GENERAL DIVISION OF THE ARGUMENT.

A.—STATEMENT OF THE CHARGES AND IMPUTATIONS AGAINST WARREN.

B.—CERTAIN GENERAL CONSIDERATIONS AS TO THE CASE AND THE TESTIMONY.

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F.—GENERAL EXAMINATION OF WARREN'S CONDUCT THROUGH THE TWO DAYS COVERED BY THE INVESTIGATION OF THE COURT.

A.—STATEMENT OF THE CHARGES AND IMPUTATIONS AGAINST WARREN.

I.—As to the Engagement of the 31st of March, the Charges and Imputations are:

1. That in an attack on the enemy he fought his corps in detail.

Record, page 58:

Extract from General Grant's report, to be found on page 1137 of the report of the Secretary of War to the first session of the Thirty-ninth Congress, as follows:

"On the morning of the 31st, General Warren reported favorably to getting possession of the White Oak road, and was directed to do so. To acccomplish this, he moved with one division instead of his whole corps, which was attacked by the enemy in superior force and driven back on the second divison before it had time to form, and it in turn forced back upon the third division; when the enemy was checked. A division of the Second Corps was immediately sent to his support, the enemy driven back with heavy loss, and possession of the White Oak road gained."

Record, page 1247:

Dispatch No. XXII.

Printed: (U. S. Military Telegraph.) 1 p. m., M'ch 31, 1865.

Printed: (By telegraph from) Gravelly Run, 31st, 1865.

To Maj Gen. Meade:

If the enemy has been checked in Warren's front, what is to prevent him from pushing in with his whole corps—attacking before giving him time to entrench or return in good order to his old line of entrenchments. *I do not understand why Warren permitted his corps to be fought in detail when Ayres was pushed forward. He should have sent other troops to their support.*

U. S. GRANT.

2. That he did not press the enemy with vigor after stopping their advance.

Record, page 1247:

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U. S. GRANT.

II.—As to the Movements to Re-enforce General Sheridan, the Charge is:

That Warren did not move to re-enforce General Sheridan with energy and speed; and that there was a long and needless delay at Gravelly Run to build a bridge.

Record, page 48. Extract from General Sheridan's report of May 16, 1865:

(1) * * * had General Warren moved according to the expectations of the Lieutenant-General, there would appear to have been but little chance for the escape of the enemy's infantry in front of the Dinwiddie Court House.

Testimony General Grant, page 1027:

Q. Does that recall to your recollection the movement that General Warren made which brought forth this dispatch? A. No; not specifically; I recollect that there was disappointment with the tardiness of his moving after I had sent the orders, and dissatisfaction, but I cannot specify particularly now just what he did that was different from what I expected, except that his hour of starting was later.

Q. You refer now to the orders that you gave for him to go down and re-enforce General Sheridan? A. Yes.

III.—As to the Battle of Five Forks, the Charges and Imputations are:

1. That he was slow in moving up his corps for the attack.

General Sheridan's report, May 16, 1865, see Record, page 21:

In this connection, I will say that General Warren did not exert himself to get up his corps as rapidly as he might have done, and his manner gave me the impression that he wished the sun to go down before dispositions for the attack could be completed.

2. That he made no proper efforts to check the confusion in Ayres' division.

General Sheridan's report, May 16, 1865, see Record page 22:

During this attack I again became dissatisfied with General Warren. During the engagement portions of his line gave way when not exposed to a heavy fire, and simply from want of confidence on the part of the troops, which General Warren did not exert himself to inspire.

General Sheridan's testimony, page 100, second paragraph:

3. That he allowed Crawford and Griffin to drift out of the battle, and made no proper efforts to bring them back.

Genl. Sheridan's testimony, p. 100.
Genl. Sheridan's statement, p. 56.

4. That he wished Genl. Sheridan's operations to fail.

Gen. Sheridan's report, May 16, 1865, see page 21, Record :

"And his manner gave me the impression that he wished the sun to go down before dis-
"positions for the attack could be completed."

5. That he was "not at the front" during the battle.

Col. Locke, p. 366, 6th question :

Q. Give Sheridan's answer? A. General Sheridan turned around on his horse, he raised his right hand in this manner, and says: "Tell General Warren, by God! I say he was not at the front; that is all I have got to say to him."

Capt. Laughlin, p. 542, 9th interrogatory :

Q. Will you give it to the court? A. I recollect, while I was engaged with General Chamberlain in forming a line of straggling men, that General Sheridan rode up with some of his staff, and I think came through an opening in the works—came through from the White Oak road, the road in front of the works; I was close to him, and remember that my attention was very closely attracted to him, as it was the first time I had seen him in action; the first thing I heard him say was, as I recollect: "By God! I want to see general officers to the front; that is what I am here for."

6. That he looked gloomy and despondent.

Genl. Sheridan's testimony, pp. 114–115 :

Q. What were you talking about? A. We had a conversation; in the first place he seemed to be somewhat reluctant, I thought; and just before the battle he commenced talking in my presence, and there were a good many officers around (I don't know whether they heard him or not), after the plan of the battle had been fixed, that "Bobby Lee was always getting people into difficulties"—meaning General Lee of the Confederate army—that he was getting people into difficulties, and talked in rather a gloomy kind of a way; I recollect I thought it was very strange that a man would talk that way when he knew he had to fight: I thought he ought to talk the other way, and encourage those who were about him, and not depress me.

Capt. Newhall, p. 146, 3d question :

Q. You speak of General Warren having "seemed passive and indifferent;" do you mean that was your judgment of his manner? A. Yes.

Col. J. W. Forsyth, p. 1048, answer 1049 :

Q. What was his manner at the time?
Q. (Repeated.) A. Gloomy and despondent; seemed to have a lack of confidence in the results which General Sheridan told him he was sure would come if the corps got up rapidly, and he could make the movement as he described it.

Maj. Gillies, p. 1134 :

Q. Did you notice General Warren's manner at that time? A. Yes; I thought the general looked moody and oppressed.

B.—CERTAIN GENERAL CONSIDERATIONS AS TO THE CASE AND THE TESTIMONY.

In judging General Warren's acts, certain general considerations, we submit, should be borne in mind.

General Warren should, undoubtedly, be held to a very high standard, to the highest standards of his profession, both as to capacity and acquirements. That is his own wish. He does not come here to make excuses.

At the same time, it is to be borne in mind, that a corps commander is something more than a mere conduit pipe to his subordinates for the order of his superiors. He is to do something more than blindly follow the letter of the orders he receives. The commander of an army demands from the commander of a corps that he should comprehend general purposes, and give efficient assistance in carrying out those purposes. He must oftentimes use a wide discretion. The operations of the corps commander are often carried on beyond the immediate personal observation of the commander of the army. Necessarily there are often many points in a situation which cannot be communicated in detail to the commander of the army. Situations too, change from hour to hour, or it may be in a minute, so that it becomes impossible to make reports and to receive fresh commands in season to meet pressing emergencies. In such cases the corps commander is required to use his own judgment; unless he does so, he fails in his duty to his superior. His commanding general demands of him that he should think, and be something more than a Chinese copyist of the letter of his orders, in order to carry out their purpose; it is the purposes of his commanding general that he is to strive to accomplish.

A corps commander, too, is entitled, when his conduct is to be judged, to certain presumptions. It is the presumption that in all the ordinary situations of war he did his whole duty. He is not to be called on to prove for every single minute his personal whereabouts, or to account for his every personal movement, as if he were a suspected criminal.

In general, too, his personal presence should be "not at the front," if that term is to be taken narrowly and literally. He is to be the brain and moving will of his command. He must be, at most times, in a central position at the rear, where he can be found, where he can get reports often and easily from all parts of his command. In an active engagement, as a rule, his position is, or should be, some distance to the rear of his line of battle. The handling of divisions and brigades and battalions should be, in all ordinary cases, left to the commanders of those organizations. For what do those commanders hold their commissions? And if the corps commander is doing the work of subordinates, how is he to do his own, and who is to do it for him? There come, at times, the supreme moments, when all ordinary means fail, when a corps commander must literally "lead" his men. But those times come seldom. At all ordinary times, the corps commander is "at the front" when he

is in the rear of his men. The glory of heading charges of the troops is to be left by him to the juniors in the service who yet have their spurs to win.

We come, then, to the principles on which the testimony is to be weighed.

Official dispatches made during the course of the operations to which they relate (under which term it is not intended to include reports of operations made after the operations are finished) are, of course, entitled to the very highest degree of credit. For every officer understands that it is matter of vital necessity that the information he puts in his orders and dispatches should be thoroughly accurate. On its accuracy the success of the operations of the whole army depends.

Official reports, made after the operations to which they relate are finished, are evidently at all times to be carefully scrutinized. Few men seem to have the faculty of putting down on paper a clean accurate statement of facts without color or distortion.

As to the oral evidence given by the witnesses it is, in general, surprisingly accurate. Its accuracy comes from the care which has been shown by most of the witnesses in keeping within the limits of what they really saw. No doubt, some of them have at this distance of time confused events which came under their personal observation with matters of which they have been told.

It is to be remembered, however, that the circumstances under which the witnesses give their evidence, are such as will necessarily cause many inaccuracies as to single points. When their testimony was given, it was fifteen years since the events as to which they were giving their evidence took place; in the operations, as to which they were testifying, the witnesses from the United States forces, at the time of the operations, were in a country which was new to them, which most of them then saw for the first time; they had no maps which gave them any accurate information as to the topography of the country; the country was thickly wooded, so that, in most instances, what any one witness would see was very limited. Usually the knowledge of the witness would be in proportion to his rank.

As to different matters we must expect different degrees of accuracy. In their recollections of mere scenes, most of the witnesses are very accurate. As to situations on the map it is, with all of them, matter of inference; the witnesses remember moving through fields, and by houses, and across ravines; and therefrom they conclude that such and such events took place at such and such spots. Especially on the points of time, no man's recollection has much value, unless he has a memorandum made on the spot—after looking at his watch. Naturally there are few of the witnesses who had often any reason for such care.

To illustrate the degrees of inaccuracy which witnesses may reach on some points, to show what strange freaks memory may play, it will be well to make a separate examination of the evidence of a few witnesses who testify as to important points in the case.

The first instance is the testimony of Maj. George A. Forsyth.

Maj. Forsyth is, as Gen. Sheridan's counsel will claim, and as I cer-

tainly believe, a thoroughly frank and honest witness. Maj. Forsyth has, too, a very vivid recollection of nearly all the incidents of the day which came within his observation. Yet on some points, points of importance, where we should suppose it would be an impossible thing for him either to have mistaken or forgotten, he has very clearly done both. It is simply matter of demonstration. Forsyth went with Gen. Sheridan's 3 A. M. dispatch on the morning of April 1st to Gen. Warren, at his headquarters, at the Wilson house, on the east side of the Boydton road, just north of Gravelly Run. Forsyth left Sheridan at Dinwiddie about 3.20 A. M., went up the Boydton road, crossed Gravelly Run, found Warren at his headquarters, and delivered the dispatch to Warren at 4.50 A. M. This is all certain. Forsyth remembers the road perfectly. He could not have gone by any other road and found Warren, as he did, without wandering a great distance, and having a long delay.

Over Gravelly Run, where Forsyth crossed it, there was a military bridge. If anything is certain, that is. It is certain, too, that that bridge was finished as early as 1.30 A. M. the morning of the 1st April. Over that bridge Gen. Ayres marched his division of 2,400 infantry down that road towards Dinwiddie Court House. He crossed the bridge between 1.30 and 2 A. M., and Forsyth must have met this column within about a mile of Dinwiddie. Forsyth says there was no bridge there, and there were no infantry on that road. We produce the engineer who built the bridge, the general officer who marched that division of infantry over the bridge and down that road; we produce two of his staff officers; we have the dispatch, written at 2.05 A. M., reporting the passage of that division. Forsyth starting from Dinwiddie at 3.20, and Ayres with his division crossing Gravelly Run just before 2, both going towards one another in opposite directions on the same line, if the laws of geometry are to be upheld in their full dignity, must have met. And they did meet. What puts it still farther beyond a doubt is that Gen. Ayres and Col. Swan both remember that they met Forsyth, though Col. Swan gives a wrong description of the man in the one point of beard, and notwithstanding Col. Swan afterwards thought he was in error. Ayres and Col. Swan both had that name in their memory. If only one of them had remembered it, there would be a chance of their being mistaken. But, with two of them remembering it, the possibility of error is nearly nothing. Swan's description of the man's manner makes the point very certain. In all probability, too, they met Forsyth later in the day or in the campaign, and compared notes as to the meeting of that morning; probably, too, he mentioned his name when he met them. The meeting was in a dark night and the mistake of Col. Swan as to the officer having a beard is very easily understood. Now Forsyth says he has at this time a positive recollection, that he did not meet Ayres' division, and that there was no bridge over Gravelly Run. He does not say simply that he does not remember the bridge; he says that he remembers positively that the bridge was down; he has now in his mind's eye the scene of the broken timbers, and he has now the present recollection that he watered his

horse in the stream. If he had gone over the road only once, and in the dark, it might be said that he failed to see the bridge. But he went over the road twice, the second time by daylight.

That Forsyth should be mistaken on those two points seems an impossible thing. One would suppose that his recollection would be accurate on those two points if on anything. Whether Ayres' reinforcement would reach them, was, during the night, a thing of the greatest interest at Sheridan's headquarters. Yet beyond any reasonable doubt, Forsyth is mistaken on those two points.

Take the case of Sergeant Gillies.

