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Supplemental Memorial of
Charles Lee Jones in reply
to counter-memorial sent
from Jalapa in relation
to Capt. George W. Hughes
Washington, 1848.



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Book . M 37

SUPPLEMENTAL MEMORIAL

OF

CHARLES LEE JONES,

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IN REPLY TO

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THE COUNTER-MEMORIAL FROM JALAPA, IN MEXICO,
UNDER THE SIGNATURE OF CERTAIN OF THE
VOLUNTEERS THERE IN GARRISON,

IN RELATION TO

CAPT. GEORGE W. HUGHES,

THERE EXERCISING THE COMMAND OF A COLONEL.



WASHINGTON:
1843.

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CHARLES THE FOURTH

THE LIFE OF CHARLES THE FOURTH KING OF CASTILE AND LEON, AND OF AFRICA, BY JOHN HUGHES, ESQ. VOL. I.

BY JOHN HUGHES, ESQ.

LONDON: PRINTED BY R. CLAY AND COMPANY, BUNGAY, SUFFOLK.

SUPPLEMENTAL MEMORIAL

OF

CHARLES LEE JONES,

IN REPLY TO

THE COUNTER-MEMORIAL SENT FROM JALAPA, IN MEXICO, UNDER THE SIGNATURES OF CERTAIN OF THE VOLUNTEERS THERE IN GARRISON, IN RELATION TO CAPT. GEORGE W. HUGHES, THERE EXERCISING THE COMMAND OF A COLONEL.

*To the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialist, Charles Lee Jones, prays leave to present this his supplemental memorial, by way of reply to certain counter-memorials which go, among other things, to deny and put in issue the truth and justice of the complaints which, under the circumstances and relations in which he stood towards the parties, it had become his duty, in behalf of the volunteers from the District of Columbia, serving in Mexico, to lay before Congress, in his memorial presented in the month of March last; complaints of the despotic denial by the Executive of the well-established rights and privileges, both of those volunteers and of the others associated with them in service; and complaints of most grievous insult, wrong, and oppression heaped upon the same volunteers, individually, by Captain G. W. Hughes of the Topographical Engineers, in the exercise of his very anomalous command of a regiment composed of volunteers from several States, including three companies (much less than a third of the whole) from the District of Columbia: a command exercised under a title no less stange and anomalous—that is, *Colonel of the Maryland and District of Columbia Regiment of Volunteers*; Maryland being only one out of several States, besides the District of Columbia, which had contributed companies to the regiment.

Your memorialist has already suggested grounds on which he presumes it plainly appears that the Executive of the United States, in creating such an office and in conferring such a command on Capt. Hughes, acted in violation of the Constitution and laws of the United States, and of the legal and well-established rights of all the volunteers subjected to that command, and against all the *precedents* in the administration of the Government since its first institution; and that the appointment of that officer to such a command, proceeding as it did from a usurped and void authority, was void in itself, and communicated to him no just right and title to exercise his assumed command over the volunteers, either for good or for ill.

Important as are the rights of individuals violated and trampled on by

this breach of the Constitution and laws, it calls for investigation still more as a matter of public and general concernment, than of individual complaint; though, certainly, it be no small aggravation of the personal wrongs of the volunteers, if they have suffered those wrongs from the exercise of an authority void in itself, and from the hand of an insulter and oppressor destitute of any legal right to exercise command over them, even with sound discretion, far less with wanton abuse and injury.

Your memorialist submits, with absolute deference, to the wisdom of Congress the lawfulness of the office and command erected by the Executive for Capt. Hughes. But before proceeding to take up the issue tendered in the counter-memorial on the complaints of personal insult and outrage, charged to have been perpetrated by Capt. Hughes on the volunteers subjected to his command, your memorialist deems it his duty now to lay before Congress this new fact: That the *prerogative* of appointing the officers of volunteers—even of volunteers raised within the body of a State and under the peculiar authority of the State, upon requisitions from the Federal Executive—and of appointing them without consulting the choice, nay, against the declared wishes of the volunteers themselves—that this transcendent *prerogative* has not been claimed and exercised by the Federal Executive alone, but has been transmitted and communicated, by some unknown process, from the Executive to the mere creature of its own appointment, Capt. Hughes; who actually appointed a lieutenant to one of the companies from this District, in place of one resigned; and, when he achieved that act of power, openly expressed his utter disregard of the wishes of the company in the matter.

