

A SUMMARY
OF
THE CASE OF
GENERAL FITZ-JOHN PORTER
TOGETHER
WITH A SKETCH OF HIS LIFE
AND ORIGINAL
LETTERS FROM GENERAL GRANT
AND OTHERS



MAJ. GEN. FITZ JOHN PORTER.

PUBLISHED BY J. C. LUTHER, 107 NASSAU ST., N. Y.

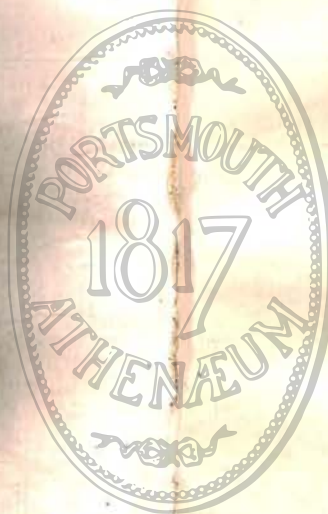
MAJOR-GEN

Fitz John Porter was born in the United States at West Point, N. H., in 1811. John Porter of New York was of Commodore Young Porter's family. His education was at the United States Military Academy, West Point, N. Y., where he studied at the school of Benjamin Franklin. He was graduated from the Academy in 1834, which number 18. This was in 1834, when he received the Fourth Artillery Brevet. At his graduation he was appointed as an assistant in the Artillery and Cavalry. He was later sent to Fortress Monroe.

In July, 1846, he was ordered to the army operating in Texas, where he fought the battle of Saltillo, in the month of September, 1847. He was promoted to General of the Second Division of the Army of the Republic of Vera Cruz and the State of Contreras, Molino del Rey, and Chapultepec. At Contreras Porter's two guns belonging to the army had been taken by the Mexicans. Scott then moved forward and this time for the first time for the tide of success. Porter had the honor of being promoted to Lieutenant General, S. A., who died in the last action during the Mexican war. Porter was wounded in the fight at the capture of Contreras. He was one of the officers of his regiment, and twenty-seven of his officers were killed. For gallantry at Molino del Rey he was breveted Major-General. In 1849, Major-General Porter was appointed to West Point, where he remained until 1850.



MAJ. GEN. FITZ JOHN PORTER.

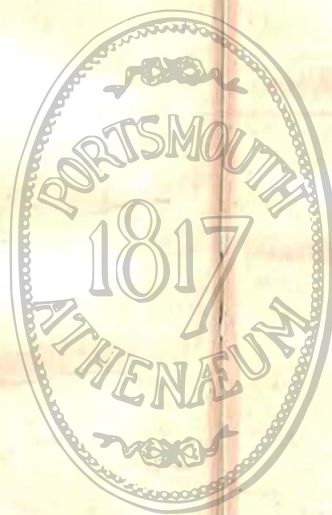


MAJOR-GENERAL FITZ JOHN PORTER.

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Fitz John Porter, Brevet Brigadier-General in the United States Army, and Major-General of Volunteers in the War of the Rebellion, was born in Portsmouth, N. H., in 1822. He was the son of Captain John Porter of the United States Navy, and nephew of Commodore David D. Porter of *Essex* renown. Young Porter received his initial instruction at the school of Benjamin Hallowell, Alexandria, Va. His education was continued at the well-known Phillips Academy, Exeter, N. H., and he prepared for the Military Academy at West Point by a course of study at the school of Stephen M. Weld at Jamaica Plains, Mass. He entered as a cadet in the Military Academy in 1841, and graduated eighth in a class which numbered 123 and graduated 45 members. This was in 1845, and Porter was at once commissioned Brevet Second Lieutenant, and attached to the Fourth Artillery. During the summer of his graduation he was selected for duty at West Point as an assistant in the Department of Artillery and Cavalry, and engaged in instructing the cadets during encampment, and was later sent to join his regiment at Fortress Monroe.

In July, 1846, Lieutenant Porter joined the army operating against Mexico, at Point Isabel, Texas, and saw active service at Saltillo, in the same year. In January, 1847, he embarked at Brazos and accompanied General Scott's army, performing more or less conspicuous service during the siege of Vera Cruz and the battles of Cerro Gordo, Contreras, Molino del Rey, and at the siege of Chapultepec and the capture of Mexico. At Contreras Porter's command recaptured two guns belonging to his regiment which had been taken at Buena Vista. General Scott then mounted the company, and from this time forward Porter was on the flood-tide of success. At Vera Cruz Lieutenant Porter had the misfortune to lose his brother, Lieutenant David St. Leon Porter, U. S. A., who died of yellow fever. At the last action during the war—the sanguinary fight at the capture of the Garita of Belen—Porter was wounded while the other two officers of his company were killed, and twenty-seven out of thirty non-commissioned officers and privates were killed or wounded. For gallant and meritorious conduct at Molino del Rey and the City of Mexico, Porter was breveted successively Captain and Major. In 1849, Major Porter was assigned to duty at West Point, where he remained until 1855. Here