One point, as to which there is no doubt, is that the "return" which Ayres carried was in a copse so dense that it could not be seen at more than a very few yards' distance. It was at least three hundred yards from this "return" to the easterly edge of the wood in which it was situated. But Sergeant Gillies says, that before the assault on the "return," while he was still "in the rear of the whole line, at the rear of the infantry lines," (Testimony, p. 1142), when, therefore, he must have been at least four hundred yards away from the "return," he could see the enemy's skirmishers "come out of the rebel works and return the fire;" that he could see them "right on the top of the works as they came over the angle" (page 1143). He says, too, that at that time the space between himself and the return was wholly clear and open.

Sergeant Gillies gives a statement on other points in which he is greatly at variance with the facts clearly proved. There is no doubt that when the 5th Corps moved out to the assault, the whole corps moved together. Sergeant Gillies says that Ayres' division moved in by itself, and the rest of the corps remained behind, and was "still halted at the church," when Ayres' division was already engaged with the enemy. He says he saw it with his own eyes, as he did the skirmishers. Yet the whole burden of Gen. Sheridan's statement and of his counsel's argument is, that at that time the rest of the corps was going away to the north of the White Oak road.

Testimony Gillies, p. 1141.

Sergeant Gillies also testifies (p. 1163) that at some time after the engagement (by which he must mean the engagement as far as he saw it) "was all over," but before sundown, he met Gen. Warren somewhere near the "return," outside of the works, within 500 or 600 yards of Gravelly Run Church; that he found Gen. Warren there alone; that all the 5th Corps had moved away; and he gives us to understand that Gen. Warren was there at the rear when his command were far in advance in the battle. Very clearly the witness is in error. The witnesses, who saw Gen. Warren at all parts of that field where there was any fighting, are too numerous and too reputable to allow the testimony of this witness on this point have any weight. But the testimony ought never to have been presented to the court.

The testimony of Gen. Francis T. Sherman is also most singular.

Gen. Sherman says that before the 5th Corps moved forward to the attack, he came from Gen. Sheridan, who was then with the cavalry

on the left, to Gen. Warren with an order for him to attack with the 5th Corps at once; that Gen. Warren received this order with complete indifference; that he (Gen. Sherman) then went out to the front of our position, was absent there for some time, and on his return found Gen. Warren in the same position in which he had last seen him—sitting at the foot of a tree; that he then reported to Gen. Sheridan that he "had been received very discourteously by Gen. Warren, who did not appear to desire to take any action upon his (Gen. Sheridan's) message or the order that I bore him;" that he returned to Gen. Warren with Gen. Sheridan, when they found Gen. Warren still in the same position at the foot of a tree; that Gen. Sheridan himself put the 5th Corps in motion, and that the corps moved off to the attack, leaving Gen. Warren "in the position where I first found him."

General Sherman testifies, too, in effect, that General Warren was sitting alone at the foot of a tree for nearly three-quarters of an hour; that his corps was there near him at a halt during all that time, and that it might then at any time have been moved forward to attack the enemy, but did not move. We have the testimony of many general officers and staff officers to the fact that the Fifth Corps moved immediately, as soon as Ayres' division reached the plan of formation; that, during the march up and the formation of the corps, Warren was continually surrounded by his staff; that he was with General Sheridan for at least one or two hours before the advance began, while the corps were moving up; that during this time he was engaged in explaining the movements to be made to his division and brigade commanders; and that he advanced with his corps when the corps moved forward. Every one knows that if Warren had remained at the rear, as General Sherman says he did, Warren would have been relieved of his command then and there, and very rightly.

This testimony was most extraordinary. It was given by an extraordinary witness. The witness testified on cross-examination as to his own movements, and from his testimony it appeared that in the very beginning of the engagement, before Ayres' main line got in the woods or became engaged, General Sherman was sent by General Sheridan to bring Griffin's corps to the left to the support of Ayres. He then testified, that he never found Griffin, nor one of his brigade commanders, nor any portion of Griffin's command, nor any infantry command, nor any cavalry command; and that at the end of his wanderings he finally rejoined General Sheridan, somewhere west of Five Forks, after the battle was entirely over. And he says "it was getting towards dark then." He must have been absent from General Sheridan about three hours, and he had kept thoroughly clear of any organized command on either side. He is the only witness who has appeared before this court, who succeeded, through that whole engagement, in keeping so far from the enemy that he did not even come in contact with any organized command of our own troops. It was an easy matter on that day to find Griffin, by moving to the sound of the firing, or if not Griffin, to find some part of the United States forces which were engaged with the enemy. For this witness the sound

of the cannon had no charms. Such testimony injures no one but the man who gives it. The motive of it may be found in the witness' statement that Gen. Warren treated him "very discourteously." It may well be that Gen. Warren received some message from the witness in silence. If he did so, no doubt the witness richly earned this reception which he got, by the manner in which he delivered his message. And if he made the report to Gen. Sheridan, as to which he testifies, it may well be that there was the original cause of the later action of Gen. Sheridan in relieving Gen. Warren.

One more instance will complete the illustrations on this branch of the case. That is the testimony of Col. James W. Forsyth.

Col. James W. Forsyth testifies (page 1049) that Col. Locke came to Gen. Sheridan on the White Oak road just west of the Ford road, when Gen. Sheridan reached that point in his movement westward, and reported to Gen. Sheridan that Gen. Warren was at that time "a mile and a half to the rear." Gen. Forsyth says, with great detail, that immediately after this report, he carried to Gen. Warren the written order relieving him, that he went eastward on the White Oak road towards the rear, and met Warren coming westward, towards him, from the rear. The purpose of this testimony is to establish the charge that Gen. Warren was "not at the front." In his testimony on this point, Col. Forsyth is corroborated by Sergeant Gillies and Gen. Frank T. Sherman. The facts as to this testimony are very clear, and beyond the possbility of dispute. Warren, at the time when Col. Forsyth handed him the order relieving him, was west of the Gilliam field. To establish this fact, we have the testimony of Chamberlain, Benyaurd, Bankhead, Wadsworth, Melcher, Major Allen, Gen. Kellogg, Gen. Richardson, Gen. Corse, and many other witnesses. That all these witnesses should be mistaken is impossible. The last advance was over the Gilliam field, and could not be anywhere else, and Warren led the last advance. That Gen. Forsyth's testimony is on this point inaccurate admits of no question. But how could he ever come to believe it? Gen. Locke and Capt. Melcher both give that interview with Gen. Sheridan with great exactness, and they agree exactly as to what took place. Gen. Locke, for very sufficient reasons, wrote down the words of Gen. Sheridan at the time. Locke had just left Gen. Warren, and knew where he was. He could not possibly have made the report which Gen. Forsyth relates. Moreover, if Col. Locke had said that Warren was at the rear, Col. Forsyth, without doubt, would have gone where Locke said Gen. Warren was. But Col. Forsyth did not go to the rear. He found Warren at once. He went where Warren was, "at the front." The scenes at the two places—the one where Forsyth, in fact, found Warren, and the one where he says Warren was—were very different. At the front, where Warren was, Col. Forsyth found an army in the exultant disorder of a complete victory. At the rear, there was the stillness of death, unless broken by the groans of wounded men. Moreover, when Warren passed Gen. Sheridan going west to the Gilliam field, Forsyth must have seen him, or have learned it from some one. However Forsyth got the knowledge that Warren was "at the front," he

had the knowledge from some source. In a matter of mere recollection, any witness may make an honest mistake. But Gen. Forsyth takes especial pains to forbid us to give to his testimony a name so charitable. The meaning of his testimony was called to his attention. It was brought to his notice that many witnesses placed Gen. Warren at that time west of the Gilliam field. Gen. Forsyth is a man of great intelligence. He well understood the bearing of his testimony and the certainty that it was erroneous. And Gen. Forsyth says that his testimony is not the result of any mistake.

C.—THE FACTS AS TO THE ENGAGEMENT OF THE 31ST MARCH.

The evidence as to the engagement of the 31st March, establishes, as we maintain, the following points:

That Warren made no attack, but was attacked by the enemy, who were at that point in superior force, when he was about to make a reconnoissance for the purpose of securing his position:

That the temporary reverse which then happened, was the direct and necessary result of the position which Warren had been directed to take, by orders from Genl. Grant:

That the dispositions made by Warren of his Corps on that morning were in strict accordance with the requirements of Genl. Meade's orders:

That the subsequent advance made by Warren against the enemy was made as soon as it could be made in force, was made with the whole of his whole corps, and was successful.

I.—THE SITUATION AT THE BEGINNING OF THE ENGAGEMENT.

1. *The general movement then in progress.*

The general movement then in progress was one to extend to the left the lines of the United States forces in front of Petersburg, and to let Gen. Sheridan loose.

In this movement Warren had the advance, being on the left of Humphreys, who commanded the 2d Corps.

Throughout this movement Warren was required to keep in close connection with Humphreys, and to be ready to support Humphreys. This command was repeated or alluded to in nearly every order which came to Warren from Gen. Meade. The very last order which Warren received from Meade on the morning of the 31st was the one of 8:25 A. M., No. 79, following:

LXXIX.

Nunan. 8.32 a. m.

U. S. M. T.

HDQRS. A. OF P., 8.25, *Mar.* 31, 1865.

To Maj.-Gen. WARREN:

There is firing along Humphreys' front. The Maj.-Gen'l com'd'g desires you to be ready to send your reserve, if it should be called for, to support Humphreys.

There will be no movement of troops to-day.

(S'd) A. S. WEBB,
B. M. G.

Rec. 8.40 a. m.—G. K. W.

At the same time Warren was required to extend his left as far as

possible and he had been told by Gen. Meade that he had not extended far enough. On the 30th, the day before this engagement, Gen. Meade had said to Warren, "Gen. Meade does not think you hold as much of the front line as the strength of your command would warrant. He desires to have you make use of both Crawford and Ayres to develop to the left." Gen. Meade, also, after this, transmitted to Warren a dispatch from Gen. Grant, in which Gen. Grant distinctly said that his wish was that Warren should extend his left up to the White Oak road.

Page 1266 :

LXVI.

No. 5.

U. S. Military Telegragh.

Glasier, 11.55.

H'DQ'RS 5TH CORPS, *March 30th*, 1865.

(By Telegraph from Headquarters A. of P., March 30th, 1865.)

To Major Gen'l MEADE :

My idea was that we should try to *extend our left so as to cross to White Oak road,* say, at W. Dabney's, or as near up to the enemy as we can. This would seem to cover all the roads up to Ford's road, by which Sheridan might then give (*move*) and get on the South Side road, and possibly double up the enemy and drive him north of Hatcher's Run.

(Signed) U. S. GRANT,
Lieut. Gen'l.

Finally Warren's suggestion made at 4 P. M., that he be allowed to move with his whole corps and block the White Oak road, had been virtually disapproved. In answer to that suggestion, he received an order from Meade which directed him only to support Ayres in the position he then held, and to strengthen himself at that point.

Page 1267 :

Dispatch from Warren to Meade.

LXIX.

7.20. Glasier.

Received here at 4.42 p. m.—Glasier.

4 *p. m. M'c'h* 30.

Gen. WEBB, *Ch'f Staff:*

GENERAL: Gen'l Ayres's advance now sees the White Oak road, near W. Dabney's for ¾ of a mile. There is a difficult swamp between the plank road and that place.

I have now a continuous intrenched line from my right across Griffin's front and along the plank road, nearly down to Gravelly Run.

If Gen. Humphreys can take charge of Griffin's front about 500 yards west of plank road, with the return down it, *I can take my corps and block the White Oak road.*

Resp'ly, G. K. WARREN, *M. G.*

This dispatch was submitted by Meade to Gen. Grant. The following dispatches show the action upon it.

Page 1240 :

IV.

HEADQUARTERS ARMY OF THE POTAMAC,
7.30 p. m., *Mar.* 30, 1865.

Lt. Gen'l GRANT :

I send dispatch just received from Warren; line working badly. I think his suggestion the best thing we can do under existing circumstances—that is, let Humphreys relieve Griffin & let Warren move on to the White Oak road & endeavor to turn enemy's right—as I understand Warren—Ayres is now between S. & W. Dabney's, liable to be isolated he must either be supported or withdrawn; by adopting the proposed plan he will be supported by the whole of the 5th Corps, & they ought to overawe any opposition the enemy can make, except from their entrenchments.

(Signed) GEO. G. MEADE,
Maj. Gen'l.

The following is the dispatch referred to in the foregoing :

Page 1240 :

V.

(Rec'd here at 4.42 p. m. Glasier.)

7.20. Glasier. 4 P. M., M'CH 30.

Gen. WEBB, *Ch'f Staff:*

GENERAL: Gen'l Ayres' advance now sees the White Oak road, near W. Dabney's, for ¾ of a mile. There is a difficult swamp between the plank-road and that place.

I have now a continuous intrenched line from my right across Griffin's front and along the plank-road nearly down to Gravelly Run. If Gen'l Humphrey's can take charge of Griffin's front, about 500 y'ds west of plank-road, with the return down it, I can take my corps and block the White Oak road.

Resp'ly, G. K. WARREN, *M. G.*

Page 1241 :

VI.

8.35 p.m.

(U. S. Military Telegraph.)

By telegraph from Grant's Headquarters.

MARCH 30, 1865.

To Gen. MEADE:

You may notify Parke and Wright that they need not assault in the morning. They should, of course, watch their fronts & go in if the enemy strips to attack on our left, but the idea of a general attack by them is suspended. I have pretty much made up my mind on the course to pursue, & will inform you in the morning what it is.

Humphreys & Warren may simply make secure their present position & await further orders.

U. S. GRANT,
Lt. Gen'l.

Since writing the above, your dispatch of 7.30 rec'd. It will just suit what I intended to propose, to *let Humphreys relieve Griffin's div., & let that move farther to the left.* Warren should get himself strong to-night.

U. S. GRANT,
Lt. Gen'l.

Meade's dispatch to Warren was the following:

Page 1268:

LXX.