Your memorialist will now proceed to bring out such matters as are necessary to sustain the allegations of his original memorial against the gain-sayings of the *signers* to the counter-memorials; to join in the issue of fact tendered by them, and to unite with them in their call for investigation before a Committee of Congress; an investigation the more strict, comprehensive, and searching, so much the more agreeable to his own wishes, whatever the result; for he is not conscious of one interest or of one feeling that regards any other consequence from the investigation than the development of the simple truth, the whole truth, and nothing but the truth; no one interest and no one feeling but such as would be gratified if the investigation, clear of every sort of evasion, prevarication, and suppression of fact, resulted in the plenary justification of the officer in question, upon the complaints that now weigh so heavy on his official conduct and character.

The two counter-memorials in which this issue of fact is tendered, and this investigation is challenged, are various in the tone and temper displayed in them; a difference arising, as your memorialist has strong reason to believe, not so much from any diversity of feeling or sentiment among the *signers* themselves, as from the design of some of the more prominent promoters, out of sycophancy to their commanding officer, to give their statement a spiteful and splenetic turn against your memorialist, and to foist offensive and unjust expressions into the mouths of men subject to over-weening influences, and unwittingly drawn in to minister to the malice of others.

If your memorialist had to look for *circumstantial* evidence of the truth of the complaints which he became the instrument of laying before Congress in behalf of these volunteers, four months ago, he could have none

more persuasive to his own mind, (knowing as he does the persons concerned, and all the circumstances that surrounded them,) than the context of these counter-memorials, and the shifts to which the framers and promoters of them have been put to canvass for signatures, by indecent importunity and unfair influence.

The getters up of these papers have sought to contradict your memorialist and impute *falsehood* to his statements, upon two distinct matters of complaint: 1st. The personal ill-treatment of volunteers by Capt. Hughes. 2d. The agency of your memorialist in raising the three District companies of the original battalion, the unanimous and enthusiastic desire of those companies to have him for their commander, and their astonishment, discontent, and indignation when their just expectations were disappointed, and another commander was despotically put over them.

Thus are presented two distinct issues, and two distinct subjects on which investigation is challenged.

As to the first of these, the alleged misconduct of Capt. Hughes in the practical exercise of his command, good reason will presently appear for concluding that the signers of these counter-memorials (that is the great mass, and the really well disposed and honest among them,) have been grossly deceived in the precise tendency and nature of the denials which they have given to the statement of your memorialist; and that they have been taught to consider as legal and justifiable severity or strictness of discipline, acts which, in truth, if they had been properly instructed in their own rights and the duties of their superiors, they should have treated as atrocious violations of law, and of the most sacred rights of the citizen and soldier.

The complaint, as it was originally advanced by your memorialist, was conceived in very general terms. His former memorial, after setting forth the illegal and despoic treatment of the District volunteers by the Executive, in depriving them of the commandant whom they had elected, and forcing on them another whom all their feelings and wishes rejected, sums up the complaints against Capt. Hughes, as follows:

“But the more immediate provocation to this application, proceeds from complaints, indubitably vouched by persons direct from Jalapa where these men are stationed, of the grossest and most shameful misconduct towards them on the part of their unlawful commander. Your memorialist feels compelled, by a solemn duty to his fellow-citizens whom he had induced to enter the military service, to state, that he has irrefragable proof that they have received, and are now receiving, additional and heavier wrongs, in the way of personal maltreatment and flagrant insult and oppression, at the hands of their forced commander the said George W. Hughes.”

The denial is, of course, in terms equally broad and general; and the question remains whether they who joined in such denial are not personally cognizant of all the material *facts* and *circumstances*, upon which your memorialist was instructed to ground the general complaint.

So direct, so circumstantial and authentic seemed the information of facts and circumstances upon which the complaint was grounded—so far above suspicion or doubt—that he was indeed astonished at the first view of the blunt contradictions contained in these counter-memorials; and he resolved, before taking any further step in the matter of complaint, to re-examine his ground, and use every effort to detect the fallacy—whether it were in the information on which he had acted, or in the denials and con-

traditions which had been put into the mouths of the signers to the counter-memorials.