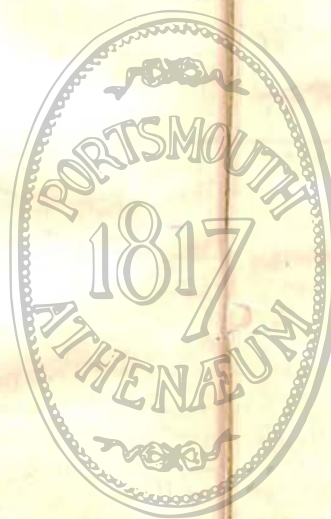


he occupied the positions, successively, of Assistant Instructor of Natural and Experimental Philosophy, Adjutant of the Military Academy, and, finally, Instructor of Artillery and Cavalry. In 1856, he was appointed Assistant Adjutant-General, and was assigned to the staff of General Persifer F. Smith, commanding in Kansas, and with whose command he served during the Kansas troubles. In 1857, while on duty at the headquarters of the army in New York City, Porter was assigned to duty on the staff of General Albert Sidney Johnston, and accompanied that officer to Utah, enduring with him the hardships and annoyances of that ever-memorable campaign in the Rocky Mountains, and of two years residence among the resentful and murderous Mormons. His private reports to General Scott of the Mormon outrages were sent by the latter to the government, indorsed as follows in his own hand-writing: "This is a private letter from Johnston's Chief of Staff, but very interesting. I wish the Secretary of War may find time to read and return it. . . . This familiar letter, written in the freedom of friendship, is full of information and encouragement. Asking the Secretary's indulgence towards the capital soldier, the writer,—gallant, intelligent and frank—the Department cannot fail to profit by its perusal, and so may the Commander of the Utah reinforcements."

WINFIELD SCOTT.

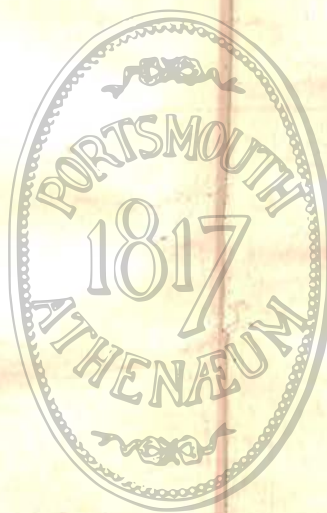
In the autumn of 1860, Porter was assigned to duty at the headquarters of the army in New York City as Assistant Inspector-General, in which capacity, in November, he inspected, by order of the War Department, the defences of Charleston Harbor, and recommended that they should be strengthened and supplied with additional force, ammunition and provisions. As a result of this inspection and of Major Porter's recommendations, Major Robert Anderson was placed in command of Forts Moultrie, Sumter, etc.

The secession of the Southern States now began, and Major Porter was sent to Texas and to reinforce



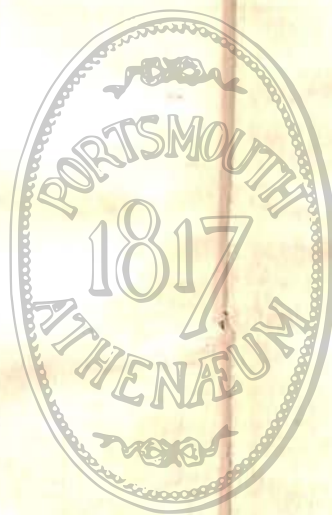
the garrisons at Key West and Dry Tortugas, a task requiring great judgment, patience and tact. He acquitted himself to the satisfaction of his superior officers, and saved to the service a brave and useful force of regular troops which would else have been swallowed up or crippled as all others were by the Confederacy. In April, 1861, Porter was on duty in the Adjutant-General's office in Washington, when he was chosen by the Secretary of War, Hon. Simon Cameron, and by General Scott, to superintend the protection of the railroad between Baltimore and Harrisburg against Baltimore rioters. For this purpose he was directed to make use of "any troops to be found in Harrisburg or thereabouts," these being about 3000 "ninety days" volunteers and 400 regulars from Carlisle Barracks, under Major George H. Thomas. His exertions in carrying out this important move were so judicious and energetic that he obtained through it the entire confidence of Secretary Cameron and the Governor of Pennsylvania (Curtin) which was never afterwards shaken. In a recent issue of *The New Era* published at Lancaster, Pa., a detailed account of General Porter's actions in this region was given by one who had been connected with the telegraph department of the army, and had full knowledge of its movements.