U. S. M. T.

From H'dq'rs A. of P., M'ch 30, '65, [9.00 p. m.]

Maj. Gen'l WARREN:

General Humphreys has been ordered to relieve Gen'l Griffin with Miles & one brigade of Gen'l Mott's Div.—in all ten thousand (10,000) men, & is directed to hold the plank road & Gen'l Griffin's line. *Griffin relieved*, you will support General Ayres in his position and strengthen yourself at this point. You will hold your corps ready to attack, and await orders.

By order of Maj. Gen'l Meade.

(S'g'd) A S. WEBB,
Bvt. M. G., C. S.

Rec. 11 p. m.—L.

Then came dispatch No. 71, from Meade to Warren. It will be noticed that in Nos. 70 and 71, Meade's order to Warren was that he should strengthen Ayres *when Humphreys had relieved Griffin.*

LXXI.

U. S. M. T.

From A. to P., Mar. 30, '65, [9.45 p. m.]

Maj. Gen. WARREN:

The accompanying dispatch from Maj. Gen'l Sheridan is sent for your information. In consequence of the state of affairs here reported, it will be necessary Gen'l Ayres should be put on his guard, & that he should be re-enforced without delay, as the enemy may attack him at daylight. *As Gen'l Humphreys will hold the right and relieve Gen'l Griffin,* it is presumed Crawford can be sent to Ayres' support, if not there now.

Acknowledge receipt of this.

(S'g'd) A. S. WEBB,
Bvt. Maj. Gen'l.

Rec. 11 p. m.—L.

2. *The situation of the 5th Corps at the beginning of the engagement.*

The situation of the 5th Corps at the beginning of the enemy's attack was precisely in accordance with the commands of Gen. Meade and Gen. Grant.

Warren "used Crawford and Ayres to develop to the left." At the same time he held Griffin in reserve, in such position as on the one hand to be able to support Humphreys, and on the other to support Crawford and Ayres.

The situation in more detail, is as follows:

The disposition which Gen. Warren had directed is described in the following dispatch.

Page 1270 :

LXXVII.

Nunan. 8.6 a. m.

HDQRS. 5TH A. C.
7.35* *a. m., M'ch* 31.

Gen'l WEBB, *Ch'f Staff:*

Gen'l Griffin's troops will be massed near Mrs. Butler's; Gen'l Ayres', near S. Dabney's; Gen'l Crawford, about half way between. They are along a wood-road, running from near Mrs. Butler's to W. Dabney's on the White Oak road. It is not practicable now for wheels, and there is a very difficult branch of Gravelly Run that runs south from the White Oak ridge, joining the main stream at the crossing of the plank road, which will take a long time to make practicable for wagons. I have all the pioneers I can spare at work on it. I will send you a sketch.

Resp'ly,

G. K. WARREN, *M. G.*

* The hour of this dispatch was probably 7.45 a. m., as it followed Nunan's of 7.42 a. m. We all had our watches set at the same hour by the telegraph, and I probably made a mistake, at the time, of ten minutes in dating it.—G. K. W.

The sketch which was sent with this dispatch to Gen. Webb, and the one sent with the dispatch to Ayres, which is next to be mentioned, are in some confusion on the record. The sketch sent with the foregoing is that preserved by Gilbert Thompson (see B, page 1330), which does not locate any of the troops. But as described in this dispatch to Gen. Meade three positions are indicated as given in the sketch accompanying a dispatch sent to Gen. Ayres, on page 1199 of record, as follows:

Page 1271 :

LXXVIII.

HEADQUARTERS 5TH ARMY CORPS,
8.15 *a. m., M'ch* 31*st*, 1865.

GENERAL: During the night I received a dispatch, of which the enclosed is a copy. I infer from that, that the small force of Gen. Merritt, which gained the White Oak road, fell back again a short distance. The point called "Five Forks," alluded to, is on the White Oak road, about four miles due west from S. Dabney's.

You must, therefore, have your dispositions made to look out for any force coming against your left flank from the west, as well as from the north. Gen'l Crawford is to mass at the negro house in a field which you passed on your way out. Gen. Griffin is where you camped last night. I send you a tracing.

G. K. WARREN,
Maj. Gen'l Com'd'g.
FRED. T. LOCKE,
Bvt. Col. A. A. G.

P. S.—Please send me in word if you hold any point on the White Oak road.
A true copy of the original dispatch in General Ayres's file.

LOOMIS L. LANGDON,
Brevet Lieutenant-Colonel U. S. Army.

Griffin was in reserve on the south side of the branch of Gravelly Run. This stream was then almost impassable for infantry, being greatly swollen by the heavy rains of the preceding day. The country was very rough; Ayres said it was the roughest country he had seen in Virginia. All dispatches of those days, including those from Gen. Sheridan and Gen. Grant, agree that the country was more

difficult for movements than they had at any time had. Gen. Grant says, in his dispatch written 10:30 A. M., April 1st, No. 192: "The quicksands of this section exceed anything I have ever seen. Roads have to be corduroyed in front of teams and artillery as they advance. We were fifty-six hours moving 600 teams five miles with 1,200 men to help them. Through the woods, where it is perfectly dry for infantry, horses will go through so deep as to scarcely be able to extricate themselves." As a fact, in the woods, it was not "perfectly dry for infantry." It was as wet for the infantry as it was for the cavalry. The infantry could, no doubt, move slowly, where cavalry could not move at all. But rain and mud were, to the infantry, rain and mud, and made even infantry move with difficulty. And on the 31st, just after noon, Gen. Grant says, in his dispatch No. 191: "The heavy rains and horrid road have prevented the execution of my designs, *or even attempting them*, up to this time.

See too Testimony of
Gen'l Crawford, p. 567, Ans. to 12th Q.
Gen'l Chamberlain, p. 229, Ans. to 6th Q.; p. 231, Ans. to 6th and 7th Q.
Gen'l Ayres, p. 248, Ans. to 3d Q.; p. 257, Ans. to 18th Q.
Gen'l McGowen, p. 652, Ans. to 6th Q.

Griffin was to take his position in support of Crawford and Ayres, as soon as he was relieved in his occupation of the return on the Boydton road by Miles of Humphreys' Corps. Gen. Humphreys seems, from his Dispatch No. 127, to have thought that there had been some delay on Griffin's part in moving forward after he was relieved by Miles. But Griffin had his order for the movement the evening before (Dispatch No. 73), and no doubt there were good reasons for whatever delay there was. It is not questioned that Griffin was in the position to which he had been ordered before the enemy made their attack in the forenoon of the 31st.

II.—The Narrative of Events in the Engagement.

Warren made no attack. But, in order to secure a good position of observation, to ascertain the position of the enemy, and to be able to take up a good continuous line in which to intrench, General Warren directed General Ayres to advance his picket line and support the same by such a force as was necessary. There had been no possibility of doing this before, as darkness had prevented proper examination, and the intrenching tools were all back with the trains.

LXXXIV.

Nunan, 9.55 a. m. 9.40 a. m., *M'ch* 31, 1865.
Gen'l Webb,
Ch'f of Staff:

I have just rec'd report from Gen. Ayres that the enemy have their pickets still this side of the White Oak road, so their communication is continuous along it. I have sent out word to him to try and drive them off, or develop with what force the road is held by them.

Resp'ly,

G. K. WARREN,
Maj. Gen'l Vol's.

Testimony Ayres, pages 247, 1088. 1089.
" Warren, pages 716, 717; 759, 760, 785.

Meade's reply was as follows:

Dispatch No. 85, *page* 1285.

LXXXV.

U. S. M. T.

Nunan.

HDQURS. ARMIES U. S.,
10.30 *a. m., Mar.* 31, 1866.

To Maj. Gen. G. K. WARREN:

Your dispatch giving Ayres' position is received. Gen'l Meade directs that should you determine by your reconnoissance that you can get possession of & hold the White Oak road, you are to do so, notwithstanding the orders to suspend operations to-day.

ALEX. S. WEBB,
Bv't M. G., C. of S.

Ayres was under the impression that he had told Warren, personally, that this reconnaissance would bring on an engagement. Whether it would have done so or not, is a point which, as events turned, became wholly immaterial, for the enemy, according to their regular method of operations, were on the point of making an attack in force on us. General Ayres is, however, in error on this point. He does not say he is positive in his recollection. Warren's recollection is clear and positive that he was not with Ayres at that time; and the fact is very clear, from the record, that Warren, up to the time when he started to go to the front, about 10 A. M., had not been with Ayres. The words of his dispatches to Meade, and to Ayres himself, make this fact still more certain. The dispatch to Meade of 9:40 A. M. (No. 84) reads: "I have just received report from General Ayres. * * I have sent out word to him." His dispatch to Ayres of 8:15 (No. 78) reads: "I send you a tracing. P. S.—Please send me in word," &c.

The enemy, however, were on the point of making an attack on Ayres, which they did. The advance by Ayres had no effect on the events which followed, except that he was certainly in the best position for fighting, which he, possibly, otherwise might not have been.

The enemy made their attack with two brigades—McGowan's and Gracie's—nearly at right angles with the White Oak road, on Ayres' left flank, and Hunton's brigade on Ayres' front. Hunton's left was on, or very near, their works at the junction of the White Oak and Claiborne roads. The force of the enemy was, at first, three brigades alone. It was re-enforced, after the beginning of the engagement, by Wise's brigade, which came out on the left of Hunton from their works on the White Oak road, as the advance of the first three brigades uncovered the works.

The force of the enemy, the three brigades which in the beginning made the attack on Ayres, was 4,500 to 5,000 men.

Testimony General Hunton, pages 629–30.

Corrected answer to following question:

Q. Then, as nearly as you give an estimate, the force of those three brigades that made the advance in the forenoon would be 7,500 men?

[Corrected answer.] A. It did not reach that number; probably did not exceed 5,000 men.

A true copy.

L. L. LANGDON,
Bvt. Lieutenant-Colonel, U. S. A.

Testimony of General McGowan, page 649, Ans. to 2d Q.
" General Crawford, page 568, Ans. to 2d Q.

The enemy drove Ayres' division, and afterwards Crawford's, with considerable confusion in their two divisions, down to the branch of Gravelly Run. Here Griffin's division checked the enemy's advance.

Testimony of Col. Lyman, p. 520:

Q. Have you made any mention in your diary of the circumstance of orders having been received or transmitted to General Warren? A. What date do you want?

Q. 31st? A. Any time on the 31st?

Q. Yes; my question is a general one? A. I can answer that question; about 10.30 a. m. on the 31st; this concerns an order given by General Meade:

Heavy musketry from far out on our left.

That means where the Fifth Corps was, in the general direction of the White Oak road.

General Meade got to Warren's headquarters, high up on the west side of the Quaker road, at eleven. The road was full of pack-mules and servants, with infantry stragglers streaming to the rear, and a cavalry officer (provost marshal) was calling for more men to stop them. General Warren was at the front, but we learned that the Second and Third Divisions, being pushed out towards the White Oak road, had been attacked and driven back in confusion, but that the First Division in reserve had stopped the retreat.

XXI.

MARCH 31, 1865.

Lieut.-Gen'l GRANT.

Gen'l Warren reports by staff officer that Ayres' advance on White Oak road was repulsed. Ayres fell back to Crawforn, the enemy following and attacking both Ayres and Crawford, and compelling both to fall back to Griffin. Here the enemy was checked, the fighting still continuing. Gen'l Warren expresses confidence in his ability to hold his present position. Miles has been ordered to be prepared to support Warren. Humphreys will be ordered to attack as soon as I can communicate with him by telegraph, if the affair is not over by that time.

G. G. MEADE,
Maj.-Gen. Com'd'g.

Sent March 31st, 1 p. m., to Gen'l Grant.

ALEX S. WEBB,
Bv't Maj. Gen. U. S. A.

N. Y. CITY, *Feb'y* 19, 1881.

Testimony of Gen. Crawford, page 568, Ans. to 3d Q.
" Gen. McGowan, page 652, Ans. to 6th Q.
" Gen. Warren, page 762, Ans. to 7th Q. Ans. to 13th Q.
" Col. Lyman, page 520, Ans. to 12th, 13th and 14th Q.
" Gen. Hunton, page 624, Ans. to 1st Q.

Miles advanced from the return on the Boydton Plank road, and attacked Wise's brigade, which was on the enemy's left flank, and, after a slight repulse, succeeded in driving that portion of the enemy's line into their works. As that portion of the enemy were driven back, Miles wheeled to his right, pressing after them. At the end of Miles' advance his line was parallel to and facing the enemy's line of works along the White Oak road.

Testimony of Gen. Miles, page 643, Ans. to 7th and 8th Q.
Page 645, Ans. to 8th, 9th and 10th Q.
" Gen. Humphreys, pages 1150–1.

"Mr. Stickney, Counsel for the Applicant: There is an inaccuracy in the copying at General Webb's headquarters of one word. This copy sent to General Humphreys from General Webb reads:

General Miles' division afterwards attacked the enemy, who were forced back on my right.

The original manifold in General Warren's file reads how?

The Witness: "General Miles' division afterwards attacked the enemy and were forced back on my right."

The Witness continues: That evidently had reference to the temporary repulse of the fourth brigade, which I recollect; but I could not find any of the dispatches relating to it. It was a verbal message to me, but the report of the brigade commander, which I very recently looked over, mentions it.

Q. Which brigade commander was that?

A. Ramsey, commanding the fourth brigade in Miles' Division.

Q. But you say, independent of his report, you have a recollection of it?

A. Yes, sir."

Testimony of Gen. Hunton, page 625, Ans. to 2d to 11th Q.