The result of his further inquiries and investigations is a constantly swelling stream of evidence, from day to day, and from hour to hour, flowing in and accumulating directly from the scene of action, not only confirming beyond the possibility of doubt all the facts and circumstances from which the general charge against Captain Hughes was deduced, but more precisely developing and indentifying those facts and circumstances and imbuing them with tints of deeper atrocity.

That there may no longer be room left for the underworking intriguers and parasites who framed and promoted these counter-memorials, to play upon the credulity and facility of signers, under cover of a *general* charge to be met by a general denial, your memorialist will now proceed to reduce this *general* charge to particulars.

I. Insulting, abusive, and most indecent epithets frequently—indeed it might be said habitually—uttered by Captain Hughes against both officers and men, on duty; tending to degrade both him who uttered and them who received the abuse; and to subvert all discipline, and all sense of common decency among officers and men.

Among the many specifications that may be cited of this pernicious and disgraceful demeanor to officers and men, your memorialist states the following as being most indubitably vouched.

On the 22d February last, Capt. Hughes, being apparently excited and flustered from some unknown cause, came to the parade ground where the regiment was going through some maneuvers, and immediately poured forth a volley of abuse against both officers and men; the epithets were of the most vituperative sort, and were uttered with a tone and manner to make them most offensive; he repeatedly threatened the men with violence from his own hand. So abusive and insulting was his language and conduct, and so indiscriminately insulting to officers and men, that, at last, one of the Captains indignantly put up his sword—swore he would not stay to hear either himself or his men insulted in that way, and contemptuously retired from the parade to his quarters. The state of *discipline* was such, that this captain was not brought before a court martial for his open contempt of his superior officer, in the face of the regiment, on parade; and so, whether the breach of discipline were the fault of the Captain or of the Colonel, has never been *judicially* ascertained.

II. Frequent, wanton, cruel, and dangerous assaults, committed by Captain Hughes, on the men under his command, with his sword; sometimes beating and bruising the men with the flat of his sword, at other times cutting and wounding them with its edge; but the lightest of which blows should have cashiered him, as was the fate of an otherwise excellent officer a few years ago, for a blow hastily given to a soldier.

Your memorialist is now able to specify the following soldiers, as having suffered under this sort of violence, to wit: John Macbeth, Thos. Young,*

* NOTE.—Since the above was in print, I find that doubts are expressed by some of the volunteers as to the fact of Young's being *cut*. Some think he was *cut*, others that he was only *bruised* by the back of the *sabre*; all, however, agree that whether it was with the edge, back or side, the blow was severe and cruel; and, I understand, the blemish caused by the blow is still to be seen on his person.

The circumstances are these, Young was a musician, and, at the time, was at the head of the regiment beating his drum, Capt. Hughes gave an order of march, which it was impossible for him to have heard in consequence of the deafening noise of his instrument, and, of course, was not obeyed. Whereupon Capt. H. rode up to him in a great rage and gave the blow.

Christophier C. Clements, John Saulsbury, and Alexander H. Harwood, of whom, Macbeth and Young were sorely cut with the edge of the sword, and the others beaten with it; and of whom, Clements, Saulsbury, and Harwood have since died.

III. Now comes the specification of an act so atrocious as a violation of all law, and of the most sacred rights of the citizen and soldier, and so cruel as a personal infliction on an individual, that your memorialist could not be brought to credit the accounts he received of the commission of the act, till the last spark of his scepticism was extinguished by the testimony of many and credible eye-witnesses.

A private soldier, and a volunteer in one of the companies from this District, named John T. Davis, was charged, in some confused way never well understood, with having assaulted a Mexican woman who kept a house of public resort in Jalapa. Davis, himself, always denied, and yet denies, most strenuously, that he was the person who committed the offence; but has always declared that if a proper opportunity had been afforded him, he could have proved his own innocence, and have thrown the act upon another person; and your memorialist is credibly informed that such is the general belief of his comrades. The question, however, of his own guilt or innocence weighs not the dust in the balance, even to mitigate, far less to excuse, the outrageously illegal and cruel tyranny which lacerated his body, and weakened his constitution, with cruel and ignominious stripes, and subjected him to the lingering ills of penury and disgrace.