It was at this time that, having been shown telegrams from Hon. Frank P. Blair which had been sent to Governor Curtin, and which asked for permission to muster in troops for the protection of Missouri, communications with Washington being then interrupted, Porter took upon himself the responsibility of replying to the telegrams in the name of the Secretary of War, and of giving the necessary authorization. This act was afterwards approved by the War Department and General Blair personally thanked him for the interposition "which saved Missouri to the Union." Porter's duties at this period included the organizing three-months volunteers in Pennsylvania to protect the country north of the Potomac, and for this purpose he was assigned to the staff of General Robert Patterson, then commanding the Department in Pennsylvania. Many of the organizations which he then effected afterwards became the nucleus of the celebrated "Army of the Potomac." Until August, 1861, he served with this army in the field, under General Patterson and his successor, General Banks. In recognition of his services Major Porter was appointed, by the Secretary of War, Colonel of the Fifth Infantry, and soon afterwards Brigadier-General of Volunteers, when he



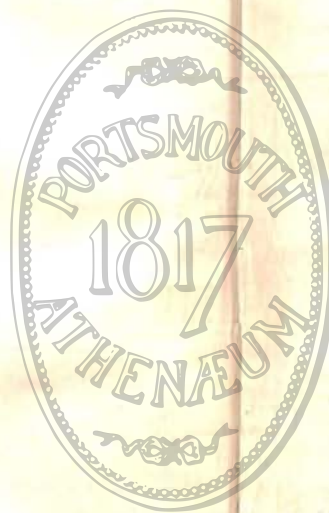
was assigned to duty in Washington to organize regiments into brigades and assign them to divisions.

General Porter was next assigned to Fort Corcoran to relieve General William T. Sherman, transferred to command in the West. Here he organized a division which soon obtained a high reputation as a model for the discipline and drill of its members. In the spring of 1862, General Porter was assigned with his division to Heintzelman's corps, and ordered to the Peninsula. He was appointed Governor of the siege of Yorktown, and after the surrender of that stronghold received, with the sanction of the President, the command of the Fifth Army Corps, composed of his own division (subsequently Morrell's) Sykes's division of regulars and volunteers, and Hunt's reserve artillery and subsequently McCall's division of Pennsylvania volunteers. With this corps he fought the battles of New Bridge, Hanover Court-house, Mechanicsville, Gaines's Mill, Turkey Bridge, and Malvern. At Gaines's Mill it was reinforced by Slocum's division and the brigades of French and Meagher, and at Malvern by the brigades of Caldwell, Meagher, and Sickles. For meritorious services in this campaign General Porter was, without solicitation, breveted a Brigadier-General in the regular army and appointed a Major-General of Volunteers. From the Peninsula General Porter was transferred with his corps to Northern Virginia. While marching to Fort Monroe, whence he was to embark for Aquia Creek, he was ordered to stop at Williamsburg till all the army should pass him, when he would become the rear-guard. Becoming reliably informed that Lee was hastening to crush Pope before he could be reinforced by the Army of the Potomac, Porter assumed the responsibility and continued his march, and thereby joined Pope at least four days earlier than if he had complied with



orders. This deviation from orders was highly approved by the Commander of the Army of the Potomac. He served under General Pope for several days at the close of his remarkable campaign, fighting under him the memorable second battle of Bull Run. He was then assigned to command on the west bank of the Potomac in order to secure the defences of Washington, his lines extending from Fort Corcoran to Hunting Creek. The purpose of this order having been achieved, General Porter was directed to rejoin the Army of the Potomac, then under the command of General McClellan, moving against Lee in Maryland. As a special proof of the confidence placed in him, General Porter was directed by the Secretary of War (Stanton) and the General-in-Chief (Halleck) to select a division of 12,000 men from among several divisions, and of a commander from among twenty general officers, and add them to his corps.

At Antietam General Porter commanded the centre of the line of battle, with those troops not in action, protecting the supply-trains of the whole army gathered behind it. He sent to the assistance of other corps a large part of his command not otherwise employed in the battle. He was prompt in following the enemy in his retreat into Virginia, and with his corps alone fought the battles of Shepherdstown, capturing four guns, two of which had been lost at the first battle of Bull Run by one of the brigade commanders, General Griffin. Porter continued in command of this corps until November, 1862, when, without any reason being assigned, he was relieved in the presence of the enemy. This was on November 12th, and General McClellan had been removed from the command of the Army of the Potomac on the 5th. Those in a position to know attributed Porter's removal to his well-known friendship for McClellan. Soon after his arrival in



Washington an order was issued from the War Department directing the formation of a Military Commission to examine into charges which had been preferred against him by General Pope. This order was afterwards revoked and a court-martial ordered. It is not our purpose to enter into any account of General Porter's trial. The unjust accusations and the still more unjust decision of the court are known to many; as is also his subsequent exoneration from all the charges, by the Military Commission; the change in belief of those who had opposed him; his patient waiting for a restoration to the army; and finally, the tardy justice which has come to him. As a forcible exposition in a few words of his character, we copy the following from the journal previously mentioned: "Porter was a man of unquestioned courage, undoubted ability, and exalted patriotism. He was not a magnetic man in the sense of creating noisy enthusiasm in troops whenever he appeared, but he was magnetic in attracting the absolute confidence of all men under and around him. To his coolness and intrepidity in action was added a keen, penetrating mind that enabled him to judge rapidly and correctly."

