenth of a mile from where my force lay in the wood. We moved about there for some time, selecting various points of observation for the purpose of ascertaining what was to be seen there, reconnoitring the country as thoroughly as I could, getting as good an idea of it as I could, in order to be able to answer any questions that might be asked me on my return by the commanding general. I then fell back again into the woods. At that time I deemed

it my duty to report, as my force had not been discovered, and as I was in a position well protected. Instead of returning immediately, I deemed it my duty to report. Accordingly I directed the quartermaster of the regiment to return to General Stone as rapidly as possible and report that the camp was all a mistake, and that I was well posted in the wood and concealed, and I waited his further orders. After the quartermaster left, possibly an hour—it might be perhaps at 8 o'clock—a body of riflemen, afterwards found to be Mississippi riflemen, were observed to be going up on our right, which was in the direction of Conrad's Ferry above. It was reported to me by the skirmishers that I had well out on the right. They had seen this force, and they reported that they had been seen by them also. I directed Captain Philbrick to pass up over the slope in front and attack them as they came around the edge of the wood. Instead of coming directly around the edge of the wood, they passed down more into the plain, and Captain Philbrick was obliged to follow them further. The arms we had were the old flint-lock altered to a percussion, and it was necessary to get pretty close to them. They were smooth-bores. I accompanied Captain Philbrick and suggested to him the orders, although, it being his own company, they were all given by him. We pursued them over this slope a little way, they falling back until they got into the cover of a ditch or trench, whether artificial or natural I cannot say; and then the firing commenced, they firing first. We returned the fire, and the skirmish was a pretty hot one. They were driven out of this trench, and then forced into a field, which afforded them very good ground indeed, because it was a cornfield in which the corn had been cut, and stood in stacks. Of course, for an irregular force, it was just the place they wanted. In the meantime I sent back for another company, intending to throw it over between the enemy and the woods; but before they came a body of rebel cavalry was reported to be on our left, coming from the direction of the town of Leesburg. I examined it as carefully as I could. I had no glass with me, and thought it was probably a movement of cavalry. At any rate, I thought there was no advantage to be gained by being so far from my covering force as I then was, and I ordered Captain Philbrick to fall back to the wood, which he did. I then waited there a half an hour, perhaps. It had got then to be, I should say, 8 o'clock. I think the time of the skirmish must have been as early as half past 7 o'clock. I think daylight was somewhere about half past 6 o'clock, and we could not have been there more than an hour before the skirmish commenced. At about 8 o'clock, my messenger not having returned, and our presence having been fully discovered, I deemed it prudent to fall back to the bluff where Colonel Lee was, which we did in perfect order.

In that skirmish we lost about three men killed, and some seven or eight wounded. Those items are all carefully preserved, but I am now stating them from memory. We were well satisfied that our own fire had been pretty severe and deadly upon them. Since then one of the contrabands, who came over and is at work now in my camp, says we killed six of them in that skirmish. And another of the contrabands, now at work there, says that his master was a Lieutenant Cooper in the cavalry, and he was killed. We evidently did pretty good execution, because we were pretty close to them, although that party was armed with good weapons, with rifles; they were decidedly better off than we were in that respect. I fell back to the bluff upon Colonel Lee. I then scouted the woods again in every direction to the right and left; and no sign of the enemy appearing, I determined to return to the former position, which I did. Somewhere between 8 and 9 o'clock the quartermaster returned with a message from General Stone that I was to remain where I was; that I would be re-enforced; that Lieutenant Colonel Ward, who had part of my regiment on the tow-path, would proceed up the river to Smoot's mill, and that a squad of cavalry, some ten or a dozen, would be sent over to me for the purpose of scout-

ing in front. I am not certain whether at that time he told me that Colonel Baker would come over and take command. I understood that some one would come and take command, but I am not certain whether he told me that time or the next time that Colonel Baker would come and take command. I then directed the quartermaster to immediately return to General Stone and report that we had had a skirmish between one of our companies and a company of the enemy, in which the loss was probably about the same on either side, and that we were fully discovered, but that I was still in my old position. The object of my report was to receive further orders. I do not remember whether I said to the quartermaster that I waited any further orders or not. At about 10 o'clock the quartermaster returned with the answer, "Very well; Colonel Baker will come and take command." I prepared myself to wait as well as I could. I extended my line, threw out a strong company (company C) towards the Conrad's Ferry road; another company (company A) in the other direction, although the wood was thicker, and there was no road immediately near me there, and I had some of my skirmishers (company B) in front. Between 10 and 11 o'clock I had been joined by the rest of my regiment, the other five companies. While I was waiting there I directed my captains to make their morning reports. I wanted to see how many men we had on the field. These are things that it is not well to neglect, even in time of battle, if you have an interval of time to do it in. The adjutant reported to me that there were present 625 men and 28 officers. We waited there until 12 o'clock or past, perhaps later; it might have been as late as one or half past one, because I have no particular means of fixing the time, except so far as it was fixed by subsequent events. In the meantime I once or twice sent to the river to ascertain whether re-enforcements would come, and what I was to do; but I got no order or message.

At this time to which I refer, whether 1 o'clock, or a little before, or a little after, I cannot tell, an attack was made upon my skirmishers, who were in front, (and who were in the open ground so that cavalry could get at them,) by some cavalry, who drove them back into the wood, and then a very smart attack by infantry was made upon my left, the enemy directing their whole force upon my left, with, as I then supposed, and now suppose, an intention to outflank me and cut me off from the river. I repelled them as well as I could, and a pretty smart action took place, which lasted some ten or fifteen minutes. But at the end of that time, having received no orders from the rear, and becoming anxious lest this attempt of the enemy might be successful, I deemed it prudent at least to fall back, and probably return to the force which was on the bluff. I fell back perhaps sixty yards, to an open space in the wood, where I reformed the line for the purpose of waiting to make the necessary disposition to enable me to fall back further with safety, and to get in my skirmishers, who were out on the right and left. That operation took probably somewhere between a half an hour and an hour. The enemy did not press forward—did not renew the attack from the front of the wood upon my force falling back; there was a little trifle of skirmishing towards the left, but only a scattering fire. When I had got in all my skirmishers—company C was at a considerable distance out on the right, towards the Conrad's Ferry road, which had not been attacked, and I think a portion of another company was with them, but of that I am not certain—when they were all in I moved back towards the field where the principal action of the day was fought. In that second skirmish I cannot say how many men were lost, I know that several were wounded, but whether any were killed or not I cannot say; they were carried to the rear immediately, and the principal action of the day followed so quickly that I never had an opportunity of distinguishing between those who were killed in the one action and those who were killed in the other. As we came back on this field at Ball's Bluff I met General Baker, who spoke to me; I had been introduced to him before, and

he knew me. He said, "Colonel Devens, I congratulate you upon the splendid manner in which your regiment has behaved this morning." He then proceeded to say: "I think we better form the line here, and prepare to receive them here, and you shall have the right of the line." I supposed this to be then, as I suppose now, as a compliment to the regiment for its good conduct during the morning. Colonel Baker then proceeded to form the line. The line was formed in what might be called the form of an L. He gave the 15th Massachusetts the right, with the exception of two companies, which (companies D and F) were placed behind the artillery. The exact disposition of the centre I am not certain about. The time I saw Colonel Baker I am able to fix with accuracy, for when I met him I said to the major, "What time is it?" He drew out his watch and said it was quarter past two. I replied, "Thank Heaven, he has come; we have been waiting eight hours and a half." I had a very strong feeling of relief, of course, because I knew that from that moment I had nothing to do but to fight my regiment; I had nothing to do with the tactics of the battle, or with anything except the minor tactics.

Colonel Baker formed the right of the line with my regiment, which was formed along the edge of the wood, the right of the regiment, to some extent, protected by the wood; just in the edge of the wood the left of the regiment not so well directed. The conformation of the wood was such that it could not very well be done. My men sat down in their line. Colonel Baker had with him on the bluff, at the time of our arrival there, a 6-pounder or a 12-pounder—I do not remember what it was—it was a piece of artillery of the New York battery and two howitzers, which he placed in the open part of the L. The two companies (F and D) were placed behind these guns, and then behind these companies some companies of the 20th regiment—how many I do not know—were placed. And then further to the left the line was formed by the battalion of the California regiment, which was commanded by Lieutenant Colonel Wistar. They were all open. They were not protected in any way by the wood, although the ground fell off a little towards them and afforded some protection. The part of the 20th regiment which was placed behind the battery, and the two companies of the 15th, I supposed to have been placed there as a reserve, because they could not fire, of course, with the companies of the 15th in front of them. One company of the 20th was given to me to be used as skirmishers on the right of the line. And I disposed of company A, of my regiment, and this company of the 20th, commanded by Captain Putnam, upon the right of my line, and thrown out as skirmishers. About 3 o'clock, as near as I can recollect, the attack was commenced. Our howitzers and the other cannon had fired once or twice, perhaps more; had fired several times into those portions of the wood where I supposed it was expected the enemy were gathering. About 3 o'clock the musketry fire commenced, and much more heavily upon the right of the line which was held by us. General Baker, before the action commenced, read in the presence of some of the officers—he asked me if I thought I could hold the right of the line, and I replied I would try—he took out and read an order, which he had in his pocket, from General Stone. He then said that we must hold on there; that re-enforcements would come to us at the rate of about so many hundreds an hour. I do not remember the number he gave. The order which he read was not the order in which General Stone says, "You may expect to meet some three thousand or four thousand of the enemy." But it was an order in which General Stone gives some instructions to Colonel Baker as to how he is to proceed, provided he succeeds in driving the enemy. He is to be careful not to move until they are all before him; that the enemy will endeavor to draw him forward towards Manassas. That, I remember, Colonel Baker read in my presence to a group of officers. To return to the time of the action. At about three o'clock the action commenced heavily upon the right, and heavy skirmishing. They threw on a heavy body of men there and pressed us pretty smartly. In the course of the

next half hour Captain Harvey came around to me and said that he thought they were pushing me pretty hard on the right, and that I better use another company. I did use company I, and deployed it with the other two companies, and gave the direction of the skirmishers to Major Campbell of the regiment; and from that time we were not so much troubled—not troubled with any more work than we were evidently able to take care of, although the fire was constant. The attack then seemed to move to where it was evidently intended the main attack should be, upon the centre and upon the left. What took place upon the centre and left it is very difficult for me to say, because the firing of our troops was very rapid indeed, very resolute, and the firing on the part of the enemy was very vigorous. There was all the time a great cloud of smoke over the field, and of course my anxieties were limited more to my rear, where my skirmishers were, and to keep my line in order, than to look after the business of other officers on the centre and the left. The only regiment of the rebels which I saw fairly was a regiment which was toward their right and, of course, toward our left, which moved down the slope toward a sort of depression in the ground, and seemed to halt and stand there. I saw that twice during the afternoon. How long I saw it I do not remember, because I had no reason to know. That was the only regiment I saw deployed in line. I cannot say that it was firing, or whether it had halted there or had been checked in an advance. It certainly would have appeared as it did if it had been checked in an advance. That it was so, I of course know nothing about but from the accounts of other officers who knew what took place on the left, and whom you have had before you. In the course of the first hour, or hour and a half—between three and half past four o'clock—I was ordered to draw in the right of my line, and detach one or two companies, two companies I think, and send them around to the left; which I did. I took them from the left, and drew down the right of the line, of course relinquishing some ground on the right. At about somewhere between four and half past four—the action had been very hot indeed, and it had become very evident from the rapidity and volume of their fire that they were in much larger force than we were—word was brought to me that I should go around toward the centre, that Colonel Baker was killed. As I came around I learned the fact that my lieutenant colonel, who had the left of the regiment, had been carried from the field severely wounded. As I came around toward the centre, if I may call it so, it was very evident that they had suffered more severely than we had. The troops there were not in so good order; they seemed to be more broken. That is my impression, though I ought to speak very cautiously about other people's troops. But I got the impression that they were in the condition of troops that had suffered the most. The left of my own line was not as strong as the right. As I came around there I met Colonel Lee, who said, "I have the command." I said, "Very well, colonel, I will be very happy to execute any of your orders." He said, "The day is utterly lost; I do not see anything that can be done but to retreat." I said, "Very well, I will do anything you desire to do in regard to it." He spoke to Major Revere, of his regiment, who substantially assented to the proposition. I made some remark indicating that I thought things looked very badly there. As we were talking Colonel Cogswell came up, and it appeared in a moment that he was the officer entitled to take the command. Colonel Cogswell said to me, "Colonel Devens, we should, I think, make an effort to cut our way to Edwards's Ferry; that is the thing to be done." I replied to him, as I had to Colonel Lee, that I would take any orders of his. I told him that my regiment was in good order and could do anything. "Very well," said he, "we must make some preliminary dispositions. You bring your regiment from the right over on the left of the line, and we will push out here into the woods." There was a sort of projection of the wood which swept around from the left of the line, which had not been occupied by the left of Colonel Baker's

line, except so far as it had been occupied by skirmishers who had been pushed out into it. There had been a great deal of heavy skirmishing in it during the day, as was evident when I got around there myself, because there were a great many bodies there—some of our men and a pretty large number of the gray jackets of the rebels. Upon receiving these orders my regiment faced to the left, abandoned its post at the right, and took its place across the original centre, the left in front. I took the left of the regiment, and we then proceeded to place one of my companies in the wood. And two or three companies of the Tammany regiment then came up in the wood at the left—in this wood which projected out a little. From this wood the ground fell off; there was a depression there. My line was formed there, and was formed in complete order, as good as it was formed in the morning, firmly and strongly. One of the companies, company K, was pushed out into this wood; and then Colonel Cogswell made some disposition of the Tammany regiment along the edge of this projecting wood. What he did exactly I do not know, except that I saw he was assigning them positions there. For a short space of time, at that time, the fire lulled, owing, undoubtedly, to a change in the disposition of the troops of the enemy to meet the change we had made. For they filled immediately the wood on the right, along the edge of which the 15th had been placed. They had a strong force there. As we were making these dispositions the firing recommenced. I saw a movement made at this Tammany regiment standing in the position it did. Some one appeared on horseback in front of the Tammany regiment—a rider on a gray horse. I do not know who he was. He took off his hat and waved it in front of the regiment, as an officer would who was calling the troops to come on. Then those three or four companies of the Tammany regiment—all that were there—rushed forward in the direction of this wood occupied by the enemy and charged. At the same moment my own regiment, as if by a magnetic instinct, threw their muskets into the position of charge bayonets and moved forward. I sprang in front of the left of the regiment and my major of the right, and ordered the men to hold fast, that no order had been given them to charge. And as they were posted they could not charge without a change of front. I remember very well springing in front of the line and crying out, "For God's sake, men, stand firm where you are." Immediately on seeing me do this the major did the same on the right, and the regiment held their ground, having moved forward perhaps ten paces. The Tammany regiment moving forward, when it got fairly from the cover of this wood was received by a most terrific fire, against which no regiment could stand. They were driven back in confusion through our line, and in the confusion that followed our line was broken, and the men was driven fairly over the bluff. But in two or three minutes, or in a few minutes, the line was substantially reformed again, although not as completely and perfectly as before, and we gave and received, as we stood there, several volleys. But it became evident that the troops were not in such a condition that a combined military movement could be made with them; at least I supposed so, from the fact that in a short time Colonel Cogswell came to me and said, "Colonel, it is no use; we must retreat here." The major of my regiment at that moment came towards me, and I said, "Colonel, before I give the order, I will be obliged to you to repeat it in the presence of the major." He said, "Certainly; retreat." I then gave the order to retreat, and the regiment moved down through this road or path—the same which they had come up in the morning—on to the bank of the river. There is a plateau which extends between the river and the foot of the bluff, along which this path went. It was perhaps fifty or sixty feet wide. I was then in the rear of the regiment with Colonel Cogswell. We came down upon this plateau, and moved along towards what had been the landing-place in the morning. As I descended from the bluff, I saw the large boat swamped. It was above me in the river, and as I looked up there I saw

it swamped by the large number of men who had crowded upon it. When we were fairly down upon this plateau, and moving along in the direction, Colonel Cogswell said to me, "We shall all be destroyed here; we must do something to try to retard them." I said, "What shall we do?" He said, "Deploy your regiment as skirmishers over the bank." I gave the order, and the regiment pushed over this plateau over on to the abrupt bank of the river, and there behind the trees they fired up towards the bluff and towards the enemy, who were now crowding up towards the crest of the bluff in great force. It was obvious that resistance in that place was hopeless. As a military man, if I had been fighting with Englishmen or Frenchmen, I would have surrendered my regiment in that place at that time. If the question had been left to me to decide, I would not have sacrificed another man, because resistance was hopeless; it was simply impracticable; only protracting the contest, and losing a great deal of life. When my men had returned the fire once or twice, I passed from the rear of the regiment up to the upper portion of it, which was further up the river. As I arrived up there the men and officers asked me what to do. I said to the officers and to the men—a great many of them—"Every man may now take care of himself; be sure that you throw your muskets into the river; that you do not give up your arms to the enemy; but any man who thinks he can save himself by the river, or in any other way, has my leave to do so." I then passed down the regiment to the rear of the regiment again, where I had left the major. When I got to the rear of the regiment it had become quite dark. Some of the men as I came down threw themselves into the river, giving me their money, &c., to keep. I told them it was of no use to give it to me—that I should lose it, if they could not save it. Several of the men swam the river. Two companies of my regiment had rifled muskets; they were the flank companies of the regiment. They considered themselves two as good, if not the best, companies in the regiment. They were very proud of their muskets, and a very large number of those men saved their muskets and saved themselves.

By Mr. Chandler :

Question. Swam the river with their muskets ?

Answer. Yes, sir; swam the river with their muskets at their backs. Of the rifled muskets they brought away almost the half. There was not the same feeling in regard to the smooth-bores. I think they generally threw them into the river. I do not think the enemy got many of them; but there was not the same pride in the weapon, and the men would not risk so much to save them as they would to save the rifles. One man stayed on the Virginia shore two nights because he wanted to bring his musket back.

Question. Did he bring it back ?

Answer. He did; he got some eight or ten miles above Conrad's Ferry, and got opposite a place where we had a picket, and called for the picket, who went over and brought him and his musket back. As I returned to the rear of the regiment the major asked me what I should do. I told him that I was going to make an attempt to save myself, although I was not a good swimmer, and that, in the first place, I was going to get rid of my sword. With that I unbuckled it and threw it into the river as far as I could. The major followed my example. I took off my coat, which I was rather anxious to have saved, because I had been struck once with a bullet which had flattened a button; but I did not deem it prudent to keep it. I stripped nearly to the buff, and went into the river with a lieutenant and two of the men. We found a bit of log floating, and with the help of that we swam to the island, landing not on Harrison's island, but on a small island which is substantially part of that island, but lower down. Using this log to assist myself, we were more liable to float down than if we could have swam directly across. It was entirely dark before I got over. At that time the enemy were pouring down a terrific fire on the

island and on the water, in which every man who could swim was making an attempt to swim across, and two commissioned officers were killed in the river who started across about the same time I did. One of them spoke to me when I was at the upper part of the regiment, and asked me then whether there was anything more for him to do. I said to him, "No, lieutenant; you may save yourself if you think you can; every man may save himself if he thinks he can." That lieutenant was killed in the river.

By Mr. Julian :

Question. Were many shot in the river ?

Answer. How many were shot I do not know. Those two officers were shot in the river. I got on the island and immediately began to get together as many men as I could, to hold possession in case the enemy should make an attempt to cross. I got together some men, and posted them at the passage of the river, but in a short time was informed that a part of Colonel Hinks's regiment was on the island, and that he would arrive immediately and take charge of the island. Perhaps an hour later I met Colonel Hinks coming on the island, and I then left the island to his care and to the care of the men of his fresh regiment. I crossed to the Maryland shore, and went up to Poolesville to find General Stone, but learned that he was at Edwards's Ferry. I reported to him at Edwards's Ferry, arriving there at one or two o'clock in the morning.

By Mr. Gooch :

Question. Reported to him in person at Edwards's Ferry ?

Answer. Yes, sir. The major of the regiment had got safely across to the Maryland shore, got some dry clothes, and immediately returned to the island to give all necessary care to the wounded, and to the men who were on the island. He left the island, the second time, at four o'clock in the morning.

Question. How many were missing from your six hundred and twenty-five men you say you had in the morning ?

Answer. A little less than two hundred.

Question. Killed, wounded, and taken prisoners ?

Answer. Three hundred and ten.

Question. How many killed ?

Answer. I reported only some seventeen killed, because I put no man in the list of killed whom I did not absolutely know, by competent witnesses, to have been killed. But, taking the men who died of their wounds, and the men who were killed and whose bodies were all recovered by us, the number is a little over forty.

Question. Do you know how many of our whole force were killed ?

Answer. No, sir. I think the regiments suffered very nearly in the same proportion.

Question. In killed, wounded, and prisoners ?

Answer. Yes, sir. I think it would be substantially the same, because, although before the main action had commenced, my regiment had lost, in killed and wounded, something like thirty or forty men, yet I do not think we lost quite so heavily in the main action as the other two regiments.

Question. Was the means of transportation used by you in the morning when you crossed provided by General Stone ?

Answer. It was then.

Question. General Stone knew the means you had to make the crossing ?

Answer. I take it for granted that the general who directs me to cross knows what I am to cross in.

Question. What did you cross in ?

Answer. I crossed my regiment with a life-boat and two skiffs. The life-boat would hold something like twenty-five men. The two skiffs would hold

seven or eight men each. I did not take so many men as that in crossing, because I was taking great pains to make no noise.

Question. The boat which you saw swamped was brought there after that?

Answer. Yes, sir.

Question. And that was all the means you had, or that was provided at any time for crossing the men over to the Virginia shore.

Answer. Yes, sir; I suppose so. I never heard of anything more. I did not see the river from the time I left it at daybreak until I saw it again at dark.

Question. You are still stationed under General Stone?

Answer. Yes, sir.

Question. Do you know anything in relation to communications with the enemy across the river?

Answer. I know that flags of truce cross occasionally; how often I do not know.

Question. Do you know anything about packages of letters being sent back and forth?

Answer. I have myself sent letters to General Stone to be sent. I have sent money to my men in Richmond.

Question. Those are all the communications you know of?

Answer. Yes, sir. Those I sent to General Stone to deliberate upon as usual.

Question. Has your regiment been engaged on picket duty?

Answer. Yes, sir.

Question. At what point?

Answer. From Conrad's Ferry down three miles below it.

Question. For how long a time?

Answer. Since the last of August.

Question. What is the feeling among the officers and men in your regiment, so far as you know, in relation to General Stone? Have they confidence in him?

Answer. I think they have.

Question. Do you know anything to the contrary? Have you heard any expressions among the men and officers of a want of confidence in General Stone?

Answer. Well, sir, I do not see the men very familiarly; because, with a thousand men, if I am able to see all the men who want to see me on business, that is as much as I can attend to. About the men I cannot tell.

Question. How in regard to the officers?

Answer. In regard to the officers of the 15th regiment, I think they have confidence in General Stone.

Question. When Colonel Cogswell proposed to you to make your way down to Edwards's Ferry, he did that, I suppose, because of the difficulty of crossing the river with the transportation you had?

Answer. Precisely.

Question. That seemed to be the only course left?

Answer. That seemed to be the only course.

Question. If it had been a possible thing for you to have brought your force in a condition to have made the march to Edwards's Ferry, you think you would have done so rather than to have risked the crossing back where you were?

Answer. Yes, sir; I have no doubt that was the true move, not the least. And if it had not been for the confusion created by the attack upon the Tammany regiment, there is no doubt that we should have got the column in such order that we should have made an orderly and resolute retreat. We might have lost a great many men.

Question. Still, it would have been better than to have crossed the river?

Answer. Yes, sir.

Question. You are confident that at one of the two hours you mentioned you were informed that General Baker was going on the field to take command?

Answer. That General Baker would come and take command, I am confident of that; and from that time I ceased to consider General Stone my immediate commander, ceased to suppose I had any immediate relations with him, but supposed my immediate relations were with General Baker.

WASHINGTON, January 28, 1862.

General NATHANIEL P. BANKS SWORN and examined.

By the chairman:

Question. What is your rank and position in the army?

Answer. I hold a commission as major general of volunteers. I am at present in command of the division whose headquarters are at Frederick, consisting of three brigades, two there and one at Hancock.

Question. What number of men have you?

Answer. We have upon the roster 17,500; perhaps 16,000 effective men.

Question. What is their condition as to health?

Answer. The condition of the division in regard to health may be said to be good; perhaps very good. There have been times in the summer and autumn when for two or three weeks there was more than the usual degree of sickness. But I think it is as healthy as any division in the army. I think that is the judgment of the sanitary commission.

Question. What is their discipline?

Answer. It is pretty good, so far as it becomes me to speak. I can only say that our troops become better after being with us a little time.

Question. Are they well armed?

Answer. Not so well as they should be.

Question. What kind of arms have they?

Answer. They have every kind of arms. The deficiency of the division in point of arms is, that one regiment has too many different kinds of arms; and one regiment there has as many as eight different calibres, and other distinctions, which are substantial differences that require different ammunition; not eight different calibres, but eight different arms, and which subjects us to the danger of having the wrong ammunition delivered to the men. We are changing that, however, as fast as we can. The division is improving in that respect every day.

Question. What kind of arms do you regard as the best?

Answer. I should suppose that the United States Springfield muskets are about as good as any we could get, that is, for the time. For skirmishers we want rifles.

Question. How about your subordinate officers? Are they pretty generally efficient and men of capacity, or do you find trouble with them?

Answer. They are creditably efficient and capable. But there are a great many men sent into the army who are not capable. We have had a board of examination which has sifted the officers of the division very thoroughly.

Question. Do you think that board to be useful?

Answer. Yes, sir; decidedly so, in my judgment. It has seemed to me that if deficient in any respect it was against the officers and not against the government, as it is administered with us. I do not know that any case of injustice has occurred; I do not think there has. But it seems to me that there was a possibility of that.

Question. They were sufficiently severe in their examination ?

Answer. Yes, sir.

Question. Where were you stationed at the time of the disaster at Ball's Bluff ?

Answer. I was then at Darnestown, nine miles from Poolesville, General Stone's headquarters—nearer the city of Washington than Poolesville is.

Question. Will you state, in your own way, what you know about that affair ?

Answer. The most I could state would be in relation to that part I had connexion with. The action, I believe, took place on the 21st of October. I was told, on the Sunday evening before, by some of my men who had been down to Poolesville, that a portion of General Stone's troops were under arms. I immediately telegraphed to General Stone to know if the fact was so, and if he had news of the movements of the enemy. I suppose this may have been six or seven o'clock Sunday evening. He replied, late at night, that he had heard no news of the enemy, but if he should do so he would immediately inform me. Not supposing, from the information I had, that the enemy was likely to make any movement, I dismissed the subject from my mind, thinking that General Stone had some other purpose for calling out his troops.

On Monday, about two o'clock, I received a despatch from General Stone saying that his troops had crossed the river—nothing more than that. I also received a despatch from headquarters at Washington stating substantially the same fact. At four o'clock I received another despatch from General Stone that his troops had crossed the river, and were sharply engaged. A few minutes after that I received still another, saying I better send him a brigade—and a despatch from Washington to substantially the same effect. I despatched my second brigade, General Abercrombie, to him; he is a most efficient officer, and it is an excellent brigade. After he had left, and about half past five in the evening, I received an order from Washington to march my two remaining brigades, under my own command, to Seneca with a view to the movements of the enemy opposite Poolesville. At eight o'clock we were on the road, and arrived at Seneca at ten o'clock at night, and we substantially bivouacked at that time. At twelve o'clock I received a note from General Stone saying that his troops had been sharply engaged on his right; that Colonel Baker was killed, and intimating that re-enforcements would be acceptable to him. This despatch went to Darnestown, and was two or three hours on the road. General McClellan also telegraphed substantially the same thing. General McClellan ordered us to Edwards's Ferry, as being nearer to General Stone. I immediately put ourselves on the road, and the head of the column reached Edwards's Ferry at three o'clock in the morning. It had been a very rainy night, and the roads were difficult; and we had marched eighteen or twenty miles between eight o'clock in the evening and three or four o'clock in the morning. The affair was over then. Indeed, before we had received the order to march the first brigade, or about that time, Colonel Baker had been killed. I saw General Stone when I arrived at Edwards's Ferry. He was there; that was his headquarters. He explained to me the condition of things, and gave me the command, my commission being higher than his own, and it also being substantially in conformity with the instructions of General McClellan to me. I made such inquiries as I could while I was there with him; learned from him the state of affairs and what occurred. And he left me without any suggestions in regard to what was best to be done.

A few hours after I reached there General Lander came up from Washington. He commanded a brigade in General Stone's division, and he had come out to take the lead of his brigade. I had a consultation with General

Lander and General Gorman as to what we should do. It resulted, I think I may say, in this, substantially: General Gorman, who had been there throughout the action, and was across the river, and had charge of the ferry, was of opinion that the troops should be withdrawn. General Lander was of the opinion that we should cross the river, to the Virginia side, with our whole force, and my own judgment accorded with his; not because it was the best policy, but, under the circumstances, it was all that we could do. I said it was my duty to cross the river, and we immediately set about that work.

There were two small flatboats and one canal-boat there, all of which were managed with difficulty. General Abercrombie's brigade, of my division, was the first which was ordered to cross, and General Williams, the third brigade, was ordered to cross after him. General Hamilton was at Harrison's island, about four miles above this point. About two or half past two o'clock in the day General Abercrombie had crossed with two of his regiments. Colonel Webster, with the twelfth Massachusetts, was at Seneca, under orders to march, but had not arrived, and Colonel Lincoln was at Sharpsburg, twenty miles above, and others were preparing to cross when, about four o'clock, the enemy came down at that point, the first time they had shown themselves there. The troops had quite a sharp skirmish, which lasted three-quarters of an hour, in which General Lander was wounded. I started to go over the river before the skirmish commenced, and was over there soon after it commenced and while it lasted. No other troops crossed that night.

About three o'clock I received a despatch from the operator at Darnestown, saying that General McClellan was on his way, and desired a report of the condition of things. I ought, however, to say, in passing, that at eight o'clock in the morning, when I arrived there, I telegraphed to General McClellan what we proposed to do—that is, that we would follow his instructions to cross the river; but my judgment was that it was a bad position for us, unless we could have support on the Virginia side of the river, from Drainesville—some support coming up on the left, to take the enemy in flank. I supposed then that our forces were in Drainesville. I learned afterwards that that was an impossible thing, that no aid could be given to us. I stated my own view of the general condition there, and the impolicy of our undertaking to cross the river in force with the transportation we had, and in the condition of affairs there. I received a reply from him saying that we should still cross the river and intrench ourselves, and hold the ground on the Virginia side to the best of our ability. We did so.

At three o'clock I received from General McClellan notice that he was at Darnestown and would be up that evening. We suspended operations in crossing until he should come up, supposing he would be there at least at 5 o'clock, Darnestown being but nine (9) miles from Poolesville, and but ten or twelve miles from Edwards's Ferry. He arrived at that time and assumed command himself. He was still of the opinion that it was better to cross. In the morning when I had given orders to General Abercrombie to cross his brigade, I had also given orders to General Gorman to seize all the boats upon the canal. But we were not able to get any more than the three boats there for that day's operations; and the next day we still continued our attempt to cross the troops, the remaining two brigades. The enemy showed himself to the scouts two or three times in the course of that day. But such was the condition of the river, which was rough, and the wind so high that it was difficult for us to get anybody across at all. Until 10 o'clock in the evening we had crossed but few troops. But in the evening the wind blew so that it was impossible to get a boat over. It had been increasing all the day. We could not transport our troops across, or our

guns. The Rhode Island battery had tried to get across ; they had towed up their boat something like a mile up the river, but the current and the wind were so strong that it drove the boat down on the same side of the river, and they had to debark their guns. That ended the operations of Wednesday. But on Wednesday night we got twelve boats, seven of them were in the river available for our purpose, and five of them were in the canal, and could be easily slipped into the river. General McClellan was of opinion at that time, not knowing the condition of the enemy, and knowing that we could not provide transportation to secure ourselves for recrossing in case of disaster, that it was better to withdraw the troops ; and at 10 o'clock Wednesday night the order was given to withdraw the troops. They commenced recrossing to the Maryland side about 12 o'clock, and at 3 o'clock they were all over. I suppose there were about 4,100 or 4,200 troops of my division and of General Stone's division on the Virginia side on Wednesday. At 4 o'clock Thursday morning they were all over on this side. I remained at Edwards's Ferry a couple of days, and then returned under orders to our own camp. That, substantially, was the part which I had in the affair.

Question. Do you know what the object of that crossing was—what was proposed to be accomplished by it ?

Answer. My impression in regard to that is, that it was stimulated by the affair at Drainesville, and that it was intended as a reconnoissance in force somewhat—a reconnoissance for the purpose of obtaining information of the strength, condition, and spirit of the enemy, at or near Leesburg. I think it began in that way.

Question. Were you aware that the day before that battle, General McCall's division was up as far as Drainesville, on the Virginia side ?

Answer. We had supposed that it was.

Question. It had been, had it not ?

Answer. Yes, sir ; but I believe it had been withdrawn before this affair.

Question. That is precisely what I want to inquire about. Why was that division withdrawn before this crossing ? How happened it that they did not co-operate ?

Answer. That question I am unable to answer. I had no knowledge of the affair at all until I was summoned to go there. I had supposed myself, and, indeed, in my despatch to General McClellan I said that it was absolutely necessary that we should have some support from that side of the river, from the direction of Drainesville.

Question. I understood you to say that the reply to that was that that could not be done ?

Answer. Yes, sir. That was the impression I had got.

Question. What was in the way ?

Answer. I understood afterwards that it was because the force had been withdrawn from Drainesville. That came to me I cannot tell how. I did not receive it directly from General McClellan. But that was the impression I got.

Question. But what seems strange to us, who are not military men, is that the very day or night before the crossing at Ball's Bluff, this division, which had advanced up as far as Drainesville, and the advanced columns of which were probably beyond, and within a few hours of Leesburg, should have been ordered to retire before the demonstration to cross the river at Ball's Bluff was made. We cannot understand that. There was General Smith's division supporting General McCall within striking distance, and they both retired just before this demonstration at Edwards's Ferry and at Ball's Bluff.

Answer. The natural supposition would be that they were not in co-opera-

tion with each other. I do not know how this affair originated at Edwards's Ferry. I had no knowledge of that whatever.

Question. Would there have been any difficulty in the divisions of General McCall and General Smith co-operating with your division and that of General Stone, and taking Leesburg, if that had been thought necessary then?

Answer. I do not know of any difficulty. I do not know of any obstacle myself. I never had information of the motives which led to this affair at Ball's Bluff. I only know what I have stated as to the original purpose of it when it commenced—that it was for a reconnoissance.

Question. At the time that the battle was going on at Ball's Bluff there were some 1,500 of our troops, as we understand, across at Edwards's Ferry on the Virginia side?

Answer. Yes, sir.

Question. Would it not have been good generalship to have ordered them to the support of the troops we had across at Ball's Bluff?

Answer. Undoubtedly, it would have been a very wise movement. But the understanding then with the officers of General Stone's brigade, was that there were concealed batteries on that side of the river, in the woods between the two points. I have no knowledge of myself, but so much I learned by inquiries in regard to the condition of things.