This man (without a hearing, or any fair opportunity to repel the charge) was summarily ordered by Captain Hughes to receive fifty lashes on his bare back. The Captain, it is said, remained in sight, though at some distance, whilst the stripes were inflicted with all military severity—and just as that number was completed, he ran down to the place of punishment, and vehemently ordered twenty-five more. Those being inflicted, with the same severity, he again ordered twenty five more; but, as the man seemed cruelly lacerated and exhausted with the seventy-five already inflicted, Captain Hughes humanely suffered himself to be begged out of the remaining twenty-five.

The man, after remaining in the hospital for some weeks, was disgracefully discharged from the service, by the order of his commander, and incurred all the forfeitures incident to such discharges; and had to find his way home in utter penury and destitution, encountering such difficulties by the way, that it was only within a few days past that after long, circuitous, and painful travel, he at last got back to his friends in Georgetown.

Now the question is, did the signers to the counter memorial, when they denied, in general terms, the general charge as it was at first advanced, intend to deny any of the *facts* or *specifications* involved, though not expressed, in the general charge? Did they clearly see and understand that the general charge rested on *those facts* and *circumstances* alone, and that those facts and circumstances *amounted* to the general charge; so that, when they denied the general charge, they consequently denied the facts and circumstances that constituted it?

No more conclusive answer in the negative need be required than to say: 1st. that the signers of this counter memorial are, for the most part, as he has reason to think, from personal knowledge of some—from reputation of others, men of respectability incapable of wilful and deliberate falsehood. 2d. That the identical facts and circumstances, now for the first time drawn

out into specifications of the general charge, were, from the first, well known to the aforesaid signers themselves. Such of them as were not eye and ear-witnesses of the facts, (and many of them were so,) having always treated these identical facts and circumstances as public and notorious truths, universally diffused through camp and garrison, and pervading the minds of all with convictions as satisfactory and clear of doubt, as if evidenced by their own senses. Even the identical Captain, who so openly and indignantly resented and repelled the insults heaped on him and his comrades collectively, on the 22d February, and who so unequivocally challenged arrest for contempt of his superior, as is above related—even he is among the *unqualified signers* of the counter memorial; having been persuaded and influenced, at length, to yield up his own unsophisticated conclusions from what he saw and heard, to superior authority. In short, if every other witness were out of the way, your memorialist has good assurance of its being still in his power to substantiate all the foregoing specifications by witnesses taken from among the aforesaid *signers* alone. But, on the other hand, if every man of them were to turn out and out witnesses against him, he knows of overpowering evidence to prove, in their teeth, every particular of the general charge. Affirmative evidence so demonstrative and irresistible as to put down all show of opposition from all their negative testimonies combined; and to clear away every shadow of doubt.

That these men should have so positively denied the necessary conclusions from facts and circumstances within their own knowledge, may be a lamentable proof of the mental bondage to which the novel circumstances, in which they were placed, had reduced them: but your memorialist imputes it not to the general mass of them as wilful and corrupt falsehood. He is aware that most of them, though men every way intelligent and well-informed in the ordinary affairs of civil life, were wholly deficient in military knowledge and experience. They found themselves insulated in their garrison, detached from the body of the army, and under the separate command of a Colonel, of whose appointment all the circumstances demonstrated that he was the *special favorite* of the Government at home; the favorite on whom honors and trusts were gratuitously showered, which might have gratified the pride and liberally rewarded the services of veterans who had won high reputation and honor in actual service. As he had been elevated to that high post from a corps (the topographical) which the *law* had constituted a part of the *military* establishment, they presumed that he had brought to his command the advantages of regular instruction in military science, and that his connection, as topographical engineer, with the army had placed him so very far above them all in knowledge and experience of military law and discipline, as entitled him to be received as overruling authority in all such matters, and to silence all judgments and all feelings tending to rebellion against his harshest and most tyrannical principles and practices of military law and discipline. They knew not that he had been transplanted into the *topographical* department of Engineers from the ordinary walks of *civil life*; and that his ability to execute, with whatever degree of science and skill, the duties of *topographical engineer* inferred no science or knowledge, theoretical or practical, of military tactics, or of military law and discipline; though it be true that most of the officers of the *topographical* Engineers (as are all the officers of the old *corps* of Engineers) are taken from those Academic cadets, whom a systematic education and training in military science and tactics has accomplished and

prepared for any and every branch, and for any and every arm of the military service.