In 1869, the Khedive of Egypt offered to General Porter, the position of Commander of his army with the rank of Major-General. This brilliant offer Porter declined, preferring to remain in his own country. He recommended for the position General Charles P. Stone, who accepted service in the Egyptian army. General Porter has been Commissioner of Public Works, and in 1884 was appointed one of the Police Commissioners, which office he vacated in May, 1888, when he was appointed Fire Commissioner. This last position he vacated in May, 1889, since when he has not held public office. He is President of the Asphaltic Slag Paving and Roofing Co., and President of The Society for Instruction in First Aid to the Injured.

In addition to some original lines, the writer has had the benefit of matter in his possession in preparing the foregoing sketch. W. E. MITCHELL.

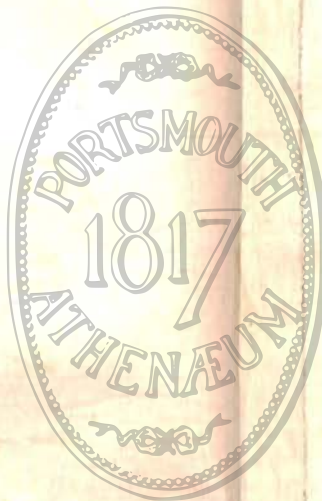
Nov. 19th 1881.

Dear Sir,

I am in receipt of
yours of this date, with copy
of Mr. Perry's letter. I have read
the latter. It is nearly to say
the least, and exonerate you
so far as the judgment of one
— and a very intelligent — member
of the Court goes. — I will destroy
the copy of Mr. Perry's letter
which you sent me.

Very Truly Yours
W. A. Grant

Wm. F. J. Porter.



New York City

Dec. 19th 1861

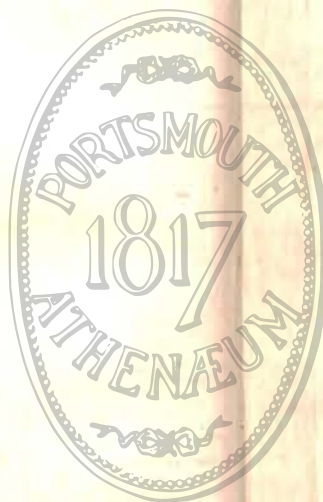
Gen. F. J. Porter:

Dear General:

I am through
reading the papers you sub-
mitted to me and will be ready
to meet you any morning at
about 11 am. after to-morrow.

I have seen nothing to change
the views I expressed to you
in our last conversation.

Very truly yours
W. H. Channing



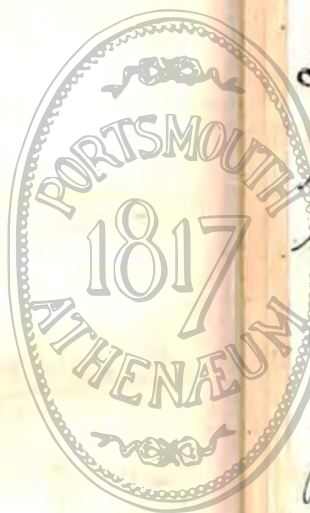
New York Dec. 22. 1887.

The President.

Washington D.C.

Dear Sir:

At the request of Gen
Fitz John Porter, I have recently
reviewed his trial and the testi-
mony furnished before the Schofield
Court of Inquiry held in 1879,
giving to the subject three full
days of careful reading and
consideration, and much thought
in the intervening time. The reading
of the whole of this record has
thoroughly convinced me that for



these nineteen years I have been
doing a gallant and efficient
soldier, a very great injustice
in thought, and sometimes in
speech. I feel it incumbent
upon me now to do whatever
lies in my power to remove
from him and from his family
the stain upon his good name.
I feel this the more incumbent
upon me than I should if I
had been a Corps Commander
only, or occupying any other
command in the Army than the
one which I did; but as General
I had it possibly in my power
to have obtained for him the

hearing which he only got at
a later day, and as President
I certainly had the power to
have ordered that hearing. In
justification for my injustice to
Genl. Porter I can only state
that shortly after the war closed
his defence was brought to
my attention, but I read it in
connection with a sketch of the
field where his offences were
said to have been committed,
which I now see, since perfect
maps have been made by the
Engineers Department, of the whole
field, were totally incorrect as
showing the position of the two Armies.

I also read it in connection with statements made on the other side, against Gen Porter, and I am afraid possibly with some little prejudice in the case - although Gen Porter was a man whom I personally knew and liked, before; but I got the impression, with many others, that there was a half hearted support of Gen Pope in his campaigns, and that Gen Porter, while possibly not more guilty than others, happened to be placed in a position where he could be made responsible for his indifference, and that the punishment was not a severe

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one for such an offence. I am now convinced that he rendered faithful, efficient and intelligent service, and the fact that he was retained in command of a corps for months after his offences were said to have been committed, is in his favor.

What I would ask in Gen Porter's behalf from you, is that if you can possibly give the time, that you give the subject the same study and thought that I have given it, and act then as your judgment may dictate.

But, feeling that you will not
have the time for such an
investigation (for it would take
several days time) I would ask
that the whole matter be laid
before the Attorney General for
his examination and opinion.