Question. Then, can anybody tell why they should have placed troops across there that could not co-operate on account of those batteries? If they knew there was a battery there that would prevent their supporting one another, I cannot see the purpose for putting troops across at Edwards's Ferry. Some 1,500 stayed over there the night after that disaster, apparently at the mercy of a victorious enemy. I cannot see why they did not share the same fate. I cannot see why they were placed there, provided there was a battery there which would have prevented their supporting each other.

Answer. I should say, without knowing anything of the motives which determined the question at that time, that it might have been for the purpose of distracting the enemy. A force of 1,500 or 2,000 men moving upon Leesburg from the left, upon a proper and natural road, might be supposed, possibly, to distract the enemy in that direction, and prevent the attack upon the other side; that is, with two forces moving up towards the same point, one might distract the enemy, and thus assist the co-operating force. I do not know that that was in view.

Question. Do you know whether the enemy are now fortifying and intrenching themselves opposite Ball's Bluff?

Answer. Not opposite Ball's Bluff; but our information is that they are intrenching themselves on the other side of the town of Leesburg, looking to the direction of Martinsburg and Winchester, for instance, expecting, possibly, an attack from that side. There are some fortifications between Leesburg and the river; small fortifications. But those they have been erecting recently, according to our information, have been chiefly upon the other side of the town.

Question. Have you been down there lately, so that you would know how near our lines they were erecting fortifications?

Answer. No, sir; I could not say as to that. But most likely there are small fortifications at different points between the town of Leesburg and the river. Those on the other side of the town we understand to be one mile from the town, and of considerable extent.

Question. Are the nearest ones within the range of our guns?

Answer. From the river?

Question. Yes, sir.

Answer. I should say not—not any that are occupied and armed. There was all the time during the summer a small fortification within sight of Edwards's Ferry, on the Maryland side, but I do not think it has ever been armed, nor do I think that they rely upon that. Further up towards Leesburg there are some small fortifications, probably well mounted.

By Mr. Gooch:

Question. Is the one near the river within reach of our guns?

Answer. Yes, sir; within a very wide range—a distance of two or three miles.

By Mr. Chandler:

Question. Suppose there had been no fortifications with guns mounted between Edward's Ferry and Ball's Bluff, would you not have deemed it the duty of the general in command there to have ordered up the 1,500 men to the support of Colonel Baker in that fight, if there had been no serious obstacle in the way?

Answer. Naturally, it would have occurred to me, just as it did the morning after, that a flank movement upon the enemy would have been very efficient; but I have no knowledge of the reason that prevented that, except the objection that there were concealed batteries there that it was not advisable to meet.

By the chairman:

Question. Are the condition of the roads now such that an army could move with any efficiency at all?

Answer. With us only on the turnpike roads. There are two turnpike roads upon which the town of Frederick is built, where we could move very well, indeed. But upon the side roads, what are called in the country there "dirt roads," we would find it very impassable soon; for they are soft, and the wagons would cut them up immediately. Still, we can move on the Maryland side of the river without a great deal of trouble.

By Mr. Gooch:

Question. One question in relation to the crossing. You said that General Gorman thought it not advisable for our forces to cross. General Lander thought it was, and you felt constrained to adopt General Lander's view. Do you mean that you felt constrained in consequence of instructions or orders?

Answer. I concurred with General Lander on account of my instructions; but then it was not an affair that I should have planned myself at that time.

Question. You took your instructions from General McClellan?

Answer. My instructions from General McClellan were to cross the river, and I did so as far as was practicable. The difficulty was that we had no transportation to make it safe. We had but three boats at Edwards's Ferry, without cables, and that was not sufficient to cross a force like mine. It would not have been proper for me to have undertaken it upon my own option and under my own direction, without any orders; but, considering that we had troops over there, I was very willing to follow my orders.

Question. If you had been about to make a crossing there, and had known it beforehand, you would have provided different means of transporting your troops across the river?

Answer. Yes, sir.

Question. Did I understand you that General Hamilton's brigade crossed at Harrison's island?

Answer. To the island.

Question. Not to the Virginia side ?

Answer. No, sir. He arrived there at 10 o'clock. His orders from General Stone were to take such a position as to command the island, so as to protect the crossing—the island being about half-way across the river—and he did so.

Question. Do you know anything about the orders General Stone received from General McClellan ?

Answer. No, sir; nothing whatever.

Question. Nor anything of those that General Stone gave to Colonel Baker ?

Answer. Nothing, except as he related them to me in his account of the affair on the morning I arrived. I had communication immediately with him. I could repeat the account I received of him, but beyond that I could not say anything.

Question. This was after the battle ?

Answer. Yes, sir; it was at 3 o'clock the next morning that I saw him.

Question. Will you state the account of it as he gave it at that time ?

Answer. In relating the affair to me, on my arrival, General Stone said that it commenced with the purpose to make a thorough reconnoissance of the strength and position of the enemy. He said the movements of the early part of the day were all in accordance with his plan. He being at Edwards's Ferry, and the report coming from a position opposite Conrad's Ferry, where the affair took place, that there was no enemy in sight, he had said to Colonel Baker that he should cross his force, and act according to his own discretion upon the information given to them both, and which I think Colonel Baker had brought down himself. These reports that came from Conrad's Ferry to General Stone were that there had been no enemy in force found there; that the first party had seen some camps near to Leesburg, and the second party who went out reported that the first party were mistaken, and that there were no camps there. Colonel Baker therefore crossed, under the direction of General Stone, as speedily as he could, and with instructions to act according to his own discretion upon the statement of facts they had received. He did not relate to me what Colonel Baker's purpose and action were, but that he had crossed about 2 o'clock in the afternoon, and the enemy in great force was immediately upon him. They had had no information of the approach of the enemy, for some reason or other; but so soon as Colonel Baker had crossed the river with his brigade, the enemy came down in a force of from 4,000 to 6,000 men, he said, and Colonel Baker being unprepared, they were accordingly beaten in that action.

Question. His statement to you was that he had directed Colonel Baker to cross, and gave him discretion to act after he had got over there.

Answer. My impression was that Colonel Baker desired to cross, and General Stone gave him authority to act pretty much within his own discretion, considering the statement of facts which had been made to them in regard to the position and strength of the enemy, which was very different from what it afterwards turned out to be. General Gorman, also, said to me, on the same morning, that he had consented to the operations of the day, supposing it to be a reconnoissance only, and not for an instant intending or expecting that it was to be an engagement with the enemy in force. If he had thought that that was to be the ultimate result of it, he said he should have refused his consent to the movement. General Stone, although he gave it in a different view, substantially confirmed that opinion as to the purpose. I do not think myself that Colonel Baker could have done otherwise than he did. Being across, it was necessary for him to fight. I should have done the same thing.

Question. So that if it had only been a reconnoissance, with the means of

crossing there, it ought to have been in much less force and proportion to their ability to cross and recross?

Answer. Yes, sir; the means of transportation was greatly deficient.

By Mr. Chandle

Question. Whose duty was it to see about the means of crossing?

Answer. That depends upon who was in charge.

Question. It was the one who ordered the crossing, was it not?

Answer. It was necessary for the officer who planned the affair to pass his judgment upon that.

Question. Who was that?

Answer. I do not know.

Question. If it had been in your division you would have been responsible for the transportation?

Answer. Yes, sir; that was the first thing I thought of when I got there. I immediately looked for transportation sufficient to cross and recross. I found it was not sufficient, and could not be obtained in sufficiency at the time; and I so reported as one of the reasons why it was of doubtful expediency to cross. My own impression about it is, that this is one of those affairs where the responsibility shifts by the mutual consent of parties; the trouble comes from that. It very often happens in war, and it probably was so in this case. That is to say, the responsibility of the affair, from the time Colonel Baker commenced crossing, was not positively fixed upon any one man, but it was a kind of shifting and divided responsibility.

Question. Would not that depend upon the fact that he was a subordinate officer? If he received peremptory orders to cross he would not be responsible for the means of crossing, but would have to cross with the best means he had at hand.

Answer. Yes, sir; that is true. I would not be understood to say that he had peremptory orders to cross, but when across he was to act according to circumstances, and do what he thought was best. That is what I understood, according to the explanation given to me.

WASHINGTON, *January 29, 1862.*

Captain C. M. MERRITT sworn and examined.

By the chairman:

Question. What is your rank and position in the army?

Answer. I am a captain

Question. Of what company and regiment?

Answer. Company A, 19th Massachusetts regiment

Question. Where have you been stationed for sometime past?

Answer. In General Lander's brigade, at or near Poolesville. We are now detached.

Question. Were you present at the battle of Ball's Bluff?

Answer. My regiment did not cross the river; they crossed on to the island. My company was the first company that crossed to the island. I was there for three weeks before the fight, and my men were at work on the island, removing hay, under the superintendence of General Stone, and digging intrenchments, and assisting in getting the boats, that General Stone brought there, into the river from the canal.

Question. What do you think of the means of transportation at the time of that battle?

Answer. In my opinion it was very poor—not sufficient.

Question. Was not the transportation most manifestly insufficient?

Answer. It was, indeed. Another thing, there was no one there to take charge of them. General Stone was there several times in the night for days before the fight. And on the morning of the fight, after our folks had crossed, my men had to go and cut little trees there to get poles to push the boats across—what few poles they did have.

Question. What do you know about the orders to cross on the day of the fight?

Answer. Nothing further than was said by Colonel Lee, of our regiment, who is now a prisoner in Richmond. I was with him the night previous to the fight, and he told me that General Stone said they must take the rebel encampment before 12 o'clock the next day, or be whipped.

Question. He said that General Stone told him so?

Answer. Yes, sir; that that were his orders from General Stone.

Question. How were those boats manned?

Answer. They were very insufficiently manned, for the reason that we knew nothing about manning the boats until the time arrived for them to cross, and the men were taken promiscuously from the companies, and consequently they took those that were unacquainted with boating. I think there might have been men picked out there who would have manned the boats very well. But our men were very green, indeed, at that matter. In order to get poles long enough the men had to cut down very sizeable trees, and that made the poles so heavy as to make them almost unmanageable. And until late in the afternoon, when Colonel Hicks had ropes stretched across there, no boat could make the passage across and back in less than an hour and a quarter.

Question. How many would the boats carry?

Answer. One boat would carry one hundred men, and the other two would carry from thirty to fifty men each. But it was very late in the morning before we got the big boat over. General Baker had it taken from the bank into the river.

Question. How long would it take to have made a pontoon bridge there, or to have got a sufficient number of boats to have transferred that army to the other shore?

Answer. I think that if we had had the conveniences at hand we could have put a bridge across there so that five thousand troops could have crossed in an hour.

Question. How long a time would it have taken to have made such a bridge? Take everything just as it was, suppose an enterprise to cross the river had been in contemplation two or three days before?

Answer. I think it could have been done in two or three hours. I think I know that my superior officers, with the conveniences that might have been got on hand in two or three days, could have made a bridge across there in two or three hours.

By Mr. Gooch :

Question. That is, by taking two or three days to collect the materials, they could build a bridge in two or three hours?

Answer. Yes, sir; I know they could have built it as quick as they built it at Edwards's Ferry, afterwards.

By the chairman :

Question. How long did it take to do that?

Answer. It was done in one morning. I did not see General Stone the morning of the fight; but Colonel Hicks told Captain Stewart, General Stone's

assistant adjutant general, that he could put a bridge across there in two hours if they would let him seize some canal boats; but there was no one there to give him orders. About two hours afterwards Captain Stewart told him he could do so; but it was too late then; our forces had began to retreat. The boats could have been lugged out of the canal into the river three or four miles below, and taken up.

Question. When was this told to Captain Stewart?

Answer. During the day.

Question. General Stone could have had a bridge built there the day before?

Answer. Yes, sir; he might have done it the day of the fight; I think, from what I have seen there.

Question. What military reasons could a man have for sending troops across there with only such means of transportation as you had? Was it not culpable neglect?

Answer. It was criminal neglect, I call it; I thought so at the time. My first lieutenant on Sunday morning remarked to me that if we undertook to cross there with the means of transportation we then had, there would be a disaster. He remarked that there was no provision for a retreat if we had to retreat. There were three boats to get on the island, and only one to get off. The transportation was not distributed equally.

Question. Do you know anything about the swamping of the boat there?

Answer. Some men of my regiment were on the boat that was swamped, but not of my company. Company F manned the boat on the Virginia side of the island. I was on the island the time the boat was swamped. The way I understand and believe it to have been done was this: they had about thirty wounded persons in the boat to bring across, and Colonel Devens gave the order to his men to save themselves the best way they could. A rush was made for the boat and she careened and went down immediately.

By Mr. Chandler :

Question. What do you know about correspondence passing between rebels and General Stone?

Answer. I know nothing that I can swear to, with the exception that some people in Rockville, where I am acting as provost marshal, have given me letters to be transmitted to General Stone to be sent over the river. I have not read them.

Question. Were they sealed letters?

Answer. I do not know what was inside of them; the outer envelope was not sealed, and I thought I had no right to open them.

Question. You have no personal knowledge of the crossing of letters by flags of truce?

Answer. No, sir.

Question. Do you know anything about persons passing pro and con?

Answer. Not to my personal knowledge.

Question. Have you learned that fact from conversations with officers?

Answer. Yes, sir; I have understood that was the case, and I have been told by a lieutenant of the 20th Massachusetts regiment that General Stone had sent two negroes across the river.

Question. To the rebels?

Answer. Yes, sir?

Question. In regard to those letters sent up to General Stone, do you know the character of the persons from whom they were sent?

Answer. I am acting as provost marshal at Rockville. Persons who have been strongly suspected, and some who have told me they were secessionists, have sent letters to me to go to General Stone and from there to Virginia under a flag of truce.

By Mr. Gooch :

Question. Do you know whether those letters went ?

Answer. I do not. I know that I forwarded them to General Stone.

Question. Have the same parties come to you more than once with letters ?

Answer. I think one party has sent me letters at two different times.

Question. Who was that party ?

Answer. Her name is Mrs. West. I think she sent me letters twice.

Question. Is she a secessionist ?

Answer. Yes, sir.

Question. How do you know that ?

Answer. She told me she was. She said she told our soldiers that came through there that she hoped every one of them would get killed.

Question. Have you ever received any letters that came across the river to be given to parties on the Maryland side ?

Answer. Yes, sir.

Question. How many ?

Answer. I think I never received but one.

Question. For whom was that ?

Answer. For the Catholic priest in Rockville.

Question. Was it a sealed letter ?

Answer. Yes, sir.

Question. Is he a loyal man ?

Answer. I should suppose not, though I do not know. There are very few loyal people in that vicinity.

Question. Is there any discussion, so far as you know, among the officers and men under General Stone as to his loyalty.

Answer. Yes, sir.

Question. What are the opinions expressed by them ?

Answer. As far as my intercourse with other officers has been, I have heard them express the idea that he was not a loyal citizen.

Question. What reasons do they give for supposing so ?

Answer. The fact that they had never seen a secessionist but what expressed his or her admiration for General Stone; and the fact of his refusal to allow people with good reasons to cross the river, and allowing people to cross with no good reasons.

Question. To what extent does this want of confidence in General Stone go; so far as to make the men unwilling to go into battle under him in case he should require them to do so ?

Answer. I have heard both men and officers express their unwillingness to fight under General Stone. And while home in Massachusetts I have found it difficult to enlist men to serve under him, from representations made by persons in the regiments here.

Question. What do you say is the cause that makes the people at home unwilling to enlist in regiments under General Stone ?

Answer. They have no confidence in General Stone, that is what they say.

Question. What do you say has caused the people at home to lose confidence in General Stone ? Is it the accounts they have received from the men under his command ?

Answer. Yes, sir. That is what they assured me. The Ball's Bluff disaster also. I have never met with a person in our regiment but what has attributed that disaster solely to General Stone, especially those four companies which were on picket where my company was before the fight. They saw that General Stone was there at work every night superintending it, and saw that he did prepare what transportation there was; they saw

that it was insufficient, totally insufficient for the purpose. It was very surprising to our men to see so large a force on the tow-path, enthusiastic and desirous to cross, and yet obliged to remain there all day for want of transportation.

Question. Do you know the number of men there on the Maryland side ready to cross if the means of transportation had been provided?

Answer. No, sir. I have no definite knowledge of the exact number.

Question. Was there a considerable force?

Answer. I have heard it estimated that there were 4,000. I think there might have been anywhere between 2,500 and 4,000 men. They extended from my company's headquarters all the way along to Conrad's Ferry, something like two or three miles.

Question. Could arrangements have been made there for building a bridge so that it could have been done on Sunday night, in such manner as not to have excited the suspicions of the enemy.

Answer. I think so. That is merely a matter of opinion on my part. But there were no rebels in sight for two or three days previous to the fight.

Question. Do you know anything in regard to signals made to the enemy by people on the Maryland side?

Answer. Yes, sir; I know we thought there were.

Question. State what you know about that.

Answer. I know that the picket noticed what they supposed to be signals, and gave information of it; and Captain Rice, who was the senior captain of the four companies, sent a guard to the house, but the guard was removed by order of General Stone.

Question. The guard was sent to the house where the signals were made?

Answer. Yes, sir; where the supposed signals were made.

Question. What did they see that they supposed to be signals?

Answer. They saw a light waved at the window at one time, and a light set at the centre bar of the window at another time—set there and taken down at intervals, and put back again—a very suspicious circumstance; and we supposed it our duty to look after such things, and put guards there. But they complained of it, and said they had sickness in the house, and the guard was removed.

Question. How many times, and how frequently would the lights appear and disappear?

Answer. Perhaps it would appear six times in ten minutes in a certain position.

Question. Was the house so situated that the light could be easily seen from the other side?

Answer. Yes, sir.

Question. Have you known of that at more than one house?

Answer. Not to my personal knowledge. I have heard the same of another house, and which stands on an eminence, and with the same result. A guard was put over the house, complaint was made, and the guard was removed.

Question. What is the character of the people who occupy those houses?

Answer. They are secessionists.

Question. At the time these signals were being made were your forces making any change in their position, or were there any facts occurring which you thought these secessionists might want to communicate to the other side?

Answer. Well, sir, we being on the tow-path, and confined to very narrow limits, had no knowledge of what was transpiring a mile or so from us in any direction.

Question. Do you know whether General Stone made investigations in relation to these matters before he ordered the guards to be removed?

Answer. I do not.

Question. You do not know what investigations he made, or whether he made any?

Answer. I could not swear that he ordered the guards to be removed—only that they were removed, and it was said to be by his order.

WASHINGTON, *January 31, 1862.*

The chairman informed the committee that General Charles P. Stone was in attendance, as he stated, by order of the Secretary of War.

On motion of Mr. Gooch,

The chairman was instructed to notify General Stone that the committee was ready to see him.

General CHARLES P. STONE then appeared and said:

The Secretary of War said to me yesterday that certain testimony had been given before this committee which affected me in such a way that I ought to come before you and explain these matters. The only indication given to me of what that evidence is, is that it touches my loyalty. Further than that I do not know what it is. I am here to give any explanation that the committee may desire.

The chairman: In the course of our investigations here there has come out in evidence matters which may be said to impeach you. I do not know that I can enumerate all the points, but I think I can. In the first place is your conduct in the Ball's Bluff affair—your ordering your forces over without sufficient means of transportation, and, in that way, of course endangering your army, in case of a check, by not being able to re-enforce them. That is one of the points.

General Stone: I will answer that one. I think I stated in evidence myself, here, very clearly and distinctly, the facts in the case. I do not know how far the committee may have conceived that I risked the troops there. I certainly did risk the first party sent over; but I think that to any military eye I explained very clearly how I arranged for their return. I gave discretionary power to the next officer, who had command of a sufficient number of troops—discretionary power, he being the judge of the propriety of passing over, and the means he had to do so—whether he should retire what troops were over there or whether he should advance more. That officer took the responsibility of making a passage of more troops, with a full knowledge of the facts. And then I conceived that all responsibility of mine ended, especially as he sent back to me, as an excuse for passing over more troops, the statement that he had got another boat out of the canal into the river—of what capacity is more than I knew, but it was a large boat—and that he was stretching a line across to facilitate the passage. I knew that boat he had got into the river was a pretty capacious one, and I knew the capacity of all the other boats we had; and I knew that with a line stretched across there, and with the increased transportation he mentioned, we could pass troops over rapidly and securely. I do not hold that I was responsible from the time I sent Colonel Baker to the crossing point with discretionary power to pass or not to pass.

The chairman: We do not profess to sit here as a military board; we are not military men; we do not profess to be competent judges of these matters. But we deem that the testimony tends also to impeach you for not re-enforcing

those troops when they were over there in the face of the enemy, and, in connexion with that, when you knew the battle was proceeding, that you did not go within three or four miles of it.

General Stone: From what point should they have been re-enforced?

The chairman: We cannot help but think that they ought to have been re-enforced—for instance, from Edwards's Ferry, or perhaps, if you had sufficient transportation, as you intimate, then right across at Ball's Bluff.

General Stone: Colonel Baker had at his disposal a force vastly superior to that of the enemy.

The chairman: I propose merely to state the heads; I do not desire to discuss them.

General Stone: I should like to know those heads. And I would be greatly pleased if two members of this committee, or three, or four, or the whole of them, would just take a trip up to that ground, and look at it a half an hour, and see if they do not become thoroughly satisfied of the impracticability and false soldiership which would have been shown if we had attempted to pass troops from Edwards's Ferry to the right at that time.

The chairman: We are not military men, any of us.

General Stone: But you judge military men.

The chairman: Yes, sir; but not finally. We only state what, in our opinion, tends to impeach them, when the evidence seems to do so, and then leave it to better judges to determine. Those two points, we thought, tended to impeach your conduct on that occasion. Another point is, you are apparently impeached. I say "impeached." The evidence tends to prove that you have had undue communication with the enemy by letters that have passed back and forth, by intercourse with officers from the other side, and by permitting packages to go over unexamined to known secessionists.

General Stone: That is one humiliation I had hoped I never should be subjected to. I thought there was one calumny that could not be brought against me. Any other calumny that anybody can raise I should expect, after what I have received; but that one I should have supposed that you, personally, Mr. Chairman, would have rejected at once. You remember last winter when this government had so few friends, who had this city, I might almost say, in his power? I raised all the volunteer troops that were here during the seven dark days of last winter. I disciplined and posted those troops. I commanded them, and those troops were the first to invade the soil of Virginia, and I led them.

The chairman: I was not so unjust as not to mention that circumstance. I have mentioned it to the committee.

General Stone: I could have surrendered Washington. And now I will swear that this government has not a more faithful soldier; of poor capacity, it is true; but a more faithful soldier this government has not had from the day General Scott called me, the 31st day of December, 1860, up to this minute. As to any particular cases of carrying letters across the river, it is utterly false that I have had the slightest improper communication with the enemy. The charge is too false almost for a soldier to answer. I can give every instance of communication over there. I had, unfortunately, soldiers under my command who were prisoners in Leesburg, who were wounded, and I felt very anxious for those soldiers.

The chairman: The next and only other point is—

General Stone: I think I should be allowed an opportunity to speak.

The chairman: Certainly, you shall have the amplest opportunity to say all you desire. But I thought it best for me to conclude all that I have to say, and then allow you to make whatever statements you deem proper.

The next and only other point that now occurs to me is, that you have

suffered the enemy to erect formidable fortifications or batteries on the opposite side of the river within the reach of your guns, and that you could easily have prevented. That is the testimony.

General Stone: That is equally false. I will first take up this matter of communication with the enemy. I had, as I have said, wounded soldiers in the care of the enemy at Leesburg. I knew that that enemy was deficient in the means of taking care of those men. But before I presumed to open any communication, I telegraphed to Washington and asked if I could be permitted to send a flag of truce about my wounded soldiers at Leesburg. The answer to that telegraph was, "You can use your discretion about sending flags of truce." I then addressed a communication to the commanding officer of the force at Leesburg, stating to him that I wished to supply medicines, comforts, money, and clothing to those soldiers, if it was within his province to permit it. That flag of truce was sent across. The reply came, after a short time, (I cannot now remember how long before the reply was given,) with a letter from the commanding officer of the rebels at Leesburg, stating that the subject matter of my letter had been communicated to his superiors, and the reply would be given to me as soon as received. A few days afterwards a flag came, bringing me information that I could send over anything which I thought necessary for the comfort of the wounded prisoners. I had asked generally for the prisoners, that I might relieve all the prisoners there. I then made up a package of blankets, tea, sugar, and such matters as the medical director of my division thought best, and \$100 in gold, which was sent over by another flag; and in return came letters from these prisoners, who wrote to their friends in Massachusetts and other States. With those letters, sent over by this flag, were also letters from some of their people to prisoners in Fort Lafayette and other places in the north. I certainly could not refuse the same privilege to this rebel general's prisoners in the north that he had granted to mine by the very same flag of truce. Those letters I enclosed to the Secretary of State, with a request that he would forward them, after examination, if he thought best, to those prisoners.

There also came letters from individuals; a few, a very few, and I deemed it important in two ways to let those letters pass. I examined them carefully, and from them got information. After I had examined them carefully, word for word, I would find that there was some treason in one or two, some defence of treason, and those I threw into the fire. Those that had nothing objectionable in them, I sent, or put them in the post office. Answers came to these letters. And I found that each time whenever I had a package of letters for my prisoners on the other side, each time I did so there would be a few letters to be sent over to others. Each one was carefully read by myself or a staff officer in my presence. If he found anything that was blind to him, he handed it to me. If there was anything which could not be explained, which might by possibility be a conveyance of information, it was thrown into the fire. I must say that I have got important and valuable information from the private letters of persons on the other side to their friends on this side, and no information can have gone over there.

In regard to packages. Some daguerreotypes were sent over on one occasion—one or two of them. They were carefully taken out of their cases, every part of the cases examined, and then they were put together again. But not a thing has ever passed which has not been most cautiously examined. And the enemy never can have got any information in this way.

It is a hard thing to have to answer such a charge. The charge is utterly and totally false, and cannot in any way be sustained. Not only that, but it can be utterly disproved. Not a thing has ever passed there without

being examined. I have sent over newspapers, and have got newspapers in return, which have been regularly forwarded to the headquarters of the army for their information. Sometimes I have sent newspapers, after cutting out everything that could give information—sent them to the general on the other side, and have received in return Richmond papers and Leesburg papers. They would sometimes have pieces cut out, but generally they were more careless than I was, a great deal.

I regard the maintenance of a flag of truce, then, as an important adjunct to any commander. If the rebel general could get any information of my position there, I really cannot see that it could do him any good. He cannot attack me, and getting information of a country that you never expect to attack is of little value. But the getting one single line or word of information of a country that you do some time expect to attack—for I hope in God I shall be in Virginia some time—every word that comes from there is of great value to me. If I read a letter from Miss Snooks, of Leesburg, or Miss Jones, from Waterbury, to Miss some one else, I may see some things that I do not understand, that do not seem to convey any information. But in another letter I may find something which will give me the clue to all that. I have sometimes gained valuable information from this private correspondence which I have perused with immense labor. And I tell you to-day that by means of the letters sent by flag of truce to General Hill, I know the very house he lives in, the very room he occupies, and what are his habits.

I have, so help me Heaven, but one object in all this, and that is to see the United States successful. I have from the first day of January of last year till this day hardly been out of my clothes. After the 7th of June, the moment this capital was safe, I was sent away. I was kept here until it was safe, and my thirty-three companies of men made it safe. I say it without the chance of contradiction, that the thirty-three companies of men under my command held this capital safe. I claim it for them, not for me. It was no sooner safe, no sooner occupied, than I was sent up the canal to guard the outposts of Washington with some of those very men, and other men from other States, and from the day I then left Washington until this day, I have been upon the outposts, with the exception of three short visits I have made here by order, and except during those visits here, I have gone to bed, that is got into my blankets, every night without undressing; from the 7th of June to this day, while in the field, the enemy never could have surprised me at any time without my being dressed and outside of my tent in one half minute. The most I have ever done has been to pull off some large boots which I could put on again in an instant. If you want more faithful soldiers you must find them elsewhere. I have been as faithful as I can be. And I am exceedingly sore at this outrageous charge.

The chairman: In regard to these communications I do not profess to know how far such things are allowable. We have endeavored to ascertain from military men who are on the lines how far these communications are allowable, and there is, I must say, a great variety of opinion about it.

General Stone: Did you notice the first part of my statement, that the matter of sending a flag of truce with reference to my prisoners was left to my discretion. I asked for authority before I presumed to do such a thing. The reply was, "It is left to your discretion." That discretion I have exercised to the best of my ability, and by it I have been enabled to relieve my wounded soldiers there prisoners. Three of them were released afterwards, and told me that they had got \$5 each of the gold I sent over; that they had got a blanket each, which they would not have had without that, and the tea sent over was faithfully given to them. That all these comforts were given to these wounded men by the flag of truce, I conceive to be enough. It was left to my discretion and I used it.

And I will make this general statement in reference to the very point you have asked information upon.

I should look upon that general who, standing in front of a country which he hoped ever to occupy, should refuse a flag of truce, as a fool. I look upon the general who permits frequent flags of truce from an enemy he expects invasion from as an equal fool. General Hill never has got any information from these flags of truce that could be valuable to him. I have derived all the benefit from those flags, and if he has thought at all about it he must know that.

The next point you mention was that I had permitted the enemy to erect fortifications within range of my guns and not prevented it. That is simply false—it is simply false. I have studied those lines carefully. I have received the reports from them whenever I could get them. I have had great difficulty in getting the officers to report. I require frequent reports from all the outpost officers. I give them plenty of cavalry by which to send them in every morning and every evening without discretion. I then require of them a report at any instant, when any movement of the enemy is discerned. There has been a great deal of negligence sometimes among these officers in sending their reports to me. I have not got the information, in some instances, as rapidly as I ought to have got it.

I am an old artillery officer. I think I know the power of artillery—the time to use it, and the way to use it. Whenever I have seen any advantageous opportunity to use artillery on the enemy in front of my lines I have used it; and when I see no valuable opportunity I do not use it. The works that have been constructed about Leesburg, the most important of them, are at such a distance from my lines, from any commanding point of them, that it would be utterly useless (I say so as an artillery officer) to attempt to dismount a gun or to produce any useful effect upon them by artillery. I have used my discretion, as a commander, in that matter, as I felt it my duty to do. I do not conceive that it would be of any use whatever to waste shot and shells that cost the government \$5 a piece, simply to amuse the soldiers with the roar of artillery. Whenever I have seen any occasion to use it I have used it.

I will show you from this map (producing one) the position of the works there, and it will not take much of an artillerist to judge of the effect of artillery upon them. From three-quarters of a mile to a mile from Leesburg, according to the testimony of spies and deserters, is an important work on a hill. My ground is here, and there is the important work of the enemy, (pointing out the places on the map.) That is the work they have guns on. I have marked down here (pointing to it) a little work they attempted to build. I cannot stop them from shovelling dirt at that distance. But as soon as they attempted to build that work I placed my guns here (pointing to the spot) and got the range of it exactly, burst my shells directly in it. I could not destroy that work by battering away at it for twenty years. I could not batter it down. But I have got my range of it, so that any day they presume to garrison that work, I can shell them out of it. I shall not have to make any trials to get the range, for I have it now. I suppose the infantry officers, who looked on when I fired there, may have thought I did so for some purpose. It was not because I supposed I could do the least damage to the work, but in order that I should have the range of my guns so accurately that if they should ever attempt to man that work, I could drop my shells every time in there and burst them. Whenever they presume to occupy that work they will be shelled. If they do not occupy it, I certainly shall not waste the shot and shells of the United States in attempting to knock down earthworks at that distance.

The next work is on a high hill, with a bluff that screens it from here,

(pointing to the place,) but back here is a bluff, and here is another bluff (pointing to the places) from which I can reach it, and of that I have my range perfectly. I have some heavy guns that I shall try on there as soon as the weather is favorable; but now it is so muddy that you could not move such a gun a mile an hour. When I can move my guns down there I shall try them, simply to get the range of them. I have got the range with the 10-pounder Parrott gun. They cannot occupy that work, (pointing to another,) because if they do I can shell them out of it, and it would be utter nonsense for me to be throwing shells into an empty work. It is now occupied by exactly one company. I can see it distinctly in the balloon every time I go up. I can count the stables, if they make any there; and if they put up little huts instead of tents for their soldiers, I can count them. One shell in there and they run out.

The next works they have are here, (indicating on the map,) entirely beyond any practical and useful range of guns. When we go to where I can use my guns to value I will use them. But I do not think I would be doing my duty to waste the ammunition given me to fight the enemy with by amusing the soldiers by a noise.

The chairman: Then you traverse this allegation that the enemy is erecting fortifications in reach of your guns by saying that it is not policy to do more than you have done?

General Stone: Certainly; that is what I hold.

Mr. Gooch: The work you cannot reach is back of Leesburg?

General Stone: Yes, sir; it is a powerful work.

Mr. Gooch: Those other works are not garrisoned?

General Stone: One is occupied by pickets, to send pickets out from. The other is not occupied. Three days before I came down I was there and examined the country carefully personally. Every time I have heard of the slightest movement there, I have either gone down myself and looked at it, or sent an officer down there to examine it. The only guns mounted are on the work back of Leesburg. I am not perfectly sure that there are any there, but I think there are four guns mounted there.

I will state another reason why it would be impolitic as well as useless to shell them there, unless in particular cases of occupying fords, &c. I will state the reason, as I understand that what transpires here is considered as in secret.

The chairman: Whatever testimony we take here is kept secret for the present, except so far as we deem it prudent to make it known to the President and his Secretaries of departments.

General Stone: I was called upon for a plan to seize Leesburg. I telegraphed to General McClellan that I thought I could propose a plan by which we could capture the force at Leesburg. The reply came, "Send your plan in." I made it and sent it in. And for two or three days, until I got an answer to that, I certainly should not wake up the enemy, or disturb him, or arouse him at all, unless it was for some important purpose at the moment. There was no such important purpose during those days. Any small parties that were about there would not have been shelled if they had been seen. If I had known that there were small bodies of 50 or 100 men, or even 200 or 500 men, moving about there where they could do no harm, I should not have waked them up by shelling them.

Mr. Odell: They have no guns to cannonade with except back of Leesburg?

General Stone: None at all that are in position; nor have they had any at any time. According to the last information which I obtained, they had three field guns that moved from point to point. Those field guns they move about.

Mr. Odell: The only permanent guns they have in any work are back of Leesburg?

General Stone: Yes, sir; out of reach of our fire. I have a 20-pounder Parrott gun, by which, by placing it at a great elevation and putting in a little extra powder, I might manage to throw a shell in that fort. I think I have a gun that would do that.

Mr. Gooch: What is the distance to that fort?

General Stone: It is some four miles and a half. It is utterly absurd to use these things as playthings. Every shot you fire from those guns costs the government money, and a great deal of it; and I do not care to let the enemy know I have those large guns until the time comes to use them. I have four of those guns, but they do not know it.

In all these matters there is, of course, but one question: Is the general loyal? Is he working for the service of the United States? If he is, then you must either replace him by some man of more ability, or, if you have him there, you must trust to his discretion. Certainly he cannot be expected to consult his second lieutenants or his sergeants as to when he shall open his batteries.

The chairman: We do not expect any such thing as that; but when the evidence comes point blank from a military man that the enemy are erecting formidable works that might have been prevented, and such works as will cost a great many lives to displace, of course we are bound to notice it.

General Stone: Were those artillery officers that gave this information?

The chairman: I do not know about that.