But, in addition to the implicit deference which such raw recruits might be easily persuaded to think due to the sheer assertion of authority on the part of any commander presumed to have been in possession of professional knowledge and experience commensurate with his command, and especially of a commander backed by the weight and influence of such extraordinary demonstrations of Government favor, the urgent importunities and undue influences of official station were freely exerted to sway the minds and overpower the independence of the inferior officers and men, in order to enlist them as signers of a memorial to justify their commander, and bestow on him gratuitous flatteries to boot. Considering how dependent both the officers and men under his command were, for their well-being, upon his good will, and how exposed to suffering from his vindictiveness, it is honorable to human nature to perceive how many preserved sufficient independence and vigor of mind to withstand such brow-beating influences and importunities, and positively refused their signatures; many of them yielded with reluctance, and some of them, after flat refusals, were caught in a moment of weakness and overpersuaded out of their signatures; whilst others were grossly deceived by the emissaries employed to procure signatures, who impudently misrepresented the purport of the memorial.

Not content with the persuasions and importunities of emissaries in the persons of certain inferior officers, orderlies, &c., the Colonel himself condescended, as your memorialist is prepared to prove, to exert his influence in proper person, and to address his personal entreaties to individuals understood to be averse to put their signatures to the memorial in his behalf.

The result is such as might be expected in a memorial got up for such purposes, under such circumstances, and among parties standing in such relations to each other. Here we have a document which, in effect, denies that it is any "personal insult, maltreatment, wrong, or oppression" to volunteers in military service to be publicly abused and villified on parade, with all sorts of opprobrious and disgraceful epithets by their Colonel; to be beaten, bruised, and hacked with his drawn sword; to have their naked bodies cut and torn by the abhorred and law-forbidden scourge, by orders emanating from his arbitrary will and executed under his immediate eye and direction; nay, a document which goes rather beyond this *negative* averment, and, notwithstanding all the aforesaid severities and cruelties be undenied and undeniable, asserts that "Col. Hughes has ever shown the *greatest mercy* to his men in the *exercise of power*, and has never shown to any individual of his command any thing *bordering* on insult or oppression." Awful, indeed, must have been their conception of Col. Hughes' "power," if such be the "greatest mercies of its exercise." This document, however, was not prepared and procured with a view to the *justification* alone of their Colonel; it discloses ulterior views, general *adulation*; military capacity of the highest order, and entitling him to "unlimited confidence" as a commander, are ascribed to him in somewhat swelling phrase; and, although the military capacities and qualities ascribed to him may be in him for aught that is positively known to the contrary, yet are they somewhat gratuitously ascribed, since the only service ever known to have been performed by him in a *military* capacity, and the only opportunity which he is known to have enjoyed for the display of his military talents, was on

the march from Veia Cruz to Jalapa, and the occupation for some months of an already captured town and conquered district in the enemy's country. For this they consider that the Government bestowed on them "a signal favor," when it selected him for their commander. To all this your memorialist has nothing to say; but when they go on to say, in one part of their memorial, that his conduct "has won for him the *affection* and *esteem* of every officer, non-commissioned officer, and private who have served under him;" and in another part, that nineteen-twentieths of the officers and men under his command concur in the sentiments expressed of him in that memorial, they have supplied a test which your memorialist has applied, and which every person who desires it may at any time apply, of the undue means taken to put things into the mouths of these deceived and abused men, which they know to be untrue, and contrary to the real feelings and sentiments of at least *nineteen-twentieths* both of the officers and men. Let any one, now that the men are returned home, and are emancipated from their late mental thralldom, question any of them who may happen to fall in his way, of their "affection and esteem" for, or their confidence in, their late field officers; and then note the contrast between their feelings towards Major Kenley, (the only legitimately appointed field officer of the three,) and towards their Colonel; and mark how strongly pronounced is their preference of the first, for every quality that should distinguish the soldier and the gentleman, and their personal attachment to him, strict as was his discipline. A similar comparison of their feelings towards their Lieutenant Colonel would probably be followed by a similar result. No whisper of exception to Lieutenant-Colonel Emory's conduct has been heard; nor was any exception ever made to his appointment but its inherent illegality, as well as its injustice to Major Kenley.