Hoping that you will be
able to do this much for an
officer who has suffered, for nine-
teen years, a punishment that
never should be inflicted upon any
but the most guilty, I am

Very truly Yours,
W. H. Grant

U. S. GRANT, President.
G. M. DODGE, Vice President.
RUSSELL SAGE, Treasurer.
J. H. WORK, Secretary.

JAY GOULD,
FRANK WORK, } Executive Committee.
RUSSELL SAGE. }

Mexican Southern Railroad Company,

(UNITED BANK BUILDING,)

New York, Dec. 13 1881

Gen F. J. Porter.

New York

Dear Sir:

I send you by the bearer the letter to the President which I hope is satisfactory, and which I expect to follow up by such course as circumstances hereafter may dictate as necessary and proper. I sincerely hope that the day is not distant when you will receive the justice which I feel sure is due to you.

I will be pleased if you will send me a copy of the Proceedings of the Board, as published by the Senate.

Truly Yours
Wm. H. Board

Washington D.C.
June 8th 1886

My dear General,

Although perfectly confident that you will would pass, I watched it to the end with intense interest. Intending to tell you by telegraph how happy it made me - and how fully I sympathize with you on this vindication. But I found that I had not your address - and could not get it until last night, when Wilcox, just from New York, gave it to me. But tho' I say it late, be assured that you have no friend who has been wishing more earnestly than I for justice to you - or who rejoices more that it has been ^{even} partially meted to you.

As ever,
Yours very truly
J. E. Johnston

Courtesy of the Portsmouth Athenaeum, Portsmouth, N.H.

Gen^l Fitz John Porter

H

Hancock, N.S.
July 13

Governor's Island: N.Y.
July 13. 1879.

My Dear General.

I received your favor
of recent date, enclosing two or three
tickets for the Manchester and
Rochester, for my self and Lady, and
subsequently, another ticket for which I
am indebted to your friendly consideration
I had not able to attend: but that was
on account of some interfering and
preventing: I have crossed you
other letter. as for the "Chute de"



- not so: but when they find the ap-
propriate time for saying it is difficult
to get up to them: and then it seems out
of necessity: they are induced
by the fact. / True, I have been a
mess.

I hope you are well.
also Mr. Poles and children.
I send kind regards.

I am very truly
Yours,
Miss T. Hancock

S,

Genl. John. Poles
New York

Wether Tuesday P.M.

Dear Fitz
I have this moment
received a note from Mary in
which he says -

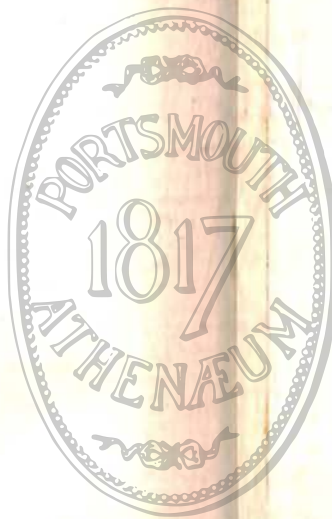
"I have just seen Sherman who
wishes me to say to you that he has
forwarded Fitz John Porter's papers
to the President with the recommendation
that the restriction against adding
officers be raised."

I heartily congratulate you that
this much has been achieved - for
what Grant may do, you can
perform a great service in obtaining
Sherman's official opinion.

Believe me yours

F. J. P.

Geo. A. M. C.



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Fort Snelling Minn Nov 19 1892

Dear General

Will you permit me
to express to you the very great gratifi-
cation with which I have read your
article in the North American Review
Dealing as it does, with only the
great essential points of Porter's case,
and brushing aside as unworthy of
serious notice all the petty sophistries
with which his opponents have sought
to confuse the public mind, it seems
to me that it must carry conviction to
every fair unprejudiced man.

The questions involved in Porter's

Courtesy of the Portsmouth Athenaeum, Portsmouth, N.H.

... partly military. Long ago the

best legal authority of the country -
such men as S. R. Curtis Charles O'-
Conner and Daniel Lord - declared
that the rules of law were violated by
the conviction of Porter even as the
case stood before the Court Martial;
and now that the highest military
authority of the nation has ^{in his favor} pronounced
upon the military questions, what is
then ^{left} for the government & the people to
do except to hasten to make such
reparation as may yet be possible
for the wrong which has been done?

As perhaps you may know,
I once, like yourself, believed Porter
to be guilty. I believed that he had
committed a crime so great that
mere human law could provide
adequate punishment for it.

But when it became my duty to ex-
amine into the case carefully, I
found that I had grossly erred. I
found that instead of being a
criminal he was a martyr.

So believing, it is a source of my
great satisfaction to me that I have
done some small part in his vindication.

Looking back over the years which
have elapsed since I entered the
military service I find nothing
that gives me so much pleasure
as the fact that I have had some
part in that vindication: and I
can think of nothing in the future
which would be so grateful to me
as to be able to do something more
in behalf of one who has suffered
so grievously & so unjustly.