Miles was engaged in the main with Wise's brigade. The capture of the 56th Virginia, which was in Hunton's command, was by Chamberlain. (See Dispatch No. 146.) Gen. Humphreys' dispatch, No. 147, shows that Miles was not engaged with any large portion of Hunton's command. He took from Hunton only four prisoners. Gen. Hunton testifies that his engagement was with that part of our forces "in his front," who captured his 56th Virginia, that is, with Chamberlain. Hunton testifies, p. 628, "I think we were attacked in front, and also by a flank movement. Q. That flank attack was quite a vigorous one? A. *It was out of my sight.*"

Testimony Gen'l Chamberlain, pp. 229, 230.
Testimony Gen'l Hunton, pp. 625, 629, 630.

The time of the different points of the operations, as far as the testimony shows, is as follows:

Ayres was attacked by the enemy about 10 A. M.
Miles advanced about 11.30.

Testimony, Humphreys', pp. 1148-9:

"Q. Then 11.40, to General Webb from yourself. [Reads as follows:]

U. S. MILITARY TELEGRAPH.—11.40 a. m.

By Telegraph from H'd'q'rs, 2nd Corps, Mar. 31, 1865.

To Gen'l WEBB, *C. O. S.*:

I have rec'd your message by Maj. Mendez & note by Rosecrans. Miles is ahead, moving out to attack on Warren's right. I have ordered the attack to be extended completely over my line. Griffin me sent word when my communication, the above to him, that he could hold his own. My staff officer was seeking Warren when he came across Griffin.

A. A. HUMPHREYS, *M. G.*

Griffin's advance was about 1 P. M.

See following dispatch Meade to Grant:

XIX.

MARCH 31, 1865—12 m.

Lt. Gen. GRANT:

Gen'l Crawford & Ayres have been driven back on Griffin. Griffin is about to resume the offensive supported by an attack on Humphreys' left.

Humphreys will withdraw from his right all he can spare to attack with Miles. Since the enemy are trying to turn our left, I deem it important to attack with Sheridan and to let Ord assume the the offensive if practicable.

(S'd) G. G. MEADE, *M. G.*

Page 1248.

XXIII.

(U. S. Military Telegraph.)

March 31st, 1865.

1 p. m.

By telegraph from 5th A. C. 31st, 1865.

To Gen. RAWLINS:

Enemy completely checked and Warren is now pushing his command after them. They seem to be falling away from his centre and reported going both ways.

He will attack them with all his force. Prisoners from each division of Hill's corps and Bushrod Johnson's div.

O. E. BABCOCK,
Lt. Col. A. D. C.

The advance of the 5th Corps, referred to in these dispatches, was the getting the troops into position across the creek. The advance of the whole corps took place at about two P. M.

Genl. Warren, page 773:

Q. You made your movement somewhere about two o'clock, I think you said? A. About that time; it was made as quickly as we could.

Q. Now, if General Meade reported to General Grant at 1.15 p. m., March 31, that Miles, with his division and the other available portions of the Second Corps, had moved forward from General Humphreys' left and attacked the enemy in front of you in flank, that must have been done before you moved across the branch and made your forward movement? A. I cannot answer that exactly yes or no. General Miles's attack upon the troops to my right was before I made my general advance. But we never gave up the fight; we fought the enemy until we stopped him, then we pushed pickets out and continued getting the corps ready and pushing on. It was with me a continuous operation, and the character of the country was such, that I think all the time until near the White Oak road there was a large ravine to cross between myself and General Miles.

Q. If General Meade at 1.15 that day reported to General Grant that Miles had attacked the enemy in flank and compelled him to fall back, and that you were then preparing to advance your whole force in conjunction with Miles, would you conclude, upon your present recollection, that you were mistaken as to the fact that you absolutely advanced originally with General Miles, and that his flank attack was not made before yours, or the enemy compelled to fall back before you were ready to advance yourself? A. The troops that were in front of me—I knew by prisoners taken what they consisted of—and it was a different command from what were in front of General Miles; and his attack upon those troops did precede my advance. These troops that Miles attacked were not the ones that drove us back. As I understood at that time, I know that General Miles made an advance on my right before I advanced with my corps, but the preparations for the advance were going on.

Warren reached the White Oak road as early as 3.40. See page 1276.

LXXXVIII.

[MARCH 31ST, 1865]—3·40 p. m.

Gen'l WEBB:

Ch'f of Staff:

GEN'L: We have driven the enemy, I think, into his works. The prisoners report Gen'l Lee here to-day, and that their breastworks are full of men.

We have prisoners from a portion of Pickett's and Johnson's Div'ns.

The enemy fire artillery up the White Oak road from their works nearly a mile to our right of where we struck the road; at this point their right retires to the rear.

I have just seen Gen'l Miles, who is close up, he says, to their works, which have heavy abattis in their front.

Resp'ly,

G. K. WARREN, *M. G.*

Miles reached his most advanced position just before 3.30 P. M., having then completed his wheeling movement to the right, and thus brought his line parallel with the enemy's works. Miles then reports that the 5th Corps "are now moving by the left flank, leaving a wide gap."

Miles' dispatch, No. 145, dated 3.30 P. M., evidently has reference to the continued advance of the 5th Corps northwardly to the White Oak road, which was, with reference to our main line, a movement "by the left flank." With reference to the enemy then engaged, it was a movement to the front, which for the time left Miles disconnected with the 5th Corps.

D.—THE FACTS AS TO THE MOVEMENTS TO RE-ENFORCE GENERAL SHERIDAN.

The evidence as to the movements to re-enforce Gen. Sheridan, establishes, as we maintain, the following points:

That Warren, of his own motion in the afternoon of the 31st March, sent troops to the relief of Gen. Sheridan, and successfully relieved him before any orders to re-enforce Sheridan had been issued by either Grant or Meade, and before either Grant or Meade was aware that Sheridan was hard pressed.

That the troops which Warren had thus sent to the relief of Sheridan were withdrawn by the express direction of Gen. Grant.

That the order for re-enforcing Sheridan by the Boydton road was put in execution immediately on its receipt by Warren, and was executed by him with all possible dispatch.

That the rear attack was originally suggested by Warren, at a time when its execution was comparatively easy, and was not permitted by Gen. Grant until the situation had been essentially changed by Gen. Grant's own orders.

That the movement on the rear of the enemy was suspended by an order from Gen. Meade.

That the movement on the rear of the enemy was executed as soon as a compliance with Gen. Meade's orders allowed.

That the expectations of Lieut.-Gen. Grant as to the time when Warren could complete his movements, on the night of the 31st March, were based on a misapprehension of the true situation.

The first movement to re-enforce General Sheridan was made by Warren, on his own responsibility, very soon after he reached the White Oak road, in the afternoon of the 31st, at the close of the engagement of that day. After that one movement, throughout the whole night Warren's operations were governed by, and depended on, the orders which he received from Meade. It will be necessary, thereafter, to take each order from Meade as the central point of a separate examination as to what Warren did at the time each order was received. The orders and the situation were continually changing.

1. The Dispatch of Bartlett to Sheridan's Relief.

Shortly after Warren reached the White Oak road, he heard the sound of the firing where Sheridan was engaged with Pickett's command. Chamberlain and Warren were then together. On consultation, they agreed that the firing was receding towards Dinwiddie Court House. Warren at once decided to send a force to support Sheridan, by attacking in the rear the enemy with whom Sheridan was engaged. He, therefore, on his own responsibility, dispatched Bartlett with a strong brigade, which had not been engaged in the

operations of the day, with orders to press as rapidly as possible to the sound of the firing, and attack the enemy, who, as Warren supposed, and as was the fact, were driving General Sheridan.

Testimony of General Bartlett, page 1175 :

Q. Do you recollect what instruction General Warren gave you, when he sent you upon that movement? A. Yes.

Q. Will you state, then? A. To march to the firing of General Sheridan's engagement, and *to attack the enemy in the rear.*

Q. When was it he gave you the order? A. Immediately before starting; I started immediately after getting the order.

Testimony of General Chamberlain, page 232:

Q. Do you recollect where Bartlett's brigade was when that order was received? A. It was to my left and rear; I recollect that Bartlett's brigade was sent down.

Q. By whose orders? A. By General Warren's order.

Q. When was that? A. As soon as the fire of our attack had ceased we heard distinctly firing in the direction of Dinwiddie; General Warren came up to me and we had some conversation about the firing which we heard; both of us concluded at the moment that the very heavy firing was receding from us, and General Warren seemed anxious about it, and immediately resolved to send a portion of the troops in that direction.

Q. That was about what time in the afternoon? A. That was as soon as our fire had ceased on the White Oak road; I should say five or six o'clock in the afternoon.

Q. You and General Warren were there together? A. Yes.

Q. Close up to the front? A. Yes.

Q. You heard this firing, what did you suppose it to be—I mean the firing of our forces? A. I supposed it was an engagement between General Sheridan and the enemy.

Q. You say General Warren at once, of his own motion, do I understand you to say—— A. (Interrupting.) Yes; he rode up to me and asked me what I thought of that firing; I told him that I thought Sheridan was heavily engaged; he asked me if it was not my opinion that the firing was receding from us; I told him decidedly; we had considerable conversation about that, in the course of which the general asked me if I felt like going down there; I said I did; he then said he would move Bartlett immediately, as Bartlett had not been engaged that afternoon, and he would start him; and he did.

Q. How quickly? As quickly as was natural—immediately.

Q. So Bartlett's brigade went down towards Gravelly Run? A. Yes; he started, I should say, at least by six o'clock.

Testimony of General Warren, page 720 :

Q. When you received that dispatch [referring to Meade's dispatch of 4.30 P. M.], do you recollect consulting with General Chamberlain? A. Yes; I think I do.

Q. Did you hear the firing of Sheridan's being engaged? A. Yes; the firing was attracting the attention of everybody in the Fifth Corps.

Q. In what direction was the firing that you heard then? A. It was nearly in the direction of Dinwiddie Court House,

Q. In what direction did it seem to be moving? A. Receding from us.

Q. What were the indications to you, as compared with what was conveyed by the dispatch? A. Just exactly the reverse of this dispatch.

Q. Then did you send a brigade? A. Yes; I directed, as soon as I could, General Griffin to send General Bartlett, with a large brigade, to march in the direction of that firing, but not on the White Oak road.

Page 768 :

Q. Do you know positively whether you sent General Bartlett before or after you received General Meade's order to send a brigade down the White Oak road? You first received from him a suggestion to push a small force down the White Oak road, and then you subsequently received from him an order to push a brigade down the White Oak road and

open it for General Sheridan? A. I had rather take it from my record than quote it from memory; I received one dispatch, brought to me by my own staff officer, Captain Winslow, to secure my position. Then it says:

"You might, if you think it worth while, push a small force down the White Oak road."

Q. It was in consequence of that dispatch that you sent this large brigade down the White Oak road? A. No; it was in consequence of my duty as a soldier to send re-enforcements, if I could, in the direction of a portion of our Army that was evidently hard pressed: I sent him on my own responsibility towards the sound of the firing.

Q. What time of day was that? A. That was soon after the one was received saying "I might, if I thought it worth while;" it was before I received the subsequent one.

Whether the dispatch from General Meade of 4.30 P. M. was received by Warren before or after he sent Bartlett to Sheridan's relief, is not certain on the evidence. Warren, at the time he dispatched Bartlett was on the White Oak road, which he had reached earlier than 3.40, for he then sends a dispatch to report it to Meade. Warren and Chamberlain both agree that Bartlett was sent soon after they reached the White Oak road. There was no telegraphic communication at that hour to the north of the Boydton road, if so far, and Warren could not have received the 4.30 dispatch earlier than 5, if so early. Warren reported this movement at 5.50 in his Dispatch No. 91:

XCI.

5.50 *p. m., M'ch* 31.

Gen'l WEBB:

I have just seen an officer and a sergeant from Gen'l Sheridan, who were cut off in an attack by the enemy and escaped. From what they say our cavalry was attacked about noon by cavalry and infantry and rapidly driven back, two divisions, Crook's and Devin's, being engaged. The firing seems to recede from me towards Dinwiddie.

I have sent Gen'l Bartlett and my escort in that direction, but I think they cannot be in time.

I hear cannonading that I think is from near Dinwiddie C. H.

Resp'ly,

G. K. WARREN,
Maj. Gen'l.

This movement of Warren, ordered by him as early as 5 P. M., gave General Sheridan the re-enforcement and support which he needed, as the testimony of the witnesses from both armies abundantly shows. It compelled the withdrawal of Pickett from Sheridan's front. General Sheridan's own dispatches establish this point.

Gregg to Sheridan.

Dispatch No. 180, page 1316.

CLXXX.

H'DQ'RS 2D BRIGADE, 2D DIVISION, CAV. CORPS,
Army of Potomac, Ap'l 1st, 1865—3 ‡ p. m.

Bvt. Brig. Gen. J. IRWIN GREGG to Major-Gen. SHERIDAN:

Colonel Savage, 13th Virginia Cavalry, is here wounded; leg amputated. Pickett's

division *went to Five Forks last evening*, and the rebel cavalry are said to have left for there about 10 or 11 ‡ a. m. I have sent a reconnoissance towards the Forks.

(S'g'd) J. IRWIN GREGG,
Brig. Gen'l.

‡ Lieutenant-General Sheridan, in a letter addressed to the Recorder, in reply to an inquiry made by him as to the accuracy of the date and the "10 or 11 a. m." in the body of this dispatch, writes as follows:

I am satisfied there is an error in my official copy and that it should be dated 3 *a. m.* instead of "3 p. m.," April 1st, and that in the body of the dispatch it should read 10 or 11 *p. m.* instead of "10 or 11 a. m." The position occupied by General Gregg, and other dispatches, bear me out in this conclusion. * * *

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS MIL. DIV. OF THE MISSOURI, *Chicago, April 4th*, 1881.