General Stone: I have but two artillery officers of military education in my command, and those two have not been before your committee I am certain. I will now state one instance of what might very easily have come before the committee. A few nights ago I received information, a few nights before I came down here, distinct information, through a brigadier general, from a captain of his picket, that there was being erected within a mile of Conrad's Ferry, within easy range of our guns, a battery that would command our position, and that they were mounting guns upon it. I was greatly pleased at the prospect of some work, and sent the chief of artillery down at once to examine into the matter. In the mean time I called up the chief surgeon and told him that if the enemy had works there I should open upon them in the morning, and that he must be prepared with his ambulances and sufficient medical assistance; because if we had an artillery fight across the river at only that distance, there would probably be casualties, and everything must be prepared. The chief of artillery came back after a fatiguing ride of ten or twelve miles, and told me that it was all a mistake; that it was nothing but some old works that we knew all about before. It seems that there was a new captain there, and like most volunteer infantry officers of little experience supposed a gun would reach anywhere, and that those works were within easy range of our guns.

Another report of the same kind came up at another time. I rode down myself, examined all the ground about there, looked carefully in those works which would be within shelling distance, but there was not a man in them—not the sign of a man; and in all the sweep about there, there was no place which looked to me—I may be deficient in that, of course—no place which looked to me as a place to use artillery upon.

The chairman: I believe I have stated to you all that we deemed of importance, and of course we are very glad to hear your explanation.

General Stone: In coming to your conclusion that I should have reinforced Colonel Baker from his left, there were several things that should have been taken into consideration. Was it remembered that I stated that there were forces there in unreconnoitred ground with artillery? Was it

remembered that the power to pass over at Harrison's island was discretionary with Colonel Baker? Was it remembered that my original disposition was to cross near Conrad's Ferry, and that it was changed by subsequent authority? Was it remembered that Colonel Baker excused himself to me for making the crossing he did, by stating that he had increased his transportation and rendered it secure by getting a rope? Was it remembered that I received no report of an alarming character whatever from Colonel Baker, until it was an impossibility to have made any movement for his security?

The chairman: We have not forgotten your explanation.

General Stone: By those who do not understand all the circumstances, I may be blamed for many things I have done or not done. I may be censured for not destroying a mill near Conrad's Ferry—Smoot's mill. There is no doubt I can destroy it any day I please, but I have considered it in this light: even if the enemy do get a small quantity of flour from that mill, of which I am not certain, the only result of destroying it would be the destruction of so much private property, without doing the enemy any harm. All he would have to do would be to go to any one or more of a dozen other mills that are situated a little further back, where he could just as easily be supplied. I would be merely depriving the owner of that mill of so much private property, without doing the enemy any harm; and he would immediately retaliate by destroying all the private dwellings along my line, and which would be at his mercy. He would be justified in doing so, for I should certainly retaliate in the same way upon him, if he should destroy any of the mills about there from which we upon our side get supplies. I have no desire to inaugurate such a barbarous system of warfare until I am ordered to do so. If ordered I will batter that mill down at once.

I have also allowed the owners of the islands there to go on and gather their crops, and I have done so for this reason: If I had forbidden their doing so I must have had the crops gathered by my own men, and that could not well have been done. The men could not have remained there all the time, and the enemy, at any time, finding that I was taking those crops, could have easily sent a force on the islands and destroyed them all, for I certainly should not have permitted him to have gathered them. I have therefore allowed the owners to go on there and gather those crops, which they have been allowed to do without molestation from the other side. And I have arranged so that at the proper time, when the crops shall have been all safely gathered, I shall take possession of them, for they are such supplies as the government has much need of. It is for that reason that I have allowed, under proper regulations, those crops to be gathered by the men who cultivate those islands.

WASHINGTON, *February 7, 1862.*

Reverend ROBERT KELLEN sworn and examined:

By Mr. Chandler:

Question. What is your present position in the army?

Answer. I am chaplain of the old California regiment, now changed to the 71st regiment Pennsylvania volunteers.

Question. The regiment formerly commanded by Colonel Baker?

Answer. Yes, sir; and commanded now by Colonel Wistar.

Question. Have you any knowledge of any orders having been given to Colonel Baker to cross the river at Ball's Bluff?

Answer. I have.

Question. Will you state what you know of that particular transaction ?

Answer. I was with Colonel Baker on the morning of the 21st of October, at Edwards's Ferry, on the heights where General Stone, General Gorman and a number of artillery officers were shelling across the river. General Stone kneeled down on the ground and wrote on a piece of paper, and I saw him hand that same piece of paper to Colonel Baker, who rode off with Adjutant General Harvey. I was acting as Colonel Baker's volunteer aid at the time. I went to the fence where I had hitched my horse, and mounted him and rode off after Colonel Baker. I overtook him on the bank of the canal. As I rode up to him he said, "Did you hear that, Kellen?" I said, "No, sir—what?" He said, "This order." I said, "No, sir, I was just behind you." He then read the order to me. The substance of it, as near as I can possibly recollect it now, was this: "You will cross with your brigade"—or battalion, I cannot now say which—"and take position and hold it, and take command of the entire force on the other side of the river, and, if possible, make a dash at Leesburg." That was substantially the order, as near as I can now recollect it.

Question. You saw the order written and afterwards it was read to you ?

Answer. Yes, sir; I saw it written, and saw it delivered; and I have seen it since with the blood upon it, in the hands of the brother of Colonel Baker.

By Mr. Odell :

Question. Do you understand that Dr. Baker has that order now ?

Answer. Dr. Baker told me, I am sure, that he gave it to General Scott.

By Mr. Gooch :

Question. Did you read the order after the death of Colonel Baker ?

Answer. I did not read it; I saw the order. It was a piece of paper that was torn, with a crooked jagged edge. I was very particular in noticing it, while General Stone was writing. Colonel Baker was talking with General Gorman at the time, and I was watching the writing of the order, for I was anxious to be off, as they were skirmishing up there then. That same paper I know was the one on which I saw the blood.

Question. Was there not language of this import: "You will cross at your discretion," or "if you deem it best," or anything of that sort ?

Answer. I do not recollect anything of that sort.

By Mr. Odell :

Question. What is your impression about it now ?

Answer. I do not think that was in it.

Question. Your impression is that it was a positive order ?

Answer. Yes, sir. I wish it to be understood that I am a very warm friend of General Stone. I served with him three months in the District troops under his command.

By Mr. Chandler :

Question. You think the order was peremptory to cross ?

Answer. It was, unquestionably. I rode as fast as a very fine horse I had, which was worth \$250, could carry me, to give the order to Colonel Wistar. They launched a scow in the river; and the balance of our brigade was lying on the bank of the river. I think we had nearly 7,000 men in all, stretching along over the country.

Question. Is there anything further that you deem important to state in regard to this matter ?

Answer. There is this: the day before I left camp, the adjutant of our

regiment, the senior captain, and the second senior captain, assured me that they saw an order on that same day at two o'clock signed "Stone." It read: "You will at once make a dash on Leesburg. General Gorman is coming up on your left to re-enforce you. You will go on the right; shoot down all stragglers," &c. The adjutant says he will swear to that fact; he had the order but has lost it. Captain Ritman, the senior captain, says that he will testify to that fact. Captain Berrien, the brave officer who rescued the body of Colonel Baker, says that he saw the order; and I think Lieutenant Johnson, now captain of company N, saw it also. The adjutant's name is Newnline.

By Mr. Odell :

Question. That is not the order to which you have referred ?

Answer. No, sir; it was another order.

Question. Given later ?

Answer. Yes, sir; it was received about two o'clock in the afternoon. I did not go across myself, for the general told me to assist Captain Ritman in shipping the guns, against any man who should resist. I know that I drew my revolver and came very near hurting some man who insisted on going over.

WASHINGTON, *February 7, 1862.*

Colonel EDWARD W. HINKS sworn and examined.

By Mr. Gooch :

Question. What is your rank in the army ?

Answer. I am colonel of the 19th Massachusetts regiment.

Question. Where were you stationed at the time of the battle of Ball's Bluff ?

Answer. I was in camp about a mile in rear of Edwards's Ferry.

Question. Will you tell us what you know in relation to the battle of Ball's Bluff? Give us a short history of what you deem the important facts connected with that battle ?

Answer. The report I made upon that occasion is the most correct history I know of that affair.

Question. We cannot take that. We must take your statement from recollection.

Answer. I had six companies on picket there, four of whom were stationed directly opposite Harrison's island, and some considerable distance above there I had four companies in camp. On Sunday the 20th of October I received an intimation that a movement across the river was being made. I sent for orders what to do with my own command, it being so much scattered I received the reply that I must do the best I could with them, no definite instructions. I immediately assembled the companies opposite Harrison's island, with the four companies above there, and took them to camp, so as to be ready for whatever orders I might receive. On Monday I received notice that General Baker had ordered us to cross the Potomac. I jumped into the saddle and rode down as quick as I could, and found General Baker had crossed. I found great confusion at the river when I arrived. There seemed to have been no officer left in charge of the means of transportation, which consisted of three scows, one of which would carry a piece of artillery or fifty-five men. But the other two were utterly unfit for the transportation of artillery, the bottoms not being strong enough, and would carry only thirty-five men each, loaded to their utmost.

I found a canal boat in the canal with a quantity of rope on board. It was not possible to get the boat into the river. I took the rope out and gave orders to stretch it across the river as a means of propelling the scows. The river is three hundred and seventy yards in width. Having got the ropes across, I received an order which, unfortunately, I have lost. I have searched for it, but I have not been able to find it. It was signed by a staff officer, and purported to be an order to hasten the artillery across the river. I had my own judgment in the matter, which was to throw the infantry across as rapidly as possible. I immediately took the large scow, which was the only one fit for the transportation of artillery, and used it to send three guns across to the island. I passed a New York regiment across, and ordered my own regiment to follow. When I got to the island I found that the three pieces of artillery I had sent to the island had not been sent across. There was an immense deal of confusion. As I stepped from my boat the body of General Baker was brought down. I immediately went on the island, and met Colonel Devens, of the 15th Massachusetts. I asked him the condition of affairs, and he told me, what proved to be correct, that our troops were entirely routed. The island was then covered with soldiers. There was a portion of the New York regiment—my own regiment was crossing—and the Rhode Island battery was there. They had not been in action. Colonel Devens seemed to be very much fatigued. I asked him to tell me how the thing stood. He told me that the enemy was pressing down and would come on the island if they had any means of transportation. He said the boat by which our troops had crossed was sunk. I asked him where his regiment was. He said that he did not know; that he had told his men that they must take care of themselves. He had thrown his sword into the river, and had escaped across, and was going to the main shore. He told me about the topography of the island, with which I was not acquainted.

I immediately took charge of the island, and commenced making rafts, and shoved them into the river, at the upper end of the island, so that they might drift against the Virginia shore, so that our soldiers might get them. I made no attempt to get across, as there was no boat whatever there. It seems that the boat from the island to the Virginia shore had been left unguarded. There was a scow and a small boat. When the flight commenced the confusion was very great, and the men, wounded and unwounded, crowded upon the boats without any direction, and shoved them into the river. But they were so crowded that they sank. One was picked up below, on the river, containing some thirty-five rifles, and evidently had had some fifty or sixty men on board. As its capacity was equal to thirty or forty men, it must have taken fifty or sixty men to have sunk it.

Upon arriving at Harrison's island I sent a lieutenant of mine immediately back on my horse to General Stone to apprise him of the fact that I had left my camp and had gone to Harrison's island. He sent me a verbal order that I had done perfectly right, and that I had simply anticipated his order. He stated further that he had sent me an order that the other four companies in camp should hasten to my support, which they did, with the exception of one company which acted as sharpshooters.

At 9 o'clock I sent a lieutenant to apprise General Stone of the facts, of the exact situation of affairs as near as I had then ascertained them, and ask for orders. He found General Stone, and told him how things were. General Stone deplored the state of facts very much, but said he had no orders to give except to hold the island at all hazards, which I made arrangements to do. I remained there until the next morning until 9 o'clock.

In the meantime I sent my adjutant to General Stone for orders. He said he had no orders to give, but I must hold the island. The troops left on the

tow-path had retired during the night. On the following morning, about 9 o'clock, being unable to receive any orders, I arranged with Colonel McQuirk, of the 18th Mississippi regiment, for a flag of truce, upon my own responsibility, to bury the dead. After the arrangements were completed I sent over the men, who remained there during the day and buried the dead. I also sent a message to Colonel Jenifer, who seemed to be a superior officer to Colonel McQuirk, to make some arrangements to send a surgeon across to treat the wounded. He refused to do this, unless the surgeon would remain there as a prisoner of war. Colonel Jenifer remarked to an officer, in referring to our troops having crossed at that place, "What damned fool sent you over here?" And, in my judgment, it was the most unfortunate selection to cross the river which can be found from the Great Falls to Frederick.

By Mr. Odell :

Question. Why do you deem the place of crossing so unfortunate ?

Answer. There is no way of communication from the water-line of the river up on the bluff which artillery can follow with any expedition whatever. A single piece of rifled ordnance was sent across. The officer in charge of it told me that he had to dismount it entirely, take it to pieces, off the carriage entirely, and take it up the hill by the prolong. They had hardly got it into condition for service before it was captured. The bluff on the Virginia side is very abrupt and very steep, without any compensating elevation either on the island or on the Maryland side.

By the chairman :

Question. Are you stationed up there now ?

Answer. I am stationed at Seneca, which is about ten miles below.

Question. Do you know anything about fortifications that the enemy are erecting off in the direction of Leesburg ?

Answer. No, sir, I do not.

By Mr. Gooch :

Question. Do you know whether there was any fortification there at the time of the affair at Ball's Bluff ?

Answer. There was reported to be a fort between Ball's Bluff and Leesburg ?

Question. Do you know whether it was mounted or not ?

Answer. I do not.

Question. Do you know anything about communications across the river ?

Answer. I only know that flags of truce are frequently sent across. I know that simply from the fact that letters are frequently consigned to me to be sent across by a flag of truce at Edwards's Ferry ; and I frequently received letters from General Stone for distribution, which have been received by a flag of truce.

Question. To whom were they directed ?

Answer. There was one recently received which was directed to a Catholic priest in Rockville ; another one, I could not tell you the name.

Question. Do you know to whom the letters are directed that are sent from our side to the other side ?

Answer. No, sir.

Question. Are they directed to officers ?

Answer. I have seen one, forwarded through my hands, from an old lady in Rockville directed to a surgeon in the rebel service.

Question. Do you know whether or not the correspondence that crosses the river from our side is confined to the persons that have been taken prisoners from us ?

Answer. I think they are not.

Question. To whom are they directed? Are they directed to people living over there?

Answer. To people living in the vicinity of Leesburg.

By Mr. Chandler :

Question. Are these letters opened and any of them read?

Answer. All that come over and pass through my hands I read and send to General Stone. All that I receive to send are sealed, and with a letter from General Stone to say that they have all been opened and read?

By Mr. Odell :

Question. So far as you have seen these letters yourself, are they of a character to be made of any use, or would they do no harm?

Answer. I should think those that are sent would be letters of a domestic character rather, from members of a family to each other. I have never examined them myself, with a single exception. I examined that very closely to detect if any cipher was used, but I could not detect any. Those that I have received for distribution were sealed, and I only know that they have been opened and read. I know nothing of their contents. Since the first of December the different portions of the line, I presume, judging from my own portion of it, are put under the exclusive command of the respective officers. I have exclusive command of the line from Great Falls to one mile beyond Seneca; and neither with the people nor the country picketed does General Stone ever interfere. He refers all matters to me, and does not interfere in any way. I have a provost guard at two places, which has led to some controversy with the citizens, and they have appealed to General Stone. They have said, upon leaving me, that they knew Charley Stone, and they would go to him about it. But he has always sent them back to me; he has never interfered in these matters at all, in any way.

By Mr. Gooch:

Question. Is there a feeling of general confidence among the officers and men, as far as you know, in relation to General Stone?

Answer. I do not think there is. In regard to my own feelings towards him, I will say that I have always been on the most intimate relations with him ever since my being there. Indeed there never has been any rupture at all between us, although he had occasion to reprimand me in orders once. But he has always pretended, and I have always assented, that the difficulty should be of an official character. I regard General Stone as being well informed in all matters of detail, a perfect gentleman, &c. I know nothing that he has done that I dissent from in his administration of affairs in his division. But since the battle of Ball's Bluff, among our officers who were interested, either engaged or witnesses of the affair—and most of my own officers were witnesses of it—there has been a want of belief that he had the genius to conduct a column against the enemy.

Question. Is there a want of confidence in him in consequence of the management of the Ball's Bluff affair, or what you deem the mismanagement of it?

Answer. I do not think that is the origin of it. That may be regarded as rather the occasion than the cause of the expression.

Question. What is the cause of that expression?

Answer. There has been considerable fault, which was expressed quite early in the campaign among the officers, because he was too lenient towards parties who were arrested for corresponding with the enemy. There were several parties arrested by our brigade, who were charged by those who arrested them with having made signals across the river. It was contended by those officers that no proper examination was ever made, but the men,

when sent to General Stone, were released. I never had any case of my own of that kind.

Question. These things have not come within your own knowledge?

Answer. No, sir; parties have spoken quite freely to me about it.

Question. Do you think of anything else?

Answer. Nothing else. Growing out of that there has been a feeling that he did not have the heart in this war that a general ought to have. But nothing grew out of that until after a variety of little cases, no one of which was sufficient for the feeling there, and no one very distinct, but all coming together have their influence. And all being apparent to those who are about him, the result is that there is a want of confidence in him as a leader, although they have every respect for him as a commander. My own relations with him have always been of the most pleasant and agreeable character. And, in my own judgment, I do not hold him responsible for the defeat at Ball's Bluff.

Question. Whom do you hold responsible for that?

Answer. I am utterly unable to tell who should be held responsible. I know that some one is responsible for that defeat there, because a victory might have been made of it. I know this much, that General Stone was personally conversant with the topography of the ground there; for he told me the morning I made my report to him that he had been upon the island, and that certain earthworks that I found there had been erected by men of my own regiment, under his personal direction, making the matter perfectly clear that he did know about it.

Question. Did he know the means of transportation there?

Answer. I am not aware that he did.

Question. Must he not have known it if he had been on the island?

Answer. He was not on the island during the engagement, or that day, as far as my knowledge extends.

Question. The means of transportation were very deficient?

Answer. Very deficient, indeed. I described them in my report as being criminally deficient.

By Mr. Odell:

Question. You made a significant remark a moment ago—that General Stone was not responsible for that defeat, and that if properly managed it would have been a decided victory.

Answer. I think so; yes, sir.

Question. Wherein was the mismanagement?

Answer. Well, sir, one great measure of success, which was not taken, was the precaution, early upon the morning of Monday, the 21st of October, to secure a couple of flats, and have them at Harrison's island, to be used there for the transportation of troops, or, in case of disaster, for their return.

Question. Whose business was it to furnish them, or see that they were furnished?

Answer. If General Stone was in command there, it was his business; if Colonel Baker was in command at Harrison's island, it was his business.

By Mr. Gooch:

Question. How could those flats have been obtained?

Answer. They might have been taken up from Edwards's Ferry.

Question. Where General Stone was stationed?

Answer. Yes, sir. I may remark here that just previous to crossing myself from the Maryland shore to Harrison's island, when the extremity was very pressing, and there was a vague report that our men on the other side were being worsted, Captain Stewart, General Stone's adjutant general, came across the river in a light boat that had been used to convey troops across. I stopped him for a moment upon the shore, and asked him how

things were going on. He made the remark, "Indifferently well." He did not give me any idea exactly how things were going. I said to him, with considerable vehemence perhaps, that it was a very great shame that there were no more boats there, and asked him why there had not been boats sent up from Edwards's Ferry. There were canal boats there that would carry from 200 to 300 troops each. He did not tell me, but said, "Can those boats be got up here?" I replied, "They could have been got up this forenoon." He then said, "I authorize you now, in the name of General Stone, to get one of those boats up." I told him that it would take four hours to do it then.

Question. General Stone knew the means of transportation, whether any had been taken up from Edwards's Ferry?

Answer. Yes, sir. There is no lock-out except at Edwards's Ferry. The boats had to be locked out there. I say that I do not hold General Stone particularly responsible for the defeat at Ball's Bluff. I think that our troops, by some mismanagement, were led into a very bad place, even after the landing had been gained and the bluff overcome. They were led into an open space surrounded on three sides by woods; as they retreated into this open space, the enemy formed in the woods upon three sides of them, and shot them down at their will. Our troops in the open field undertook to hold their own against the enemy in the woods. And furthermore, we had sufficient troops there at any time, had transportation been furnished during the day or not, to have regained the battle already lost, as there were only three regiments of confederate troops there; that is the 17th and 18th Mississippi—one of which was a very good rifle regiment—and the 8th Virginia regiment.

By Mr. Gooch:

Question. How do you know that?

Answer. From the reports to me of officers there.

Question. What officers?

Answer. Officers of the confederate army; Colonel McQuirk of the 18th Mississippi, Colonel Jennifer of the 8th Virginia, and a major of the 17th Mississippi. I had communications with them during some portion of the day relative to the conduct of the party burying the dead. I inquired all along upon the river, whenever I could get a chance to converse with them. They were only from 30 to 50 yards distant, and as I was riding along all the day I tried to enter into conversation with them. They all told the same story, that the 8th Virginia, the 17th and 18th Mississippi regiments were there. And the officers whom I sent across reported the same thing. The reports all seemed to agree so well that I took it for granted that there were no other troops there. In fact, I am as certain as a man can be, who has not surveyed the entire ground with his own eyes, that there were no other troops there.

Question. Were there other troops at that time at Leesburg, or did they have their whole force at Ball's Bluff?

Answer. Their whole force was at Ball's Bluff, or was represented to be there. The day following, troops were evidently sent up from Manassas. We could hear the trains running quite regularly at intervals, and they appeared in opposition to the column under command of General Gorman at Edwards's Ferry.

Question. Do you know how many of the enemy fell that day?

Answer. No, sir. They represented to our officers who went across that they had lost in the vicinity of 125 killed and wounded. They probably lost some 200, for it is not likely they magnified the number at all. I remained there on the island with my troops until 9 o'clock on the evening of Tuesday, the 22d of October, when, in accordance with an order I had received from General Hamilton at 5 o'clock that afternoon, I evacuated the island.

Question. What was your condition, suppose the enemy had come on the Virginia side with artillery while you were on the island?

Answer. It would have been very precarious, indeed, either with artillery or with rifles. It has always been a wonder to us all why they suffered us to remain there, with less than 1,100 men, exposed, as we were, for thirty-six hours. There was no position on the island they could not reach with rifles.

Question. How much higher than the island is the bluff on the Virginia shore opposite to where you were?

Answer. I should say that it was from 100 to 125 feet; that would be my estimate. The island is very flat, with no undulations whatever upon its surface. It is very remarkable for that.

Question. So you were fully exposed?

Answer. Entirely exposed. I sunk some rifle-pits during the night and day, and threw up a triangle of breastworks, and concealed my men behind them; and I put the three pieces of artillery, that had been useless during the action, into position as a battery upon the flanks. I should have been quite willing for them to have come upon the island and assailed us, but I should have been rather unwilling for them to have assailed us from the main land. At the upper end of the island is a very eligible ford for crossing from the island over on the Virginia side, at what is called Smoot's Mill. It is open and about upon a level with the island. There is a ford there which at low tide is used by the farmers in Virginia by whom the island is cultivated to draw the produce in carts to the shore. The water was a little higher than usual at that time. The ford might readily, in my opinion, have been used for cavalry then, but not for artillery perhaps. I have spoken of two of the causes of defeat. The third was in not having any reliable transportation between the island and the Virginia shore—in being entirely dependent upon a scow and a small boat, which were eventually sunk. And even with these means of transportation there must fall some censure upon somebody else than those who provided it, for not having left a guard over it.

Question. Do you know, of your own knowledge, that it was left unguarded?

Answer. I was told so. I know the means of transportation I found there was left unguarded until I established a guard over it. And when the fugitives commenced arriving in some strength on the Maryland side of the island, they came very near swamping the boats there, and would have done so but for my guard, who drove them off at the point of the bayonet. There was no successful attempt made to rally the troops after General Baker fell. It then became a complete rout. Colonel Devens told his regiment that he could do nothing more for them.

Question. That was after they reached the river?

Answer. Yes, sir; as they were driven down the embankment.

By Mr. Odell:

Question. The crossing was effected by Baker's order, was it not?

Answer. I think not; my impression is that it was not. Colonel Devens would be a competent witness upon that point, as he was the first to cross.

Question. What I wanted to get at was who was responsible for crossing at that place, which you have described as being so bad?

Answer. That I cannot testify to as of my own knowledge. General Stone commanded the division. Colonel Devens was the first to cross, and I followed where the others had led the way. I received no orders to cross at any particular point, but simply to go to Harrison's island. The orders came to my camp after I had left and gone to the island. I went to the island simply because it was the highway established by some one else. I found the boat sunk between the island and the Virginia shore, and could go no further than the island.

WASHINGTON, *February 11, 1862.*

JAMES BOYLE sworn and examined.

By the chairman :

Question. Have you ever had any difficulty with General Stone ?

Answer. No, sir.

Question. Have you ever been under arrest by him for anything ?

Answer. No, sir.

Question. You never had any controversy with him at all ?

Answer. No, sir.

Question. What position do you occupy in the army ?

Answer. Private in the 2d New York State militia.

Question. When did you enlist ?

Answer. On the 19th of July.

Question. Have you been in the army ever since ?

Answer. Yes, sir.

Question. Where have you been stationed ?

Answer. They are now stationed at Poolesville.

Question. How long have you been there ?

Answer. About three months.

Question. Will you state, if you know, of any communication being had between our army and that of the enemy, in any way ? State about what time.

Answer. On the 23d of December last, company B, 2d New York State militia, was on picket within a quarter of a mile of Edwards's Ferry. General Stone came down there with one of the 1st Minnesota men, got into a small boat and went across. The man sculled the boat across to the other side. General Stone got out of the boat and went inside their pickets and inside their lines, and the man in the boat stayed there until General Stone came down again. He was absent for about five minutes.

Question. Were you there ?

Answer. Yes, sir ; I was on picket there.

By Mr. Odell :

Question. On which side ?

Answer. On this side, about a quarter of a mile from Edwards's Ferry. He crossed between our pickets and the first Minnesota pickets with a flag of truce.

By the chairman :

Question. Did you see any of the enemy come down to meet him, or anything of that sort ?

Answer. No, sir ; I saw him go inside the lines.

Question. Did he go out of sight entirely ?

Answer. Yes, sir ; he went clean out of sight.

Question. And was gone for some time ?

Answer. For about five minutes.

Question. Did he say anything about what he was doing ?

Answer. No, sir.

Question. Was he alone when he went out of sight ?

Answer. Yes, sir ; the young man stayed in the boat until he came back.

Question. What did he bring with him when he came back ? Did you observe anything ?

Answer. Yes, sir ; he had some papers in his hands. I saw him put them in his side pocket when he got into the boat.

Question. What kind of papers ?

Answer. I could not tell.

Question. What was their shape ?

Answer. There were three or four papers put up in these large envelopes ?

Question. At what time was that transaction ?

Answer. It was about half past two o'clock on the 23d of December.

Question. What makes you fix the date ? What enables you to say it was on the 23d of December ?

Answer. Because I took particular notice of that ; the other young men there, the five men on the post with me, said it was not the first time they had seen him go over there.

Question. Did that cause any remark among the soldiers ?

Answer. No, sir ; not on our post ; it did not. We did not think it was any of our business to interfere, as long as he had a flag of truce to go over.

Question. Who was it that made the remark that it was not the first time he had gone over that way ?

Answer. Sergeant William Buckley, of company B, and also Corporal James M. Thompson.

Question. Did he speak as though it was anything wrong ?

Answer. No, sir, only that it was kind of curious that he should go over there so often.

Question. Is that all you know ?

Answer. Yes, sir. The five young men who were on the post with me are in camp now. They saw the same thing that I saw.

By Mr. Odell :

Question. When did you get notice to come down here ?

Answer. I have had my discharge.

Question. What for ?

Answer. For being sick for about two months. I was sick from after Bull Run until we went up to the mouth of the Monocacy, which was before we went down to Edwards's Ferry. After we went down to Edwards's Ferry I got my health a little better.

Question. Who requested you to come here ?

Answer. Lieutenant Downey.

Question. Where is Lieutenant Downey now ?

Answer. He is up stairs.

Question. Is he on furlough ?

Answer. Yes, sir ; he has leave of absence.

Question. Has he ever been under arrest ?

Answer. That I do not know. He may have been for aught I know, but I have not heard anything about it.

Question. Where is Colonel Tompkins now ?

Answer. He is stopping up Pennsylvania avenue. He has been sick these last two or three days.

Question. He has had some difficulty with General Stone ?

Answer. I believe so.

Question. You have had a great deal of trouble in the regiment ?

Answer. We have had a great deal of trouble with the colonel, lieutenant colonel, major, adjutant, and in that way.

Question. All had trouble with General Stone ?

Answer. No, sir ; all the trouble I know was between General Gorman and Colonel Tompkins.

Question. General Gorman is your brigadier general ?

Answer. Yes, sir.

Question. The regiment is in a bad shape now ?

Answer. Well, sir, I have not been in camp since the 15th of last month.

By the chairman :

Question. Have you a final discharge ?

Answer. Yes, sir, (producing it.)

WASHINGTON, *February 11, 1862.*

Colonel JOHN PATRICK sworn and examined.

By Mr. Odell:

Question. What is your position in the army?

Answer. Colonel of the 66th Pennsylvania regiment, formerly the 30th; it was the 30th at the time of the battle of Ball's Bluff.

Question. In whose division?

Answer. In Banks's division, General Abercrombie's brigade.

Question. Where are you now stationed?

Answer. Four miles from Frederick, on the Baltimore pike.

Question. Where were you at the time of the battle of Ball's Bluff?

Answer. At Dawsonville, some 6 miles from Poolesville, and 12 miles from Edwards's Ferry.

Question. State what occurred in connexion with the movement of the army at that time.

Answer. I was then lieutenant colonel, in command of the regiment, the colonel being absent, or rather there being no colonel. We were ordered at Monday night at dress parade to prepare to move, and in a few minutes we were ready. We waited some time for guides, which were sent to us from the general. We got under way after dark, and followed the direction of the guide, who was for that part of the time a Captain Drake, General Abercrombie's adjutant. We moved towards Darnestown instead of towards Poolesville. On the route to Darnestown we passed General Hamilton's brigade going the other way, towards Poolesville. Our line of march continued to Seneca Mills, and thence, by a tortuous and circuitous route that nobody appeared to know properly, to a hill above Edwards's Ferry—making our march in the night, in the rain, from 20 to 22 miles.

Question. How far was it by the direct route to Edwards's Ferry by way of Poolesville?

Answer. It would have been from 11 to 12 miles.

Question. Why were you marched this long route? What point was to be gained by taking that circuitous route?

Answer. I cannot ascertain any; I do not know of any. I take it for granted it was a mistake in the arrangements. The head of my regiment and the head of another regiment arrived at Edwards's Ferry in the morning before day; and there were portions of both regiments broken down and scattered along the road. I suppose I had about two hundred and fifty men, and the Indiana regiment about the same number, when we got to the hill just above the ferry. The balance were scattered all along the road, broken down by the night's march. We were ordered down to the ferry at daylight, and were kept there, before any portion of my regiment got across, until one o'clock, in a pelting rain-storm, without a particle of shelter or food. Under the direction of the brigade quartermaster, the supply train of the regiment had taken some other route, and did not get there until after we had crossed the river. We crossed the river at one o'clock, and immediately two companies, company C and company D of my regiment, were thrown out on Goose creek, at a bridge and mill, we occupying the bottom and the right, on the right of our brigade. About a half a mile above the ferry was our camp, or what should have been a camp.

Question. You were on the Virginia side at that time?

Answer. Yes, sir.

Question. Where did you cross?

Answer. At Edwards's Ferry. The means of transportation were a canal boat and two scows. The scows would carry some twenty to twenty-five men each; they were about twice as long as this table, and a little wider.

By Mr. Covode :

Question. What have you to say in regard to the transportation ?

Answer. That the material was there in abundance to make it very efficient. A plenty of canal boats could have been got into the river. We formed line of battle several times that afternoon. The enemy marched up at one time, and we had a skirmish. There were two pieces of artillery on a hill there, with the men belonging to them, but no officer in command.

Question. Whose duty was it to have an officer there ?

Answer. The duty of the general commanding the brigade. If my regiment comes up without any commander, it is his business to know where I am. Two young men went out from my regiment and took charge of the battery, and superintended the firing of it. The enemy, after a few shots, broke and ran and took to the timber. I do not think there were more than fifteen hundred of them showed themselves.

Question. Why did you not pursue them ?

Answer. That I do not know. There was no order for an advance. The order was given simply to cease firing when the enemy broke and ran.

By Mr. Odell :

Question. By whom was that order given ?

Answer. I think it was given by General Abercrombie, but I am not sure. General Lander was over there, but he was without a command. That was the time he got the ball in his leg. The truth is, he had no business there. A man has no business there without any command, though I believe General Lander is a good, energetic officer.

By Mr. Covode :

Question. How far did you go up the river towards Ball's Bluff ?

Answer. I went up about a half a mile above my lines ; about a mile above the ferry.

Question. Did you see any batteries there, or anything to prevent your going up to Ball's Bluff ?

Answer. I saw nothing of the kind ; nothing but a few of my men, who were straggling about a few hundred yards above my lines, hunting hogs and getting something to eat.

Question. State about the order to retreat, and your coming back to the Maryland side again.

Answer. That was the day after I got there, on Wednesday. On the evening before we returned I was informed by a minister, who seemed to be acting as adjutant, belonging to one of the Massachusetts regiments, that the enemy had been strongly re-enforced, and were about turning our right, and the general had sent up to know if I was able to hold my position. I asked him if they could bring artillery down the ravine it was said they were coming down, and he said they could not. I told him then I could hold my position. About 11 o'clock the same gentleman woke me up out of a good sound sleep—for I was sleeping like a top then—and informed me that they were ordered to re-embark. I immediately passed on down to the bank of the river to the left of my regiment, and found the captain of my left company, with his command and a part of another aboard the boat. I inquired of him by whose orders he had got aboard the boat. He said by the orders of the adjutant general. I was very much dissatisfied with that, for that was my covering company, to cover the embarcation. However, I got the men on board the boat as well as I could, and passed over with them and saw them landed, with the loss of some of their knapsacks and guns that tumbled into the river. I returned with that boat and another one to bring off my companies that were out on picket, and remained until four o'clock, or about four o'clock in the morning. We then had seven

canal boats all together in the river. When my picket companies came in, with a portion of the 5th Michigan regiment, I think—the 4th or 5th, I cannot tell which now—I got them on board the boat and came over on this side of the river. I saw no general, or anybody in command, on this side of the river when I got back. We, of our own accord, marched up to the woods and camped out there. After we were encamped in the woods the next day I understood that General Abercrombie was down along the road a piece, in his marquee, and I went down and reported to him. And then from that we marched to Seneca Mills, but by way of Poolesville.

Question. How far was it from Edwards's Ferry directly down to Seneca Mills?

Answer. I should suppose some eight or nine miles.

Question. How far by the route you marched?

Answer. About fifteen miles.

Question. Did you say anything to General Abercrombie about the insufficiency of the means of crossing over there?