Although this counter-memorial makes no direct reference to the acts of outrage and violence above specified, there is an adroit and artful attempt to ease them off by anticipation, and to *insinuate* that they were regular inflictions under the sentences of *courts martial*. "Though Col. Hughes, it says, as commanding officer of the regiment, has frequently been called upon for his *approval* of *sentences* of courts martial, severe in their character, but necessary for the maintenance of good order and discipline, still he has ever shown the *greatest mercy* in the exercise of power;" and it is further surmised, that the information upon which your memorialist founded the complaints set forth in his former memorial, proceeded from delinquents who had suffered under such *sentences*. Now, your memorialist asserts, upon the strength of the most indubitable information, that no one of the acts of outrage or violence above specified against Capt. Hughes, ever had the slightest connection with any judicial sentence or procedure whatever; nor is there one of them that would not have been just as unlawful, and some of them more absurd, in a Court Martial as in him. As to the character of the witnesses from whom your memorialist obtained the information in question, he will content himself with saying, there is not an individual among them who does not stand at least as high in point of honor and truthfulness as the very best on the list of counter memorialists; and, for the matter now in hand, entitled to infinitely higher credit, as they have steered clear of the gross inaccuracies and absurdities embodied in the counter memorial, to which the others have been entrapped to sign their names.

In conclusion, your memorialist feels himself called to notice a portion of the said counter memorial, which, after more *direct* adulation to the *Colonel*, seeks to flatter and soothe him *indirectly* by a personal attack on your memorialist. They first of all speak sneeringly of his "*pretensions* to an active and useful agency in raising the regiment." "They are willing to grant him all the credit he may deserve, knowing that, to a *certain degree*, he was *active* in raising a *portion* of the three District companies." Not content with that sort of sneering disparagement, the same subject is again brought up in a subsequent part of the counter memorial, for the purpose of proving one of his statements *false*; and, although falsehood is imputed in all the grossness of the expression, yet there is stamped on the very face of the imputation a disingenuous prevarication, foolish as it is, mean and disingenuous; a sort of *sylogistic* giving of the *lie*; the falsehood being inferred, with a logical "*therefore*," from *premises* which make the conclusion absurd and ridiculous. The point hinged on, is a certain memorial presented to the President by a portion of the District volunteers, remonstrating against the appointment of Capt. Hughes to the command of the battalion; and which your memorialist had said "represented the unanimous wishes of their companions." After much misrepresentation of the circumstances attending that memorial, they hinge upon this last assertion, that the memorial, which was presented to the President by a part of the volunteers, represented the unanimous wishes of the others; and to that they give their *sylogistic lie*. "They *know* (they are made to say) that when said memorial was *sent to Fort McHenry*, where the two remaining companies of the District portion of the regiment were stationed, that the members of said companies *did not sign* the said memorial, and *therefore* it is *false* that said memorial, when presented to the President, did set forth the unanimous wishes of their companions, the members of the three District companies." The absurdity and folly of this conclusion, from the mere *non-signature* of the memorial by the two companies at Fort McHenry, are obvious enough when, upon an attentive examination of the sentence, the shallow artifice of its structure becomes manifest in this, that it cunningly avoids asserting that the memorial was proposed to the two companies for their signatures, and *rejected*; and cautiously limits the assertion to the mere fact of its not being actually signed. The disingenuousness and prevarication involved in this shallow artifice, are no less manifest. The framers and promoters of the counter-memorial, though they ventured not upon any such bold-faced and unblushing falsehood, as that the memorial to the President, signed by the one company, was actually proposed to and rejected by the two companies at Fort McHenry, yet they did a far *meaner* thing, they *insinuated* it under cover of saying, that the memorial "was *sent to Fort McHenry*," and that the two companies of District volunteers there stationed "*did not sign it*."