Gregg to Sheridan.

Dispatch No. 181, page 1316, enclosing dispatch of Gen. Lee.

CLXXXI.

HEADQUAR'TERS 2D BRIGADE, 2D DIVISION, CAVALRY CORPS,
April 1st, 1865.

Major-General SHERIDAN:

GENERAL,—I am just in receipt of a report from Lieut. Colonel Com'd'g 8th Pa. Cavalry, which says he has driven the enemy two miles from this point on what I call the Dinwiddie Court House road. From the firing, the resistance seems to be determined. The country is all woods; no enemy has moved in the direction of Stony Creek except a picket of fifteen or twenty men.

I send a dispatch of Gen. Lee's. (Signed)

J. IRWIN GREGG,
Brevet Brig. General.

[Enclosure.]

2 O'CLOCK A. M., *April 1st*, 1866.

To General BEAL:

GENERAL: General Lee wishes you to withdraw your command to this side of the creek, when General Pickett's infantry is withdrawn at 4 a. m. You will bivouac on this side.

L. TRUMAN BEAN,
Ass't Adjutant General.

Meade to Grant.

Dispatch No. 40, page 1254.

XL.

HEADQUARTERS A. P.
6 *a. m., April 1st*, 1865.

6.25 a. m.

Lieut. Gen'l GRANT:

The officer sent to Sheridan returned between 2 and 3 a. m., without any written communication, but giving *General S.'s opinion that the enemy were retiring from his front.* The absence of firing this morning would seem to confirm this. I was asleep at the time this officer returned, and did not get the information till just now. Should this prove true, Warren will be at or near Dinwiddie soon, with his whole corps, and will require further orders.

GEO. G. MEADE, *M. G.*

Report of Genl. Custer, dated April 15*th* 1865.

(Extract.)

"My command bivouacked within short range of the enemy's line of battle (March 31). In anticipation of an early attack the next morning, my command slept upon their arms, but daylight disclosed to us the *retreat, during the night, of the enemy.*"

Testimony of Genl. W. H. F. Lee, p. 531, Ans. to 4th and 5th Q.
" Genl. Fitzhugh Lee, p. 469, Ans. to 11th and 12th Q.
" Col. J. Mayo, p. 497, Ans. to 10th, 11th and 12th Q.
" Genl. M. D. Corse, p. 420, Ans. to 6th, 7th and 8th Q.

2. Meade's Order of 4:30 p. m. Received about 5 p. m.

LXXXIX.

Printed: (Headquarters Army of the Potomac,)
M'ch 31, 4.30 *p. m.*, 1865.

(Capt. Winslow.)
Maj. Gen. G. K. Warren,
Com'd'g 5th Corps:

Secure your position; protect as well as possible your left flank. Word has been sent to Sheridan, & it is believed that Sheridan is pushing up.

Humphreys will be ordered to push up & to connect with your right. You might, if you think it worth while, push a small force down the White Oak road & try to communicate with Sheridan; but they must take care not to fire into his advance.

By order Gen'l Meade:
ALEX. S. WEBB,
B. M. G., C. o. S.

General Meade's understanding of the position at this time was that Gen. Sheridan was on or very near the White Oak Road, pushing towards Warren. His direction to Warren is to push "down the White Oak Road;" and his idea was that Warren might possibly, by pushing down that road, "fire into Sheridan's advance."

General Meade's order was issued on the mistaken assumption that Sheridan was advancing, and was on or near the White Oak Road. Looking at the mere wording of that order, if Warren learned that Sheridan was not advancing, it was not Warren's duty to send any one down the White Oak Road. There was no order express or implied that Warren should re-enforce Sheridan if Sheridan was on the retreat.

The position in fact was that Sheridan instead of making a successful advance along the White Oak Road had been driven several miles to the south of it, and was then nearly back at Dinwiddie Court House.

But the true situation had already been met by Warren.

3. Meade's Order of 5.15 p. m.. Received 5.45 p. m.

XC.

Rec. 5.45 p. m.

H'dq'rs 5th Corps.
5.15 *p. m., M'ch* 31*st.*

Major-General Warren:

The M. G. Com'd'g directs that you push a brigade down the White Oak road to open it for Gen. Sheridan & support the same, if necessary.

(S'd) A. S. WEBB,
B. M. G. & C. o. S.

P. S.--The firing is so near that the Gen'l presumes that the command will not have far to go. The distance you will push out must depend on the circumstances of the movement & the support you can give them.

Gen'l Meade's idea of the situation still was that Sheridan was advancing.

The true situation was that Sheridan was being beaten back to Dinwiddie.

Warren reported Bartlett's movement in the following dispatch:

XCI.

5.50 *p. m. M'ch* 31.

Gen'l Webb:

I have just seen an officer and a sergeant from Gen'l Sheridan, who were cut off in an attack by the enemy and escaped. From what they say our Cavalry was attacked about noon by Cavalry and Infantry and rapidly driven back, two divisions, Crook's and Devin's being engaged. The firing seems to recede from me towards Dinwiddie.

I have sent Gen'l Bartlett and my escort in that direction, but I think they cannot be in time.

I hear cannonading that I think is from near Dinwiddie C. H.

Resp'ly,

G. K. WARREN,
Maj. Gen'l.

Warren made no new dispositions. The situation had been already met.

4. Meade's Order, no hour date. Received 6.30 p. m.

Page 1278.

XCII.

(Printed.) Headquarters Army of the Potomac.
March 31*st, Printed:* (1864, *o'clock, m.*)

Major-Gen'l Warren,
Com'd 5 Corps:

A staff officer of Gen'l Merritt has made a report that the enemy has penetrated between Sheridan's main command & your position. This is a portion of Pickett's div. Let the force order (sic) to move out the White Oak road, move down the Boydton plank road as promptly as possible.

A. S. WEBB,
B. M. G., C. o. S.

The force which Warren had sent to re-enforce Sheridan had been gone more than an hour, and it was too late to recall them. It was clear, too, that they would better carry out Gen. Meade's purpose if they were allowed to keep on where Warren had sent them.

Warren, therefore, let Bartlett continue his movements, supposing, of course, that Bartlett would carry out his orders, and attack the enemy. He sent Gen. Pearson with his most available force for that purpose down the plank road to Gravelly Run.

He then reported his dispositions to Gen. Meade by dispatch No. 93.

Page 1278:

XCIII.

6.30 *p. m., M'ch* 31.

Gen'l WEBB: I have ordered Gen. Pierson,* with three regiment that are now on the plank road, right down toward the Dinwiddie C. H. I will let Bartlett work and report result, as it is too late to stop him.

We can see the enemy's breastworks for two miles east, along the White Oak road. If they are well manned they cannot be carried. I am within 200 yards of where they turn off north † from the White Oak road.

Resp'y,

G. K. WARREN,
Maj. Gen'l.

5. MEADE'S ORDER OF 7.30. P. M. RECEIVED 8 P. M.

PAGE 1279.

XCIV.

U. S. M. T.

8 p. m., Nunan.

H'DQU'RS. A. OF P., *March* 31*st*, 1865—7.30.

To Maj. Gen. WARREN:

Dispatch from Genl. Sheridan says he was forced back to Dinwiddie C. H. by strong force of cavalry supported by infantry. This leaves your rear and that of the 2d Corps on the Boydton plank-road open, and will require great vigilance on your part. If you have sent the Brigade down the Boydton Plank it should not go further than Gravelly Run, as I don't think it will render any service but to protect your rear.

(S'd) GEO. G. MEADE,
Maj. Genl.

Gen. Meade's idea of Sheridan's situation was now in accordance with the fact, and was what Warren had correctly assumed it to be at 5 P. M.

No change was called for in the dispositions already made.

Warren advised Gen. Meade of his dispositions in the following dispatch, No. 95:

XCV.

MAR. 31ST—8.20 p. m.

Genl. WEBB, *Ch'f of Staff:*

GEN'L: I sent Gen'l Bartlett out on the road running from the White Oak road and left him there; he is nearly down to the crossing of Gravelly Run. This will prevent the enemy communicating by that road to-night. I have about two regiments and the artillery to hold the plank-road towards Dinwiddie C. H.

It seems to me the enemy cannot remain between me and Dinwiddie if Sheridan keeps fighting them, and I believe they will have to fall back to the Five Forks. If I have to move to-night I shall leave a good many men who have lost their way. Does Sheridan still hold Dinwiddie C. H. ?

Resp'ly.

G. K. WARREN, *M. G.*

6. MEADE'S ORDER OF 8.30 P. M. REC'D 8.40 P. M. PAGE 1279.

XCVI.

Rec'd 8.40 p. m.

(Confidential.)

U. S. M. T., HDQURS. A. OF P.
8.30 *p. m., March* 31*st*, 1865.

Nunan, 8.35 p. m.
To Maj. Gen. WARREN:

The probability is that we will have to contract our line to-night. You will be required to hold, if possible, the Boydton plank-road & to Gravelly Run. Humphreys & Ord along the run ;* be prepared to do this on short notice.

A. S. WEBB.
C. O. S.

This made no new dispositions necessary. It was only a cautionary dispatch.

Warren did, however, at once, as he was bound to do, report to his superior officer his understanding of the situation and his suggestion as to the advisable course to be taken, in the following dispatch :

Warren to Meade.

Dispatch No. 97.—Page 1279.

XCVII.

8.40 *p. m, M'ch* 31, '65.

Gen'l WEBB, *Ch'f Staff:*

The line along the plank-road is very strong. One division, with my artillery, I think. can hold it. If we are not threatened south of Gravelly Run, east of the plank-road, Gen'l Humphreys and my batteries, I think, could hold this securely and let me move down and attack the enemy at Dinwiddie on one side and Sheridan on the other. From Bartlett's position they will have to make a considerable detour to re-enforce their troops at that point from the north.

Unless Sheridan has been too badly handled I think we have a chance for an open field fight that should be made use of.

Resp'ly,

G. K. WARREN, *M. G.*

Gen. Meade in his dispatch made no allusion to Bartlett's position,

which had been communicated to him by Warren in Warren's dispatch No. 91, sent at 5.50 P. M., nearly three hours before. That information had been a second time alluded to in Warren's dispatch No. 93, of 6.30 P. M. It was again set forth in detail in Warren's dispatch No. 95, of 8.20 P. M. Gen. Meade, however, did not seem to realize the position of Warren as set forth in those dispatches. Warren therefore again called his attention to it, and made his suggestion to Meade in a thoroughly respectful manner, that he be allowed to take his whole corps and attack in the rear the enemy who had driven Sheridan.

The evidence therefore shows (and on the evidence there is no dispute) that Warren, had, in the first place, sent re-enforcements to Sheridan, and, in the second place, had made the suggestion that he be allowed to attack, with his whole corps, the enemy that had defeated Sheridan, before either course was suggested or thought of by either of his superior officers.

It was Warren who first suggested the rear attack. He suggested it at 8.40. It was 9.45 before Meade submitted it to Genl. Grant. It was 10.15 before Genl. Grant allowed the movement. It was 10.50 before Warren received the order allowing the movement. Where was the slowness? Meantime, Genl. Grant, who ordered the retrograde movement, had completely changed the situation.

The record is as follows:

XCVII.

8.40 *p. m., M'ch* 31, '65.

Gen'l WEBB, *Ch'f Staff:*

The line along the plank-road is very strong. One division, with my artillery, I think can hold it. If we are not threatened south of Gravelly Run, east of the plank-road, Gen'l Humphreys and my batteries, I think, could hold this securely and let me move down and attack the enemy at Dinwiddie on one side and Sheridan on the other. From Bartlett's position they will have to make a considerable detour to re-enforce their troops at that point from the north.

Unless Sheridan has been too badly handled I think we have a chance for an open field fight that should be made use of.

Resp'ly,
G. K. WARREN,
M. G.

XXXII.

HEADQUARTERS A. P., *March* 31*st*—9.45 p. m., 1865.

Lt. Gen. GRANT:

Would it not be well for Warren to go down with his whole corps and smash up the force in front of Sheridan? Humphreys can hold the line to the Boydton plank road and the refusal along it Bartlett's brigade is now on the road from J. Boisseau's, running north, where it crosses Gravelly Run, he having gone there down the White Oak road. Warren could move at once that way, and take the force threatening Sheridan in rear, or he could send one division to support Sheridan at Dinwiddle, and move on the enemy's rear with the other two.

GEO. G. MEADE,
Maj. Gen'l.

XXXVI.

[Telegram.]

DABNEY'S, 10.15 *p. m., March* 31*st*, 1865.

Maj. Gen. MEADE:

Let Warren move in the way you propose, and urge him not to stop for anything.
Let Griffin go in as he was first directed.

U. S. GRANT,
Lt. Gen'l.

7. Meade's Order of 9 p. m. Rec'd 9.17 p. m. Page 1280.

XCVIII.

Rec. 9.17 p. m. (L.)—Nunan, 9.15 p. m.

U. S. M. T., Hdqrs. A. of P.,
9 *p. m., Mar.* 31, 1865.

To Maj. Gen. Warren:

You will, by the direction of the maj. gen'l comd'g, draw back at once to your position within the Boydton plank road & send a division down to Dinwiddie C. H. to report to Gen'l Sheridan. This division will go down the Boydton plank road. Send Griffin's division. Gen'l Humphreys will hold to Mrs. Butler's.

(S'd.)

A. S. WEBB,
Bvt. M. G., C. o. S.

Printed: (Headquarters, Army of the Potomac,)
March 31*st*, 9 *p. m.* Printed: (1865).

Maj. Gen. Warren:

You are to draw back at once to your position within the Boydton plank road, and to send a division down to Dinwiddie House to report to Gen'l Sheridan. This division will go down Boydton pl'k road. Send Griffin's division. Gen'l Humphreys will hold to Mrs. Butler's.