Answer. When I came back I did.

Question. What did you tell him?

Answer. He stated to me in conversation that there were fifteen canal boats there. I said to him that with that material, and with plenty of stones and timber, there was no difficulty in transporting the whole army of the Potomac across there. I told him that if necessary I would agree, in twelve hours, with 500 men, to make a bridge there by which we could put the whole army over.

Question. What was said by any one in regard to going on to Leesburg?

Answer. As we were returning by Poolesville, General Stone rode out and joined me, and rode along with me some distance; I cannot say how far—not more than a mile. I remarked that we were going the wrong road. He said that was true. Said I, "General Stone, if the same exertions had been made to get troops over to us that there were to bring us back, we might have been in Leesburg instead of here." "That is true," said he. "If there had been the same exertions to get us over that there was to get us back, there would have been a different state of things up at Leesburg."

Question. Did you set that forth in your report?

Answer. I did not set forth that conversation. I set forth the same facts in the report: that if the same exertions had been made to re-enforce us that there was to get us back, we would have been in Leesburg.

Question. Was that report ever published?

Answer. I never saw it. I understood when I was called upon for it that the object was to have it published.

Question. But it never was published?

Answer. No, sir; not that I ever saw.

Question. Did you not all believe at the time that the whole affair was wretchedly managed?

Answer. We did, sir. We all felt sadly disappointed and very much cast down. It had a bad effect upon my regiment and upon the whole brigade; there is no doubt about it. There is no use in attempting to disguise the fact that there is a great deal of intelligence in the ranks of the regiments, and the men will talk about these things, and they sometimes draw very shrewd conclusions.

Question. And that feeling was the general feeling?

Answer. Yes, sir; it was general with all my captains, and I think with the men.

By Mr. Odell:

Question. What is the sanitary condition of your regiment?

Answer. Very good, indeed; we have had but two deaths there.

Question. Are they well armed?

Answer. No, sir; they are not. We have not over 350 effective guns in the regiment.

Question. How many men have you?

Answer. We had then over 700 men, but by discharges and some few desertions, we have now, I think, according to the last statement, 698 men. Our right and left companies were armed originally with the Belgian rifle. That rifle is made of cast-iron, or some such metal, because I have known them to burst in the hands of the men with blank cartridges, and of course the men do not feel very safe with such weapons. Those right and left companies have not more than fifty sound guns in the two companies. The guns of the other companies are the Harper's Ferry and Springfield muskets, and are in pretty good order, what we have. I made a requisition for arms before the time we crossed at Edwards's Ferry, and we have not got them yet. I have made not only a single requisition, but I have appealed time and again, and I have been promised them time and again.

By Mr. Covode :

Question. How many of your family are in the service?

Answer. I have three sons, and they are all in the service.

Question. Where are they?

Answer. The oldest one is brigade quartermaster with some Nebraska and Iowa regiments in Missouri, with General Curtis. The second son is lieutenant colonel of cavalry in Missouri. He raised the first company of cavalry in Nebraska, of young men in the plains, said to be the finest body of horse there. My third son is a captain in my regiment.

Question. You have certainly no desire to see this struggle perpetuated?

Answer. No, sir. So far from that, I want to see this damnable rebellion—for no other term can be properly applied to it—put down as quickly as possible. I think we have had all the elements of strength in this country to have closed this thing before this time.

WASHINGTON, *February 13, 1862.*

General N. J. T. DANA sworn and examined.

By Mr. Covode :

Question. What is your rank and position in the army?

Answer. I am, at present, colonel in command of the first regiment of Minnesota volunteers. I have lately been appointed and confirmed a brigadier general, but have not yet been assigned to duty.

Question. Where have you been stationed?

Answer. Near Edwards's Ferry—between Poolesville and Edwards's Ferry.

Question. Were you at Edwards's Ferry on the day of the battle at Ball's Bluff?

Answer. I was on the Virginia side.

Question. Please state, as briefly as you can do so, what information you have relative to that matter.

Answer. As to the battle of Ball's Bluff itself, I was some five miles from it, and can give no information about that, except the cannonading I heard. I commanded the first regiment which crossed at Edwards's Ferry.

Question. On what day was that?

Answer. I think it was on the 20th of October, the day preceding the battle of Ball's Bluff.

Question. Who ordered you to cross ?

Answer. The orders came immediately from General Gorman ; he received his orders from General Stone. I was in General Gorman's brigade. On Sunday afternoon, the 20th of October, I was ordered to march my regiment down to the river. We deployed ourselves on the bank of the river and remained there for some time. After cannonading the other side for some time, I was ordered to march my regiment down to the river bank and send two companies across, which I did. They returned to this side about dusk. We then went back to camp. About one o'clock that night I received another order, directing me to take my regiment at daybreak to Edwards's Ferry, and to cross. I sent two companies forward to begin the embarkation, and took the balance of my regiment down there. I formed my regiment on the bank. The first two companies went over in three boats, and I suppose in about two hours time—perhaps in an hour and a half—my whole regiment was crossed over. We occupied a position there at the mouth of Goose creek, which we continued to occupy until we returned to this side. I never received an order while I was on that side of the river, except one on Monday night to return to the Maryland side, and shortly after an order countermanding that, so that I put no part of it in execution. On the third or fourth night I was sent for by General Stone, who had then come over and assumed command on the Virginia side. He notified me that he had received orders to retreat. This was, I think, about ten o'clock at night.

Question. From whom did he receive his orders ?

Answer. He did not state. He merely said that we were ordered to retire to the other side of the river again. I was ordered to superintend the embarkation of all the troops on our wing, and to cover it with my regiment. I sent my regiment forward on the line and occupied them in superintending the embarkation until about daybreak in the morning, when we were embarked ourselves. I was the last person on the Virginia shore, with the exception of General Stone. I left him there with an oared boat. I returned with my regiment in a canal boat.

Question. Were you in the skirmish there on Tuesday ?

Answer. One company of my regiment was in it. I was not present. I was in command of the main body of my regiment at Goose creek.

Question. Did you understand fully the object of the crossing there at Edwards's Ferry ?

Answer. I never knew anything about it. I took it for granted, from my knowledge of military affairs, that it was a general movement ; and when the first order came, on Monday night, to re-embark and go back to the Maryland side, I was taken very much by surprise. I knew nothing about anything, except what was immediately about me ; but when we crossed I took it for granted that the whole division was in motion at the same time with ourselves. But I have been trained to a military life, and when I receive an order I only know that I have to execute that order.

Question. Did you think strange of the movement at the time ?

Answer. When we were first ordered to cross to the Virginia side I did not.

Question. But when you were ordered to return ?

Answer. When we were ordered first to return—on Monday night—I did. I did not even know that there was a crossing anywhere else than at Edwards's Ferry when we crossed there. But about the middle of that forenoon, after we were established on the Virginia side, we captured one or two prisoners ; and I heard it related, as coming from these prisoners, that General Evans, that morning, had taken breakfast at the place of an old negro woman, and while there he had said that the damned Yankees had crossed the river at two places. That was the first I knew of there being two crossings. Later in the day I heard some cannonading further up the river, and then I knew there were two crossings.

Question. What is the custom in the army when a forward movement is to be had? Are the commanders of regiments consulted?

Answer. No, sir; that is a very rare thing, indeed. I have yet to be consulted for the first time upon any movement since I have been in the service. My opinion has never been asked on any point of military matters. I have been assigned to very arduous duties, so much so that I have been taken away from my regiment a great deal. I have been obliged to sit up until one o'clock at night to finish the extra writing I had to do.

Question. How is it in the service generally about consulting?

Answer. Well, sir, commanders of regiments in an army of the size we have in the field I think would not be consulted. Brigadiers are about as low a rank as would be sent for and asked for opinions.

Question. What was the feeling in the army there in regard to the movement at that time?

Answer. On the Virginia side of the river, where we were, the opinion was freely expressed, among persons whom I knew in military affairs, that we had not transportation enough, and there was a great deal of talk about going over to remonstrate about the matter. I was consulted about it, and my reply was that I could not pass any opinion upon an order that my superior officer had given.

Question. With whom did they propose to remonstrate?

Answer. Well, sir, it was a conversation that took place among several persons who proposed to go back to the Maryland side and see General Gorman, or General Stone, or whoever might be on that side at the landing, and see what plan was to be adopted, and to make suggestions.

Question. Did you see any way at that time of bettering the condition of things by increasing the facilities of crossing?

Answer. I do not know that my opinion was made up at that time, because I was not acquainted with the topography of the country. I did not know the exact condition of the canal; but my impression now is, (it may have been made up since that time,) that canal-boats or some other means should have been at hand.

Question. Did you see any way of remedying the difficulty at once?

Answer. If the movement was a premeditated one, there was a way of guarding against that difficulty by collecting canal-boats there. If it was a sudden movement, undertaken upon sudden orders given by the commanding officer, and which could not have been anticipated, then it would have been different. I presume it would have required a couple of days to have collected the necessary number of canal boats there.

Question. What was your first knowledge of an intention to cross?

Answer. I had been at church at Poolesville on Sunday, and after church, on my way back, I saw a force of artillery or cavalry (I have forgotten which) going down to the ferry. That was the first intimation I had of any movement. Soon after I got to my camp I was ordered to put my regiment under arms, and we were marched down to the ferry. What it was for I did not know. I do not believe I had half an hour's notice of any movement any more than if I was ordered to take my regiment at this moment down to Edwards's Ferry.

Question. Do you know from whom these sudden orders came?

Answer. I do not know. I have been in the dark ever since. I have heard contradictory statements made; some have been that they came from General McClellan, and others denying that he ever knew anything about it. I never inquired, because I would have been reprimanded if I had, I presume. It would have been very satisfactory to me to have received some explanation of the matter.

By Mr. Odell :

Question. Why would it have been satisfactory to you ?

Answer. I have never, even to this moment, understood the movement. I have never understood the object of it ; nor have I understood why we went over on the Virginia side and came back again.

Question. How far from the shore did you go ?

Answer. My regiment was the first one over, and we took up our position at the mouth of Goose creek, right at the landing ; and I do not suppose we went a hundred yards from there at any time. I received no orders, except about returning, the first of which was countermanded.

By Mr. Covode :

Question. With your limited means of transportation, were not your troops put in great jeopardy by being taken over there and left on the bank of the river ?

Answer. If we had been attacked by a superior force, we would have been. I do not think we would have been in danger of being captured, however, for our position was such that it could have been protected somewhat by artillery on this side of the river. Our position at Edwards's Ferry was far less dangerous than the position of our forces at Ball's Bluff, as I have seen since. The enemy at Ball's Bluff commanded our side of the river ; at Edwards's Ferry we commanded their side.

By Mr. Odell :

Question. How ?

Answer. At Ball's Bluff the land on the Virginia side is higher than on the Maryland side, while at Edwards's Ferry the heights on the Maryland side, with heavy artillery, command all of the Virginia side of the river there.

By Mr. Covode :

Question. Do you know anything about batteries being erected there on the Virginia side ?

Answer. I know there are a number of earthworks there. I do not know whether they are armed or not.

Question. Was there anything in the way of your being moved from Edwards's Ferry up to re-enforce our forces at Ball's Bluff at the time of the battle there ?

Answer. There was an earthwork there, which was there when I arrived, in the middle of October. I do not know whether it was armed or not. It was understood that there was a covered battery in the woods somewhere which we would have to come in contact with in going from Edwards's Ferry to Leesburg.

Question. My question was in relation to moving up to Ball's Bluff.

Answer. You would have had to advance towards Leesburg. As I understand the topography of the country, the road runs in towards Leesburg.

Question. You never saw anything of that battery ?

Answer. I saw the earthwork ; but there was another battery reported which it was said we would come against immediately, before we could see it.

Question. Where did you get that information from ?

Answer. Merely from the general talk in camps.

Question. Did you see anybody who had seen it ?

Answer. No, sir ; I was a stranger when I first came there ; but it appears to me that there was a talk in camp at that time, that some refugee had come over from Leesburg and had told of this battery, which was a dangerous point, that we would come right on before we we could see it. How it was armed, or anything beyond that, I do not know. Men's ears are pricked up on the eve of a battle, and they pay attention to things that at other times they would not heed. I generally shut my own ears against stories of what we are to meet in front. I do not like to hear too much talk in the ranks about such things.

Question. Do you know anything in regard to any communications passing over the river ?

Answer. I know that communications have passed backwards and forwards.

Question. By whose orders ?

Answer. By the orders of General Stone entirely.

Question. What was the nature of those communications ?

Answer. I have never seen them. I have seen the packages. A company of my regiment has occupied a position there ever since the crossing at Edwards's Ferry. There is the only crossing place permitted by the enemy. It is understood that there are no boats on the other side of the river at all. We have all the boats, and if any communications are to pass, we must make them from our side of the river, and Edwards's Ferry is the only place where they receive them. One of my companies being stationed at Edwards's Ferry, General Stone has been in the habit of frequently sending packages to me, with orders to send them down to the ferry and have them sent across; or if the enemy should come to the river with a flag of truce, notice would be sent of that, and packages would be received of them and sent forward to General Stone.

Question. Were the packages sealed ?

Answer. I was a great deal on extra duty, and frequently, in the daytime, would be absent from my camp. I presume that only two packages came directly into my hands. Those came to me accompanied by a note from General Stone. First would come a note to me by an orderly to notify the enemy's picket on the other side of the river that we would make a communication at such an hour, generally two hours in advance, so that they could send up to Leesburg and get the order of the commanding general there to receive the communication. Before the two hours expired a package would come to me, addressed to me as inspector general of the division. On opening the envelope there would be another package enclosed, addressed to the general commanding the force at Leesburg, and that I sent over.

Question. That package you sent was sealed ?

Answer. Yes, sir. I received two packages. One was a box, tied up with a string, about the size of a couple of these inkstands, I should think. I do not know that I had the right to do it, but I had the curiosity to open the box, and I found it contained two daguerreotypes, packed in cotton—nothing else but two daguerreotypes of children. I had heard, upon making inquiries, that daguerreotypes had been sent over, and that the daguerreotypes had been taken to pieces and examined between the plates, &c. But those were put up in a box and tied with a string, without being sealed. I sent them over just as they came to me. There was a talk there of sealed packages being sent over, and I heard it remarked by the commanding general himself, on the thing being suggested, that the government, of course, would trust the commander of a division in all such matters as that; that I had no question to ask, nor anybody else in the division under his command, but we had to obey orders. I never asked him a question about it myself.

Question. Was it in your division that some men were sent over to the Virginia shore and left there, while their men came over on this side ?

Answer. I never heard of anything like that until I saw it in the papers two or three days ago. If I am to give an opinion, I must say that I do not think a thing of that kind could have occurred without my having heard of it. If a thing of that kind had occurred, I think I should have called attention to it myself. In obeying orders, if I receive any that I consider have any impropriety about them, I should at once report it, whether given by the commanding general or anybody else. If I had suspected anything wrong in the sealed packages, I would not have waited long before making a report about it. But those

sealed packages were exchanged a number of times; they were, as I was given to understand, letters from prisoners and remittances to prisoners.

On one occasion, shortly after our crossing at Edwards's Ferry, a lieutenant of one of the regiments was sent up to me under arrest by my guards at Edwards's Ferry, with the statement that he had made a communication across the river in direct violation of orders. It was in direct violation of orders for the picket to hold communication across the river. This officer commanded some picket above the ferry, and an officer of my regiment on the lookout hill had seen a boat cross over to the Virginia side. He immediately started on a run, and got there where this boat had crossed just as it got back. He arrested the lieutenant who was in charge of the boat, took the letters from him which had been brought back by the boat, and brought him to me. Considering the matter so flagrant, I deemed it my duty to put him in charge of a guard and send him with the letters up to General Stone, which I did. The letters were opened, and, from remarks in them, showed that he had communicated before. General Gorman was there at the time, and of course I had no right to do anything of my own motion. But after getting his sanction, I sent the lieutenant with the letters up to General Stone. And, as I have heard since, after being kept in close confinement in his camp for a while, he was permitted to resign. He was a lieutenant of the thirty-fourth New York regiment; I forget his name.

By Mr. Gooch :

Question. How long since you went into that division ?

Answer. I went there about the middle of October.

Question. When did you leave ?

Answer. I came away from there the day before yesterday.

By Mr. Covode :

Question. Do you know of any fortifications being erected there ?

Answer. Yes, sir; there have been some erected there since the battle of Ball's Bluff, which I have examined with my glass; some erected in two places.

Question. Above or below Edwards's Ferry ?

Answer. Above, both of them, within a week past, just before the last snow-storm, they began an excavation just opposite Edwards's Ferry.

Question. How far from the river ?

Answer. I should think about a mile and a quarter from the river bank, on the south bank of Goose creek, as near as I can make out by examining it with a glass.

By Mr. Gooch :

Question. Within reach and control of our guns ?

Answer. Yes, sir; even with 10-pounders. It is but very recently that that excavation has been commenced; within a few days, since General Stone left there.

Question. Who is in command there now ?

Answer. General Gorman. They took some 20-pounder guns down to the ferry, and tried their range. I have heard some laughing at their practice. I have heard that they threw sixteen shells, and but three of them burst, and none of them reached the works. A 20-pounder gun should reach that distance every time. That artillery practice excited my indignation more than anything that has occurred since I have been up there.

By Mr. Odell :

Question. Whose battery is it ?

Answer. I do not know; it is one of the Rhode Island batteries. There is something wrong in those shells not bursting, either in putting up the ammuni-

tion, or the care of it since, or in the care of the fuzes, or something else, that ought not to be; we ought not to be permitted to go into action with such ammunition. From what I have seen myself, I have no doubt of what I have heard in regard to that practice. I am inspector general of that division; that is the business which has kept me away from my regiment so much. I have never been ordered to inspect the light artillery. But I am told that out of sixteen shells only three burst.

By Mr. Gooch :

Question. From whom do you receive your orders ?

Answer. From General Stone.

Question. Why have you not been ordered to inspect that battery ?

Answer. I have not got half through the division yet. I have been set to investigate several matters in the regiments there, and I have worked about all the time I could stay awake.

By Mr. Covode :

Question. You believe the firing at that earthwork was not a sufficient and satisfactory test ?

Answer. The test showed very clearly that something was the matter, either the artillery, or the ammunition, or the officers in charge of it. The firing sixteen shells and having only three burst is a disgrace to any artillerist.

By Mr. Gooch :

Question. Do you know where those shells were from ?

Answer. I do not know.

Question. Who is chief of artillery there ?

Answer. Colonel Tompkins, from Rhode Island, a very clever gentleman indeed. But whether he is an artillerist or not I do not know. I do not know what his attainments are; I have not seen him tried. But that artillery matter is a disgrace; it is a dangerous thing for us, and I would most earnestly remonstrate against that division going into action with its artillery in this shape, if that is the sample of the artillery practice we are going to have. I have seen bad practice before. When I was over on the Virginia side there was a 10-pounder shell unexploded, which was brought to me by our pickets.

Question. Fired from our side ?

Answer. Yes, sir. It showed very bad practice with artillery. My indignation was very much aroused, but I had been too well schooled to say so. My men were very much excited over it, and I did not blame them; for if you are to stand fire from one side from the enemy, it is about as much as you can be expected to stand.

Question. You have spoken of some works just commenced in front of Edwards's Ferry. You have also spoken of other works erected since the battle of Ball's Bluff. Will you describe them ?

Answer. One of them is on about the highest point above Leesburg. I have never been across the river at Ball's Bluff, but judging from the standpoint at Edwards's Ferry where I examined it, I should judge it was about half-way between Leesburg and the river above Leesburg. It appears to be quite a large fort.

By Mr. Covode :

Question. Opposite Ball's Bluff ?

Answer. Above Ball's Bluff, and commanding the country all about there. It is quite a large work. I spent an hour one day examining it with my glass. It is at a distance, I should think, of three and a half miles. I could see distinctly quite a number of men at work on it, and quite a number of tents there.

Question. Is it in reach of our guns ?

Answer. Not from Edwards's Ferry, and I should think not from our side of Ball's Bluff. A 20-pounder ought to reach it if we had artillerists who understood its practice. We have a battery of 20-pounders, I am told, but I have not seen it.

Question. Is there not a bluff on one side at Ball's Bluff, or above it, from which we could reach that work?

Answer. I should think it doubtful. The work I speak of, which is the most important work they have there, I do not think is within the reach of any effective fire from our side. We might throw a stray shell into it.

Question. How about the other work?

Answer. There is another one erected since the battle of Ball's Bluff, that I must say I am not a firm believer in. It was pointed out to me, but I could not make out whether it was a stubble field or an earthwork. It is quite distant, and the one that was said to be between Edwards's Ferry and Ball's Bluff. We have thrown shells in there, I am told.

By Mr. Gooch:

Question. What has been done on that work since the battle?

Answer. They have done work on it. There was cannonading for a couple of days about a month ago, but whether into that work or not I do not know. I understood we drove the enemy out of one of those breastworks they were erecting. But at that time I had not been at the river for a couple of weeks, and I could not spare the time to go there then.

Question. Would there be any trouble in driving them from the last battery you speak of?

Answer. I think they could be driven from the last one. I think I heard General Stone say he had thrown shells into that work before I came to Edwards's Ferry at all.

Question. Do you know how much progress has been made in that work since the battle of Ball's Bluff?

Answer. I do not. I do not think it presents any appreciable difference to the sight.

Question. Do you know whether there are any guns there?

Answer. It has been a matter of dispute with us ever since we have been there, as to whether there were guns there or not. I think there are not; I have not seen any. It was asserted that there was a gun there, and it was pointed out to me. But I made it out, as I thought, to be a wagon inside the work with its top above the work.

Question. Why have they been permitted to go on and work there?

Answer. I do not think we could have effectually prevented them, except at that work, unless they have batteries there that I know nothing of in the woods that we could prevent. I only speak of the work I saw myself.

Question. Could you not have prevented them working on this last work?

Answer. I think we could. We could have made it dangerous for them, at all events: that is my opinion. If we have thrown shells in there once, we could do it again.

Question. Is it not desirable, in a military point of view, that we should prevent their erecting works there and garrisoning them?

Answer. I should think so. It is a matter of calculation as to how much damage we could do, and what it would cost us to do it. It is pretty expensive to fire those shells. That is the only calculation in the matter. If the money is well expended, I should say we ought to continue firing wherever we could reach them, except, of course, upon their lines of pickets, where there would be no use to fire.

Question. You would not permit them to erect fortifications within the reach of our guns?

Answer. If I was in command, I would not stop firing until ordered. I cannot see why the enemy should come within the reach of our guns, if we can reach them, any more than, when we are besieging one of their southern ports, they would let us come and intrench ourselves within their reach. I think I should experiment a little while longer on those sixteen shells, at least until I had fired away all the bad ones. If I could reach them, I should fire upon them.

Question. Has this matter of the sixteen shells been reported upon?

Answer. That was only about two weeks ago. I do not think it has been reported upon. I am delicate about these things. I would not permit officers and men in my camp to talk in that way about the artillery. Half of the pluck of the men consists in their belief that their arms are good; and they will not fight half as well, if they cross the river, if you tell them their artillery is not worth a copper.

By Mr. Covode :

Question. Do you know anything about a couple of cannon being on the Virginia side of Edwards's Ferry at the time of the skirmish there, with no officer there to command them?

Answer. I was told, to my astonishment, that there was only a sergeant in command of two 12-pounder howitzers there.

By Mr. Gooch :

Question. How much time was General Stone over on the Virginia side?

Answer. I think he came over on the morning of the third day.

Question. For the first time?

Answer. I think so. I do not think he came over before that.

Question. The skirmish took place on the second day?

Answer. Yes, sir. He was not there at the skirmish. General Landier was over there, and was wounded.

Question. Did General Stone go over before General Banks arrived?

Answer. I think not.

Question. He went over with General Banks?

Answer. I do not think General Banks crossed over at all. I understood that General Stone was sent over by General McClellan after he arrived. The moment General Banks arrived at Edwards's Ferry General Stone no longer had command. General Stone was sent over immediately on the arrival of General McClellan, I understood. I did not see General McClellan. I was on the Virginia side until I came back—the last one from the Virginia side but General Stone.

By Mr. Covode :

Question. Was it not a very unusual thing to send cannon into a skirmish or engagement without an officer to command or manage them?

Answer. I should think it an impropriety, decidedly, not to have a commissioned officer in command of even a single piece of artillery, if it was isolated.

Question. Whose business was it to see that there was an officer there to command those guns?

Answer. The business of the commander of the battery to which the guns belonged; or if any superior officer knew that the guns were going over without an officer with them, it was his business to have seen that attended to. First the business of the commanding officer of the battery, when he detailed the the guns from the battery; and if he neglected it, it was then the business of the officer next above him. I was merely an observer of the matter.

By Mr. Chandler:

Question. Was General Gorman in command of the troops on the Virginia side of Edwards's Ferry at the time of the battle of Ball's Bluff?

Answer. General Gorman was most of the time on the Maryland side. He was over for a few minutes at a time several times the second and third days.

Question. Was his brigade on the Virginia side?

Answer. His entire brigade was on the Virginia side. I am ashamed to say that for a long time I was the only colonel on the ground. The colonels would go back to the Maryland side and sleep. I never saw such a state of things in my life.

Question. What duties would General Gorman naturally have on the Maryland side, if his whole brigade was on the Virginia side?

Answer. He was ordered to superintend the passage of the troops and the artillery across the river; but if I had received such an order as that, and my brigade had been on the Maryland side, I should have superintended at that end of the ferry. I could not see the necessity of his staying on the Maryland side, except that there were some houses there which were comfortable to stay in. It was a bad state of things. We wanted a commanding officer over there very much—there was nobody there to give orders.

By Mr. Gooch :

Question. Then General Stone or General Gorman should have been in command on the Virginia side?

Answer. There should have been some one there; I do not know who. It was certainly not General Stone's place; General Stone certainly ought not to have been there, as he saw the thing then. He was crossing troops in two places, five miles apart, and his business was to be with his reserve and controlling the two crossings. A man came to me, asking for orders. I had been there but two weeks, and was the junior colonel, but I received messages from this side of the river, and assumed command.

Question. From whom did you receive them?

Answer. From Tom, Dick, and Harry, who came across the river and said that General Gorman had told them I would command. There were three colonels senior to me at the time: Colonel Grosvenor, of the 2d Michigan; Colonel Tompkins, of the 2d New York; and Colonel Ladiou, of the 34th New York. I would have been rejoiced to have got an order myself to do something. When General Stone came over there (I being at the mouth of Goose creek could see everybody as they landed) he sat a few minutes at the fire I had kindled there for myself. Among other things he remarked: "I want all my friends to understand that I have been entirely powerless here until General McClellan arrived." I inferred from that that General Banks had arrived and taken the command away from him, and that he had had no power to give an order until the arrival of General McClellan, who had sent him over to take command on our side of the river. I was very glad somebody had come to take command.

By Mr. Odell :

Question. What day was that?

Answer. The third morning, I think.

Question. When did General Banks arrive?

Answer. On the second day.

Question. How could General Stone say that he had been powerless

Answer. I argued that on General Banks's arrival he had no longer the command. Of course he was the commanding officer until General Banks arrived.

By Mr. Gooch :

Question. General Banks arrived there on Tuesday?

Answer. Yes, sir.

Question. And it was Wednesday that General Stone went over

Answer. Yes, sir; I think it was Wednesday morning.

Question. Can you tell what the general feeling among the officers, and, so far as you know, among the men, is in relation to General Stone? Do they have confidence in him?

Answer. I think the superior officers of the division have. But among the rank and file—that has only come to me through men who could approach me confidentially with a thing of that kind—among them I think it is lacking. What that want of confidence arises from I do not know.

Question. Do they doubt his loyalty?

Answer. I have heard that as coming from among the men. But I had not such a suspicion myself. If I had had, no man could have reported it more quickly than I would. I came into this war to fight this matter out, and I would not put my neck into difficulties. If disloyal men are to be suffered to remain in the service, I want to leave it. There has been a great deal of dissatisfaction evinced about a man being permitted to pass over to an island there and get his grain, and gather in his crop; and the pickets have time and again asked me about it.

By Mr. Chandler:

Question. That was virtually passing the man right through into the enemy's lines, was it not?

Answer. No, sir; I do not know as you can say that. But I have no doubt that communication could be held from that island with the enemy on the Virginia shore of a dark night. I have not been there myself. I received an order to permit the man to go over on the island to gather his crop, with a statement that his whole crop was sold to the government, to be delivered by him. I believe it is now ready for delivery. I know that it has been a cause of dissatisfaction among the men and officers that this man was permitted to pass backwards and forwards in that way. But nobody can question those things when the order is given.

By Mr. Gooch:

Question. Are they still at work on that fortification, or whatever it may be, in front of Edwards's Ferry?

Answer. They have not been at work since the second day after it was reported. About the second day after they commenced it that big snow-storm came on, and that appeared to stop them. And the day after the snow-storm commenced this shelling was done, and since then, up to the time of my leaving there, they had not again made their appearance there.

WASHINGTON, *February 14, 1862.*

Colonel JAMES H. VAN ALLEN sworn and examined:

By the chairman:

Question. What is your rank and position in the army?

Answer. I am colonel of the cavalry known as the Van Allen cavalry.

Question. We have been informed by some persons that you were at Ball's Bluff, and could give us some important information in regard to that affair.

Answer. That must be a mistake. The battle of Ball's Bluff was fought on Monday, and I was here in Washington on duty on that Monday. I left early the next morning, and got there after the battle of Ball's Bluff.

Question. Do you know anything about the object of that expedition—what was calculated to be effected by it?

Answer. I think that the object of it was to ascertain the strength and posi-

tion of the enemy; and, after that had been done, I think the object was enlarged, and then the intention was to capture Leesburg. That is, however, only my impression; I do not know that.

Question. The enterprise was to be accomplished by General Stone, acting in conjunction with General McCall and General Smith below?

Answer. I think so. I think that General McCall was supposed, at that time, to be about ten miles from Leesburg, on the other side. I think the intention was to have him move his right and form a junction. But, in the meantime, McCall, having orders from Washington, fell back and assumed his original position. And that, of course, rendered the expedition much more difficult.

Question. Do you know anything of the object of giving such orders to General McCall?

Answer. I do not. I surmise that they were given through a misapprehension of things up there at that time.

Question. Do you know whether General Stone was notified of the fact that General McCall had been ordered to fall back?

Answer. No, sir; I do not.

Question. As a military man, do you not think he should have been apprised of that fact?

Answer. Yes, sir.

Question. You do not know whether he was or not?

Answer. No, sir.

Question. You can tell better than I can what you know about that affair that is important. If there is anything that you know that you think has a material bearing upon that affair in any direction, we would like to have you state it, for we want to get at the true state of the case. And we are endeavoring to do that by inquiring of such gentlemen as may have the competent knowledge and military skill to judge of the propriety of that movement.

Answer. I look upon the defeat of our forces at Ball's Bluff as having been occasioned by an improper disposition of them on the field by General Baker, and upon his general incapacity to take charge of an expedition of that kind, and his peculiar incapacity at that moment, he having been, as I understood, in a state of considerable excitement for about a week before that battle was fought. I think if I had ordered a sergeant to take twenty men across the river, it would not have been necessary for me to tell him he must have transportation enough to get across, and transportation enough to get back. I do not think it would be necessary for me to tell him, "You must leave a guard for your boat or boats on the other side, so as to secure the means of recrossing." I do not think it would be necessary for me to tell him, "You must use all precautionary measures to guard against surprise; you must send out scouts in advance, and protect your flanks, and secure your retreat, if necessary." And from the best information I can get, I am afraid that General Baker neglected all these precautionary measures.

Question. Suppose he had received peremptory orders from his commander, who, having been there on the spot, knew as much about the means of crossing as he did. Suppose he had had peremptory orders to cross with his brigade, what could he then do but to attempt it?

Answer. If he had peremptory orders to execute an impossibility; for instance, if I had an order from General Stone to cross, I should expect to provide transportation sufficient, inasmuch as it was there in the canal right alongside the river. There were a number of canal-boats that could have been taken out, and I would not have crossed a man until I had got transportation enough. And then I think it would be my duty to detail a party for the working of those boats across, and a guard to keep charge of them on the other side.

Question. Are you perfectly sure there were boats for transportation there at the time?

Answer. I have no doubt there were, from the information I have received on the subject. And I took particular pains, immediately after the battle, to inquire particularly if there were boats enough, and I was told there were. Then, again, there was lumber enough there to make a raft. The river is less than nine hundred feet across there, and a thousand men could have bridged that river with the lumber that was there.

Question. Then you think that a peremptory order to cross and take charge of the men already over there, only meant that he should take his leisure and take such means as would make the crossing effectual?

Answer. Yes, sir.

Question. That is the way you would have understood the order?

Answer. Yes, sir; I should have understood the order, to have prepared means to get across. Suppose I had been ordered down there to cross, and when I got there I had found no boats, not one, no means of crossing. General Stone would hardly expect me to swim my men across. He would expect me to return and tell him that there were no means of getting across, no boat, not any lumber to make a raft, and to have asked him what I should do. And if the means of transportation were insufficient, I think the same reasoning would apply.

Question. Would it not reflect more upon the officer who had given such an absurd order, than upon the officer who had attempted to obey it?

Answer. Yes, sir; no doubt about that. I think the point you ought to get at, is to ascertain whether there was or was not sufficient transportation, either in the river or within reaching distance.

Question. We have not overlooked that.

Answer. That is the point. I wish I could say that I knew there was sufficient transportation right at hand in the canal. I do say, with all my regard for General Stone, that if there was not, the order to cross the river was an improper order, and I do not think that General Stone's defence is strong upon that point in his report, for although he says there was a scow and two boats there, and that they could carry across so many men in so many minutes, I do not think that that is a sufficient justification for sending such an expedition across. For I maintain that transportation should have been ready there to take the whole command across at one and the same time. And more than that, I say he should have looked to having transportation enough to re-enforce the men upon the other side, because he could not tell how many of the enemy we had to meet. It might have been necessary, instead of sending only 1,800 men over, to send 1,800 more, and 1,800 more than that, and 5,000 more still. I would have had boats enough to have taken those 5,000 men over at one and the same time.

By Mr. Gooch :

Question. Are you aware that boats cannot be taken out of the canal at Ball's Bluff, but they must be taken out at Edwards's Ferry, and then towed up the river?

Answer. I am not aware of that.

Question. Do you know to the contrary?

Answer. I do not.

Question. Then, if that be so, the giving that order was, to say the least of it, a great blunder?

Answer. Yes, sir. I should think it was.

Question. You spoke about having a guard for the boat. Would it be possible to have any guard to protect a single boat, or scow, whichever it was, against that force when it broke up on the other side and rushed down to the river as it did?

Answer. Yes, sir; properly commanded, it would be. I could take fifty men, and hold it against a thousand fugitives rushing down in that way.

Question. But the fifty men would load the boat of themselves, so that if you took fifty men and put them in the boat, they could only bring it away, and that would be equivalent to having no boat at all there, so far as the rest were concerned.

Answer. But there was more than one boat there. I would take fifty men to hold all the transportation.

Question. We understand that there was only one boat and a skiff or small boat of some kind, on the Virginia side of the island?

Answer. Yes, sir. One of the boats was sunk.

Question. Where were you on the day of the battle?