While I feel thus, you may imagine
the gratification with which I find
that the opinions which I now enter-
tain; that what I believe to be the
cause of truth, of right & of justice
is so strongly supported by yourself
and you will pardon me, I assure you
for expressing to you my feelings.

Very sincerely & respectfully
Alfred A. Terry

General U. S. Grant
New York.

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GENERAL GRANT'S PLEA FOR FITZ-JOHN PORTER. The following important letters have been received by Gen'l U. S. Grant, and are now for the first time published :

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, }
Boston, Nov. 27, 1882. }

General U. S. Grant, New York: General—I have the honor, on behalf of some of your former soldiers, to enclose a note expressive of their sentiments respecting your recent article in the *North American Review*.

No circulation has been given to this note with a view to securing signatures. It is written and sent only as a spontaneous utterance of hearty thanks for your justice and courage in defending an unfortunate, but honorable and gallant soldier.

Very respectfully yours,

FRANCIS A. WALKER.

BOSTON, Nov. 27, 1882.

General U. S. Grant, New York: General—The undersigned, once soldiers under your command, desire to express their hearty and grateful thanks for your recent paper in vindication of General Fitz-John Porter.

They feel that no act, whether of valor or of policy, which has marked your great career, should bring you more honor than the moral courage and the spirit of fairness and justice exhibited in this defence of a gallant Union soldier, condemned on insufficient or mistaken evidence.

Respectfully yours,

THEODORE LYMAN.

HENRY L. HIGGINSON.

SAM'L M. QUINCY.

CHARLES P. HORTON.

CHARLES F. ADAMS, JR.

SAMUEL A. GREEN.

HENRY P. RUSSELL.

J. HENRY SLEEPER.

STEPHEN M. WELD.

R. S. MILTON.

FRANCIS A. WALKER.

A. F. MARTIN.

The following important letter from General ALFRED H. TERRY, U. S. A., has been received by General U. S. GRANT :

FORT SNELLING, Minn., November 19, 1882.

DEAR GENERAL: Will you permit me to express you the very great gratification with which I have read your article in the *North American Review*? Dealing, as it does, with only the great essential points of Porter's case, and brushing aside as unworthy of serious notice all the petty sophistries with which his opponents have sought to confuse the public mind, it seems to me that it must carry conviction to every fair, unprejudiced man.

The questions involved in Porter's case are, of course, partly legal and partly military. Long ago the best legal authority of the country—such men as B. R. Curtis, Charles O'Connor and Daniel Lord—declared that the rules of law were violated by the conviction of Porter, even as the case stood before the court-martial; and now that the highest military authority of the nation has pronounced in his favor upon the military questions, what is there left for the Government and the people to do except to hasten to make such reparation as may yet be possible for the wrong which has been done?

As perhaps you may know, I once, like yourself, believed Porter to be guilty. I believed that he had committed a crime so great that mere human law could provide no adequate punishment for it. But when it became my duty to examine into the case carefully I found that I had grossly erred. I found that instead of being a criminal he was a martyr.

So believing, it is a source of very great satisfaction to me that I have borne some small part in his vindication.

Looking back over the years that have elapsed since I entered the military service, I find nothing that gives me so much pleasure as the fact that I have had some part in that vindication, and I can think of nothing in the future which would be so grateful to me as to be able to do something more in behalf of one who has suffered so grievously and so unjustly. While I feel thus, you may imagine the gratification with which I find that the opinion which I now entertain, that what I believe to be the cause of truth, of right, and of justice, is so strongly supported by yourself; and you will pardon me, I am sure, for expressing to you my feelings.

Very sincerely and respectfully,

ALFRED H. TERRY.

General U. S. GRANT, New York.

New York November 14th 1879

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Messrs Nicolay & Hay
Washington. D.C.
Gentlemen.

In so much as you have not acted
on my requests or intimated any intention to correct,
at an early day in the Century Magazine, the mis-
takes you have committed in relation to me,
and thereby undo the false impressions you have
created in the minds of many who have no means
otherwise of ascertaining the truth or falsity of what
you have said of me, you will not be surprised if
I take my own course to direct attention to these
errors, at least, in your ways.

Respectfully Yours.

Fitz John Porter

The whole correspondence was in the
hands of the press and mainly published all
over the country Nov 23- or '62

Some emissions were made when the
"History" appeared in book form, but not all
that was expected from Mr Nicolay's letters to
his friends.

obstructed by only 200 wagons, and in *nine* hours had not gone twice the length of the division front from where he started. The part of this command to which Captain Duryea belonged left Warrenton by daylight, and was engaged until midnight in marching three or four miles. The troops were obliged to halt every ten or fifteen minutes. The commands of Kearney and Reno reached Bristoe about the same time that Porter did, although they had marched only four miles, and had been ordered, as Pope expressed it to Kearney, in language of oriental fervor, "at the very *earliest blush of dawn*," to push forward with all speed, so as to "*bag the whole crowd*." Yet Porter's alleged delay, which in reality was no delay at all, was a willful violation of orders, because to one of Pope's staff officers he *looked* as if he was a traitor! And the Court-martial listened to such contemptible nonsense, and condemned a gallant and faithful soldier.