By order Gen'l Meade.

ALEX. S. WEBB,
B. M. G., C. o. S.

Rec'd by staff-officer, having previously come by telegraph, at 9.17 p. m.

G. K. W.

This was an order to give up all the advantage which Warren had gained. It was an order given by Gen'l Grant himself.

XXVIII.

[Telegram.]

Grant's Headquarters,
March 31*st*, 1865—8.45 *p. m.*

Maj. Gen. Meade:

Your dispatch of 6.35* and your note of 7.30* are just received. Capt. Sheridan has reported to you the situation of affairs with Sheridan. Let Warren draw back at once to his position on Boydton road, and send a division of infantry to Sheridan's relief. The troops to Sheridan should start at once and go down Boydton road.

U. S. GRANT,
Lt Gen'l.

Warren had already re-enforced Sheridan in the most effective possible way when he sent Bartlett in the enemy's rear. So he had advised Gen'l Meade. The movement of Bartlett had already decided the enemy to retreat from Sheridan's front.

Warren, however, having repeatedly advised Gen. Meade of the situation, had no alternative but to obey the order. He executed the order without any delay. His course under this 9 p. m. order was as follows:

He sent Capt. Wadsworth to ascertain and report whether Gravelly Run was fordable for infantry.

He immediately issued his order to his division commanders No. 100.

This order directed the withdrawal of the divisions in the most expeditious manner. It would take Bartlett some time to rejoin Griffin, who was, according to Meade's order, to be sent to re-enforce Sheridan. In the meantime Ayres and Crawford could be marching back to the Boydton Road. When Capt. Wadsworth returned, and reported the stream not fordable, Warren sent Capt. Benyaurd to build an infantry bridge across Gravelly Run. Warren's expectation (which proved correct) was that the bridge would be finished at least as soon as the troops could reach it. In any event, the bridge would be necessary, and the troops, if they could cross without it, would not wait for it to be finished.

Warren's order of 9.35 conforms exactly to Gen. Meade's requirements. It is as follows :

C.

[General Orders No. —.]

HEADQUARTERS 5TH ARMY CORPS,
March 31*st*, 1865—9.35 p. m.

I. General Ayres will immediately withdraw his division back to where it was massed yesterday near the Boydton plank road.

II. Gen'l Crawford will follow Gen'l Ayres and mass his troops behind the entrenchments near Mrs. Butler's.

III. Gen'l Griffin will immediately withdraw Gen'l Bartlett to his present position, then move back to the plank road and down it to Dinwiddie Court-House, and report to Gen'l Sheridan.

IV. Capt. Horill, with the escort, will remain where Gen'l Griffin's Head-Quarters now are till daybreak & then come back to the plank road, bringing in all stragglers.

V. Division commanders, in executing this movement, which is ordered by Gen'l Meade,* to see that none of their pickets, or any portion of their troops are left behind.

VI. Gen'l Ayres and Gen. Crawford will have their troops under arms at daybreak, and the chief of artillery will have all the batteries in readiness to move.

By command of Maj. Gen. Warren.

(S'd) FRED. T. LOCKE,
Bvt. Col., A. A. G.

A true copy of the original in General Warren's file, which agrees with the copy in the file from the Adjutant-General's Office.

8. MEADE'S ORDER OF 9.20 P. M. REC'D 9.50 P. M.

CI.

U. S. M. T.

Nunan, 9.45.

HDQRS. A. OF POTOMAC, *Mar.* 31*st*, '65—9.20 p. m.

To Maj. Gen. WARREN:

The division to be sent to Sheridan will start at once. You are to be held free to act within the Boydton plank road. Gen'l Humphries (sic) will hold to the road and the return.

(S'd) ALEX. S. WEBB,
B. M. G., C. of S.

Rec'd 9.50 p. m.—G. K. W.

This required no new dispositions. The movement had already been ordered. Griffin had been ordered to "start at once." Warren advised Gen. Meade (Dispatch 102) of the dispositions he had made.

9. Meade's Order of 9.40 p. m. Rec'd 10.15 p. m.

CIII.

Nunan, 10.15 p. m.

U. S. M. T.

Hdqrs. A. of P., 9.40, *Mar.* 31*st*, 1865.

To Maj. Gen. Warren:

Since your dispatch of 8.20 p. m., the gen'l com'd'g finds that it is impossible for Bartlett to join Griffin time to move with any promptitude down the Boydton plank; he therefore directs that you send another good brigade to join Griffin in the place of Bartlett in this movement. Sheridan was attacked by five brigades, one from Gordon's corps, three from Pickett's, possibly by two from Gordon's, one of them being Hoke's old brigade,

(S'd) ALEX. S. WEBB,
B. M. G., &c.

This dispatch did not reach Warren until 10.15. Warren had sent his staff officers three-quarters of an hour before, with his orders to withdraw to the Plank Road. No troops could be sent to Dinwiddie without coming back to the Plank Road. The troops were at this time moving back as fast as the darkness and the condition of the country allowed.

No new dispositions by Warren were therefore needed.

10. Meade's Order of 10:15 p. m. Rec'd 10:50 p.m.—Page 1283.

CIV.

Rec'd 10.50 p. m. L. Nunan, 10.48.

U. S. M. T. Hdqrs. A. of. P.,
10.15 *p. m. March* 31*st*, 1865.

To Maj. Gen Warren:

Send Griffin promptly, as ordered, by the Boydton P. R., but move the balance of your command by the road Bartlett is on, and strike the enemy in rear, who is between him and Dinwiddie. Gen. Sheridan reported his last position as north of Dinwiddie Court-House, near Dr. Smith's, the enemy holding the cross-roads at that point. Should the enemy turn on you, your line of retreat will be by J. M. Brooks' & R. Boiseau's, on Boydton plank road. See one-inch maps. You must be very prompt in this movement, & get the forks of the road at J. M. Brooks' before the enemy, so as to open to R. Boiseau's. The enemy will probably retire toward the Five Forks, that being the direction of their main attack this day. Don't encumber yourself with anything that will impede your progress or prevent your moving in any direction across the country. Let me know when Griffin starts & when you start.

GEO. G. MEADE,
Maj. Gen'l.

Acknowledge receipt.

The situation as it was in fact, was this: Genl. Meade's order of 10.15 did not reach Warren till 10.50. At that time Warren's orders for a withdrawal had been issued for more than an hour. He had sent out his staff officers to the different division commanders and to Bartlett and to Gravelly Run. Some of his staff officers were no doubt engaged in other matters, of which no account can now be given.

The night was very dark; the country was very rough. The movements which were made of officers and men had to be made in the woods, where there were, practically, no roads. At the time this order from Meade was received, the officers sent to the different division commanders had probably not returned. If any attempt were then made to change the order of the movements, it would be certain to cause great confusion. For there was only one road, and one bridge over the branch of Gravelly Run, by which the troops could get back to the Boydton road. Movements through the woods, in the then condition of the country and the stream, would be impossible.

The only way in which he could carry out the purpose of Genl. Meade's order was by modifying its letter. The purpose of Meade was to get re-enforcements to Sheridan by the Boydton road at the earliest possible moment. This was the main point to which all others were subordinate. Ayres' division was the only one which could move to Dinwiddie with any promptness. For by the time the new orders could reach Warren's division commanders, Ayres would have taken the road to the rear—and in order to change the dispositions then made, it would require Ayres to leave the road and make way for Griffin. It would be necessary also, if Griffin were sent, to detach a brigade from one of the other two divisions and have it join Griffin. The only way, then, in which Meade's purpose could be carried out promptly was by sending Ayres instead of Griffin to Dinwiddie, and halting the other two divisions where they then were, in order that they might be ready to move on the enemy's rear, and not be compelled to march directly back again over the same route on which they were now withdrawing. Before moving on the enemy's rear with his two divisions, Warren waited until Ayres should have started down the road towards Dinwiddie. Ayres had not yet got back to the Boydton Road.

Warren was, too, greatly embarrassed by the difficulty in the transmission of the dispatches. We now know the telegraph line was down for several hours. Very possibly, there had been some difficulty before the line actually gave out.

Warren at once advised Meade of the dispositions he was compelled to make.

Warren to Meade.

Despatch 105, 10.55 P. M.—Page 1284.

CV.

HEADQRS. 5TH ARMY CORPS.
M'ch 31, 1865—10.55, p. m.

General MEADE:

I issued my orders on Gen'l Webb's first despatch to fall back, which made the divisions retire in the order of Ayres, Crawford, and Griffin, which was the order they could most rapidly move. I cannot change them to-night without producing confusion that will render all my operations nugatory. I will now send Gen. Ayres to Gen. Sheridan, and take Gen'l Griffin & Gen'l Crawford to move against the enemy, as this last despatch directs I should.* I cannot accomplish the apparent objects of the orders I have received.

Resp'ly,
G. K. WARREN,
Maj. Gen'l Com'd'g.

2.12 a. m. Nunan: Line down.

A true copy of the manifold original in General Warren's file. The word "Otherwise" has been, apparently, prefixed, in pencil, to the words "I cannot accompiish," &c., after the dispatch was written, and it does not appear in the copy as found in the file from the Adjutant-General's Office; and in the latter there is no punctuation in the last sentence between the words "I will now send General Ayres" and the close of the dispatch.

A copy of this dispatch is found in General Webb's file of copies of dispatches rec'd at and sent from Gen'l Meade's headquarters.

LOOMIS L. LANGDON,
Bvt. Lt. Col., U. S. A.,
Recorder.

He ordered Ayres to continue his movement back to the rear, but to keep on towards Dinwiddie instead of halting at the Plank Road.

Warren's Dispatch to Ayres, 11 P. M., No. 106.—Page 1284.

He ordered Griffin and Crawford to halt where they were, and report their positions by the officer who delivered to them the new orders.

Warren's Dispatch to Griffin and Crawford.

11 P. M.—Page 1284.

CVII.

H'DQ'RS 5TH A. C. *M'ch* 31, '65—11 P. M.

ORDER:

Gen. Griffin and Gen'l Crawford will mass their divisions at the point at which this order reaches them, and report their positions by the officer that brings it.

A change of plan makes this necessary.

Resp'ly,

G. K. WARREN,
Maj. Gen'l.

11. MEADE'S ORDER OF 11:45 P. M. REC'D 1 A. M.—PAGE 1286.

CXI.

HDQR. A. P.—11.45 P. M., *Mar.* 31.

Rec'd 1 A. M., April 1.—G. K. W.

Maj. Gen'l WARREN:

A dispatch, partially transmitted, is received, indicating the bridge over Gravelly Run is destroyed, and time will be required to rebuild it. If this is the case, would not time be gained by sending the troops by the Quaker road? Time is of the utmost importance. Sheridan cannot maintain himself at Dinwiddie without re-enforcements, & yours are the only ones that can be sent. Use every exertion to get the troops to him as soon as possible. If necessary send troops by both roads & give up the rear attack.

GEO. G. MEADE,
Maj. Gen'l.

If Sheridan is not re-enforced & compelled to fall back, he will retire by the Vaughn road.

G. G. M.

The situation now was this: Sheridan, as Warren was advised by Gen. Meade, who had his information direct from Sheridan himself, had been defeated and forced back from near Five Forks to the position just in front of Dinwiddie Court House. Sheridan would, unless re-enforced, be compelled to retreat still farther, in which event he

intended to retreat by the Vaughan road. Meade's words were: "Sheridan cannot maintain himself at Dinwiddie without re-enforcement. * * * * * If Sheridan is not re-enforced and compelled to fall back, he will retire by the Vaughan road."

Gen. Sheridan himself said: "This force is too strong for us. I will hold on to Dinwiddie C. H. *until I am compelled to leave.*"

Dispatch Meade to Grant.

No. 27. Page 1250.

XXVII.

8.40 p. m.—Norris.

HEADQUARTERS A. P., 7.40, *March* 31*st*, 1865.

Lieut. Gen'l GRANT:

Capt. Sheridan from Sheridan's Cavalry is here, and is directed to you by a staff officer. He reports that Gen'l Sheridan is just north of Dinwiddie C. H., having been repulsed by the enemy's infantry on the dirt road running north, and also on the road running northwest from north of Dinwiddie. Gen'l Sheridan states that *if he is forced to retire, it will be on the Vaughn road.* The staff officer leaves here to report to you.

GEORGE G. MEADE,
M. G. Com'd'g.

The enemy, as Warren had learned, were in force between him and Sheridan, were also in force on the White Oak road, at the junction of the Crump road, and in their intrenchments in front of Griffin and Crawford.

Capt. Melcher, page 456:

Q. Do you recollect any particular interview with General Griffin that you had there at that time? A. Yes. On arriving at the front on my first going out there, I found General Griffin by a small camp fire. He seemed to be all ready to mount, and when I delivered the order he made some reply to me.

Q. What did he say? A. He says: "Tell General Warren that the enemy have put out their fires in our front and, I think, are going to attack."

Q. Did you report that to General Warren on your return? A. I did.

Warren's own Corps was in the positions following, as he learned at 1 A. M., when he received this order: Griffin and Crawford (except Bartlett's brigade, which was now supposed to be on its way back to join Griffin), were in their positions near the White Oak road, ready to move, though they had not actually moved.

Gen. Chamberlain, page 233:

Q. So according to the terms of the original order your division could not move then? A. He found us all massed, but we had not moved.

Q. Had Griffin given any orders for moving between the receipt of this first order and the last one to which I have just called yonr attention? A. Griffin had given me to understand that I was to be ready to move, but no actual movement had been had.

Gen. Crawford, page 570, Ans. to 17th and 18th Q.

Dispatch CX.

Page 1286.