Answer. I was down here on leave of absence for two weeks. On Monday afternoon General Van Vliet told me that we had had a gallant affair up at Ball's Bluff. The news was that General Stone was marching at the head of his division. I made arrangements to leave the next morning. I heard that General McClellan was going up. He did go up there, and knew nothing about the disaster until I told him up there. He made arrangements to send over the whole force, and to send our force to Leesburg. But the river was in an awful condition, the wind blowing very hard. But we made arrangements at last, so that by five o'clock we had preparations to send over about a thousand men an hour, which would have got our whole force over about daylight. This was on Wednesday night. Then General McClellan, without giving any reason for it, ordered us to withdraw all our troops, and under the supervision of General Stone, by Thursday morning at five o'clock, our whole force was withdrawn without the loss of a single man, or horse, or a single piece of property of any kind; and I am told that General McClellan gave very high praise to General Stone, for his masterly crossing back of that force?

Question. He thought it a great miracle to bring the men all back, with the transportation he had?

Answer. Yes, sir.

Question. And it would have been a still greater miracle if, having been attacked, he had succeeded in bringing them back?

Answer. Yes, sir.

Question. Suppose they had been attacked by a superior force?

Answer. They would have had to fight and die, or surrender, or whip the enemy. In the condition in which General Stone was at that time, with the feeling among the troops, I think we would have whipped the enemy, unless their force had been preponderatingly large.

By the chairman:

Question. Why did he keep 1,500 men on the Virginia side the night after the disaster at Ball's Bluff, with a victorious enemy above them, taking their artillery from them and bringing it back to the Maryland shore? Suppose, I will say, that he did do that, was that good generalship in the face of a victorious enemy?

Answer. If I am not much mistaken, it is considered that General Banks had arrived there and was then in command.

Question. I am speaking of the night following the battle of Ball's Bluff. Suppose there were 1,500 men and two cannon on the Virginia side at Edwards's Ferry, and the cannon were sent back to the Maryland side, while the men were left there over night. Was that prudent?

Answer. No, sir; I do not think it was. But upon that point you can get more information from my major, Major Mix, than I can give you, for he was one of the 1,500 men who were there. He is a brave and truthful man, and I think accomplished one of the most daring feats that have been accomplished in

this war, for with a party of some 40 cavalry he encountered an entire regiment of the rebels and succeeded in bringing off his men with the loss of one horse.

By Mr. Gooch :

Question. Do you know at what time General Baker was ordered to take command over there ?

Answer. I do not ; I think it was at 5 o'clock in the morning.

Question. Suppose that General Baker had been ordered to take command there after some thousand men had crossed over, and were already in the field and were engaged with the enemy, and they had been directed to maintain their position upon that field until General Baker should come and take command, who then was responsible for the means of transportation ?

Answer. As I said before, if I had been in Colonel Baker's place I should have considered it my bounden duty to have seen that transportation sufficient was provided, or I would not have gone over.

Question. Do you mean that when our forces were already engaged in the field, and probably with a superior force, you would not have used the transportation there, deficient as it was, to have put over men to relieve them ?

Answer. If I had known they were actually engaged, then, of course, I would have swam my men over, if I could not have got them over in any other way. But that is not a parallel case. I understood that at the time General Baker was ordered to go over, Colonel Devens had sent word that he could sustain himself.

Question. They were on the enemy's territory, limited in number, and threatened by a force, the strength of which they did not know.

Answer. Exactly.

Question. Under those circumstances, would you not have used such transportation as you had to have re-enforced those men ?

Answer. I think I would.

By Mr. Odell :

Question. You are in General Stone's division ?

Answer. Yes, sir.

Question. Do you know anything about communications passing to and fro between the enemy's lines and ours ?

Answer. I will tell you what I know. I would be willing, without actual knowledge, to wager that no sealed communication of any kind whatever has passed through General Stone's hands across our lines. His camp is near mine. I have been in his quarters frequently. I have seen fifty applications made to him to be allowed to send letters over, and General Stone has invariably replied : " I will send the letter if, after I have read it, I think it proper to do so." If any sealed communication has passed through General Stone's hands, and he has suffered it to be sent over without knowing what it was, I should consider him deserving the severest punishment. But I should want very good testimony to make me believe that any such thing had been done. I know nothing at all of any sealed communications having been sent over through General Stone. And I should be very unwilling to take the testimony of a great many of Stone's friends and a great many of his enemies.

Question. All we want is to get the facts in the case, whether they be for or against him.

Answer. Yes, sir ; so I understand.

WASHINGTON, *February 14, 1862.*

Major JOHN MIX sworn and examined.

By the chairman :

Question. What is your rank and position in the army ?

Answer. I am major of the 3d New York cavalry, and second lieutenant of the 2d regular cavalry.

Question. Where are you stationed ?

Answer. About two miles above Poolesville.

Question. Were you at what is called the battle of Ball's Bluff ?

Answer. I was not.

Question. Where were you at that time ?

Answer. Near the same place where we are now.

Question. Were you at Edwards's Ferry during the time of that battle ?

Answer. Yes, sir.

Question. We are inquiring into the battle of Ball's Bluff, and all arrangements connected with it. As you are a military man, will you give us, in your own way, such information as you have, which you consider material, regarding what transpired there at that time ?

Answer. I will state, then, the orders I received from General Stone. On Sunday, the 20th of October, about noon, I was returning from a ride for exercise. I met General Stone, and he asked me if I had received an order. I told him I had not. He said, "I ordered you to be at Edwards's Ferry with two or three companies of cavalry"—I forget whether it was two or three companies—"at two o'clock." Looking at his watch, he said, smiling, "You have only fifteen minutes to do it in." He smiled because he knew it was impossible to do it in that time. He said, "Get there as soon as you can." And I did so. I took coffee, in the course of the evening, with General Stone; and he said that he thought probably I might have an opportunity of crossing the river and having a dash at the enemy, if things went as he expected them to. In compliance with instructions which he afterwards gave me, I selected a party consisting of five commissioned officers, including myself, and thirty men, and made arrangements to cross the river at daylight the next morning. General Stone cautioned me to be careful not to operate against any troops on my right until I ascertained who they were, as he intended to throw over an infantry force above, to drive in a small encampment that had been reported to him as existing in a certain locality. I did not pay much attention to where the locality was.

Question. Did he mean above, at Ball's Bluff ?

Answer. Yes, sir. I received my instructions in regard to the reconnoissance. In the morning I took my force of cavalry across the river; and either one or two companies of the 1st Minnesota were sent over to cover me as I retired, as it was expected that I would bring the enemy's cavalry down upon me. Those companies were employed as skirmishers. The intention was, that after I had done that, I should recross. I therefore started off without breakfast, and directed breakfast to be prepared on this side for my men, at half past eight or nine o'clock. I went out and drove in the enemy's pickets; but found they took the alarm so quickly that I could not catch them without blowing my horses more than I was willing to do. I remarked to General Stone's adjutant, who was with me, that I would not run my horses after them, as it was not worth the trouble. I went out and pushed along until I met a regiment of the enemy's infantry, the 18th Mississippi. I found they were trying to flank the road and get a raking fire on me. So I gave the order to retire, letting some of my men in front fire at them. I received a pretty heavy volley of musketry, which did not hurt us much, only killing one horse. I returned to the river,

and found that more troops were coming over, which rather surprised me. But finding that, I did not consider that it was advisable for me to cross the river, although such were my instructions, until I received further orders. I sent to General Stone, and he sent me word to stop where I was. I scattered my party out as videttes, and occupied the ground as well as I could. We heard heavy firing on our right.

Question. Up at Ball's Bluff?

Answer. Yes, sir; and some one informed me that our people were engaged up there, and were having a pretty serious time of it.

Question. What time of the day was that?

Answer. I should think it was 11 or 12 o'clock; I paid but little attention to the time. Colonel Tompkins was then in command, and I think I was the next officer to him in rank. I went to him and said, "Our men are engaged up above here, and I guess we can get up the river bank and get at the enemy's right flank and rear, and we may get up in time to do some good. If our people are beating them, we will share the victory; if they are being beaten, we can help them; and if it is doubtful, we can decide the matter." He said he was ordered to hold his position where he was, and I could not persuade him to take the responsibility and go up. I said to him in a jocose way, "I don't like to lose a fight if there is one handy; may I go up above?" He laughed, and said, "No." We had not heard of the disaster then; but a short time afterwards we heard that General Baker had been killed, and our force had been badly cut up. That night we received an order to retire. We had then on that side of the river, as I understood, about 4,500 men, which we had got over during the day. I got that information from some source; I am not certain whether it was from General Gorman or some one else; it was from some one in command. In fact, the commanding officer was changed about every fifteen minutes. There was no permanent commanding officer until General Stone came over on Wednesday. I guess we must have recrossed some 2,000 men, (about half our force,) when that order was countermanded, and they were sent back; and, as I received the order, we were to hold our position at all hazards, as General McCall was marching from Drainesville. We worked hard all night to get them back, and had about as many men over there on Tuesday morning as we had had the night before. About 2 o'clock on Tuesday I had become so vexed that they had kept me over there in command of such a small force of cavalry that I got a boat to cross the river; but hearing firing, I got on my horse and rode up in front and found that the enemy had come out and driven in our outposts and a great many of our men who were in advance and had gone out to gather straw. I found they had been driven, and were in a great deal of confusion; but they were soon got into shape again. At that moment I received a request from General Lander to send him a horse, as he was wounded. He had come there and asked the general question as to who was in command. He had declined to take the command himself, as his brigade was not there. He took his position there and gave advice. He asked me who was in command. He said, "I wish you would find out; I can't ride." I found General Banks and took him up to General Lander and introduced him. The matter rested there, and General Banks returned.

That evening they sent me over some one hundred men. The right wing being driven in, left my camp actually the outpost. I went to General Abercrombie, who was then in command, and requested that he would occupy a house there, which I called the Monroe house; and I told him that if the enemy occupied it, it would leave my position on the right a very delicate one, especially as horses were coming over that I wanted to unsaddle, because they had not been unsaddled since Sunday morning. I told him that if the enemy were then occupying it, it was only with a picket. I told him if he would give me permission, I would dismount my men, and take it on foot. Major Howe, of the

19th Massachusetts, came up, and said he would give me a company of infantry to take the house with, and told me where the company was. I went after them, but could not find them. I, however, got close enough up to the house to see that it was occupied by only three men. I got half a dozen men, and galloped up towards the house, when the enemy ran out, and ran off; and I held possession until the next day. The next day, Wednesday, the wind blew so that it was almost impossible to communicate across the river. In the course of the afternoon General Stone arrived, and took command in person. He made some little alterations in the disposition of the troops, strengthening the outposts, &c. We all supposed we were going to advance. We were a little short of artillery; in fact, we were very short of artillery for an advance; although we had plenty on the Maryland side, which covered us where we were; but we had only two pieces of artillery on the Virginia side. We set to work to get things in shape to get over more troops. We got a man at work who knew something about it, and he got things into shape; and as the first boat was ready to leave the shore, the order to send over more troops was countermanded, and we were all ordered to retire. We commenced to retire that night, and got all our troops over about 3 o'clock in the morning. We left very quietly and coolly, and took pains to leave nothing behind us.

Question. Do you know what the object of that demonstration was?

Answer. I know from hearsay only.

Question. From whom did you hear it?

Answer. I think General Stone remarked to me that he wanted to occupy the attention of the enemy that morning. He said "McCall," or "our people," I do not recollect exactly which, "are advancing, and I want to keep these folks over here busy."

Question. At what time was that conversation?

Answer. It was on Monday morning, just before we were leaving to cross the river. I thought, and I guess such was the case, that General Stone's intention at the time was that it would be nothing more than a dash. I think that was all that was intended for me, for I told him that, if the enemy cut off my retreat, I would push up along the ridge and try to meet our folks above. General Stone said, "If they push you hard, you can swim the river, can't you?" I said, "Yes; I might do that, but I don't like to undertake it." I said, "I don't want to have to come back in those boats, if I get pushed, for the horses will kick them all to pieces. I might shoot the horses and come back that way; or I might swim the horses and put the men in boats." General Stone told me to adapt myself to circumstances. He said he thought the information I would gain would be sufficient to pay, even if I should lose some men.

Question. His idea, as you understood, was that he was acting in concert with McCall's division, advancing upon Leesburg?

Answer. That was the impression I got. We always kept a watch on our left, and expected every moment to see our friends advancing from that side.

Question. You stated that you heard firing above, and endeavored to get permission to go up there and aid and assist our forces there to share in the victory, if it was a victory, and to help them if they were hard pressed?

Answer. Yes, sir.

Question. Was there, that you know of, any obstacle in the way of your going up there?

Answer. In a conversation that I have had with General Stone since. I said it was a mistake—our not going up there. He told me that General Evans, with three guns and a thousand men, were in position waiting for us, and we could not have got up there.

By Mr. Odell:

Question. Was not Evans at Ball's Bluff?

Answer. General Stone said that Evans was not at Ball's Bluff, but that he was below, watching for our advance; and I have understood that the 18th Mississippi was not up there.

By the chairman :

Question. Was there any fortification between the two places that would have obstructed you?

Answer. Yes, sir; there was an earthwork on a hill, some three and a half feet wall, which did not amount to much. If I had not met that regiment it was my intention to gallop through that work.

Question. Were there any guns in it?

Answer. I was informed by General Stone that there were not. He said the guns had been moved out a day or two before. I asked him if I could go through it, and he said I might if it was not held too strongly. I took a prisoner, who said that if I had gone three hundred yards further I would have run right on to those guns. I suppose that was what General Stone referred to; and this regiment I met was going up there to take position.

Question. General Stone did not apprehend anything from that earthwork?

Answer. No, sir; they could not hurt us while we held that position.

Question. Would it have impeded your going up there? Did he think it would?

Answer. No, sir, I do not think he did.

Question. He thought there were a thousand men, with three guns, in the way?

Answer. I only heard that statement about the regiment and three guns about three or four weeks ago. In a conversation with General Stone, I was regretting that we had not moved up; and he said that we could not have got there for that reason.

Question. Did you know, at the time, of any obstruction to your going up there?

Answer. No, sir.

Question. And General Stone never said anything about it until you said to him what you have stated?

Answer. I was regretting that I had not been permitted to go up, and he said I could not have got up there.

Question. He said that this thousand men and three guns were there?

Answer. Yes, sir; and Evans in person was commanding there, and he was not at Ball's Bluff.

Question. This was three or four weeks ago?

Answer. Yes, sir.

Question. Do you know any reason why McCall's division, which was advanced the day before this battle as far as Drainesville, had retired before this battle?

Answer. No, sir; I never saw the division, and never heard of it, except by floating rumors, which were of no consequence. But I myself told the men that McCall's division would be up.

Question. How came you to tell them that?

Answer. I expected every moment we would be attacked, and I wanted to encourage the men. By that time the men had got news of the disaster above, and they were rather discouraged.

Question. What did you hear about McCall's division?

Answer. General Gorman told me I might expect our people up from that direction. He said General McClellan would be in command there.

Question. Suppose you had gone up with what men you had at the time you wanted to go; what, in your judgment, would have been the effect?

Answer. If we had got there we would have struck the enemy on the right

wing and rear, and that would have very soon decided the matter in our favor, for the men were in very good condition.

Question. There was nothing in this earthwork to obstruct you—nothing but what General Stone told you three or four weeks ago?

Answer. No, sir. But I have been reflecting on the matter since, and have come to the conclusion that that was a very reasonable suggestion.

Question. Where was General Stone the day you crossed at Edwards's Ferry?

Answer. He was on this side of the river. Captain Stewart went back to him and made a statement of what we had found.

Question. Did you, on the Monday night after the disaster at Ball's Bluff, remain on the Virginia side of Edwards's Ferry?

Answer. Yes, sir.

Question. How many men were there?

Answer. I think there were about 4,500 there at the time we commenced sending them back that night.

Question. Monday night?

Answer. Yes, sir. We were ordered to recross, and when about half the command got over the order was countermanded, and we brought the men all back.

Question. How many troops did you really keep all night on the Virginia shore?

Answer. It varied, of course, as we were sending them first back, and then bringing them over again. I think that at no time during the night had we less than 2,200 men, and at no time had we over 4,500.

Question. What was the reason for these conflicting orders? Do you know what policy dictated them?

Answer. I do not. When I found that the troops were being recrossed, I got vexed and went down on the bank of the river and went to sleep. I was woke up a short time afterwards to go and take charge of the outposts. I did not ask any questions, for I did not care then what was done. And if any man talked to me I would not listen to him.

Question. Would not your condition have been hazardous if you had been attacked there that night by the victorious enemy?

Answer. Yes, sir. I should think it would.

Question. Then, of course, if any of you were to stay there over night, you ought all to have staid there, and as many more have been brought over as possible. Would not that have been the true military policy?

Answer. It was a question whether we should hold that shore or not. Which was the true policy I really cannot pretend to say. But the idea of crossing the men first one way and then the other, taking up the transportation for that, was certainly wrong, and cannot be accounted for, except by a change of mind, and a man ought not to change his mind in that way.

Question. Was it not very perilous, was it not very imprudent, to leave a small body of men there exposed to the whole force of the enemy after being victorious at Ball's Bluff above?

Answer. I thought it was rather a nervous operation. But I had no means of judging what information our commanders had received.

Question. I do not mean that you personally feared anything. But I ask you as an officer if it was not imprudent to leave the men there under the circumstances?

Answer. The question is, what force could the enemy have brought against us? If they could have brought 20,000 or 30,000 men, we should have been retired, or they should have sent over to us all the men they could. If they could have brought against us only 5,000 or 6,000, we should have tried against them what we could do. Not having the most distant idea of the information upon which they acted, I cannot say whether it was imprudent or not.

Question. What number of troops had the enemy about there according to the best information you have?

Answer. I have always said that they had not more than 5,500 men there.

Question. Then if 2,200 men were left over there, without much transportation, they were in danger, were they not?

Answer. There is one thing that was a strong point in our case. Our movement was beautifully commanded by the artillery on this side. The enemy could only have got us there with skirmishers, because our guns could have easily been brought to bear upon them.

Question. You know nothing of the orders issued to McCall, or of the plan of that movement, as emanating from General McClellan?

Answer. Not the least.

Question. What were your means of transportation at Edwards's Ferry?

Answer. At the time I crossed on Monday we had three flatboats, and either one or two skiffs; I forget which. When I returned to the river bank, about eight o'clock, I think they were getting a canal boat out of the canal into the river. And they kept getting them out, so that at the end I guess we maybe had in the river six or seven of those canal boats, capable of carrying 500 men each, on an average. They were got into the river at different times, as they were found necessary.

Question. Suppose that McCall's division, of some 15,000 or 16,000 men, with Smith's division within striking distance, were advanced to within 12 or 15 miles of Leesburg, on the same side of the river where you were, was there any difficulty in their advancing and taking Leesburg if they wanted to do so?

Answer. Not that I know of. I have always thought that we ought to have taken Leesburg; but whether we could have held it without assistance from the left is another thing. I have thought, and I think still, that we could have taken it. I can take Leesburg now with a squadron of cavalry any night; but I could not hold it.

Question. There is nothing to be gained by doing that?

Answer. No, sir.

Question. What was that demonstration for.

Answer. I supposed that it was to cover some other movement. I supposed that it was one of those cases where it was necessary to fight, and the persons fighting do not know what object is to be gained; that it was a part of a combined movement.

Question. Have you ever found out what the other part of that combined movement was?

Answer. No, sir; it has always vexed me every time I thought of it, and I have never spoken of it, except officially, on one or two occasions.

Question. Do you know of any other facts that occur to you as important?

Answer. No, sir; I am sorry that I have to appear so stupid about the matter. But the fact of the matter is, that I got so put out and vexed that I paid no attention to how things were going; asked no questions, and did not care about it.

By Mr. Odell:

Question. Were you not liable to be cut to pieces on Monday night, after the disaster at Ball's Bluff, if the enemy had come down upon you?

Answer. Yes, sir; the question is whether we ought not to have brought over more men. But the boats were used to bring the men back to this side. If they had been used to carry more men over to the Virginia side, we might have had 8,000 men over there in the morning. It is a question whether we should have held that position or not. If not, then we should have tried to have brought back all our men that we could.

By Mr. Covode :

Question. What number of men would have driven off the enemy at Ball's Bluff, if you had gone up ?

Answer. I think almost any number would, because we would have attacked them on their flank and rear. I think 25 men would have scared them off, for, being in the woods and coming right out upon them, they would have thought there was something terrific coming.

By Mr. Chandler :

Question. How many men had you over there at the time you wanted to go up to Ball's Bluff ?

Answer. I think not over 1,400 men.

WASHINGTON, *February* 14, 1862.

Colonel C. H. TOMPKINS sworn and examined.

By the chairman :

Question. What is your rank and position in the army ?

Answer. I am colonel of the 1st regiment of Rhode Island light artillery ?

Question. Where are you stationed ?

Answer. At Poolesville.

Question. We have heard something about defective shell in that division. What do you know about that ?

Answer. The only defective shell I know of is some James shell that proved to be defective. That was before I was assigned to that division. It was in a battery in General Banks's division, I went up and inspected the battery by order of General Barry, chief of artillery, and found that the shell was defective. At the same time there was a report came in from General Stone in regard to some James shell fired by a battery in his division, that the shells had proved to be defective ; and, as he expressed it, the projectile was a perfectly worthless one. The causes for that we did not know. They have since been withdrawn and others put in their places. The theory is that whoever cast the shell did it very defectively.

Question. Is the James shell, in your judgment, a deficient shell ?

Answer. I think it is a very good shell when it is very carefully and accurately made. It is rather too complicated for quick and rough casting. But I understand that none are used now in the service. The only other defective shell I know of is some Schenckel shell. We had some there for one of the batteries, and found, the first time we tried them, that they were of the wrong calibre. That was a fault upon the part of those who sent them up from here. In some firing the other day, a week ago to-day or to-morrow, with a 20-pounder Parrott gun, we had some difficulty about the fuse.

By Mr. Odell :

Question. How many shells did you fire ?

Answer. Sixteen.

Question. How many exploded ?

Answer. Out of the sixteen only four.

Question. Is that as it ought to be ?

Answer. No, sir.

Question. Where is the fault ?

Answer. In my opinion it is in the fuse.

Question. Who is responsible for that ?

Answer. The makers of the fuse at the Washington arsenal.

Question. What did you do when you had ascertained that fact?

Answer. I reported it to General Barry, and he informed me the other day that some officer from the arsenal had been ordered up there to inspect the fuses.

Question. How many have you there?

Answer. I suppose a thousand of them. I do not know exactly how many. It may not be a defect in the fuse, but it may be owing to the continued damp weather, by which the fuses got damp. But, as near as I could judge, I thought they were dry; and the captain informed me that he was very careful to keep them dry.

Question. Is there any means by which you can ascertain that fact?

Answer. The fuse requires a very powerful and direct flame to ignite it. I tried to ignite these fuses by setting a piece of paper on fire and blowing the flame upon them. But that is not a fair trial. They did ignite by holding them against a live coal.

Question. These men, sent up to inspect them, can ascertain what is the matter with them?

Answer. Yes, sir.

Question. How many of your shells struck the object aimed at?

Answer. Our range was an uncertain one. We obtained the range after firing, probably, eight or nine shots. After getting one explosion, it showed me that we were ranging short. I then increased the range, and got it satisfactory to myself.

Question. You could not satisfy yourself about the range until a shell exploded?

Answer. No, sir; from the fact that the range was a long one, and there being a great deal of snow on the ground and a bright sun, we could not see when the ball struck.

By Mr. Chandler:

Question. What is the effective range of these 20-pounder Parrott guns?

Answer. I could not speak with certainty from my own knowledge in regard to that. They pretend to say that they are effective at four miles and over. I have experimented very little with that gun—have seen very little firing with it. What little I have seen of practice with the 20-pounders has never been very satisfactory to me. Those who have seen more of it, and have had more to do with it, have expressed themselves as perfectly satisfied with it.

By the chairman:

Question. At such a distance as that the aim must be very uncertain?

Answer. It would be perfectly uncertain.

Question. Can you fire effectively at that distance?

Answer. You cannot tell anything about it. You may get a gun in position, and get the exact range of firing, and have your shot fall with some effect; but to go out and measure the distance with the eye, to say that you can fire with accuracy with a Parrott gun at four miles, I do not believe any such thing.

By Mr. Odell:

Question. You say you have about 1,000 of these fuses?

Answer. About that number. We have some 900 and odd, as I remember our report.

Question. What guns have you of this range?

Answer. We have four of these 20-pounder Parrott guns; that constitutes a battery.

Question. Is the shell you have of the parcel you tried the other day?

Answer. All for that battery. We have other batteries there of a different calibre of guns.

Question. Under your charge ?

Answer. Yes, sir.

Question. How many ?

Answer. Three others.

Question. How many guns ?

Answer. Each of six guns.

Question. Have you experimented with them ?

Answer. Yes, sir ; some, not a great deal.

Question. Was your experimenting satisfactory ?

Answer. Our firing with those has been very satisfactory, with the exception of finding the projectile I have referred to of the wrong calibre.

Question. That does not make the shell a bad one ?

Answer. No, sir ; we have one battery of 20-pounder Parrott guns, and two batteries of 10-pounder Parrott guns, and one battery of rifled bronze guns, which has the Schenckel projectile.

Question. As a prudential matter, do you not think these 20-pounder shell you have tried and found deficient should be investigated at once ?

Answer. Yes, sir ; and it was my intention to have done that as soon as the weather permitted. If they were damp I ordered them to be dried before the fire as well as they could be, and I was informed that they had been put before the fire already.

Question. Suppose there had been an engagement while your fuses were damp ?

Answer. Then we should have had to use shell as solid shot. The dampness of the fuse does not affect the flight of the shell at all. Take the shell unfilled and plug up the fuse hole, and you can use them as solid shot.

By the chairman :

Question. What is the condition of the fortifications up there ?

Answer. I know of no fortifications up there that amount to anything, except one back of Leesburg, to the right and in the rear.

Question. That is out of the range of our guns ?

Answer. Yes, sir ; entirely.

Question. Are there any nearer at hand ?

Answer. Yes, sir ; there are some nearer at hand. There is a little one that we shelled once, between Ball's Bluff and Edwards's Ferry. We have shelled that, and have the range of it perfectly. We have never seen any guns there. I think they have nothing but stables there. There is another one, but I think it is only a breastwork for infantry. Of course, I have no positive knowledge of these things, for I have to look at them from a distance. They threw up one, on a dark, misty night, on the road from Swarts's Mill to Leesburg. It is very plainly visible from the north end of Harrison's island. As soon as it was discovered by our pickets, and the reports came up to us, I was ordered down there to look at it. I ordered some artillery there, and we got the range of the place and shelled it.

Question. How long ago was that ?

Answer. I think that was somewhere in the latter part of December or the first part of January.

Question. Were there any guns mounted on these works you speak of ?

Answer. No, sir ; none at all. In regard to those fortifications which you refer to, there was one there which we shelled the other day with this 20-pound battery. That was a week ago last Monday, I believe.

Question. By whose order was it shelled ?

Answer. By order of General Gorman. General Gorman telegraphed to General Stone that it had been discovered there, and General Stone telegraphed, in reply, to shell it.

Question. Did they reply to your firing ?

Answer. No, sir; they did not, and I have never seen any indication of a gun there, until about two weeks ago, on the fortification back of Leesburg; and ever since we have opened fire upon and got the range of the two fortifications—the one at Swarts's Mill, and the one between Ball's Bluff and Edwards's Ferry. We have a section of battery at each place, with orders to open fire whenever they show any signs of mounting guns there.

WASHINGTON, *February 14, 1862.*

Dr. J. H. PULESTON sworn and examined.

By the chairman :

Question. What position do you hold ?

Answer. I am the military agent of Pennsylvania here. I am an officer on the staff of the governor, and his representative here.

Question. We have been told that you were knowing to something that would throw light upon the Ball's Bluff affair, as regards the issuing orders, &c.

Answer. I think that there must be some error about that. I do not think I know anything that is pertinent to the inquiry before this committee. I was up there at Edwards's Ferry, a few days after the battle at Ball's Bluff, to look after our men. I conversed a great deal with General Stone, and many others around there, as I naturally would do, and I do not know now as I know anything that has not been made public.

Question. Will you state what was your conversation with General Stone, and when it was ?

Answer. I really cannot remember how long after the battle it was. I know that General Stone was very busy writing out his report on the day I was with him. I conversed with him very freely about the battle of Ball's Bluff. I think first of all he showed me a Sunday Chronicle of the day before. It must have been, therefore, on the Monday succeeding the battle. He showed me the Sunday Morning Chronicle from Washington with one or two despatches, purporting to have been sent by him to Baker. I told him I had already seen them. He pronounced them unequivocal forgeries; that it was not his practice to address a colonel as a general, &c., and signing his name with the Napoleonic "Stone." I understood him to say, very distinctly, that the orders as there given were forgeries in whole as well as in part.

Question. What was the import of those orders ?

Answer. I do not remember the wording. It was to the effect that he was to make a dash at Leesburg; something of that kind.

Question. From whom ?

Answer. From General Stone to General Baker.

Question. To make a dash at Leesburg ?

Answer. Yes, sir; that was about the pith of it, showing that Baker acted with full authority and deliberately, instead of recklessly. I then said something to him about the transportation. I told him the point of attack generally was in reference to the want of transportation there. He entered into an explanation to show that had the transportation been properly taken care of by Baker it would have been adequate. He gave me the reasons for that, stating what time it would take each boat to cross and recross, how many it would carry at a time, &c. While there, I think, Colonel Devens came in with his report, and General Stone then showed me a passage in Colonel Devens's report which vindicated and confirmed his statement, setting forth that the transportation was adequate, or would have been under proper care and management. There was a long conversation on that subject.

Question. Did he tell you what the object of that demonstration was?

Answer. Well, sir, I do not remember whether he told me that. I know that either then at his headquarters, or before, or subsequently, I do not remember which, I saw an order issued by General McClellan upon which that reconnoissance was based.

Question. What was the import of that order from McClellan?

Answer. It was signed by Lieutenant Colonel Colburn or Hudson, I do not remember which—I think Colburn, of McClellan's staff, stating that McCall, with his whole division, was reconnoitering in force beyond Drainesville, and was menacing the enemy at Leesburg from that quarter, and that it would be well for General Stone to make a slight demonstration against Leesburg—something to aid McCall.

Question. You are sure you saw the order?

Answer. Yes, sir; but I do not remember where it was shown to me. I have spoken of it several times in conversation in reference to General Stone. I did so because I ventured to express the opinion that it was rather inconsistent with that order to have McCall go back to Langley with his division at that time. As a Pennsylvanian, and having charge of the Pennsylvania troops, I felt ashamed that in the face of that order McCall should have gone back. But, subsequently, that was cleared up very satisfactorily to me by the statement that General McCall had been ordered back by General McClellan.

Question. What time was that, and what was the order?

Answer. I think he was ordered to go out and return. It was one order, to reconnoitre in force from Langley to Drainesville and return. I think he exceeded the order by going out four miles beyond Drainesville. I think he stated to me that he could have remained there, as he was well prepared with field guns, &c., but his orders were to return. He performed his duties, driving in the rebel pickets everywhere, and returned back to his camp.

Question. Did he state to you whether it was any part of that reconnoissance to take Leesburg?

Answer. No, sir; he said distinctly that it was only to go to Drainesville and return. I never saw the order.

Question. Could he have taken Leesburg?

Answer. He did not say. But he was fully prepared, with thirteen thousand men and a number of field pieces. He was in a very good condition to make an attack, or, at all events, to hold his position near Leesburg. My understanding of the subsequent order of General McClellan to General Stone was that he was to make a slight demonstration with a view of aiding General McCall. I was given to understand, but whether by General Stone or by some one else, that that was the intention, and that General Stone acted under the belief that General McCall was holding the enemy in check on one side while he was menacing him from the other. But before he could have obeyed his order at all General McCall was back at Langley.

Question. Did you understand the order to General Stone to indicate that General McCall would act in concert with him?

Answer. That he was to assist McCall; that they were to act in concert. It was that McCall was at Drainesville menacing the enemy from that quarter, and "it would be well for you to make a slight demonstration upon Leesburg from your side." I know the words "slight demonstration" were in the order.

Question. Did General Stone ever intimate to you that he ever had any intimation of the order that retired McCall?

Answer. No, sir. I am pretty sure, though I will not be positive, that he told me he was astonished when he found that General McCall had gone back. I know that I felt very much mortified when I found that General McCall had fallen back at the time he did, until it was cleared up.

WASHINGTON, *February 27, 1862.*

Colonel WILLIAM RAYMOND LEE sworn and examined.

By Mr. Odell :

Question. What is your position in the army ?

Answer. I am colonel in command of the 20th Massachusetts regiment.

Question. Were you at the battle of Ball's Bluff with your regiment ?

Answer. I was there with a battalion of my regiment.

Question. Will you give us a succinct statement of what occurred ?

Answer. On Sunday afternoon, of the 20th of October, about half past 2 o'clock, Captain Charles Stewart, the assistant adjutant general to General Stone, who was in command of the corps of observation of which the brigade to which my regiment was attached formed a part, dismounted at my quarters in camp Benton, which is about a mile and a half from Edwards's Ferry, on the Potomac, and asked me what force I could furnish for the field immediately. I replied to him that the greater part of my regiment was on detached duty in observation of an island in the river below Edwards's Ferry, and in support of Ricketts's battery near the river, and another portion also formed the camp ground for that day, and the grand guard for the brigade. I told him I thought I could furnish a battalion two hundred strong, that is, two hundred rifles. He asked me whether they were supplied with ammunition. I replied, "Yes; they have forty rounds each in their cartridge boxes." He then told me to march the battalion to what was called the centre pickets, on the tow-path of the canal, and there to await further orders. The men were mustered and I found about two hundred and eighty rifles, part of which I detailed from the line for a relief camp guard. In twenty minutes I marched a battalion of two hundred and seventeen men out of camp, and towards Edwards's Ferry I found the road filled with columns of troops—the Minnesota 1st, Michigan 7th and New York 2d. They halted and defiled into the fields near the river, on the high ground at the river, and I passed them. I ordered two companies that were in support of Ricketts's battery to report to General Stone where he had placed the battery, and which seemed to be prepared for action. I defiled on to the tow-path and marched to the point designated in the orders which I had received from Captain Stewart. He passed me on the march; he was mounted and had two or three orderlies with him. When I arrived at the centre pickets I found a small force composed of the 19th Massachusetts and some men of the 15th Massachusetts. My orders were to await orders at that point. Captain Stewart returned without giving me any orders at all. Colonel Devens joined me soon after, and told me that he had removed his command, a battalion of three hundred and fifty men, to Harrison's island, which, before that, had been occupied by one or two companies of his regiment as a picket guard in observation of the Virginia shore. He went over to the island himself in a boat. I put my own battalion into a bivouac camp that night, as it had at that time got to be dark.

Soon after that Major Revere and myself went over to Harrison's island, and there met Colonel Devens, and he showed me an order which was signed by General Stone or by his adjutant, Captain Stewart, I have forgotten which. This order required him to establish pickets there, and, if I recollect aright, to defend that island against any attack of the enemy from the other side. In case he was attacked by superior numbers I was to cross over as a re-enforcement and join him on the island. Major Revere, Colonel Devens, and myself examined this order carefully to see what the nature of the service was in which we were engaged. We examined the ground of the island with a view to its defence against the enemy from the Virginia shore. The examination we made was quite a careful one, sufficiently so to enable me to comprehend the nature of the ground upon which I was to fight if a battle should ensue. We

then arranged signals, lights they were, which were signals of communication to advise me that my command must cross. We arranged that the boats should be left on the Maryland shore for my use. Colonel Devens also advised me that a captain of one of his companies, with a small party of men, intended to cross the river into Virginia with a view to ascertain precisely the condition and location of a camp of the enemy, supposed to be located a short distance from the river towards Leesburg. After this examination and this arrangement of signals as between us, Major Revere and myself returned to the Maryland shore to our command there.