Porter gave his troops two hours of needed rest, and reached his destination as soon as he could have reached it if he had started earlier. The most effective part of his march must have been made after daylight, in either case; but in the one his troops were in condition for further service, and in the other they would have been useless. As it was, he arrived at Bristoe in time for every purpose for which Pope required him. The two hours delay in starting made no difference to Pope whatever. Porter was at hand for disposal as Pope saw fit. Pope had "much conversation" with him that morning, and made no complaint of the delay—"said nothing about obeying or disobeying." He afterwards expressed himself as satisfied with Porter's whole conduct, excepting one trivial matter which even the Court-martial ignored.

Pope made no plans or disposition of his forces, different from what he would have made if the delay had not occurred. He said that the necessity had passed. The movement he was making, was the withdrawal from Gainesville, the most fatal error of that long series of errors, and he was soon obliged to countermand it. If anybody was to be cashiered for the false movements of that day, it should have been Pope, not Porter.

Despite the urgency of the summons, Pope had no use for Porter after he got him. The latter remained at Bristoe the entire day and night of the twenty-eighth. Twice during the day, he sent to Pope for orders, and twice received the answer, "Tell him to stay where he is; when wanted he will be sent for." It was not until about six o'clock in the morning of the 29th, that he received orders to move.

In judging of Porter's conduct throughout these events, we must bear in mind the rule which results from the ever-varying nature of circumstances in military affairs. It is stated by Napoleon, and is so well settled as to have become a maxim. He says: "An order requires passive obedience only when it is given by a superior who is present on the spot, at the moment when he gives it. As the superior is then familiar with the state of affairs, he can listen to objections, and make the necessary explanations to the officer who is to execute the order."

It follows therefore, that, in the absence of the superior, an officer is always justified in using a reasonable discretion. As far as circumstances will admit, he is expected to comply with the spirit of the order, but he is not a slave to its letter.

Porter used his discretion in this instance, right-fully and reasonably. His "disobedience" consists solely in his not doing an impossible act for a useless purpose.

On this head, we may justly conclude :

First. That it was absolutely impossible for Porter to obey the order literally.

Second. It being so, he had a right to use his discretion as to the manner in which he could best fulfill the intention of his commander.

Third. He used that discretion reasonably and efficiently.

Fourth. His action, whether right or wrong, proved to be of no earthly importance.

There was nothing in Porter's conduct in this instance, to base charges upon, and nothing deserving the name of evidence, upon which to found a conviction. But a Court which could find the fact of a retreat when there was no retreat and no evidence of any, could as easily find the fact of disobedience, when there was no disobedience and no evidence of any. It is but fair to assume that this charge relating to the 28th of August, was entirely an afterthought—a make-weight—and would never have been heard of, but for the occurrences of the succeeding day, and Pope's inglorious failure.

As the charges of disobedience of orders and "shameful behavior" on that day, grow out of the same events, and are closely interwoven, we will treat of them together. By knowing exactly what Porter was able to do, and what he did, we can judge whether he disobeyed or committed any "shameful" act.

EVENTS OF THE 29TH OF AUGUST.

Pope swore before the Court-martial that he feared the arrival of Longstreet at any moment, and expected it *certainly* during the afternoon of the 29th, (and there was every reason why he should have expected it earlier); yet in the orders which he issued to Porter about ten o'clock in the morning of that day, he says : "The indications are that the whole force of the enemy is moving in this direction, at a pace that will bring them here (Centerville) by *to-morrow night or next day.*"

Again, Pope stated in his Report to the Committee on the Conduct of the War, (and he has sworn to substantially the same thing), that about sunset of the 29th, the main body of Longstreet's force began to reach the field; that he is "positive," up to five o'clock in the afternoon, Porter had in his front no considerable force of the enemy; that he "believed then," as he is "very sure" afterwards, that Porter might have turned Jackson's flank and attacked his rear, up to eight o'clock in the evening, before Jackson could, by any possibility, have been sufficiently reënforced; that during the whole night of the 29th, and until noon of the 30th, the advance of the main army under Lee was arriving on the field, with fresh forces even then coming from the Gap. In other words, Pope claims that Lee was twenty-four hours behind time, in going a little over nine miles; and that there was not a rebel on the field, excepting Jackson, until night, and very few then; yet we find him writing to Halleck, early the next morning, August 30th : "We fought a terrific battle here yesterday with the combined forces of the enemy, which lasted with continuous fury from daylight until after dark."