* * * * * * * * *

1 a. m., *April* 1st.

General Crawford on receipt of order by return of staff officer to halt and await further orders.

G. K. W.

Testimony of Capt. Herr, page 551. Ans. to 9th and 10th Q; and on page 552, Ans. to 1st, 2d and 3d Q.
" Genl. Coulter, page 348, Ans. to 8th Q.
" Lieut. Schermerhorn, page 690, Ans. to 14th Q.
" Lieut. Sherley, page 416, Ans. to 11th Q.
" Capt. Brinton, page 301, Ans. 4th to 8th Q.
" Col. Spear, page 401, Ans. to 26th and 27th Q.
" Lieut. Sanborn, page 525, Ans. to 11th Q.

Ayres was now nearly, if not quite back to the Plank Road; for he began crossing the bridge at Gravelly Run as early as 1.30 or 1.45, and he made a delay for issuing rations before moving down the Plank Road.

Testimony of Col. Swan, page 291:

Q. Do you recollect with distinctness where General Ayres' division was placed before they started for that night march?—A. I could not point it out on any map; I knew it was up near the enemy, and that we made two stages in withdrawing; it took some time to get out; we moved in a considerable distance and then halted, and rations were distributed. I recollect this, because at the time the rations were distributed I think the other staff officers and the other officers generally turned in for a sleep. But something or other kept me up, and after that I could not sleep that night at all.

Col. Swan, p. 296, Ans. to 11th Q.
Col. Swan, p. 299, Ans. to 15th, 16th & 17th Q.

Testimony of Col. La Motte, page 375.

Q. With reference to the march you made on the night of the 31st or the morning of April 1, what time is it your recollection that you began to move?—A. I recollect being wakened up. If I am not wrong we made two moves. We were moved back and halted to issue rations, and I do not think we halted again until we came to Gravelly Run.

The delay in getting up rations was not Warren's. See Dispatches:

Dispatch No. 14.

Page 1245.

XIV.

[Telegram.]

GRAVELLY RUN, *March* 31*st*, 1854—7.40 a. m.

Maj. Gen'l MEADE,
Comd'g A. P.:

Owing to the heavy rain this morning the troops will remain substantially as they now are, but the 5th Corps should to-day draw three days' more rations.

U. S. GRANT,
Lt. Gen'l.

The condition of the roads prevented its being accomplished.

Dispatch No. 16.

Page 1245.

XVI.

MEADE TO GRANT.

8.50 A. M.—Mixer.

H'DQ'RS, A. P., 8.40 *a. m., Mar.* 31. *No.* 3.

Lt. Gen'l GRANT:

* * * * * * * * * * *

Orders for rations issued, but I fear the condition of the roads will make their execution almost impossible.

(Signed)

GEO. G. MEADE,
Maj. Gen'l.

Every exertion to do it was made.

Dispatch No. 17.

GRANT TO MEADE.

Page 1246.

XVII.

MARCH 31, 1865.

Major-General MEADE:

Rations must be got forward to Warren, and no exertions must be spared to execute your orders for the same.

(Signed)

U. S. GRANT,
Lieut. General.

Official:
(Signed)

GEO. K. LEET,
A. A. Genl.

The vital point in Meade's order, to which everything else was to yield, was the re-enforcing Sheridan. Meade evidently contemplated that the re-enforcements sent by the Boydton road might fail to reach Sheridan in season, if at all, and therefore directed that, if necessary, other troops should be sent to his relief by the Quaker road. And it was clearly indicated by the terms of Meade's order that, if the troops should fail to reach Sheridan by the Boydton road before he was "compelled to leave" Dinwiddie, the rear attack before intended should not be made. Warren could not know whether Ayres would reach Dinwiddie in season, if he did at all. If he had moved up at once with Griffin and Crawford, he would have isolated those two divisions, would have isolated Ayres, and would have left his communications with Meade.

In this situation Warren pressed Ayres on to Dinwiddie, directing him to report when he should have joined Sheridan; and in the meantime he held Griffin and Crawford where they were, in readiness to advance on the enemy's rear, if Ayres succeeded in uniting with Sheridan in good time, and otherwise to use them according to the situation as it might develop. In his own words, he "sent to Gen'l Sheridan his most available force."

He advised Meade of his dispositions.

Dispatch No. 112.

Page 1287.

CXII.

HDQURS. 5TH A. C., 1.20 a. m., *Apr.* 1.

Gen'l MEADE:

I think we will have an infantry bridge over Gravelly Run sooner than I could send troops around by the Quaker road.

But if I find any failure, I will send that way. I have sent Benyard† 2 hours ago with what he thought necessary to make it practicable in one hour, and I trust to that.

I am sending to Gen'l Sheridan my most available force.

Resp'ly,

G. K. WARREN,
Maj. Gen'l.

Warren, at 2.05, learned from Benyaurd that Ayres was on his way to Dinwiddie, crossing the bridge. Warren at once sent advices of that fact to Meade.

Dispatch No. 113.

Page 1287.

CXIII.

Rec'd 2.40 a. m., April 1, 1865.

From 5th A. C., 2.05 a. m., April 1, 1865.

Gen'l WEBB:

The bridge over Gravelly Run, Capt. Benyaurd reports now practicable for infantry, and Gen'l Ayres' division advancing across it towards Dinwiddie C. H.

I have given Gen'l Ayres orders to report to Gen'l Sheridan.

Resp'ly,

G. K. WARREN,
Maj. Gen'l.

Warren then waited for advices from Ayres before moving away with the rest of his corps.

The movement of Ayres to Dinwiddie it will be seen had virtually commenced instantly on the receipt of Meade's 9 p. m. order, and had been pressed continuously from that time without interruption or delay. Warren's first order to Ayres of 9.35 P.M., had been to "immediately withdraw his division, etc." The next order at 11 P. M. was "Instead of halting your command you will proceed down the Plank road to Dinwiddie Court House and report to General Sheridan." The only delay had been to issue rations—which of course was a necessary delay. There was no delay at all at the bridge.

Major Benyaurd, pages 156-7:

Q. How long were you at work there in building the bridge and building this new portion of the road? A. About an hour.

Q You say Ayres' men came down. You were there all the time? A. Yes.

Q. How long did the men wait? A. As I got through I went up on the road and I met the head of Ayres's column near the end of the causeway; I spoke with General Ayres, who was at the head of the column. I told him everything was ready for crossing; I had a little conversation with him. I asked how long he had been waiting there and he intimated to me that it was but a few minutes.

Q. You say that the stream was not fordable for infantry; suppose he had waited there for as much as two hours would time have been saved by the building of the bridge, in actually getting his division across—crossing the full division? A. Yes; I think so, be-

cause they would have been enabled to cross in column, instead of straggling over one man at a time.

Q. So your deliberate judgment is that if Ayres had waited there two hours, there still would have been a saving of time in getting his men across the stream? A. He would have saved considerable time.

The movement made by Ayres from the White Oak road to near Dinwiddie was made with rapidity, considering the circumstances. His position was close to the White Oak road. The distance which Ayres had to cover to the point where he met Forsyth and was turned back was about four and a half miles. He probably did not receive the 9:35 order before 10. He had then to get in his pickets, and march back through a very rough, muddy country to the Boydton road. For him to accomplish that movement back to the Boydton road under the circumstances of that night, Chamberlain estimated would require three hours. He had to issue rations. His men had had fighting and hard work for three days. He reached the bridge by 1:30 or 1:45; and he was met by Forsyth about one mile from Dinwiddie as early as 3:45, for Forsyth started at 3:20 from Dinwiddie. The head of Ayres' column met Forsyth about a mile south of the Brooks road, and it was after Ayres had faced his column about, had marched back to the Brooks road, and had gone well out on the Brooks road, that the sun rose. The whole time then which Ayres had taken to get in his pickets, issue rations for his division, and march down within a mile of Dinwiddie, was about five and three-quarters hours.

Gen. Ayres, page 247, Ans. to 9th Q.
Gen. Chamberlain, page 230, Ans. to 8th Q.

Testimony of Gen. Chamberlain, page 277:

Question. Taking the condition of things as they were on the night of the 31st of March, how long, in your opinion, would it take to get in a picket line and get a division of the size of General Ayre's back to the Boydton plank road after you received orders for the movement? A. From our line on the White Oak road?

Q. Yes? A. It would take about an hour to call in our pickets, get them all in. We would not leave men out there on picket. I think I would not undertake to get a division back to the Boydton plank road in the night time, in such a country as that, in less than two hours. I think it would take three hours to get fairly back on the plank road, including the hour getting in the picket.

This was quicker work than was done during that night, as far as we have accurate testimony, by any other command or single man. And the presumption is, that every one did his best. Humphreys who, as is well known, was as energetic an officer as any in the army, received an order to simply withdraw to the Plank road, from a position nearer the Plank road than the position of Ayres, and did not get his troops back to the Boydton road till 6:30 in the morning.

Humphreys' Dispatch 157.

Page 1306.

CLVII.

U. S. Military Telegraph.

APRIL 1, 1865.

(By Telegraph from Hd. Qrs. 2d Corps, 6:30 a. m., April 1, 1865.)

To Maj. Gen. WEBB:

I have resumed the position occupied by me yesterday morning, extending down the Plank road and on the return. The movement commenced at 3½ a. m.

(S'd) A. A. HUMPHREYS.

True copy from original dispatch, in Records; Army of the Potomac; attested by Bvt. Lt. Col. Rob't N. Scott, U. S. A.

LOOMIS. L. LANGDON
Bvt. Lt. Colonel, U. S. A.,
Recorder.

He did not begin his movement till 3½ A. M., when Ayres was well down near Dinwiddie, and Humphreys had received his orders to move as early as 9:45 P. M.

See Dispatch 155.

Page 1305.

CLV.

U. S. Military Telegraph.

Nunan. 2.55.*

By Telegraph from H'd Qr's 2d C., 9:45 p. m., Mar. 31st, 1865.

To Gen'l WARREN:

I am directed to resume the position of this morning, holding as far as Mrs. Butler's & the return. As the return is your work, & as I do not know it, will you let me know if it rests on Gravelly Run, & if not, upon what it does rest?

A. A. HUMPHREYS, *M. G.*

Forsyth, a single horseman took an hour and a half, from 3.20 A. M. to 4.50 A. M. to ride on the plank road to Warren's headquarters at the Wilson House, a distance of 4½ miles.

It took an hour and a quarter for the bearer of Meade's written dispatch of 11.45, No. 111, to reach Warren's headquarters.

Mackenzie, who had about 1,500 cavalry, received his order to move nearly as early as Warren, as far as the testimony shows. (His order was issued as early as 9.45.)

Grant's Dispatch No. 33.

Page 1251.

XXXIII.

HEADQUARTERS ARMIES OF THE U. S.
Dabney's Mills, March 31, 1865—9.45 p. m.

Maj. Genl. MEADE,

Com'd'g Army of Potomac:

If you can get orders to Mackenzie to move his cavalry to the support of Sheridan by way

of the Vaughn road, do so. I have sent the same directions to General Ord. Please let me know when Griffin gets started. If he pushes promptly I think there may be a chance for cutting up the infantry the enemy have entrusted so far from home.

Urge prompt movement on Griffin.

(S'd)

U. S. GRANT,
Lt. Gen.

Official.
G. K. LEET, *A. A. G.*

Mackenzie did not move till between 3 and 4 A. M. of April 1, and did not reach Dinwiddie till between 10 and 11 A. M. He had only 11 miles to go, from Reams Station, and it was all by road.

Genl. Meade's staff officer who took Dispatch No. 178 to Genl. Sheridan left Meade's headquarters before 10.45 (See Dispatch No. 38), and did not reach Meade's headquarters on his return till between 2 and three A. M. He had only $5\frac{1}{2}$ to 6 miles each way to go, all by roads, in all 11 to 12 miles.

See Dispatch No. 40.

Major Gillies started from Dinwiddie that night "about dark" and did not reach Meade's headquarters till midnight. He had 6 miles to go. Returning by daylight, he left at about 9 o'clock, and did not reach Sheridan's headquarters on the road between Five Forks and Dinwiddie till about one o'clock.

Testimony Maj. Gillies, page 1139.
Answer to 8th 9th and 10th Q. and Ans. 17 to 23d Q.

We submit, then, that the movement to re-enforce Gen. Sheridan was made with all possible speed. Gen. Ayres was an able and experienced soldier. He is a man of known energy. He understood the need of speed, and beyond any doubt he exerted himself to the utmost to make this movement as quickly as he could. The precise delays of that night's movements we cannot at this lapse of time show. But there can be no doubt that every man did his utmost. The result shows it. A comparison of that movement with the other movements of the same night makes it clear that extraordinary effort was used. There was no delay anywhere, other than the delays that must necessarily have been incidental to such an operation. The orders were issued immediately. They were promptly obeyed and executed.

12. WARREN'S MOVEMENTS WITH GRIFFIN AND CRAWFORD.

As scon as Warren learned from Ayres that he had re-enforced Sheridan, and received the dispatch brought by Forsyth, he went with Wadsworth to Griffin's headquarters and moved Griffin at once.

Capt. J. W. Wadsworth, pages 184–5:

By Maj. ASA BIRD GARDINER, counsel for respondent:

Q. That was on the morning of April 1? A. Yes.

Q. And Griffin's and Crawford's divisions were there? A. Yes; we started from head-

quarters a little before daylight—General Warren and staff (indicating the road crossing a little west of north to B. Butler's); I think we rode across a little bridge that we had thrown over the day before in a little fight we had; we moved across the country to where the two divisions were, and then the general direction of the corps was off towards Dr. Boisseau's and down by Crump's, moving across the country (the witness indicates a southwesterly direction).