Now, of all the signers to the counter-memorial, there is not one who, if he had any personal knowledge of the matter, that is to say, there was not one of the signers who belonged to any of the three District companies, who did not personally know that every officer and man, without exception, in the two companies stationed at Fort McHenry, was just as indignant at the appointment of Capt. Hughes, as those who remained in Washington when that appointment was announced; and would, had they not been removed from Washington and shut up in the Fort before that announcement, have enthusiastically united in the same memorial; that the

commanding officers of the two companies did, indeed, take to Fort Mc-Henry a counterpart of the memorial, which had been presented to the President from the volunteers remaining in Washington, with the intention of presenting it to their companies for signature; that, if those officers had fulfilled their first intention, the memorial would have been instantly and unanimously adopted and signed by the two companies; finally, that those officers changed their minds after leaving Washington, and suppressed the memorial, and that, "therefore the two companies did not sign it."

All this was matter of common and general notoriety at the time, and personally known for certain and true by every officer and man of the three District companies, and by none more certainly and distinctly than by such of them as have been induced to put their names to this counter-memorial: to them also the reasons which determined the officers of the two companies at the Fort, upon second thoughts, to decline proceeding further with the memorial, were perfectly well known: namely, that they considered the chance quite desperate of changing the President's determination, or of obtaining any sort of redress from Executive justice; and that, whilst there was no hope of any practical result beneficial to the volunteers, they had strong grounds for apprehending that the presentation of the memorial, and their active co-operation in it, would be visited with aggravated insult and injury to themselves and their fellow soldiers, by the revocation of their own commissions, and forcing certain partizans and adherents of power on the companies in the place of the officers dismissed. To the officers themselves the blow would have been heavy and distressing, after they had withdrawn themselves from other pursuits and devoted so much of their time and labor to the raising of the companies, and incurred so much expense in equipping themselves for the campaign.

The counter-memorial, to which your memorialist is now called to reply, is presented in two separate parts—the one is the thoroughgoing and unscrupulous one containing all the prevaricating statements and ridiculous balderdash already commented on, and to which all the signatures with the exception of two are appended; the other is a short one, cut down, simplified and reformed for Lieutenants Addison and Carr alone to sign, who had, as your memorialist has reason to believe, utterly rejected the thoroughgoing one, and were very reluctantly over-persuaded to sign one carefully modified so as to make it less unpalatable, and which is confined exclusively to the *acquittal* of the Colonel from the outrages and violences charged on him, without touching any of the other topics that figure so prominently in the other memorial.

To the thoroughgoing memorial there appear sixty signatures, collected from the miscellaneous mass of volunteers extending from the District of Columbia and Maryland to Tennessee, and consisting of commissioned and non-commissioned officers and assistant surgeons. Of these there are only six lieutenants (one of them the lieutenant appointed by Captain Hughes) and eight sergeants and corporals who belonged to the District companies. These are all of the signers who could have had any personal knowledge of the circumstances referred to in the counter-memorial, touching the raising of the District companies, and their proceedings on the appointment of Capt. Hughes to command the battalion. Yet, of the remaining forty-six, forty annex unqualified signatures, and only six of them qualified signatures disavowing all knowledge of those circumstances. This shows the degree of caution and intelligence that guided the signers when they put their names to the paper.

As to the part borne by your memorialist in raising the District battalion—his “pretensions,” as the invidious phrase is—and as to all the circumstances connected with that transaction from the time the enterprise was commenced by him to the final violation of the essential terms and conditions on which the volunteers were enrolled, he need not say a word; they are all matters of public notoriety, thoroughly understood by the whole community; they have been stated in detail in the pamphlet entitled “The case of the Battalion stated,” by Walter Jones; the absolute accuracy of which, in all its details, has never been questioned, though powerful interests and passions eagerly sought for some vulnerable point of attack in it; and which, besides the credit universally conceded to it, is sustained throughout by authentic proofs and documents.

Your memorialist was, therefore, egregiously misunderstood, if it was supposed that he referred to that subject for the sake of display, or of making “pretensions;” it was part of the *business* of his memorial to denounce to Congress the illegality of foisting field officers upon a regiment of State volunteers; and the origin of that regiment in the battalion raised by him was a necessary part of its history.

CHARLES LEE JONES.

WASHINGTON, July 31, 1848.



1844

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