At perhaps ten o'clock at night a boat came over from the island bringing Quartermaster Howe, of the 15th regiment, and Colonel Devens, who mounted his horse, and, without saying a word to me, proceeded down the tow-path towards Edwards's Ferry. He returned; in what time I cannot say, but I should think it was perhaps in about two hours; it was perhaps midnight when he returned. He told me then that he had orders from Colonel Devens which he would show to me, and he read them partly to me by the light of a pine-knot which we had burning. They were somewhat long. I found in those orders, or by those orders rather, that I was directed, or perhaps I should say Colonel Devens was advised that I would cross immediately with my battalion and occupy the island, and establish pickets on it, while he, Colonel Devens, should withdraw his pickets from the island and take his battalion across the river to the Virginia shore; "that Colonel Lee, (myself,) would furnish 100 men from his battalion to follow Colonel Devens immediately across the river, and occupy the high land immediately over the river." The duty assigned to me by this order was to cover the retreat of Colonel Devens in case he had to fall back; to allow his command to pass down the river bank and take the boats, while I covered his passage against the enemy; the quartermaster also advised me that two mountain howitzers would report to me very soon. He then took a boat and crossed the river. In a short time the howitzers came up from Edwards's Ferry or in that direction.

In the meantime Major Revere and myself were engaged in sending over our battalion in three scows that were there. One of the scows was somewhat larger than the other two. It was reported to me that the larger one would carry 50 men, and the smaller ones would carry from 40 to 45 men each. We put the men on board the scows as fast as possible, and found that the larger one would carry 45 men, which was the most we could get in it, and the others would carry about 40 men each. Those scows were poled across. The current was pretty strong, very swift, the rains of the previous few days having swollen the river considerably, and in order to reach the island it was necessary to pole the scows up the river some distance, and then take the downward current and a diagonal course across the river. Sometimes the scows failed to make the landing the first trial, and had to be poled up again. But we got the battalion over to the island. It had been increased by that time, by order of General Stone, by the 101 men who had been supporting Rickett's battery; they had been detached from the battery and ordered to join me, which they had done. So that I then had 318 men.

Before leaving the tow-path, I wrote a report to General Stone stating that I was there with 318 men, and 40 rounds of cartridges to each man; that Colonel Devens had reported to me a battalion of 300 men, with, as he supposed, 30 rounds to each man, and the 19th Massachusetts had about 200 men on picket duty there; so that the whole force immediately available for any service on the island was 818 men, with muskets and rifles, and supplied with ammunition; that I sent to General Stone. It had then got to be well on towards morning, or I will say it was considerably after midnight, when the last boat went over with the howitzers. I went in that boat myself. My command had been left partly in the ruins of what we supposed to be an old tobacco house, and partly

stationed on picket duty. Upon arriving on the island, I, with Major Revere, joined Colonel Devens in a little house on the island. I then requested him to let me read this order under which I had acted in crossing to the island, and which was signed by General Stone. Colonel Devens, Major Revere, and myself read it over, and studied it with great care. We found that Colonel Devens was ordered to cross with his battalion of 300 men, as we then supposed it to be, and a battalion of my own regiment, 100 strong, was to occupy the bluff to cover his retreat, should it be necessary for him to fall back. He was to move in advance from the river for the purpose of breaking up the camp of the enemy, supposed to be located some short distance in advance from the river towards Leesburg; and I think the order required him, having accomplished that purpose, to retire to the island, unless Leesburg seemed to be unoccupied, and it would, in his judgment, be safe and expedient to move upon Leesburg with his command. I understood the order to give him a discretionary power to move upon Leesburg after having broken up this camp. He was himself to judge whether it was expedient, as a military measure, for him to advance or to retire. At all events, I was to maintain myself on the bluff while he did retire, and then, of course, I was to retire myself, though that was not stated; I would then be in a condition that would require me to do so.

The movement across the river began. I went with Major Revere to the side of the island next the Virginia shore to look at the ground, and to see the means of transportation. I found there a small row-boat, a metal boat, as it proved to be, and two small skiffs. Colonel Devens immediately commenced embarking his men and transporting them to the Virginia shore. How many men he could take at a time in that metallic boat and the two skiffs, I did not wait to ascertain. I went back to the house, and again read this order to satisfy myself in regard to the duty which I was required to perform.

I would say, however, that before I had arrived on the island, Major Revere and Colonel Devens had consulted together in regard to the propriety of bringing over some scows to the Virginia side of the island, to increase the means of transportation there, of which they had knowledge, and I had not. Major Revere communicated to me the result of that conference, which was that one of the scows should be carried around; and after having myself looked at the means of transportation, I at once acceded to that arrangement. My impression now is—if the order is extant it can easily be ascertained—that the order of General Stone required me to bring all these scows around to the Virginia shore; and I think that it also required me to haul them across the island; of that, however, I am not sure. Certainly the metallic boat was carried across the island. It was at first on the Maryland side of the island, and Major Revere and Colonel Devens had it taken across.

I ordered Major Revere to remain on the island in command of the residue of my battalion on the island, while I took command of the 100 men who were to cross over into Virginia; I felt it my duty to go with them. My adjutant, Adjutant Pierson, went with me; he accompanied me, acting as my aid.

After an interval, I cannot now undertake to say how long, it was announced to Colonel Devens that the last boat with his men were about to cross. He shook hands with us, left us, and went down to the island shore and crossed over. I prepared to follow him with my battalion of 101 men. As soon as the boats came back, I commenced embarking my men and sending them over. I think I found I could carry 28 men in the metallic boat and two skiffs. The men were crossed over as quickly as possible, and marched up on the bluff. The bluff was close to the river, and was, I should say, perhaps fifty feet above the level of the river. The face of the bluff next to the river was nearly perpendicular. The first part of the path, which was a winding one up the bluff, was very narrow, afterwards widening with a road perhaps wide enough to be called a cart path.

When I arrived at the top of the bluff it was quite dark, but I could distinguish men moving. I sought out Colonel Devens and stated to him that I was there with my command, and that he was at liberty to move in advance. He immediately marched his battalion forward. I proceeded to make the best disposition of my own force which I could without any knowledge of the ground, and in the dark. This was about half past five o'clock on Monday morning.

As soon as it became light enough, I proceeded to examine the ground on which I stood, and sent out scouts to the front and to the right and the left; posted a small force under a trusty and efficient officer to guard the road from the river, and waited there for events as they might happen. We had discovered no pickets of the enemy at all. There had been no sign of life, except from our own force.

At half past seven o'clock there was a firing on our right, the right of the bluff, in and about a ravine where a party of my scouts, a sergeant and two men, had been sent to reconnoitre. Just before that, I had also sent my adjutant and two officers out to reconnoitre. The adjutant came back and said that the sergeant of that scouting party had been shot, and immediately after that the sergeant himself came in. I found that he had been shot in the arm. We bound up his wounds as well as we could do it there, and he was sent down to the river, where I had posted an intelligent man for the purpose of establishing an immediate communication with Major Revere, who was in command of the rest of my battalion on the island. After that there was some little firing of pickets; the pickets of the enemy seemed to have come down, and were apparently firing across to the island.

At about 8 o'clock we heard a heavy volley in advance, and after that an irregular firing, which seemed to be a return fire. I judged from the sound that the firing was perhaps a half a mile from where my command was then posted on the bluff. In the course of my reconnoissance I found that the path from the river continued on as a sort of cart path up through a piece of woods, and it was up that road that I supposed Colonel Devens had moved. Soon after this firing, which after the two volleys I have spoken of became irregular, as between skirmishers apparently, the wounded men began to appear coming along this road as it opened from the woods into the open space where I was posted on the bluff. Man followed after man, wounded, until I think there were 11 or 13 had come back. They were mostly accompanied by men to assist them. They required some little assistance, which I furnished, and then they were passed down to the river, put into a boat and sent across to the island.

I should have stated before—I will do so now—that when I marched out of camp the preparations seemed to be for a battle. I met my assistant surgeon, Dr. Revere, and directed him to go to camp and order ambulances down to the canal opposite the central picket station, where they would be ready for use in case we should want them. I directed him then to report himself in person at the central picket station. He had performed that duty, and was on the island, so that these men were sent over to him for treatment.

The firing in front ceased, and, perhaps, in the course of three quarters of an hour Colonel Devens's battalion appeared on this road, coming out of this wood, on the open space of the bluff. They marched out in excellent order, coming by flank column, in double files. They were in excellent condition, no flurry, their formation preserved. When they reached the position where I stood I went forward a little to meet them. I found Colonel Devens and his command perfectly cool. I asked what had happened; I had before obtained some general information from the wounded men, and those who had accompanied them to assist them. Colonel Devens did not say much to me; he seemed very much vexed; in fact, he seemed angry at the result of the operation. I finally said to him, "If you are going to stay here, colonel, you better form your line of battle across the road, instead of leaving your battalion in column and halted in the

road." To that he made no reply. I waited to see whether he would retire and take the boats or not. I ascertained that the report that there was a camp of the enemy in advance was a mistake, the light shining upon and through some trees having been mistaken for a camp the night before. I ascertained that Colonel Devens had reconnoitered over a hill a little in advance of this wood toward Leesburg; there did not appear to be any force of the enemy there. He had sent two companies forward to reconnoitre, or in the advance for some purpose, and a company of the enemy had fired on one of these companies—company A, of his regiment—firing from a ravine. That was the volley which I had heard at eight o'clock. The enemy then broke and run into a field and got under the cover of some stacks of corn stalks, and Colonel Devens's two companies fell back upon the main body of his battalion, which had remained in the woods, and then they had, after a short time, fallen back on my position. After remaining there twenty minutes or, perhaps, a half an hour, Colonel Devens put his battalion in motion again and moved them in advance once more, and moved again up this road without saying to me what he intended to do; as he had not retired, I concluded that he intended to fight. I accordingly addressed a note to Major Revere, and sent it over to the island, saying, "Colonel Devens has fallen back on my position; we are determined to fight." That was all I wrote to him. We remained there a considerable time before the firing was resumed in the advance in front of me; by and by it commenced again; it was irregular, evidently the firing of skirmishers; it was not a heavy firing, but still it was pretty active. The quartermaster of the 15th regiment, Quartermaster Howe, had gone over with Colonel Devens early in the morning, but had left before the first firing. He now returned and said that General Stone desired to know what our opinion was. I told him that we were on the Virginia shore; that if the government designed to open a campaign at that time, and on that field, we had made a lodgment, but we should want re-enforcements; that the means of transportation were small, and that we also required subsistence. I spoke to this man very cautiously, because, in the first place, he was no soldier—had no military knowledge at all—and seemed very much excited and impetuous; and in the next place, I was not sure by what authority, or under what authority, he came there speaking for General Stone. I therefore spoke to him very cautiously, indeed. He then went forward and consulted with Colonel Devens, and then returned and crossed over to the island.

Captain Condee followed; he came over with a small force of cavalry; two fours, as we call it, of cavalry—eight cavalrymen, I think. Captain Condee rode up on the bluff and asked me what the condition of things was. I told him to sit down and take his pencil and write what I told him. I stated to him precisely what had occurred, and what I had stated to the quartermaster; I repeated that to him, and he put it in writing—that is, the memorandum related to what had happened, to our condition, and what it would be necessary to do if we were expected to maintain our position. After this interview, he retired with his horse; went back to the island, I supposed. He went down to the bluff, to the landing. At about 12 o'clock, it might have been, or, perhaps, later, for I will not be sure about the time, Major Revere appeared on the field with the residue of my battalion which had been left on the island under his command. This increased my force to three hundred and seventeen men. He told me, or some officer who came with him told me, that Colonel Baker was on the island. I disposed of my men, this battalion of three hundred and seventeen men, in the best manner I could to cover the passage of the river, for that was still my duty, as I had no further orders than to maintain my position there on the bluff as a covering party for Colonel Devens. After having disposed of my men in the best manner to carry out these orders, I left the bluff to go to the river to cross over to the island to see Colonel Baker, with a view of explaining to him not only the condition of things so far as the troops were concerned, but also the nature of the

ground upon which we stood and were to operate, for I had reconnoitered it very carefully indeed. After proceeding towards the river for that purpose, for perhaps one hundred feet, the firing in front opened again very heavily. I immediately returned to my command, judging that to be the proper place for me if there was going to be an action; and there I remained until some time after 1 o'clock. Some time between 1 and 2 o'clock I heard a voice behind me inquiring for Colonel Lee, and Major Revere, I think, said, pointing to me, "There he stands." I turned around, and a military officer on horseback presented himself, and bowed very politely, and said: "I congratulate you upon the prospect of a battle." I bowed, and said: "I suppose you assume command." I knew it was Colonel Baker. I had seen him once before at Poolesville, for, perhaps, a minute, and I recognized him here. He said he would assume command. Colonel Baker was followed by a battalion of the California regiment, as it was called, Colonel Baker's regiment, and the Tammany regiment. I should have stated that before the battalion of my own regiment had come over, under the command of Major Revere, a battalion of the 15th Massachusetts regiment had come across between 11 and half-past 11 o'clock, and had passed to the front and re-enforced Colonel Devens, who commanded the 15th regiment. Colonel Baker, upon his arrival, immediately proceeded to form his order of battle with the troops as they came over. My own order of battle had placed the main body of troops I had across the bluff, nearly parallel with the river, the right resting on the woods, with an advance guard in the wood, and the left resting on the woods, with an advance guard also in the wood, each wing having an advance guard in the wood of one company. That line was formed to cover Colonel Devens's retreat; not exactly to fight a battle, but to cover his retreat—of course, to fight the enemy if they followed him. Colonel Baker left my command mainly as it was, placing two companies of the California regiment on the right of my battalion, leaving the road from the woods open for a short time. He placed companies of the California regiment, and the Tammany regiment, on my left, in the woods. What disposition was made of them in the woods I cannot tell. And what disposition was made of the advance guard on my right I could not tell, as it was hid from my sight. Having done this, Colonel Baker, who was still mounted, rode up to me and asked me how I liked the order of battle. I told him I thought the battle was to be made on the left. I added nothing more than that. I told him the battle was to be made on the left. His order of battle was what was termed a parallel order; the centre being re-enforced, and the re-enforcement of the centre being, perhaps, twenty feet in rear of the front line.

By Mr. Covode:

Question. The river was in your rear?

Answer. Yes, sir: perhaps fifty or sixty feet in the rear of us, under the bluff. In the meantime the 15th Massachusetts had fallen back under the fire of the enemy. They came back in good order. They did not come back in a battalion, but in independent companies. They marched diagonally across in front of my line and formed a line across my right, being what is called a crotchet thrown forward, the left wing of the 15th being somewhat in the rear of my line, that is, towards the river; the order of battle then was a parallel order, the centre being re-enforced, with a crotchet thrown forward on the right, the left wing of the crotchet being to the rear of the right of my own line. The right and left wings, as I am informed, had advanced guards thrown forward in detached companies. About that time, or soon after, Colonel Baker asked me in regard to my opinion of the order of battle, a gun, what would be called a 6-pounder gun, it was a James gun, which would throw a solid shot of thirteen pounds, drove upon the field just in rear of my front line, where it was halted. I supposed the gun was to be unlimbered, and run up by hand to a little ridge just in front

of us—a ridge which extended across the bluff. I wheeled a platoon to the right to make an opening for the gun to move forward through my line, waiting for them to unlimber. But the officer in command of the gun gave the order to move forward, and it moved forward, without unlimbering, to the ridge. The horses had hardly appeared above the ridge before the skirmishers of the enemy appeared and opened fire upon us. The distance was about three hundred feet in front of us. The enemy would come to the edge of the woods, which was in front of the open space upon which we were formed, and opened fire. Their fire was directed to this gun. I will not undertake to say how many horses were shot, but the two leading horses were very badly hurt—the head of one of them was very nearly shot away, and the rider, if my impression serves me right—and he was the only rider for the six horses—was shot out of his saddle. That was just as the horses were turning for the purpose of unlimbering the gun. They were just lifting up the trail off the limber, and a number of the men of the gun were shot down. The horses became frantic; the leading horses broke the traces, and they all rushed down the hill, dragging the limber after them. They rushed through my line, disturbing it somewhat, of course, and passed to the rear a short distance, the limber with the horses attached. However, the gun was got into action, and a few discharges made from it. As I was informed, the man who had the friction primers was shot and carried to the rear with the primers in his pocket; but one of the men happened to have some in his pocket, so that the gun was not entirely disabled from that cause. But the men were shot away so fast that it was impossible to move the gun forward after the recoil from the fire without assistance. Colonel Baker, himself, put his shoulder to the wheel, and so did his assistant adjutant general also; and I think I saw Colonel Cogswell there. The gun was, in this way, moved forward and loaded. Of course, a heavy fire was all this time directed upon it. In the meantime the infantry lines had been moved forward. My own had been moved forward to deliver their fire. A fire had commenced on our right wing between the enemy and the advanced guards. At that time there seemed to be no enemy on the left. On our right we had been attacked very sharply, and some were killed and wounded. The firing was pretty heavy on our right.

Question. Was there not a bluff on your left that protected the enemy from view until they got close upon you?

Answer. No, sir; there was a ravine in the woods on our left; but the enemy had not come in on our left at that time. As I was saying, I moved my own line in advance to this ridge, under orders to fire by files. I took the liberty of objecting to Colonel Baker to that order, because they were raw troops, and I doubted whether we could make them fire by files. His orders were to fall back and load, and move forward again, and so continue the fire. I gave the order to fire by files; gave notice to the battalion to move forward, and gave the order to fire by file, commencing on the right. They brought down their rifles and delivered their fire, but very quickly, very rapidly indeed; the whole line delivered their fire. In the meantime the enemy were delivering their fire by companies, so that their fire was continuous. My men fell back steadily a short distance, perhaps ten feet, the ground there descending a little, where they loaded, and at the order moved forward again very steadily. The two companies of the California regiment on my right did not move forward with alacrity; they still lay on the ground. After the engagement had been continued in this manner for some time, Colonel Baker came to the position that I occupied and asked me why those men were not in action. I made some remark in reply to that, the substance of which was that I could not get them into action. He went among them, and was very energetic in his efforts to get them into action; he failed, however. They rose once to deliver their fire; that was just as my men went forward. As the gun was in front of me I was obliged to

oblique my line a little, and the California companies would have fired into us, but Major Revere and my adjutant went among them and beat down their pieces, and prevented their firing.

In the meantime the gun was disabled to a great extent for the want of artillerists. I carried shells myself to the gun. I looked into the ammunition chest for canister, but could not find any at all. It was a rifle-gun and they had nothing but shell. Finally there was one man left at the gun; he came to me bleeding, and said, "I have done all I could." I said, "Yes, you have been a brave man." He gave up his sword, and went bleeding to the rear, and the gun was left without a man. In the meantime it was very evident that the enemy had been re-enforced upon our left. The firing there had been very heavy indeed—the left was driven. Colonel Baker went to the left and passed into the woods. After a moment he came out of the woods on my front and left. The enemy were perhaps within fifty or seventy-five feet of the position in which he stood. There was a heavy firing there, and Colonel Baker was shot by a man with a revolver—shot in the temple—at least I supposed so, for as he was borne by me dead I saw that his temple was bleeding. He passed to the rear a dead man. It had then got to be, I should think, half past four o'clock. We had been fighting at that time, I should suppose, about two hours. The left had been driven in; it was very evident that the enemy was in force there. The right had not been driven in very much. The 15th Massachusetts had maintained its line with great steadiness, the right delivering their fire, the left wing of the crotchet not being able to fire, for, being on lower ground, if they had fired it would have been right into us—we should have received their fire instead of the enemy. At this time our loss had been very heavy. The loss of my own regiment in the open space had been particularly heavy; but the men still maintained a good steady bearing. They had broken once, and seemed to be very much disturbed by the example of a company on our right which had broken in a panic. By the efforts of Captain Tremlett and Major Revere, and my adjutant, the line was reformed and the men went to work again with steadiness. We had been obliged to move two companies of my own regiment in the line in rear of us, in order to take the places of companies in the front of line, which had been decimated or broken up by the fire. Indeed, our resources, I could see, were entirely exhausted by this time. It had got to be towards 5 o'clock. Soon after Colonel Baker was killed, or about this time, supposing myself to be in command, seeing that we were overpowered, and knowing that our means of transportation were very small indeed, in order to get the wounded over even it would be necessary to make a stand to cover the crossing of the river, I said to the officers about me that in my judgment we should retreat, or fall back. In order to cover the passage of the river, I took a small force, composed of a company of the 15th regiment, detachments of two of my own companies, and a platoon of the Californians, and directed them to report to Major Revere for the purpose of forming a covering line to enable those at the river side to get across. That would cover their passage. My object was to cover the passage particularly of the wounded, for Dr. Revere, the only surgeon on the field—who had crossed over with Major Revere when he brought the battalion under his command—Dr. Revere had been sent to the river by Major Revere for the purpose of superintending the passage of the wounded, getting them into the boats, and sending them across. Captain Harvey, of Colonel Baker's staff, his adjutant general, came up and said that he believed that Colonel Cogswell was the senior officer. Colonel Cogswell was a stranger to me. I knew he was on the field, but whether he was my senior or I his was a question I could not determine there. But as Captain Harvey stated it confidently I accepted it as a fact, for it was no time to dispute about rank on a field of battle like that. I said, "Very well; what are your orders?" "I think," said Colonel Cogswell, "that we better try to cut our way through the

enemy to the left and reach Edwards's Ferry," which is some two and a half or three miles distant from where we were. So we formed a small column and moved it by the left flank into the woods. Now, I knew a Mississippi regiment had come in there, apparently having come right up the river bank from some place below. Company D of my own regiment had been driven in from the left, and a sergeant and corporal of that company told me that a regiment of the enemy had come in under the trees on the bank of the river from the direction of Edwards's Ferry, and had placed themselves on our left. Still, the order was to move, and I moved with what troops of this covering line which I had formed I could collect. The head of the column moving up soon came within a few feet of the front of the enemy, so it was stated to me, who fired a volley which just crushed away the head of the column, and the column fell back. I myself did not get further than the road. Colonel Cogswell's men were formed in front of mine. The column then began to retire towards the bluff, and began to pass down the road on the bluff to the landing. A great many men had gone down previously. Major Revere and some officers of my own regiment, and a few of the other regiments, and a small body of men, were still left on the field. The enemy came in on our left and on our front. As we were standing in the edge of the woods they delivered some very heavy volleys into us, and some of our men were hurt. But they were protected by the trees. I myself was protected by a horse that had been wounded and had fallen down on his fore knees. Previous to that, Major Revere had gone forward where the two mountain howitzers had been placed, for the purpose of moving them and seeing that they were thrown into the river, so that the enemy should not get them. They were fired upon, and Major Revere was slightly wounded, and we were obliged to retire and leave the howitzers there. The James gun had also been moved back to the rear and thrown into a ravine near the river, as near as we could get at it. We were all driven from the field. The enemy now advanced from the front, left, and right. As there was no egress from the open space on the bluff in any direction through the woods, we then walked quietly down the road towards the river; and I may say here that I saw no hasty movement of officers or men down that bluff. There was no running or panic. Of course, they went down somewhat rapidly, but there was no evidence of a panic—no signs of fright. We were whipped, we knew that; we were defeated; still, the men were composed and calm. There were two boats then at the landing—this metallic boat, and a scow which Major Revere had got over in the course of the morning. What had become of the skiffs I did not know. The scow was filled by a company of the Tammany regiment coming over to re-enforce us. There were two companies who were landed and went a little way up the bluff, when they were fired upon and retired. How far they went up the bluff I do not know. Of course, what means of transportation we had was rapidly used by the men. The boats were not brought close up to the shore, but the men waded out and got into them. Major Revere and myself, and a small party of us, passed to the left—the left as we were then facing the river—and proceeded along up the river. So far as we could tell, the wounded had all been got over, except three wounded who were carried to Leesburg. We passed to the left up the river, hoping that we might find some place to cross the river, as we supposed we could not cross there. The enemy, in the meantime, had come on the bluff, and, standing on the top of the bluff, were delivering a heavy fire, not only into the river where the men were crossing, but, so far as they were able, also upon the river shore where the men stood clustered together very thickly; and some of our men were killed and wounded there as well as in the river. We passed along up the river, hoping that opportunities might offer for escape. We did not succeed, but were captured by a party of cavalry about eight o'clock in the evening.

By Mr. Chandler :

Question. Did you not expect re-enforcements from Edwards's Ferry during that engagement?

Answer. I did myself. My left ear was open, as we say.

Question. Do you know of any obstacles in the way of re-enforcements coming up from there?

Answer. I am unable to answer that question. I was three and a half miles from that place, and I do not know what force the enemy had there, except from their own statement.

Question. What would have been the effect of a single regiment attacking the enemy upon the left during that engagement?

Answer. I think we should have whipped them.

Question. Suppose that even half a regiment had come upon them unexpectedly, attacking them upon their rear, without their knowing how many there were. Would not the surprise have broken them?

Answer. They would not have attacked them upon the rear. This Mississippi regiment came up two miles to the support of the force of the enemy who were fighting us. I think, as a military proposition, the result of moving half a regiment up towards their rear or flank would have been that but one regiment of the enemy (either the seventeenth or eighteenth Mississippi) would have been sent to attack us on our left, instead of two.

By Mr. Odell :

Question. Could you have held your own with only one regiment re-enforcing the enemy against you?

Answer. I do not think we could on that ground.

By Mr. Chandler :

Question. But with a whole regiment of our men coming in on their flank, you could have whipped them?

Answer. Yes, sir; I think so. I think a regiment of one thousand men, efficient soldiers, well commanded, would have occupied the enemy on the left, and occupied them so seriously that they could not have been able to send a very heavy force against us. I think, from the best information I have—from communications made to me by commanders of battalions, before the battle, as to the strength of their battalions—I think we had there 1,600 men in round numbers. I make it out 1,603 men, rank and file, that were fairly in that action. The two companies of the Tammany regiment I do not include, because we were defeated before they came over. I do not include the nineteenth Massachusetts, which was on the island, because they were never under fire. I think it proper to state that to this committee, because I have read a report of Colonel Hinks, which might lead one to suppose the nineteenth Massachusetts were in the action. They never were under fire. I desire to say to the committee that in expressing my opinion upon the effect of a thousand men coming up there from Edwards's Ferry, it is merely an opinion. I cannot tell what the result would have been; but my judgment upon it is, that a thousand men occupying the enemy upon our left, and preventing the re-enforcements of the enemy coming in on our left, would have very materially changed the fortunes of the day, even on that ground. The ground on which we fought the battle was most unfavorable. I think if I could have seen Colonel Baker and explained to him the nature of the ground, he would have understood it a great deal better.

By Mr. Gooch :

Question. Who is responsible for the means of transportation there?

Answer. I am unable to answer that question. I do not know what orders were given in regard to transportation for the troops. I tell you what there was there.

By Mr. Odell :

Question. You have referred to General Stone's orders once or twice. Was there any qualification in reference to the means of transportation? Was the order to cross on condition that there was transportation sufficient, or any qualification of that kind?

Answer. No, sir. There were directions in the order as to how the means of transportation were to be used.

By Mr. Covode :

Question. You stated that you had orders to take the boats from the Maryland side to the Virginia side of the island. How was that to be done—across the island, or around the upper end, or around the lower end?

Answer. My impression is that the order was to haul the boats across the island. I wish to be understood as being uncertain in regard to the order of taking all the boats to the Virginia side of the island. I am not sure whether I had that order at all. But I will say that it was quite impossible to do it, because re-enforcements came up on the tow-path before we got our boat around.

Question. Would not the taking these boats to the Virginia side of the island have left you entirely without transportation on the Maryland side of the island?

Answer. Yes, sir; and the re-enforcements could not have come across at all.

Question. In any event, was not the transportation entirely insufficient for getting over there and getting back?

Answer. I think so.

By Mr. Gooch :

Question. Do you know whether General Stone had knowledge of what the means of transportation were?

Answer. I do not.

Question. When had General Stone been at that point?

Answer. I do not know. I had never seen General Stone but three or four times on a reconnoissance, and once on business at his headquarters.

Question. Can you tell me whether the order which you read contemplated your crossing at Harrison's island?

Answer. Yes, sir.

Question. It fixed that point?

Answer. Yes, sir.

Question. I will ask you, as a military man, whose duty it was to have seen to it that there was sufficient transportation?

Answer. Well, sir, answering that as a military man, the military commander who organizes and directs a battle to be fought is, of course, responsible, so far as giving orders is concerned, and so far as seeing, to the best of his ability, that those orders are obeyed, for the condition of the troops, for a sufficiency of force for the occasion, and for the transport service, whether it be by land or water.

Question. He is bound to see to it that the proper means are provided for carrying out his orders?

Answer. Yes, sir. I take it for granted that a military commander is bound to take all reasonable and proper measures to see that success shall follow his movements.

Question. That would make General Stone, then, responsible for providing the means of transportation. You have spoken of the line of battle as formed by Colonel Baker. Do you deem that the position selected by Colonel Baker for forming his line of battle was well taken?

Answer. I do not. I think Colonel Baker had too little knowledge of the ground upon which we were to fight.

Question. He had had no opportunity to make a reconnoissance of the ground himself?

Answer. The battle commenced within a very short time after he came upon the ground; that is, what we call the main battle of the day.

Question. If the line of battle had been formed in the woods, on the right, instead of across the open space, would you not have been in a better position?

Answer. No, sir. I think the centre line of battle was well placed. I think where I commanded myself was well placed; it was an open space that commanded the road. When I remarked to Colonel Baker that the battle would be upon our left, I meant to say that the enemy would attack us in force there. Our way of communication was with the left, and therefore our greatest resistance should have been upon the left, and for two reasons: one was that we should check the enemy there, and by checking the enemy we left our communication open with Edwards's Ferry.

Question. After you found that the day was lost, was it at any time deemed advisable to go to Edwards's Ferry with your force?

Answer. We made an effort to get there. I have already stated that a small column of one hundred and fifty men moved to the left for the purpose of opening our communication with Edwards's Ferry, and that the front of the column was crushed away by the fire of the Mississippians, who had come in on our left eight or nine hundred strong, as we supposed, and our men gave way.

Question. Could any guard have been placed over the boats to have afforded any reasonable chance for the escape of the men when they were obliged to fall back to the river?

Answer. I think not. The boats were liable to be destroyed by the fire of the enemy. One was sunk; we supposed the bottom had been riddled by bullets. The metallic boat floated down the river, the man who was bringing it over having been shot; and every man who undertook to swim was exposed to a heavy fire.

Question. If there had been sufficient means of transportation across the river, were there not sufficient troops in the vicinity to have re-enforced you, so as to have enabled you to win the day?

Answer. Undoubtedly. There might have been three or four thousand troops thrown over.

Question. So that the whole disaster resulted from insufficiency of transportation?

Answer. The disaster resulted from the fact that a small corps, 1,600 strong, was obliged to fight a force of 3,200, (that being the enemy's force, as stated to me by a rebel officer,) and fight them under great disadvantages. The battle was not lost because the means of transportation were small. The battle was lost because we were overpowered. The loss in the river and by being taken prisoners was due, of course, to the want of transportation, to some extent—to a great extent, I will say. Had the means of transportation been greater, more men could have been got across, even under the fire of the enemy; but the loss of the battle is due to the fact that we fought with 1,600 men against 3,200 men.

Question. If you had had sufficient means of transportation during the day where you crossed, were there not troops enough there that might have been taken over to have saved the day?

Answer. Yes, sir; plenty of them.

Question. Then, taking it in that point of view, the whole disaster resulted from insufficiency of transportation, because then troops enough might have been thrown across to have made you equal to the enemy?

Answer. Yes, sir; there is no question about that.

Question. In relation to the place of crossing, was the place a good one?

Answer. In some respects it was. For the duty originally contemplated it was a good one. It was a narrow place, and, of course, the passage could be made quickly. And also, supposing that the enemy did not occupy that place with pickets, in regard to which we had no knowledge, the place was a good one. It was proved that the enemy's pickets had been withdrawn. We could concentrate our battalions in an open space surrounded by woods, with a road in front of us leading to the point of attack. The woods protected us even in daytime from the sight of the enemy. Therefore, supposing that the enemy were not apprised of our crossing—that they were not in observation of us with their pickets—it was a very good point to cross for that purpose. It was not a good point to cross a large body of troops to fight a battle, because the approaches to the battle-field were so narrow that the troops were obliged to move forward to it in very narrow columns. They were obliged to go up in small detachments instead of going up in heavy masses, which of itself would have had a great moral effect.

Question. Was not the water very deep between the island and the Virginia shore?

Answer. I do not know how long the poles were; they were not of any very great length; perhaps fifteen feet in length. The boat were poled across, except the metallic boat and the skiffs, which were paddled across.

Question. Do you know whether there were any boats in the canal there which might have been taken out so as to have even bridged the river, or at least to have afforded sufficient means of transportation back and forth?

Answer. I am not aware of that. There was one canal-boat which came down that night from Conrad's Ferry with some shovels. I do not know how that boat could have been locked out into the river there. There was no lock-out at that point.

Question. There was a lock-out at Edwards's Ferry?

Answer. Yes, sir; just below Edwards's Ferry. That was three miles and a half below us.

Question. Boats might have been locked-out at Edwards's Ferry and taken up the river, if time sufficient had been allowed?

Answer. Yes, sir; it would have been a difficult task, I think; but it could have been done.

By Mr. Covode:

Question. Was not the placing you on that bluff to protect the retreat of Colonel Devens's forces, placing you in rather a hazardous position, liable to be cut off?

Answer. If we did our duty I suppose we should have been destroyed. I knew that perfectly well when I went there.

By Mr. Gooch:

Question. Do you know what orders were received from General Stone during the day?

Answer. I received none, and Colonel Devens received none that I know of after midnight the night before, except from Colonel Baker; and that was directly on the field of battle.

By Mr. Covode:

Question. You spoke about some person coming to you on the field who was no military man?

Answer. That was the quartermaster of the 15th regiment. I said he had no military knowledge. He did not come with any orders, but said he came from General Stone, to ask what was best to be done.

Question. Are there any other matters that you deem important, that you have not stated?

Answer. I do not know that there are. I will state that when we were taken to Leesburg after being captured, General Evans, the rebel general, offered to Colonel Cogswell, Major Revere, and myself, and other officers who were with us, the freedom of the town of Leesburg, if we would agree not to take up arms against the confederate government. He had a written parole for us to sign. Now, I did not intend to sign any parole, but I said, "General, let us look at the phraseology of this." I examined it, and said, "Let us add—'unless duly exchanged or otherwise.'" He said in his report, that that "or otherwise," meant that we expected to be recaptured that night. I declined the parole, because I did not know what was to be the policy of the government in reference to such matters, and I did not know but that I might compromise it in some way. In regard to my experience as a prisoner within their lines, I consider myself on parole of honor not to divulge anything until exchanged.

By Mr. Gooch:

Question. What was the conduct and bearing of Colonel Baker from the time he came on the field until he fell?