How these and many conflicting statements of Pope's are to be reconciled, can be known only when the Recording Angel exhibits and explains the complicated entries which must have resulted from this campaign. Pope himself declined the opportunity for explanation when he was invited to testify before the Board of Officers. All of those statements cannot truly indicate what Pope believed. The question arises, did he intend to deceive his subordinate at the time, and thereby entrap him into a false movement which would cover his own delinquencies in case of failure, or did he afterwards intend to deceive the public and the Court, and thereby secure the condemnation of that subordinate, when on trial for his life, after Pope's failure was complete? It is difficult to decide which is the more charitable view to take of such contradictions. I am disposed to conclude that Pope really did believe what he said in his order, and did not believe what he said afterwards, though when he knew Longstreet had possession of the Gap the night before, it is hard to see how he could suppose that the latter would be from thirty to forty-eight hours in marching fifteen miles, to Centerville. On the other hand, it is almost equally hard to understand how he could expect Longstreet to be from the night of the 28th till the afternoon of the 29th in marching nine miles to Jackson's position. It is a puzzle in either view. Pope's ideas of the rebel movements throughout, were so erratic, that it is doubtful if he had at any time a clear discernment of what he really did think. His was a case of "mournful obstinacy in seeing things not as they were, but as he thought it to his interest they should be."* His erroneous belief

* Quatre Bras, Ligny and Waterloo. Dorsey Gardner.

Pope was a stupid -
more stupid - most stupid -
vain, egotistical man -
spoiled by an unexpected success
in the attack and used as a club
by Stanton & Co. with which to
beat McClellan over Porter's shoulder -

ADG



OPERATIONS OF AUGUST 29TH.

This map is compiled from maps contained in two works of the highest excellence and interest, viz.: "The Army under Pope," by Mr. John C. Ropes, published by Charles Scribner's Sons, New York, and "The Army of Virginia from Cedar Mountain to Alexandria," by General George H. Gordon, published by Houghton, Osgood and Company, Boston. My thanks are due to Mr. Ropes, General Gordon and Charles Scribner's Sons, for their kindness in permitting the use of their maps. Their permission was specially given to me solely for this purpose.

certainly furnished a very bad omen for the operations of that day.

During the night of the 28th, believing that King had intercepted Jackson's retreat, Pope ordered the whole army to begin the pursuit at daylight the next morning. But this pursuit seems to have been by a sort of inverse movement, for he ordered the commands of Hooker and Porter to march to Centerville, the farthest point in the rear yet reached, expecting them to fall in behind Kearney who was to advance at an earlier hour directly down the turnpike. Porter was at Bristoe station where we left him, and had he been ordered to march towards Groveton by the Sudley Springs road, he would have saved about ten miles of distance and a corresponding length of time. When he received the order, about six o'clock in the morning, it was evident to him from the location of the battle of the previous night, and from the cannonade already in progress that morning, that the enemy were near Groveton and far from Centerville. Though he realized the error, he obeyed promptly, and had gone two miles and a half beyond Manassas, when he received the usual countermand by an order, first oral and afterwards in writing, as follows:

HEAD-QUARTERS ARMY OF VIRGINIA,
Centerville, August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General commanding.

Major-General PORTER.

In view of all these circumstances, Porter very properly recalled the order. To have done otherwise would have been little better than useless murder. He would not have been justified in attacking even by daylight, with the knowledge that he had, which he knew his commander had not. The order was based upon premises wholly false. Pope still labored under the hallucination, which lasted far into the following day, that he was fighting Jackson alone, and that Jackson was anxious to retreat. Hence all his dispositions were erroneous.

The situation on the 29th of August may be represented approximately thus :

What Pope assumed it to be—*

PORTER, 10,000 men.

JACKSON, 22,000 men.

POPE, 33,000 men.

What it actually was—

LONGSTREET, 25,000 men.

JACKSON, 22,000 men.

PORTER, 10,000 men.

POPE, 33,000 men.

It will be seen at a glance how erroneous Pope's ideas were, how difficult was Porter's position, and how impossible of execution was the "4.30 Order."

* NOTE TO SECOND EDITION.—General Grant has publicly given me credit for the assistance afforded by this work, in the preparation of his article in the *North American Review* for December, 1882.

It has been held by Pope and by the Judge-Advocate of the Court-martial, that Porter should have attacked whatever force was in his front :—Pope says : "Whether there were 5,000 or 50,000 of the enemy;" even if "the whole Southern Confederacy was in front of him." And this, to obey an order to attack in flank and rear a supposed small detachment already outnumbered ! This proposition is hardly worthy of discussion. But for fear some one may be misled by it, I will give it a moment's consideration. Napoleon's maxim already quoted in regard to passive obedience, is the best guide in forming our judgment.

Where an officer receives an order from his commander who is personally present and cognizant of the situation, it is undoubtedly his duty to obey, however dangerous or even reckless or mistaken the undertaking may appear to him ; for he cannot know but it may be a part of a general plan which requires his sacrifice for some great and compensating advantage. The same is true when the subordinate is at a distance, and the commander gives the order, with a full knowledge of the circumstances, or repeats it after he has received information of them. This last was the case with Hooker at Fredericksburg, and Porter on the 30th of August. Hooker was ordered by Burnside to make an attack which was ill-judged and hopeless. He left his command, sought Burnside, and remonstrated against such a desperate movement. The order was repeated, and Hooker attacked. He says with grim humor, in speaking of the result : "Finding that I had lost as many men as my orders required me to lose, I suspended the attack."

On the 30th of August, Pope believed the enemy were in retreat. Porter and the other officers at the