Answer. I think his bearing was that of a cool, gallant, and chivalric soldier.

Question. He was cool and self-possessed?

Answer. Perfectly so.

WASHINGTON, *February 27, 1862.*

Major PAUL J. REVERE sworn and examined.

By Mr. Gooch:

Question. What is your position in the army?

Answer. Major of the 20th Massachusetts regiment.

Question. Were you at the battle of Ball's Bluff?

Answer. Yes, sir.

Question. You have heard the statement of Colonel Lee in relation to what transpired at that time. State whether or not you concur with him in what he has stated.

Answer. I do, entirely.

Question. Is there anything you wish to add to the statement he has made?

Answer. I have nothing whatever to add.

WASHINGTON, *February 27, 1863.*

General CHARLES P. STONE recalled, and examined as follows:

By the chairman:

Question. If there is anything you desire to state to the committee in addition to what you have already stated, you will please state it. What the committee desire is to get at the truth, as nearly as possible.

Answer. I have observed that a great deal of blame has been cast upon me for leaving a small body of troops on the Virginia shore opposite Edwards's Ferry, on the night of Monday, October 21, 1861, after the defeat of Colonel Baker's command at Ball's Bluff. I am blamed for not withdrawing the troops I had caused to be thrown across the river at Edwards's Ferry, and leaving them

over there exposed to the same force of the enemy that had already succeeded against Colonel Baker. I desire to state, in reference to that matter, that that danger occurred to me the moment I learned of the disaster at Ball's Bluff. And in addition I will state that I had had no conception that there had been or was to be a disaster at Ball's Bluff until just after dusk on that day. I think it was about five o'clock in the evening that a staff officer whom I had sent to Colonel Baker returned to me. (As Colonel Baker had not sent me any messages, I took the usual precaution of a general commanding, and sent a staff officer to the right, with orders to see Colonel Baker, and bring me any messages that Colonel Baker might have for me.) He returned to me at Edwards's Ferry, and said, "I found the body of Colonel Baker being brought off the field as I went to report to him; he has been killed." I immediately asked, "In what condition did that leave the troops?" He replied, "They are enraged at the loss of their leader, and are fighting even better than before." I immediately mounted my horse, rode down to the tow-path, sent directions to General Gorman commanding at Edwards's Ferry, that I was going to the right to take command there, as I had heard that Colonel Baker had fallen. I then rode rapidly up the tow-path, not dreaming of any greater disaster than the serious one of the loss of Colonel Baker, when I met the body of Colonel Baker being brought down by a gentleman representing himself as his nephew. I stopped for a moment out of respect for the brave man we had lost, and then galloped up the tow-path to the crossing. Just as I reached there I saw some men who appeared to be wet, without arms, and only partially clothed, coming along in small squads on the tow-path. I said, "Men, how did you get across the river?" They replied, "We swam the river." I was so anxious to get up there that I did not stop to question the men more closely, but, giving them one word of sharp reproof for deserting their comrades, I rode on. I met more and more of the men, and began to fear we had had a disaster. I again stopped and inquired of the men. They said to me, "We have been beaten on the other side; we have swam the river; and those left behind are either all killed or captured. The enemy came down on us 10,000 strong." This was the wild talk of the fugitives. I passed on until I got opposite the crossing, where I found great confusion. I looked around for a cool man of whom I could learn something, and found a chaplain of the 15th Massachusetts, who was taking care of the wounded. I asked him what had happened. He said the best information he could get from those who were fleeing across the river, was that the entire command on the Virginia side was either killed or captured.

I at once saw the danger to both our right and left—the left at Edwards's Ferry, and, at least, what remained of the right—those under General Gorman and those still left on Harrison's island. I immediately sent orders over to Colonel Hinks, of the 19th Massachusetts, who was on the island, to secure all the wounded and fugitives as rapidly as possible, and to maintain the island at all hazards until he had removed the wounded to the Maryland shore, watching carefully that the enemy made no crossing to the island; and then, knowing that I could go myself quicker than anybody I could send, I turned my horse and galloped down to withdraw my troops at Edwards's Ferry back to the Maryland shore. I supposed at that time that I had about 2,500 men across the river, and the reports I had heard opposite Ball's Bluff were that the enemy had been largely re-enforced, and they were then about 10,000 strong. I saw that there was great danger of Gorman being overwhelmed at Edwards's Ferry. I did not know whether McCall would be there to assist him or not. I was in utter ignorance in reference to him or his position. I at once commenced retiring my troops as quietly but as rapidly as I could, taking the precaution to have my artillery on the Maryland side so placed as to cover the troops on the Virginia side. The ground on the Maryland shore commands perfectly the ground on the Virginia shore there; and it would be an exceedingly dangerous thing for troops to advance and attack any body of men on the Virginia shore, directly at Ed-

wards's Ferry, while the Maryland shore was well held by artillery. The moment I had given the orders for the retiring of these troops I reported, by telegraph, to General McClellan, at Washington, that we had met with a severe repulse on our right, but that I was doing the best I could to secure the left and to retrieve. I am not quite sure now whether I telegraphed to General McClellan before I rode up to Harrison's island that Colonel Baker had been killed, or whether I put that in the same despatch in which I informed him of the repulse. Having sent that information to General McClellan, I continued withdrawing the troops, watching carefully so as to use the artillery for their protection if necessary. After some time—I cannot tell how long, (for one takes but little note of time under such circumstances,) but, apparently, as soon as a message could go to Washington and an answer be returned, (being carried by a courier on horseback four miles each way, from the telegraph station to Edwards's Ferry,)—I received orders from General McClellan to this effect: "Hold all the ground you now have on the Virginia shore, if your men will fight, intrenching if necessary. You will be re-enforced." Perhaps the words, "if your men will fight," came before the rest of the despatch, and my impression is (though I will not be positive,) that the words "at all hazards" were used in the direction to hold all the ground on the Virginia shore. I am sorry that I have not possession of a single paper, telegraph or otherwise, of the records connected with my division. You know the way in which I was removed from my command. I was ordered to report myself here in Washington at once; and, having not the slightest suspicion of why I was required here, I left all my papers as I would have done had I been going out for a two hours' ride, and from that time to this I have never seen a single paper of any kind I then left behind me. I make this explanation to show why it is that I cannot speak positively about the language of the despatches received and sent—why I cannot, perhaps, give their exact words.

I saw all the danger in which my troops were on the Virginia side. But I supposed at that time that General McCall was very near there. And I took it for granted, when General McClellan telegraphed me to hold my position on the Virginia side at all hazards, and that I should be re-enforced, that he had the means of immediately securing me.

I cannot state positively when it was that I telegraphed to General Banks. But my impression now is that just as I started to go up to Ball's Bluff, when the news of Colonel Baker's death reached me, I telegraphed to General Banks requesting him to send up a brigade. When I got to Harrison's island, and before I returned to Edwards's Ferry, I despatched a messenger to meet whatever brigade General Banks might send, and conduct it to Conrad's Ferry instead of to Edwards's Ferry, from which my despatch to General Banks was sent. And my impression is that when I returned to Edwards's Ferry and telegraphed to General McClellan the fact of the repulse at Ball's Bluff, I sent another telegram to General Banks that he had better bring up his whole division. I know I sent General Banks such a telegram, but at what time I will not be positive.

Some time was lost in communicating with General McClellan, by my receiving a despatch in cipher, of which I had not the key, from him or from his chief of staff. What the contents of that despatch were I have never learned. I immediately responded to it, "I have received the box, but have no key." What that despatch was I have no knowledge of whatever. But I presume that the despatches which came afterwards covered the same ground. I cannot state now, after so long an interval of time, at what hour I telegraphed to General McClellan urging that the re-enforcements should be sent to Goose creek on the Virginia side, supposing all the time that General McCall was not far off. The response to that, which I think I received about eleven o'clock on Monday night, was the first intimation I ever received that McCall had not

all the time been near me. That despatch informed me that no re-enforcements could reach me from the Virginia side, but that Banks would re-enforce me from the Maryland side.

Question. How far was General Banks from you?

Answer. He was about fourteen miles in my rear.

Question. Did that first despatch from General McClellan, promising you re-enforcements, contemplate that they should come from General Banks?

Answer. Yes, sir; I suppose so. But at the time my idea was that McCall was close by me; and I was led into an error, late in the evening, by receiving a despatch from General McClellan's headquarters—whether signed by him or his chief of staff, I do not now recollect—asking me if there was a road from "Darnesville" to Edwards's Ferry. Now, there is no such place as "Darnesville," but there is a "Drainesville;" and having in my mind that McCall was at Drainesville, I took it for granted that the operator had made a mistake, and had meant Drainesville, instead of "Darnestown," which was the name of a place in Maryland, and which proved to be the place meant. I replied to that despatch, to the best of my recollection, that there was a good road from Drainesville to Edwards's Ferry. I presume that that caused some misconception at headquarters, because they undoubtedly had "Darnestown" in their minds when they telegraphed "Darnesville," just as I had "Drainesville" in my mind when I saw "Darnesville" in the despatch. But that is not very important, only to show how errors will creep in. I think that by this statement I must remove any unpleasant impression with regard to my improperly exposing troops to disaster at Edwards's Ferry, since I acted under the instructions of my superior officer, and also under the constant impression that our forces under General McCall were near us, on the Virginia side of Edwards's Ferry.

Question. How happened it that you failed to make this statement concerning these orders on your former examination?

Answer. Because I did not deem it proper to give any of the orders of my superior officer which he had not himself previously published or authorized me to use. The morning that I came before the committee I was instructed, at General McClellan's headquarters, that it was the desire of the general that officers giving testimony before the committee should not state, without his authority, anything regarding his plans, his orders for the movements of troops, or his orders concerning the position of troops. That covered this case.

Question. Did you understand that to apply to past orders and transactions, as well as those to be executed in the future?

Answer. I did; because I could not know, and did not know, what orders to others were given cotemporaneous with those I received; and I might create wrong impressions by giving the orders I had received from my commanding general, unless there were at the same time produced cotemporaneous orders given to other generals. And I presume that the chairman will remember that I stated, when giving my testimony before, that I could not give any orders from my commanding general, except such as he himself had made public.

Question. Did General McClellan approve of the crossing at Edwards's Ferry and Ball's Bluff on the 21st of October, 1861?

Answer. I received a despatch from General McClellan in reply to one which I sent him informing him of the crossing of Colonel Baker and General Gorman. That despatch to me commenced with these words: "I congratulate you and your command." I took that congratulation on the fact of having crossed as an approval of the crossing; and as I had received no information whatever concerning General McCall, in my own mind, I supposed that it was but a simple thing of General McClellan, in connexion with any other movements he might be making.

Question. Was General McClellan informed of your means of transportation for crossing troops?

Answer. Some time during the day, and I think it was in the same despatch in which he asked me for information of the apparent force of the enemy, and I should think that that despatch must have reached me about noon, General McClellan asked what means of transportation I had. I replied to him by telegraph stating the number and character of the boats at each crossing—at Edwards's Ferry and at Harrison's Landing. In connexion with that I would say that from my despatch of the previous evening, (Sunday evening,) General McClellan might have supposed that those boats were of somewhat larger capacity than they really were. In that despatch, after reporting the demonstration I had made, I reported that I had means of crossing 250 men in ten minutes, at two points. This estimate was made from a trial which I had made on Sunday at Edwards's Ferry of the boats there, which were of the same character as those used at Ball's Bluff. The management of those boats at Edwards's Ferry was very perfect. The men were marched on in a very orderly manner, guards were placed and the men were detailed in advance for the poling of the boats. The time, according to the watch, required for poling these boats across on Sunday evening, according to the best of my recollection, was, for one of the boats exactly five minutes, and for another of the boats seven minutes, from the time of pushing off the boat from the Maryland shore to the time when the men landed on the Virginia shore. But the estimate made on Sunday night was very nearly what proved to be correct at Edwards's Ferry on Monday, and what would have been the capacity of the boats if well managed opposite Harrison's island.

Question. What prevented your sending over a much more formidable force than you did send?

Answer. It was this: The disposition of the larger portion of my command was turned over to Colonel Baker on Monday morning. At Edwards's Ferry a much larger number would have been sent over had there been the troops there to be sent. My first intention at Edwards's Ferry was not to send over so many as I did. But when I found the crossing taking place in force at Ball's Bluff, I then commenced passing over troops more rapidly at Edwards's Ferry. Time was lost in passing the men over in the morning at Edwards's Ferry; and time was also lost from the necessity of bringing up one entire regiment from the lower pickets. At the commencement of the affair the 34th New York was some six miles below Edwards's Ferry, and they had to be marched up before they could be transported over. There were also not so many over at Edwards's Ferry early in the day, because I did not wish to use the 7th Michigan regiment, as they were poorly armed. They were excellent men, but I deemed it unfair to put them into battle with the poor arms they had.

Question. You observed, a short time since, that you believed that McCall's division was a short distance from Edwards's Ferry?

Answer. Yes, sir.

Question. What reason had you to suppose so?

Answer. I had reason to suppose he was near us, because on Sunday, about eleven o'clock, I had received a despatch saying, that McCall was at Drainesville, and would throw out heavy reconnoissances in all directions from there. Now, a heavy reconnoissance sent any distance from Drainesville would have been observable from the high hills at Edwards's Ferry; and I was watching every approach to Edwards's Ferry from the direction of Drainesville all the afternoon of Sunday, and cautioning my artillerists, while they were firing at any body of troops that showed themselves on the Leesburg side of Goose creek, to be careful not to fire at our own friends, whom I expected to see coming up on the other side of Goose creek. As I was never advised of the withdrawal of General McCall, I supposed him to be near us, until late Monday night, when I was informed that no re-enforcements would come from that direction.

Question. Was the demonstration which you made across the river on Monday

morning made in concert or co-operation with McCall, according to your understanding?

Answer. When I first ordered men across on Monday morning, I did so entirely without reference to any co-operation upon General McCall's part; except so far as this, that I thought I should, by that small movement, more fully carry out the instructions of the day before, and also aid whatever project the general-in-chief might have had in sending McCall up to Drainesville; because the general's order evidently pointed to the desirableness of Leesburg being forcibly evacuated by the enemy. The committee will see that I was obliged to proceed very much on my own ideas of what was taking place elsewhere. It may have been 12 or 1 o'clock on Monday—but whether in a despatch by itself, or in connexion with some of the despatches which I have already mentioned, I cannot say, for it is now 13 months since I have seen any of those papers at all—in a despatch, General McClellan informed me as follows: "I may order you to take Leesburg to-day." And whether it was in that despatch or in another I cannot say; but in one dated at Fort Corcoran or at Arlington, the general asked me this question: "Shall I push up one or two divisions from this side?" I thought a moment, and concluded that if there was a slight force in front of us, then my force and McClellan's would be all-sufficient; and if that was not sufficient, then it was too late for any other divisions to come up. I therefore replied to him: "I think I can take Leesburg," still under the impression that McCall was near me, and that General McClellan's question referred to divisions near Washington, and other than McCall's.

Question. If you were to make a demonstration upon Leesburg, or to take Leesburg, as seems to have been contemplated as possible, what military reason could have induced the retiring of McCall's division from Drainesville back to their original camping ground before the demonstration was made?

Answer. With my present information I can see no good military reason for it.

Question. Had you been apprised of the retiring of McCall's division before you crossed over, would it have made any difference in your arrangements?

Answer. Had I known on Sunday night at 10 o'clock, when I gave the order to Colonel Devens to go over and destroy the rebel camp which was supposed to be on the other side, that General McCall's division was not at Drainesville, I should then have made the order to return, and return rapidly after accomplishing that duty, an imperative order; and I should also have accompanied the expedition myself; because that would have been the sole object of that movement. I desire to state here that, in my previous examination before the committee, I stated that had I tried to move troops from Edwards's Ferry up to Colonel Baker's position, it would have been one of the most hazardous things possible to be attempted. I stated to the committee that I saw three guns go down into the position between the fortification on the Leesburg road and Ball's Bluff. Those I saw with my glass. General Evans, the rebel general, in his official report, which I have read in the New York Herald, states that, observing the crossing at both Edwards's Ferry and Harrison's island, he gave certain orders, which he describes in his report, with reference to a battery on the "enemy's" right, (that is, our right,) and that he himself, with six guns (I saw but three) and nine companies of one of the Mississippi regiments, (I am not sure whether he states it was the 13th or 18th Mississippi,) moved down to prevent a flank movement from Edwards's Ferry.

There has been a great deal of discussion whether there was or was not an erected battery between the main rebel fortification in sight of Edwards's Ferry and Ball's Bluff. I stated to the committee that I knew of its existence by the reports of spies, informers, and contrabands, and I have been informed since that time, by General Dana, who has been over the ground, that my description of those works was exact. I never saw this work, but I had such information

that it was impossible to doubt it—from a white man who had worked in it, and a contraband who had worked in it, and from sundry other sources. In corroboration of that comes the rebel general's official report, in which he says that where I supposed there were three guns there were six guns. And in corroboration of that, also, we know that Colonel Baker had opposed to him no artillery although we knew that the rebels had artillery. All their artillery was kept on the rebel right, to guard against a flank movement from Edwards's Ferry. As to the necessity of my making such a movement, I must say that I was left entirely in the dark by Colonel Baker.

Question. Suppose that McCall's division had been ordered to advance on Leesburg, instead of retiring back to his camp at Washington, what would probably have been the result?

Answer. Had he arrived at Goose creek by 12 o'clock on Monday, the capture of the entire rebel force at Leesburg, I should think, must have been certain. Had he arrived at Goose creek by 3 o'clock in the afternoon of Monday, the disaster at Ball's Bluff could not have occurred, and probably the same result would have been achieved: that is, the capture of the whole or the greater part of the rebel force then at Leesburg. It may appear strange that after a reverse like that of Ball's Bluff, the general commanding the troops engaged there should not have asked for a court of inquiry. The reason why I did not ask for a court of inquiry, as I most undoubtedly should do under such circumstances, was this: While General McClellan was present at Edwards's Ferry, and after he had examined into the affair, he showed me a telegram which he had written to the President, to the effect that he had examined into the affair of the 21st, and that General Stone was entirely without blame. That was as strong an expression of opinion from my superior as I could have obtained from any court of inquiry. It was, therefore, neither necessary, nor would it have been respectful, after the expression of that opinion by that high military authority, to have asked for a court of inquiry. Not only was it given by this high authority, but it was sent to the highest authority; and as a soldier, I had no right to ask for justification except of my superiors. If they were satisfied, I could ask for no other justification. Again, on another occasion, when Mr. Conkling, of the House of Representatives, made a speech in which my conduct was severely criticised in connexion with the affair at Ball's Bluff, I telegraphed to the aide-de-camp of General McClellan, as likely to know the wishes of the general, stating that I had noticed Mr. Conkling's speech, and desired to know if I should apply for a court of inquiry. The reply was: No. I then asked if it was desirable that I should write a statement which should expose the mistakes in Mr. Conkling's account of the affair at Ball's Bluff. The reply was: "Write nothing; say nothing; keep quiet."

Question. There has been something said here about communications with the enemy, sending over persons with packages, bales, &c. Do you desire to make an explanation to the committee upon those subjects?

Answer. Yes, sir. I think I can explain all those matters fully. In relation to my allowing sealed packages to pass to and fro, there is testimony before the committee of several officers and men of the 2d New York regiment that that was done at the Monocacy; that I communicated by sealed letters with Mrs. Mason, of Chestnut Hill, Loudon county, Virginia. The facts in regard to my communication with Mrs. Mason are these: I received a package under the frank of the adjutant general of the army, which I found to contain a safeguard for Mrs. Betsey C. Mason, her daughter Caroline, and their property in the county of Loudon, Virginia, with orders to all officers and soldiers in the army to respect their persons and property. It was in the general form of a safeguard, signed by General Scott, and countersigned by one of the assistant adjutants general. This communication, as a matter of course, I sent to Mrs. Mason. She wrote to me several letters, and I answered them. In one of those

letters I remember she asked me how she should use that safeguard, in case there was any necessity to use it; and I informed her. In another letter she informed me that her overseer had been fired upon by some of our pickets, and that some of her stock had been shot. As near as I can now remember, I wrote back to her that they were pickets beyond my jurisdiction; but I would explain to the officer in command up there that she was under safeguard. I did so, and represented to Colonel Geary that she was under safeguard. Mrs. Mason also wrote over to me asking permission to go to Washington and then return to her home in Loudon county. I replied to her that that was beyond my power; that if she desired to go to Washington, I would place my carriage at her disposal and send her there. But in regard to her returning, having once seen our lines, I could give no authority or consent to it, but would refer that matter to General Scott. I have no recollection of any return coming from the application forwarded. And I never knew of her coming across. In relation to that lady, I would state that this charge having come to my notice, I went the other day to the adjutant general's office and asked for the record of that safeguard. I was informed that it was among General Scott's papers; but that it was well remembered in the office. I said that the fact of the communication passing to Mrs. Mason had attracted some attention. And they replied, "That must be all right, for that lady we knew was all the time under safeguard; and she is now under safeguard of the present Secretary of War." So much in relation to communications to Mrs. Mason. I can give you more instances of families passing over than the committee has information of now. An old lady came up there with her daughter, or her niece, I do not know which, with an order from General Scott to pass them into Loudon county, Virginia. That was early; some time in August, I imagine, or possibly in September. Those things I paid but little attention to. In accordance with the order, they were passed over. I have no knowledge of their ever returning. They never did with my authority.

On another occasion a Mrs. Price, if I remember her name rightly, came up with a similar order from General McClellan's headquarters. It was one of those matters of routine, whether direct from General McClellan or from his provost marshal, I do not now remember. The order, at all events, was from the headquarters of the army to pass Mrs. Price into Virginia. I obeyed the order, and passed her across the river. I remember that circumstance from Colonel Tompkins, my chief of artillery, searching her baggage before she went over. There was a Mrs. White, whose husband was an officer of the rebel Virginia cavalry, who came to me, and asked permission to go over and join her husband. At first I refused. But afterwards it occurred to me that that woman, having a husband in the rebel service, stationed directly opposite where we were, might, by signals or otherwise, possibly communicate across the river; but that if she were over on the other side, with her husband, she could not communicate anything from our side to him. I took from her a very stringent obligation and bond, and made her also bring a man of property, who lived near Poolesville, to sign a bond, pledging his person and property to the United States, that she should give no information of any kind to any person hostile to the United States; that she should give no aid or comfort to the enemies of the United States. I then sent her over. She was also bound to carry over no paper, either written or printed. This action I duly reported to General McClellan, and it met his approval. There was another case of a Mrs. Shreeve, whose husband, some people said, was in the rebel service, though I was informed that he was not. She made a similar application to be allowed to cross the river, and join her husband. She was then living on our side of the river, on its very bank. It was more practicable for her to communicate with the other side even than for Mrs. White; and with the same stringent bond and obligation to do nothing in aid of rebellion, or of any of the enemies of the United

States government, I allowed her to pass over, having the same approval of the general-in-chief. There was no secrecy about it; everybody saw it who was there. It has been said that Mrs. White made frequent passages over and back. She never recrossed the river with my permission. Once in Virginia, I intended her to stay there, and not come back. It appears from the evidence before the committee that Captain DeCoursey, who himself criticises my action in allowing Mrs. White to go over, received her coming back. That was without any authority from me, and I was very much annoyed and surprised when, some weeks after, I found she had been allowed to come back. She came to me and asked to be allowed to go over again. I told her she could not return. And it is a singular circumstance that one of the witnesses, who speaks of the impropriety of such a thing, is the very man who came to me with her, and asked permission to allow her to go over again. That is Colonel Tompkins, of the 2d New York. He was importunate in his request that I would allow Mrs. White to go over. At that very time Colonel Tompkins's family was boarding in the house with Mrs. White. She made repeated applications to get over again; I constantly refused her, and told her that nothing but a direct order from the headquarters of the army, or from the War Department, would lead me to allow her to pass over.

There is mentioned the case of a letter passing our lines at Monocacy, besides those of Mrs. Mason. Without any authority from me, a letter was brought over from the other side from a preacher. It was brought over by the pickets there, in accordance with no instructions from me at all, and sent down to my headquarters. This letter asked me to allow him to come over and attend to the duties of his profession on this side of the river, and also on the other side. I replied to him that such a thing was utterly inadmissible; that if he was a loyal man and desired to come within my lines and remain within them, I would receive him. But as to his performing the duties on both sides of the river, while I remained in command there he certainly should not do it.

There is a statement of a sergeant of a Massachusetts regiment, not in my command, corroborated by the testimony of a captain of a regiment also not in my command, that on a certain day, in December, 1861, I think, they were at Edwards's Ferry, and saw a flag of truce come down to the river on the Virginia side; that General Stone came down to the bank of the river on this side; that a boat crossed over, and some men, including this sergeant, (who, it seems, went over,) got out of the boat on the other side, and remained there while some rebel officers got in and came over; that while the rebel officers were on this side of the river, a sealed package was handed by a rebel officer to General Stone, who put it in his pocket and rode off. And a remark is made by this sergeant that when he happened to mention to one of the rebel pickets on the other side that a short time before he had a good mark on this side, meaning General Stone who had ridden down to the bank of the river, the rebel remarked that they would not shoot General Stone; that is, as if the witness desired you to understand that they considered me one of them. That seems to me to be the impression desired to be conveyed by the witness.

Now, the facts in regard to that interview were these: It must be the same one I think it refers to, because during this war I have never been near enough to a rebel officer to converse with him except on that occasion. That occurred in this way: I desired to protect Edwards's Ferry, which was the landing place for my stores, with earthworks if possible, and as the weather was threatening to be cold enough to freeze the river over, I thought it might be necessary to put up some earthworks on the hills there, so that a small force might be able to protect the landing and hold out until the division could come to its support, in case a sudden attack should be made after the river was frozen over. I went down and laid out some works on this side. It was always my practice, at least once a week, and every day if I deemed there was any necessity

for it, to ride down to the outposts, and observe if the position of the rebel pickets had been changed, or if there was any signs of any movement over there. And that morning, therefore, before I went to mark out these earthworks, I rode down to the river's edge, and with my glass looked along and satisfied myself that the rebel pickets were in the same positions as usual. Then, in company with Colonel Grosvenor, of the 7th Michigan, I rode up on the hill and marked out the points for the angles of my works, &c.

Just as I was finishing that work I saw a small body of cavalry coming down to the ferry on the Virginia side—about a dozen, I should judge. I think it was my orderly who first called my attention to it. I looked through a glass and saw that they had a white flag over them; that it was a flag of truce coming down, and I rode down to see what was wanted. This was my principal outpost, and probably never less than one hundred and fifty men about there, and they, with their officers, were present there. The captain of the outpost, or some officer of the outpost, got into the boat with several men and pulled over to the other side. The report of the captain was that he happened by chance to mention to the rebel officer bearing the flag that General Stone was over there, pointing over; and the captain's story, when I asked him afterwards how it happened that those officers came over, was, that this rebel officer said, "If General Stone is over there I would like a look at him, and if you will allow some of your men to get out and make room for us in the boat, we will go over." At all events, I saw the boat coming back with some gray uniforms in it, and at once supposed that some rebel officers were coming over. I was at first a little vexed about it, because I preferred to have all communications take place on the other side. So that if there was to be any advantage gained under a flag of truce by looking at the ground, our people would have it. But as they were coming over I moved down to the water, so that they should see nothing of our affairs. They landed, and an officer came up and introduced himself as Lieutenant Colonel Mumford, of the Virginia cavalry, and then introduced, I think, a Major Rogers, who, he said, belonged to General Evans's staff, and perhaps a captain. This officer then explained to me how he came there. Said he, "I was instructed to bring down this package and send it over, (producing a package;) but hearing from the captain that you were here, I thought I would bring it over and present it personally, and I should then have seen General Stone, of whom I have often heard." I received the package from him, and handed it to the captain of the outpost, who was standing by, and said, "Captain, please open that and see if there is anything that requires my immediate attention." I then introduced the rebel officers to Colonel Grosvenor, who accompanied me, and to other officers there. In the meantime the men of the outpost had crowded all around, of which I was rather glad, because it prevented even a slight glance back to the buildings we occupied.

While the captain was examining this package, this rebel officer endeavored to pump me somewhat. He asked me what was the news from England. I was very glad to be able to inform him what it was, because we had just received the news from England only a day or so before, I think, which seemed to indicate that there would be no trouble about the Trent affair. I laughingly said to him, "We have very good news from England; that apparently there will be no trouble about the Trent affair; and you gentlemen who are opposing the government must do it by yourselves, for you will not have England to help you." He was evidently annoyed at it, but passed it off very well, saying, "I always thought we should have to fight this thing ourselves."

As he had tried to get some information from me, I thought it was perfectly fair that I should try to get some from him. I wanted to know what cavalry the rebels had there. I saw that he was a cavalry officer, and I used my knowledge of his name to get what information I wanted, and at the same time to be perfectly polite to him. I said, "Colonel Mumford, your name is familiar to

me; I knew a gentleman of your name in California." He replied, "That was my uncle," or "cousin," I forget now which. I then said, "If you are a relative of that gentleman, you are also a relative of Colonel Radford." (Colonel Radford was the colonel of the rebel cavalry there. "Oh! yes," he said, "Colonel Radford is both my cousin and my colonel." I then knew that at least a lieutenant colonel's command of cavalry was near Leesburg. I wanted to get the information still more definite, and I said, "Colonel Radford was a classmate of mine at West Point. When you return I would be glad to have you say to the colonel that you saw me in good health. I never supposed when we were at West Point together that we should be measuring swords—he against the government and I for it." "Oh!" said he, "I will see the colonel to-morrow or next day, and I will tell him." That informed me that a regiment of rebel cavalry was close by.

By that time the captain of the outpost handed me the package, saying, "There is nothing here that requires your attention; it is merely some letters from prisoners on the other side." I took it and handed it to an orderly, and directed him to take it to my headquarters. I do not know that I ever saw it afterwards. I may have examined it to see that there was nothing improper in it, or it may have been examined only by the staff.

That is the history of the affair at Edwards's Ferry, where the rebel officers certainly gained no information which was agreeable or profitable to them. But I gained information which might put me on my guard. I learned about the rebel cavalry, which it was important for me to know, when any night the river might freeze over so as to enable cavalry to cross.

There is a statement of a private picket that he saw General Stone one day pass over to the rebel side of the river in a skiff, and get out and go inside the picket lines of the enemy, and come back with a package of papers which he stuck in his pocket, and then got into the skiff and came back again. He states that this was about half past two o'clock in the afternoon. Now, I have no memoranda at all, because all of my papers are out of my possession; but I have no doubt it would be perfectly easy to show, if I had those papers, or it might be easy to show where I was that afternoon. But the thing itself is utterly preposterous. If such a thing took place it must have been seen by 150 men, and yet no one else corroborates that testimony.

Question. Why did you not give us these explanations when you were here before?

Answer. Because, if the chairman will remember, the committee did not state to me the particular cases.

Question. We did not state to you the particular facts, but we stated to you the general points on which the testimony tended to affect you—such as communications with the enemy, &c.

Answer. Yes, sir; and I gave general answers to general allegations. I stated to the committee at that time that I could not answer satisfactorily all the statements that might have been made here, unless the particular instances referred to were given me. There are other points which I have not yet touched upon. When I was before the committee last it was said that it had been alleged that I had allowed earthworks to be erected by the enemy on the other side within reach of my cannon. I find great conflict of testimony as to where those earthworks were, and what they were. One man swears that there are no works in a certain place, and another swears that there are important works there. In the testimony of Major Dimmick, of the 2d New York, I find described a work about a half a mile from Edwards's Ferry at the time of the battle of Ball's Bluff. Now, he testifies that he was not there till Tuesday, I think; and he testifies that on Tuesday he crept up within three hundred yards of this work, which he says was about a half a mile from Edwards's Ferry. The only conclusion I can come to from his testimony is, that he mistook for

works of the enemy some intrenchments which I caused to be thrown up the night before, under the order of General McClellan, for the protection of my own troops. I notice that no witness says that he himself considers me disloyal. Most all of them say that they have heard other people say that they thought so. One witness says that he has thought it curious that General Stone has not fired more with his cannon at the works and forces of the enemy on the other side. Another witness, when asked why remarks derogatory to the loyalty of General Stone have been made, replies that he has thought it curious that General Stone should fire his cannon so much at works of the enemy on the other side which he cannot injure, and at small bodies of troops that show themselves, when the only result is to acquaint the enemy with the range of his cannon. The most distinct testimony which I find about the position of the enemy's works, and the capacity of our artillery to reach them, is the testimony of Colonel Tomkins who was my chief of artillery, which testimony was given several days after my arrest. He gives a more accurate account of those works than any other witness, as he ought to be able to do, that being his branch of the service. It was urged against me by some of the witnesses that the artillery—the two howitzers which were sent over at Edwards's Ferry at the time of the affair at Ball's Bluff—was under the command of a sergeant; some of the witnesses say a sergeant, and some a corporal. Now, the only artillery I had reserved from Colonel Baker was a regular battery which I retained at Edwards's Ferry for the protection of our troops on the other side, where very careful firing was required, and where the artillery work must be very exact. I found it desirable to send over at least two pieces to the other side, which I did. When I looked about to see who could be spared to go with them, I found that there were but three officers in the battery—two first lieutenants, and one second lieutenant. The senior first lieutenant was dangerously sick in his bed; the second lieutenant I had sent up to Colonel Baker to work his artillery for him. That left me only one lieutenant, the second first lieutenant, for the whole of my battery. There was, therefore, sent over an old non-commissioned officer of the regular army; one, I think, who had served ten years in the light artillery, and a large portion of that time as a non-commissioned officer. Now, a man who has been a non-commissioned officer of artillery for six or eight years was quite as competent to manage guns as a newly appointed lieutenant, who might, perhaps, have seen artillery for three or four months. At all events, this old sergeant handled his guns with such skill on Tuesday afternoon that his fire drove back, routed, and dispersed the enemy who attacked our forces there. There is another point I have not yet touched upon, and that is the allowing a man named Young to pass to an island below Edwards's Ferry. That island had a large crop of grain on it. It was very difficult for us to get forage there, and I was desirous both of getting that forage for the use of my troops, and to prevent the enemy from getting it for the use of theirs. If I had employed my own soldiers to cut that grain, I should have exposed them to destruction, because the enemy could have attacked them while on the island to very great advantage. I therefore allowed this man Young, who farmed the island, to carry on there some more hands than he had had there, in order to harvest his crop, and also to carry over what was absolutely necessary of fresh and other provisions for the men on the island. He had a pass to go on and come off the island. I had him watched as well as I could in regard to any communication with the other side. He was a very illiterate man, who could neither read nor write, and who was not very well qualified to give valuable information to the enemy, even if he had desired to do so. I held as security for his good behavior all his own property, and I informed him very distinctly that if he undertook to play me any tricks, or there was the least deviation from propriety, I would make him suffer through his property which I had in my grasp, and I also had

a voucher in Dr. King, of the army, who was a part owner of the farm. I never intended that anything should pass on the island unsearched. The pass he had, as I recollect it, was simply to let him and his farm hands go on the island and return, and that there should be no going to and from except what was absolutely necessary for carrying on the farm implements and provisions. It is stated in evidence that his wife went on the island. No pass was ever given to his wife to go on. No harm resulted from it, but at the same time I never gave any permission for her to go. The officers who allowed her to pass must have done so on their own authority. As for any danger of his farm hands going across from the island to the other side, I never feared that at all. They were slaves, and would not be likely to go over on the other side, though they sometimes came from there to this side. It is stated by one witness, as if of his own knowledge, that General Stone sent two negro slaves over to the rebel pickets at Edwards's Ferry, who refused to receive them, and that General Stone then put them out to board to keep them, and they ran away. The truth about that matter is simply this: on the day of the battle of Ball's Bluff one of the Massachusetts regiments captured two negroes, and, as the negroes said, the officers told them that they must be sent across the river so that they could give no information of the movement; a very proper thing to be done. The negroes also said that the officers told them that after "the bustle was over," to use the language of the negroes, they might go back to their homes. Some weeks afterwards those negroes were brought to my headquarters, where they made this statement. I asked them if they wished to go back. They said they did; that they had been promised that they should go back. One of them said that his family was over there, and he was very anxious to see them again. The other one said he wanted to go back anyhow. I said to them, "Very well; the next time a flag of truce boat goes over you can get in and go over if you wish to." They asked what they should do until the boat went. I said, "I don't know when a boat will go, but you can go to my kitchen and Philip will feed you, and you can sleep in his tent or on the hay in the stable." Some days after a flag of truce was passing, and I called these men and said to them, "The boat is going over at Edwards's Ferry; if you still wish to get back, you can go down there and go over in it." They went off by themselves, with no guard whatever with them. From the time they came to my headquarters no watch was kept over them, and I never intimated the least desire on my part that they should go back. They went by themselves four and a half miles to Edward's Ferry, got into the boat and went over, but the rebel pickets refused to receive them, and they came back. They then came this four and a half miles to my headquarters, and asked what chance there was for them to get back on the other side? I told them that as they had been refused by the rebel pickets, I knew of none. They asked what they should do then? and I told them they had better find some farm where they could get work to do, and that until then they were welcome to eat in my kitchen and sleep in the servants' tent, or on the hay, as they did before. I do not know how long they remained about there, or when they left. I left them perfectly free, and treated them as free men from the time they first came to me; and that is the last I ever saw of them. I heard afterwards, however, that they were arrested at Chain Bridge, trying to get past our pickets and go over into Virginia, but that is only hearsay that came to me. There is another allegation: that General Stone was too favorable to the people in the country about there; that many of those people were secessionists, which I do not doubt at all; that he would not allow the quartermasters of the regiments to seize forage for the horses of their cavalry and teams. I think that that division was better furnished with forage from the country round about than any other division in the army. I think the senior quartermaster of the army of the Potomac has himself said that he had to send less forage to that division than to any other. I required the taking

of forage to be all done in perfect order by the division quartermasters; and it is stated in the evidence, very truly, that I would not allow all the quartermasters to go around and get everything where they pleased. If I had allowed them to do that there never would have been any regularity in the accounts, the government would have been swindled indefinitely, and the forage taken would, no doubt, have been absurdly wasted. The witnesses speak of their going to houses to get forage, and finding permits from General Stone that no more should be taken. I constantly did that. A man would come to me and complain that he could have no more forage taken from him without starving his stock. I instituted inquiry as to what amount of stock the man had, and, as I knew pretty well how much it would take to keep a horse, or a cow, I would have a calculation made of how much would be required to keep his stock over winter, and if he had only that much on hand I would give him an order for the protection of the rest of his forage. I did that because, in the first place, I deemed it would be a cruelty to the inhabitants to force them to sell off their stock or let them starve during the winter; and in the next place, I wanted to have the stock kept there and kept fat, so that if the United States should want the cattle for beef, and the horses and mules for army use, they could have them there. And the very fact that these papers were handed in, certifying how much stock each man had, gave the best possible information to enable us to know where to look for stock of all kinds when we needed it. That is brought against the general commanding that division as an evidence that he is disloyal.

Question. Will you state to the committee by whose order you were arrested, and all the circumstances connected with it, so far as you know them?

Answer. I was arrested about midnight on the 8th of February, 1862, by a guard under the command of Brigadier General Sykes. He represented to me that he was acting by order of General McClellan. He showed no authority, however, except the armed force that he brought with him. I was kept in close custody that night. The first thing the next morning I applied to the assistant adjutant general of General McClellan for a copy of the charges on which I had been arrested, and for an immediate opportunity to meet them. To that application I have never yet received any reply whatever. That night, the night of the 9th of February, I was taken to Fort Lafayette, where I arrived on the morning of the 10th of February. I was confined in Fort Lafayette, as I was informed by the custodian, by order of General McClellan.

Question. Was there any written order to that effect?

Answer. I never could get a copy of any written order.

Question. Is it not usual in military arrests to have a written order?

Answer. Yes, sir. I again applied from Fort Lafayette for a prompt trial.

Question. To whom did you apply?

Answer. I applied to the same official as before, to the adjutant general connected with the headquarters of the army. I urged that delay, by the probability of my being deprived of many important witnesses from the casualties of the service, would work an injustice to me which I could not conceive that any of my superiors wished to inflict. To that application I never received any answer. After some time I applied for a change of location. While I never received a direct answer to that, there was afterwards an order sent to the surgeon of the post to make a report as to the effect on my health of the confinement. I was taken from active service in the field, where every day I was obliged to be on horseback in the open air, and placed in confinement in a single room which I could not leave except to obey a call of nature. After forty-nine days of confinement in Fort Lafayette I was transferred to Fort Hamilton. While I was in Fort Hamilton I applied to the commanding officer for his authority to hold me in confinement there. I think that I have a letter from him in which he tells me that he has referred the matter to Washington, as to whether he shall give me his authority for detaining me. At all events, if he

did not give me a written letter to that effect, he told me so. He sent my application to Washington. I have never received an answer to it.

Question. Do you know to whom he directed it?

Answer. He directed it to the adjutant general of the army. I then applied for a suspension of arrest of several weeks while I was awaiting charges, and for an opportunity for active service. That application I sent to the adjutant general of the army. To that I never received any answer.

I then applied—always through my custodian—for an extension of limits, to embrace the city of New York, or the island of Long Island. I received from the custodian a copy of a letter from the adjutant general's office to the effect that the Secretary of War was absent—he was then, as I understood it, at Fort Monroe—and no extension of limits could be granted to General Stone until the Secretary's return. I never heard of the application afterwards.

On the 4th of July, 1862, I telegraphed directly to the President, informing him that I was there under arrest, under the United States flag for which I had so often exposed my life in the service of the country. I referred to the preceding Fourth of July, at which time I had felt the wind of rebel bullets, and when the force under my command had driven rebellion for ten miles length of the Potomac river, &c. And I stated to him that I knew of no word, act, or design of mine which rendered me ineligible to an honorable place in the army then any more than on the previous Fourth of July, or on any other day in my life. I said that I felt it my duty to state that to him then when the country needed all willing soldiers. It will be remembered that last Fourth of July there was a call for additional troops. To that I received no reply.

On the 16th of August, 1862, I received a simple release in these words, or words to this effect: "The necessities of the service not permitting the trial, within the time required by law, of Brigadier General C. P. Stone, now in confinement in Fort Lafayette awaiting trial, the Secretary of War directs that he be released from arrest."

That was a very unusual form of release. When an officer is released from arrest, the order is invariably accompanied by directions of what he should do; but no such order or direction accompanied my release from arrest.

I telegraphed at once, "I have received notification of my release from arrest, and have the honor to report myself for duty." I waited at Fort Hamilton twenty-four hours for a reply, but received none. I then left my address in New York at Fort Hamilton, and went to the city, where I remained five days. Still receiving no reply, I came on to my home in Washington.

I immediately reported myself at the adjutant general's office, where I was told that there were no orders for me, and that they knew nothing at all about my arrest. I recorded my name on the books for duty, awaiting orders, and left my address.

I then applied at the headquarters of the army, to General Halleck, then general-in-chief, to learn something about my arrest, and if there were any orders for me. I was informed that the general-in-chief knew nothing about my arrest, as it had taken place before he had come on here, and that under the circumstances he could give me no orders, unless I was assigned to him by the War Department.

I then applied to the President, and asked him if he could inform me why I was sent to Fort Lafayette. He informed me that if he told me all he knew about the matter he should not tell me much. He stated that while it was done under his general authority he did not do it.

The President referred me to General Halleck, giving me a card to him, requesting him to see and hear me. General Halleck informed me that he really knew nothing about the matter; that he had never seen a paper in the case; that the Secretary of War, however, had told him that it was done on the recommendation of General McClellan. I stated to the general-in-chief that that

surprised me greatly, for only a short time before I had seen General McClellan, and he had informed me that he had arrested me on the peremptory order of the Secretary of War. General Halleck replied that he knew nothing about that; he had only stated what had been stated to him. I then said that in such a case General McClellan had written down his own condemnation—or words to that effect—for he had to my knowledge written to the Secretary of War that he had full confidence in my devotion and loyalty. General Halleck said that he knew that such a letter had been written, and that the Secretary of War had expressed great surprise at it, because he said that General McClellan himself had recommended the arrest, and now seemed to be pushing the whole thing on his (the Secretary's) shoulders.

I informed General Halleck that I should make official application to him as general-in-chief. I think that on the 25th of September I handed in a letter to the adjutant general, for the consideration of the general-in-chief, in which I gave a concise statement of the facts relating to my arrest, the applications I had made, and renewed to him, the general-in-chief, my application for charges, and an immediate opportunity of meeting them. On the 30th of September the general-in-chief replied to me, stating that he knew nothing officially of the cause of my arrest; that he understood that it was by order of the President; that as far as he could learn there were no charges or specifications on file against me; that he understood—or had been informed, I do not remember which—that the matter would be immediately investigated, and that the charges and specifications, when preferred, would be furnished me by the judge advocate general. That letter was dated on the 30th of September; since which time I have received no communication on the subject from the War Department or from the general-in-chief.

I then wrote to General McClellan, quoting to him the requirement of the law; that any officer who arrests another shall see that the officer arrested is furnished with the charges under which the arrest is made within eight days from the date of the arrest. I stated to him that the officer who arrested me, although he showed no authority but armed force, claimed to act by his (General McClellan's) authority; and therefore I claimed from him the charges which caused my arrest. To that General McClellan replied that the order for my arrest came from the Secretary of War, in his own handwriting; that when he spoke to the Secretary upon the subject he was informed that the Secretary did it at the *solicitation* of the committee on the conduct of the war. I emphasize the word "*solicitation*," because I am now satisfied that this committee did not solicit my arrest. General McClellan also stated that subsequently, on the evening on which I was arrested, there was read to the Secretary of War the written result of the examination of a Leesburg refugee, which, in some respects, coincided with the testimony stated to have been taken before the committee on the conduct of the war, and that the Secretary then reiterated the order for arrest. He stated further that he then said to the Secretary that he could not see how charges could be preferred against me, the case was so indefinite; that he frequently afterwards—or on several occasions, I do not now remember which—called the attention of the Secretary to the propriety of giving me a prompt trial, and the reply always was, that there was no time to take up the case, or that the committee on the conduct of the war was still engaged in taking testimony upon the subject, and were not yet prepared to frame charges against me. I then immediately applied to General McClellan for the name of the Leesburg refugee and a copy of his statement. I was informed, in reply, that the last time he saw that statement was in the War Office; that if he had a copy of it among his papers it must be in New York; and if it was there he would furnish it to me. That is the last communication upon the subject I have had with General McClellan. Up to this time I have never received the charges or specifications, or any further official communication concerning my arrest.

Question. I will now ask you, as a military man, who had the power to bring you to a trial?

Answer. When I was arrested the general-in-chief—General McClellan—had that power. I know I should claim that power if any man under my command was arrested.

Appendix to testimony of General Charles P. Stone.

WASHINGTON, D. C., *March 6, 1863.*

SIR: During my recent examination (27th ultimo) you asked me the question, "Who arrested you?"

My answer was long, and referred to a number of papers which I had not with me. As my answer indicated, I am yet in doubt as to whom the responsibility of the arrest attaches; but I enclose copies of such papers (ten in number) as are now in my possession, and respectfully place them at the disposition of the honorable the committee.

Very respectfully, I am, sir, your most obedient servant,

CHARLES P. STONE,
Brigadier General.

HON. BENJAMIN F. WADE,

Chairman Joint Committee on Conduct of the Present War.

ORDER NO. —.]

WAR DEPARTMENT,
Washington City, D. C., January 28, 1862.

Ordered, That the general commanding be, and is hereby, directed to relieve Brigadier General C. P. Stone from command of his division in the army of the Potomac forthwith, and that he be placed in arrest and kept in close custody until further orders.

EDWIN M STANTON,
Secretary of War.

Official.

A. V. COLBURN,
Lieutenant Colonel, A. D. C.

HEADQUARTERS OF THE ARMY,
Washington, February 8, 1862.

GENERAL: You will please at once arrest Brigadier General Charles P. Stone, United States volunteers, and retain him in close custody, sending him under suitable escort by the first train to Fort Lafayette, where he will be placed in charge of the commanding officer. See that he has no communication with any one from the time of his arrest.

Very respectfully, yours,

GEO. B. McCLELLAN, *Major General.*

Brigadier General ANDREW PORTER, *Provost Marshal.*

CITY OF NEW YORK, *January 13, 1863.*

Official.

S. WILLIAMS, *Assistant Adjutant General.*

HEADQUARTERS OF THE ARMY,
Washington, February 8, 1862.

SIR: This will be handed to you by the officer sent in charge of Brigadier General Charles P. Stone, who is under close arrest.

You will please confine General Stone in Fort Lafayette, allowing him the comforts due his rank, and allowing him no communication with any one by letter or otherwise, except under the usual supervision.

GEO. B. McCLELLAN, *Major General.*

COMMANDING OFFICER, *Fort Lafayette.*

Official.

S. WILLIAMS, *Assistant Adjutant General.*

FEBRUARY —, 1863.

True copy of copy furnished me.

CHARLES P. STONE.

WASHINGTON, D. C., *February 9, 1862.*

GENERAL: This morning, about one o'clock, I was arrested by Brigadier General Sykes, commanding city guard, and made a close prisoner, by order, as I was informed, of the major general commanding-in-chief.

Conscious of being, and having been at all times, a faithful soldier of the United States, I most respectfully request that I may be furnished, at as early a moment as practicable, with a copy of whatever charges may have been preferred against me, and the opportunity of promptly meeting them.

Very respectfully, I am, general, your most obedient servant,

CHARLES P. STONE, *Brigadier General.*

Brigadier General S. WILLIAMS,

Assistant Adjutant General, Headquarters Army of the Potomac.

FORT HAMILTON,

Bay of New York, April 5, 1862.

COLONEL: I respectfully request of you a copy of the order by authority of which, on the 10th of February last, I was confined in Fort Lafayette.

Very respectfully, I am, colonel, your most obedient servant,

CHARLES P. STONE, *Brigadier General.*

Lieutenant Colonel MARTIN BURKE, *Fort Hamilton.*

P. S.—I would also request copies of any letters which have passed between any authority in Washington and yourself relating to the nature and place of my confinement since that date.

C. P. S.

HEADQUARTERS ARMY OF THE POTOMAC,

September 7, 1862.

SIR: I have been applied to by General Stone for permission to serve with the army during the impending movements, even if only as a spectator.

I have no doubt as to the loyalty and devotion of General Stone, but am unwilling to use his services unless I know that it meets the approval of government. I not only have no objection to his employment in this army, but, more than that, would be glad to avail myself of his services as soon as circumstances permit.

Very truly yours,

GEO. B. McCLELLAN, *Major General.*

Hon. E. M. STANTON,

Secretary of War.

A true copy.

CHARLES P. STONE,
Brigadier General.

HEADQUARTERS OF THE ARMY,
Washington, September 30, 1862.

GENERAL: Your letter of the 25th to the adjutant general of the army has been referred to me for reply.

I learn from the Secretary of War that the order releasing you from Fort Hamilton also released you from arrest. You therefore are no longer under arrest, but as you have not been assigned to me for duty I can give you no orders.

I have no official information of the cause of your arrest, but I understood that it was made by the orders of the President. No charges or specifications are, so far as I can ascertain, on file against you.

The matter, I learn, is to be immediately investigated, and copies of charges, when preferred, will be furnished you by the judge advocate general.

Very respectfully, your obedient servant,

H. W. HALLECK, *General-in-Chief*.

Brigadier General CHAS. P. STONE,
Washington.

WASHINGTON, D. C., December 1, 1862.

GENERAL: At the time of my arrest and imprisonment, in February last, the officer who effected it (Brigadier General Sykes) claimed to act under your order, although he *exhibited* no other authority than an armed force.

Under the 11th section of the act of Congress, approved July 17, 1862, it is made the duty of any officer who shall order the arrest of another to see that a copy of the charges be furnished to the arrested officer within eight days of the date of the arrest; and, by proviso, the requirements of the section were made applicable to all officers under arrest at the date of the passage of the act.

Under this law I respectfully request that you will cause me to be furnished with a copy of the charges which led to my arrest, and which I have repeatedly asked for, through the ordinary channels of official communication, without success.

I have the honor to remain, general, with much respect, your most obedient servant,

CHARLES P. STONE,
Brigadier General.

Major General GEORGE B. McCLELLAN,
United States Army, New York.

NEW YORK, December 5, 1862.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 1st instant.

The order for your arrest, in February last, was given by the Secretary of War. I had the order in his handwriting several days before it was finally carried into effect.

When the order was first given by the Secretary, he informed me that it was at the solicitation of the congressional committee on the conduct of the war, and based upon testimony taken by them.

On the evening when you were arrested I submitted to the Secretary the written result of the examination of a refugee from Leesburg; this information, to a certain extent, agreed with the evidence stated to have been taken by the committee, and, upon its being imparted to the Secretary, he again instructed me to cause you to be arrested, which I at once did.

At the time I stated to the Secretary that I could not, from the information in my possession, understand how charges could be framed against you; that the case was too indefinite.

On several occasions after your arrest I called the attention of the Secretary to the propriety of giving you a prompt trial, but the reply always was, either that there was no time to attend to the case, or that the congressional committee were still engaged in collecting additional evidence in your case, and were not yet fully prepared to frame the charges.

I am, general, very respectfully, your obedient servant,
 GEORGE B. McCLELLAN,
Major General United States Army.

Brigadier General CHARLES P. STONE,
United States Volunteers, Washington, D. C.

A true copy.

CHARLES P. STONE,
Brigadier General.

On the receipt of General McClellan's letter of December 5, 1862, General Stone addressed a letter to him, asking that he might be furnished with the name of the *Leesburg refugee* referred to, and a copy of his statement. The following reply was received :

WILLARDS' HOTEL,
Washington, D. C., December 10, 1862.

GENERAL : I am directed by General McClellan to acknowledge the receipt of your note of December 8, 1862.

The name of the refugee he does not recollect, and the last time he recollects seeing the statement was at the War Department, immediately previous to your arrest. If he has a copy it is among his official papers, which papers are en route for New York, and will be examined on his return, and if the paper referred to be found among them he will furnish you with a copy.

I am, general, very respectfully, your obedient servant,
 N. B. SWEITZER,
Lieutenant Colonel, and Aide-de-Camp.

Brigadier General CHARLES P. STONE,
United States Volunteers.

The statement referred to within has not, up to this date, been furnished me.

CHAS. P. STONE, *Brigadier General.*

MARCH 6, 1863.

WASHINGTON, *February 28, 1863.*

General GEORGE B. McCLELLAN sworn and examined.

By Mr. Gooch :

(See testimony in relation to the army of the Potomac for general question.)

In relation to the battle of Ball's Bluff the witness said :

The battle of Ball's Bluff was a thing that took me as much by surprise as anything could. One or two days before that battle I moved the command of General McCall to Drainesville, in order to cover reconnoissances, and gain information of the nature of the country and the position of the

enemy; and my recollection now is that I informed General Stone of the movement, and told him that the probable result would be that the enemy would abandon Leesburg, and instructing him to keep a sharp lookout in that direction. No order that I gave looked to a crossing of the river in force by General Stone.

As soon as I heard that a serious affair had occurred there, I went to the ground in person, but I did not realize, until I reached Poolesville, that the affair had been so serious as proved to be the case. I reached Edwards's Ferry after dark, too late to see the ground, or to form any definite idea of the real state of the case. In the morning I found that a small portion of our force was on the Virginia side at Edwards's Ferry. During the day, which was very windy, I crossed over troops enough to secure our position on the Virginia side, and during the ensuing night I recalled all our troops to the Maryland side, being satisfied that nothing was to be gained by retaining them in Virginia. I think that there was no fighting, and not a life lost, from the time that I reached Edwards's Ferry. The detailed reports of the battle of Ball's Bluff were submitted to the Secretary of War soon after it occurred. I have no copies of them, and am not prepared to go into the details of the action.

Question. Had General Stone been informed of the forward movement of General McCall and General Smith?

Answer. My recollection is that he was informed of it by telegram from Drainsville—at all events, from somewhere out there.

Question. Had you, or not, informed General Stone of that forward movement, and directed him to make a reconnoissance on the day on which the troops crossed over—that is, the day of the battle of Ball's Bluff?

Answer. My recollection is—without having the papers before me—that I informed General Stone by telegram from Drainsville that McCall had occupied that point or its vicinity; and that the probable result of that movement would be that the enemy would abandon Leesburg, and that I wished him to take measures to ascertain whether that was the case. But I have no recollection of any order which justified the passage of the river in force. I am sure that I had no intention that General Stone should do that.

Question. Do you remember whether or not you informed General Stone of the withdrawal of Generals McCall and Smith to their former camping grounds?

Answer. I think I did.

Question. Why did you, after your arrival at Edwards's Ferry, cross over troops to hold the position at Edwards's Ferry, instead of recalling the troops already on the Virginia side?

Answer. Reports came that the enemy were about to attack the troops on the Virginia side. I regarded it as unsafe, if not impossible, to withdraw the troops then over during the daytime; and I sent over others to support them, merely as a precautionary measure for their safety.

Question. Do you remember what the means of transportation at Edwards's Ferry were at that time?

Answer. I do not remember in detail. I know that we had some canal-boats there and used them. I could not give a more definite answer than that.

Question. Can you tell us who was responsible for making the crossing at Harrison's island (Ball's Bluff)? Was it General Stone or Colonel Baker?

Answer. I only know what I learned from General Stone. My recollection is that General Stone gave discretionary orders to Colonel Baker to cross if certain conditions could be fulfilled. I think that General Stone was responsible to the extent that he ought to have informed himself whether it

was possible to fulfil those conditions or not. My attention has not been called to that point for a long while. But that is the impression upon my mind. What I allude to as the "conditions," is the means of transportation for ferrying the troops across the river.

Question. Whom do you consider responsible for the disaster at Ball's Bluff?

Answer. I have no means of knowing, except from the report of General Stone ; which makes Colonel Baker directly responsible for the result.

Question. Did you make any investigation, or come to any conclusion, at the time you were there, as to who was responsible for that disaster?

Answer. When I was at Edwards's Ferry I conversed with several officers concerned in the affair. My recollection is that they regarded Colonel Baker as mainly responsible for the result.

Question. Can you give us the names of the officers with whom you conversed, or who expressed that opinion?

Answer. I conversed mainly with the officers of the staff of General Banks and General Stone. I think I was thrown almost exclusively in contact with them. But I cannot, at this late day, pretend to particularize.

Question. The officers of General Banks's staff could have had no knowledge in relation to the matter, except from hearsay, could they?

Answer. I think not. I do not think that any of them were present at the time the affair occurred.

Question. Do you remember now what officers composed General Stone's staff at that time?

Answer. I do not except one: the assistant adjutant general of General Stone, named Stewart. I do not remember who were his aids or others of his staff.

Question. Do you know why the troops that had crossed at Edwards's Ferry on Monday did not go up to the relief of Colonel Baker?

Answer. I do not know. I only remember what was said to me at the time. The reason given, as far as my recollection serves, was, that in a wood which intervenes between Edwards's Ferry and Ball's Bluff there was a fortification of the enemy.

Question. If there were 1,500 men or about that number across the river, at Edwards's Ferry, as early in the day as 12 or 1 o'clock, would the fortification which they refer to as being between them and Ball's Bluff have been a sufficient excuse for not sending that force to the relief of Colonel Baker?

Answer. My belief is that there was no serious obstacle to a communication between Edwards's Ferry and Ball's Bluff. I do not think that the enemy had any large force or any strong works between those two points near the river that would have interfered with that communication.

Question. You mean by that, that, in your opinion, those troops should have been sent to the relief of Colonel Baker?

Answer. No; because I do not remember well enough what occupation they had in front of them. I merely mean to say that I do not think there was any serious obstacle to their going on that path, independently of what might have occupied their attention in front, unless the enemy were too strong in force in front of them. I think they should either have been thrown upon Leesburg or sent to assist Colonel Baker.

Question. Was there ever any investigation or inquiry whatever into the conduct of General Stone and the battle of Ball's Bluff?

Answer. I think no formal investigation was ever made. General Stone's reports, when they came in, were submitted to the Secretary of War for his action. I have no recollection of any specific formal inquiry into the affair.

Question. Was it not of such a character as to demand an inquiry; and if so, whose duty was it to order an inquiry?

Answer. I do not think it demanded any more direct inquiry than the examination of the reports; and I think it was the province of the Secretary of War to order an investigation in the premises. I understood, shortly after the battle of Ball's Bluff, that General Stone had an interview with the Secretary of War and with the President in regard to the conduct of affairs there, and that they expressed themselves satisfied with his explanation. That I understood from General Stone. I will not be sure that I had it from any other source, but I am sure that I had it from General Stone.

Question. Do you know at what date the report of General Stone was made and submitted to the Secretary of War?

Answer. I do not. I cannot tell without referring to papers.

Question. I do not mean the exact date, but whether it was within thirty days, or some such time, after the battle.

Answer. I think it was quite soon after the battle. I should think within thirty days, though I have no recollection whatever of the date. My general recollection is that it was quite promptly after the battle; certainly within a month.

Question. Do you remember whether or not you communicated or expressed to the President, or the Secretary of War, your satisfaction with the conduct of General Stone on that occasion, immediately after, or within a short time after the battle took place?

Answer. I think I did, the night that I arrived there, after hearing General Stone's explanation. But I have not seen the telegraphic despatches since they were sent, so far as I now recollect.

Question. Did you, at any subsequent time, express to the President, or to the Secretary of War, any opinion, either favorable or unfavorable, of General Stone in relation to that battle?

Answer. I do not remember any specific letter, telegram, or other expression that I used; and could not answer the question definitely, without referring to the papers.

By the chairman :

Question. What was the object of that expedition to Drainesville of McCall's and Smith's divisions?

Answer. As well as I remember now, it was to find out what was going on there. We had been troubled a great deal by parties of the enemy up there. Drainesville was a very red-hot secession place, and a great deal of trouble had emanated from there. And as well as I now remember, the object was to obtain topographical information of the country, and at the same time hoping to shake the enemy out of Leesburg?

Question. Had you any idea of occupying Leesburg?

Answer. If I had known definitely that the enemy had gone from there, I probably should have occupied the place. At all events, I should have sent troops up there for a temporary purpose.

Question. Had you ascertained the state of things there when you ordered those divisions to retire back to their old encampments?

Answer. I know we learned a great deal about the country, which was one object of going there. But I do not remember what we learned about the enemy in the vicinity of Leesburg, when the order was given to McCall to retire.

Question. I think you have stated already that you gave General Stone notice that you had retired McCall?

Answer. I think that I did. That is my recollection; but I am not certain. Remember sending despatches very freely from that vicinity.

Question. Was it not the effect of precipitating Smith's and

McCall's divisions upon Leesburg at the time Stone was making this demonstration? Would it not have prevented the disaster at Ball's Bluff, and probably have led to the destruction of the enemy there?

Answer. It might have done that, and might have got them into trouble. It would be throwing them too far away from the rest of the army, and would have exposed them to the possibility of disaster.

Question. As military affairs are not an exact science, you always have to go upon probabilities. Would not the probability have been that you would have conquered all the forces of the enemy about Leesburg without much difficulty?

Answer. I do not think they would have remained to make a fight.

Question. Then you would have accomplished your object by their advance. Under the circumstances, then, what caused the order for McCall and Smith to retire?

Answer. My recollection is that they had found out what we wanted to know about the country. I cannot give the exact reason without referring to the papers of the time. I know that our object was to acquire topographical information of the country. And that was to a very great extent accomplished.

Question. What was the object of ordering General Stone to make any kind of demonstration without crossing the river? How could he have done it?

Answer. He could have done it by going to the river and displaying his force there. His position before that affair was not on the river; he was back from it.

Question. You say you did not expect he would cross. What did you expect he would do under the order you gave him? What definite object was contemplated by it?

Answer. I did not contemplate any crossing of the river by that order—merely to show a force in the vicinity of the river.

Question. If the divisions of McCall and Smith had continued to occupy their position at Drainesville, it would have been easy to have protected the men that Stone put across the river, would it not?

Answer. Not easy. It was a long day's march. I did not know that General Stone's troops were crossing until too late.

Question. I can hardly see how a demonstration on the Maryland side could have caused them to retire from Leesburg, unaccompanied by any force upon the other side.

Answer. My telegram to General Stone stated that McCall was at Drainesville, and that heavy reconnoissances were to move out in all directions.

Question. Had the enemy left Leesburg, you think you would have occupied the place?

Answer. I probably would have done so—temporarily, at least. I do not think it could have been permanently occupied until Harper's Ferry was in our possession—that is, occupied with safety.

WASHINGTON, *March 2, 1863.*

General GEORGE B. McCLELLAN—continued.

By Mr. Gooch:

* * * * *

Question. There is one matter to which I wish to call your attention, and that is the arrest of General Stone. Will you state what knowledge you have in relation to that matter?

Answer. About ten days or two weeks before General Stone was actually arrested the Secretary of War gave me a written order to arrest General Stone, for the reason that he had been informed by members of the committee on the conduct of the war that they had taken testimony going to show that General Stone had been guilty of conduct not consistent with loyalty. General Stone was removed from his command, and, I understood, appeared before this committee. Finally, on the very day of his arrest, a written report was made to me of the examination of a refugee from Leesburg, which, so far as such a thing could, tended to corroborate some of the charges made against General Stone. I satisfied my own mind by personal examination of the sincerity of this refugee, and then showed the statement to the Secretary of War, upon which he directed me to give the order to arrest General Stone immediately, and send him, under guard, to Fort Lafayette. The order was carried into execution that same evening.

Question. What was the character of the statements which that refugee made in relation to General Stone; and were they, in your opinion, of such a nature as to justify his arrest and confinement in Fort Lafayette?

Answer. It is so long since I have seen the paper that I remember only its general character. There were in it statements which the refugee said he had heard made by the rebel officers, showing that a great deal of personal intercourse existed between them and General Stone. I think it was also stated that General Evans, then the rebel commander there, had received letters from General Stone; and there was a general expression on the part of those rebel officers of great cordiality towards Stone—confidence in him. I do not think this statement of the refugee, taken above, would have justified sending General Stone to Fort Lafayette; but I regarded it as important enough to hand to the Secretary for his consideration, in connexion with the evidence furnished from other sources. I only knew, in general terms, what was the nature of the evidence taken by the committee. I did not know the sources from which you derived it, nor the weight to which it might be entitled.

Question. Why was not General Stone tried?

Answer. I do not know. I several times called the Secretary's attention to the matter before leaving to go to the peninsula. I remember, on one occasion, perhaps more, I was told that the committee were not yet prepared with their full testimony in the case.

Question. Was it understood that the committee were to prepare the case, or charges, against General Stone? The committee never had any such understanding, but supposed that when they had notified the proper authorities of the nature of the testimony before them, and action had been taken thereon, they were relieved from any further obligation in the matter.

Answer. My recollection is very clear that the Secretary gave me that understanding—that the committee were still collecting evidence, and the case was not yet ready.

INDEX TO PART II.

BULL RUN.

	Page.
Report of Committee.....	3
TESTIMONY.	
Averell, Colonel William W.....	213
Barnard, General John G.....	160
Barry, General William F.....	142
Biddle, Colonel Craig.....	194
Birney, Colonel David B.....	163
Blenker, General Louis.....	75
Butterfield, General Daniel.....	207
Butler, General B. F. [Analysis of Beauregard's forces].....	247
Cadwalader, General George.....	235
Champlin, Colonel S. G.....	49
Davies, Colonel Thomas A.....	177
Doubleday, Major Abner.....	67
Franklin, General William B.....	32
Griffin, Captain Charles.....	168
Hazlitt, Lieutenant Charles E.....	218
Heintzelman, General S. P.....	29
Keyes, General E. D.....	149
McDowell, General Irvin.....	35, 41
Meigs, General M. C.....	246
Morell, General George W.....	49
Palmer, Nathaniel F.....	221
Patterson, General Robert.....	78, 89, 98
Porter, General Andrew.....	210
Porter, General Fitz-John.....	152
Price, Colonel R. Butler.....	185
Reed, Lieutenant Horatio B.....	220
Richardson, General J. B.....	19
Ricketts, General James B.....	242
Russell, Major William W.....	228
Sanford, General Charles W.....	54
Scott, General Winfield.....	241
Slocum, General Henry W.....	53
Spates, Alfred.....	224
Stake, A. R.....	225
Stone, General Charles P.....	73
Tripp, Dr. Ira.....	226
Tyler, General Daniel.....	198, 206
Wadsworth, General James S.....	48

BALL'S BLUFF.

	Page.
Report of Committee.....	9

TESTIMONY.

Banks, General N. P.	414
Bannister, Major Dwight.....	283
Berry, Captain Clinton	358
Boyle, James	442
Brady, Captain James	331
Dana, Colonel N. J. T.....	447
DeCoursey, Captain Dennis.....	301
Devens, Colonel Charles	403
Dimmick, Major J. J.....	388
Downey, Lieutenant Philip J.....	297
Dulaney, Captain J. J.....	396
Edgerly, Sergeant Charles.....	385
Foote, Quartermaster Henry.....	364
Gould, Major Jacob P.....	350
Haynes, Philip	345
Hinks, Colonel Edward W.....	435
Howe, Quartermaster Church.....	373
Hunt, Captain Thomas H.....	371
Judkins, Captain William.....	383
Keller, Reverend Robert	433
Lafin, Major Byron.....	368
Lander, General F. W.....	253
Lee, Colonel William Raymond.....	473
McCall, General George A.....	257
McClellan, General George B.....	252, 505, 509
Merritt, Captain C. M.....	421
Mix, Major John.....	462
Patrick, Colonel John	444
Puleston, Dr J. H.....	471
Rea, Lieutenant Andrew V.....	353
Revere, Major Paul J.....	486
Richardson, Captain John H.....	339
Smith, General William F.....	264
Stone, General Charles P.....	265, 426, 486
Tompkins, Colonel C. H.....	468
Tompkins, Colonel George W. B.....	289
Van Allen, Colonel James.....	457
Wistar, Lieutenant Colonel Isaac J.....	306
Young, Quartermaster Francis G.....	318

14 DAY USE
RETURN TO DESK FROM WHICH BORROWED
LOAN DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.
Renewed books are subject to immediate recall.

JAN 31 1967 3 3

RECEIVED

JUN 13 1998

JAN 17 '67 10 AM

LOAN DEPT.

LIBRARY USE

JAN 28 1969

JUL 28 1969

REC. DIR. MAR 25 1970

AUG 29 1991

9/16/94

LD 21A-60m-7,'66
(G4427s10)476B

General Library
University of California
Berkeley

U.C. BERKELEY LIBRARIES



C031373284