Genl. Crawford, page 571:

Q. At what time did you receive your orders actually to move after that? A. At daylight.

Q. By what command? A. By General Warren, in person.

Q. That would be about what hour? A. It was between daylight and sunrise; I think shortly after five o'clock.

Page 571:

Q. Which part of your command was the last to leave the front of the enemy? A. The last to leave was Baxter's brigade; the other two brigades were formed in column by regiments, and took the road; Baxter was formed in line of battle, and we withdrew in that way; General Warren was present with me at that time.

Q. What part did General Warren take in the movements at that time? A. He was with me; assisted me in these movements; I recollect I supposed at the time that the enemy would follow the withdrawal of the skirmishers.

Q. Had you any indications that the enemy had withdrawn? A. None; our supposition was that they were still there.

Capt. Mead, page 390, Ans. to 15th Q.

Genl. Warren, pages 739–40:

Q. Then, do you recollect who of your staff went with you to the White Oak road? A. I have no recollection of anybody but Captain Wadsworth.

Q. How soon did you start after getting the dispatch from Sheridan? A. Almost immediately—just as soon as I could see—and I left my staff behind—those who were asleep—because they had been up nearly all night—a good many of them all the night before; I expected a hard day's work before us, and I ordered them to get some sleep if they could.

Q. You went up to the White Oak road; state what dispositions you made there? A. We rode as rapidly as we could go, and reached there in a very short time; we rode directly to Griffin, and I told him to move at once; he did move at once, as soon as he got the order; he was all ready; then I went to Crawford; I directed him to retire in line of battle, facing the enemy's works; I got a strong skirmish line out as soon as possible; where pickets were already I converted the picket line into a skirmish line.

Crawford he placed in the rear, and withdrew with only the ordinary precautions, which were necessary in the face of an active enemy, with whom he had been engaged the day before, and from whom Griffin had apprehended an attack during the night.

Griffin moved with no delay whatever—with Chamberlain in the advance—Warren remained for a time with Crawford at the rear, the post of importance, and then went to the advance with Griffin. There he received Genl. Sheridan's orders to remain until further instructions.

Genl. Warren, page 240:

As soon as that was done, I left him, Crawford, and rode ahead to join General Griffin at the forks on the road where Crump's road joins the one running from Dinwiddie Court House to Five Forks. There I met General Griffin in person. I didn't see General Sheridan. General Griffin told me that Sheridan had left word for all troops to halt that reached that point; he would send word when he wanted us.

13. General Meade's and Gen. Sheridan's Expectations at the time as to Warren's movements.

During those night movements Warren was responsible to Gen. Meade until he reported to Gen. Sheridan. So Gen. Sheridan conceded.

Warren not only fully came up to Gen. Meade's expectations, but he was in advance of them. Gen. Meade at 6 A. M. expected that Warren would be "at or near Dinwiddie soon." (See Dispatch No. 40.

Moreover, Warren fully realized Gen. Sheridan's expectations. Gen. Sheridan's own dispatches, and the statements of his own staff officer show beyond a doubt that Ayres came down the Boydton Road sooner than Sheridan expected him; and that Sheridan had no expectation that Warren would attack in the rear with his two other divisions any earlier than daylight, if so early. The Dispatch No. 184, from Gen. Sheridan's headquarters, written, as Gen. Sheridan says in his later letter, at 3 A. M., says: "Warren will attack the enemy at daylight in flank from the Boydton Road." This referred to Ayres's movement. Sheridan's staff officer, whoever he was, who met Ayres's column on the Boydton Road, said to Ayres that he had come down sooner than they had expected him.

Testimony, Ayres, p. 250.
" Col. Swan, p. 292.

Sheridan's Dispatch No. 114, of 3 A. M. to Warren, when speaking of Warren "attacking at daylight" on the enemy's rear, speaks of this attack being made only with the "division" (a mistake for brigade), which Sheridan understood Warren already had near Dr. Boisseau's. Sheridan evidently had no idea that Warren's other two divisions would come in at any time during the night, or even as early as daylight.

The charge against Warren of slowness during that night was not in Sheridan's mind when he wrote those dispatches. It is an afterthought.

E.—THE FACTS AS TO THE BATTLE OF FIVE FORKS.

The evidence as to the battle of Five Forks establishes, as we maintain, the following points:

That the corps was moved up for the attack with all possible speed.

That for the long delay of the forenoon Gen'l Sheridan was personally responsible.

That the confusion in Ayres' division was very slight—was not such as to call for the personal presence of Gen. Warren, who was at that time occupied with other more pressing matters—and that confidence was easily and quickly restored.

That the break between Crawford and Ayres was the certain and necessary result of Gen'l Sheridan's own misapprehension of the position of the enemy's works, which the 5th Corps were to attack; that this misapprehension was the supposition on Gen'l Sheridan's part that the angle of the enemy's works on the extreme left was about twelve hundred yards farther to the east than it really was.

That Warren made every possible effort to remedy the break; that he would have succeeded in doing so at once, had it not been for the interference of a staff officer of Gen'l Sheridan; that even after that interference he did succeed in bringing Crawford and Griffin into the engagement in the most effective manner possible under the changed conditions.

That throughout the operations of the day, Gen'l Warren was zealous for Gen'l Sheridan's success.

That through the whole of the battle, Gen'l Warren was at that point where his personal presence was of the greatest service.

That Gen'l Warren's manner was the ordinary manner of the man when intensely occupied, and that any imputations against him, based upon his manner, should never have been made.

I.—The position of the Enemy and Gen'l Sheridan's plan of Attack.

1. The Position of the Enemy.

The enemy, on learning of the advance on their rear of part of the 5th Corps in the evening of the 31st March, decided to withdraw from Sheridan's front.

Their withdrawal began before midnight, and was completed early in the morning, when they were, with the exception of the rear guard, in occupation of their line along the White Oak road. Mayo says "it was as early as sunrise."

Testimony Col. Mayo, page 497, Ans. 12 Q.
" Lt.-Col. W. W. Wood, page 485, Ans. 8th Q.
" Gen'l Corse, page 421, Ans. 3d Q.
" Capt. McCabe, page 511.

Q. You got back to Five Forks on the morning of April 1st, about what hour? A. About sunrise.

Q. The infantry got in line along the White Oak road, how soon after you? A. I cannot say; I know we moved down the road that you call the Ford road, and just parked the guns a little to the right of that road; and *the first three guns at the Forks were put in position about half-past eight o'clock; the infantry were in position when those guns were put in position; I find that hour noted, that that was the hour when the guns went into position at Five Forks.*

Q. You say the infantry on your line were then in position? A. They were, certainly, on our immediate right and left; as soon as those guns were put in we went back again.

Q. *You find an original memorandum of that hour? A. Yes.*

Q. That you made at the time? A. *It was made some time that morning;* I cannot say that it was made that very hour.

The position then occupied by the Confederates was as follows: Their infantry, with a part of Beale's Brigade of cavalry dismounted, held a line of breastworks along or near the White Oak road, extending from the little graveyard west of the Gilliam field on their right, eastwardly to "the return" on their left flank.

The line faced southward and was located on the ridge, with Hatcher's Run about a mile to the rear.

Beginning on their left the infantry was in line as follows:

Ransom's Brigade held the left, including "the return."

Wallace's Brigade came next, and extended the line westwardly to the west edge of the Sydnor field; both Ransom's and Wallace's brigades were under Ransom's command, detached from Anderson's Corps.

Steuart's Brigade extended the line to Five Forks.

Terry's Brigade, under Mayo, extended the line westwardly, so that its right regiment fronted on the Gilliam field.

Corse's Brigade extended the line into the woods on the west side of the Gilliam field.

These three last named brigades belonged to Pickett's Division. Hunton's Brigade, of Pickett's division, was absent. Beale's Brigade, of W. H. F. Lee's cavalry division, held the right of the breastworks. A portion of W. H. F. Lee's division held also an advanced position along the edge of the woods on the west side of the Gilliam field and around the Gilliam house. Some artillery was also disposed to sweep the Gilliam field. This part of their line was naturally strong, and was held to the last. The other brigade of W. H. F. Lee's division, under Barringer, mounted, watched and guarded the right of their line.

To the left of the Confederate infantry's left flank was the cavalry division of Munford, which fought dismounted.

Rosser's division of cavalry was in reserve on the north side of Hatcher's Run.

2. Genl. Sheridan's Plan of Attack.

Genl. Sheridan's plan, in general, was to attack and turn the enemy's left flank with the Fifth Corps, at the same time attacking the works in front with his cavalry.

With this purpose, the cavalry were disposed in front of the enemy's works. Devin's division was on the right of the road leading from

Dinwiddie to Five Forks; the right of Devin reached in an easterly direction to some point which is not made exactly to appear. Custer's division was on the left of the main road from Dinwiddie to Five Forks.

The Fifth Corps was formed just south of Gravelly Run Church, Ayres' and Crawford's divisions in front—Ayres on the left and Crawford on the right—each with two brigades in front and one in the rear, the three brigades in each of those two divisions being each in two lines of battle. Griffin's division was formed in the rear of Crawford's right, substantially in column by battalions, with two regiments of Gregory's brigade on the right as flankers. The line of Crawford and Ayres was formed obliquely to the Gravelly Run Church road, with the intention that moving forward in line directly to the front, so that the corps, as then formed, would strike the angle of the enemy's works on Crawford's front.

Genl. Sheridan was under a misapprehension as to the position of the "return" which the Fifth Corps was expected to strike. He supposed it was directly in front of the right of the Fifth Corps as the Corps was formed. As a fact the "return" was about twelve hundred yards (nearly three-quarters of a mile) to the left of where Genl. Sheridan supposed it to be. Ayres' left cleared the works by more than three hundred yards.

It would seem to be the intention of Genl. Sheridan's counsel, judging from his line of examination of certain witnesses, to insist that Genl. Sheridan intended the Fifth Corps to strike the White Oak road to the right of the angle, then wheel, and move along the road until they struck the works. It is therefore necessary to examine the evidence on this point.

In the first place, we have Genl. Warren's diagram order, which sets out in detail and with exactness the supposed position of the enemy, and the way in which the Fifth Corps was expected to strike the enemy. The diagram was drawn for that very purpose. This order was submitted to Genl. Sheridan before the movement began, and he allowed it to be issued by Warren to his division commanders. That is the clearest evidence we could have to the point that it conformed to his understanding of the position. Most certainly, Genl. Sheridan never allowed Warren to issue an order to his division commanders, which gave the position of the enemy wrongly, which would completely mislead them as to the most important point in the whole situation.

Genl. Sheridan himself, in his own testimony, formally admits that the diagram order "conforms in substance to his instructions as he gave them to Genl. Warren." He repeats that testimony several times.

Testimony of Genl. Sheridan, p. 97, ans. to 3d question.

Testimony of General Sheridan, page 96 :

Q. Will you look at the printed copy of General Warren's instructions to his division commanders which you see there in the printed book, giving the formation which was to be made, and see if that corresponds substantially with your recollection of the instructions you gave him (book handed to witness)? A. Substantially; *only I scarcely think that the right division was so far to the right ;* the formation was in the angle of these roads.

Page 97 :

Q. That conforms, does it not, to your instructions as you gave them to General Warren ? A. In substance.

Page 99 :

Q. Were the only orders that you issued to Warren and the only instructions that you gave to him then as to the engegement itself, those which he embodied in his orders to his division commanders as to the general plan of the battle ? A. I don't know what the orders were that he gave to the division commanders; if I could hear those I probably would know better.

Q. I have just read it to you from the printed book.

Major GARDNER, counsel for respondent: It is not proven yet that those orders were given.

Mr. STICKNEY, counsel for applicant: The fact is that the orders were issued; but I am not asking the witness as to the issuance of those orders; I ask as to the orders he gave General Warren.

Q. The only orders or instructions you gave General Warren in relation to the engagement were orders that corresponded with that ? A. That represents, probably, the substance. There was a good deal of conversation explanatory of that; but that embodies about it generally.

Page 115 :

Mr. STICKNEY, counsel for the applicant: We have the original order that was issued, giving a diagram which has been mentioned here; it is now almost illegible; we can, I suppose, under the circumstances, refer to the printed copy, and the general can look at this original.

(Counsel produces a diagram and lays it before the court.)

Q. As I understand you, the formation as directed in that order of Warren corresponds to the directions you gave him ? A. Yes.

Q. Accurately enough. A. Yes; that is, so far as putting Griffin's division behind Crawford's division; that is the best of my recollection, that there was a change.

Q. The other directions contained in that order correspond to the directions you gave ? A. I think I testified that it was substantially the same.

But would any soldier ever say that an order "conformed in substance to his instructions," if it gave the position of the enemy wrongly ? Moreover, the nature of the movement was fully discussed, during the interval while the Fifth Corps was marching up to the church, among the officers in General Sheridan's presence. Warren, Crawford, Ayres, Chamberlain, Capt. Swan, Capt. Newhall of General Sheridan's own staff, Lt. Schermerhorn of General Griffin's staff, all testify that it was clearly understood that the enemy's works were in front of the Fifth Corps, as its line was then formed.

Genl. Ayres, page 267 :

Q. Refer to the diagram of the plan of the engagement, the original one, and state how you expected to strike the angle of the enemy's works ? A. I supposed that probably my division would strike it in front—perhaps half my division would strike it in front.

Genl. Chamberlain, page 273 :

Q. The heavy fire you heard on the left must have been the fire which came on Ayres's left ? A. I had no doubt that General Ayres had become engaged—had struck the works. I ought to say that the works did not prove to be exactly in the position where they had been indicated to us on our plan. *I understand distinctly that General Ayres was expected to strike those works in front.*

Capt. Swan, page 293 :

Q. (By the Court.) What was the direction of the line of battle?

Mr. Stickney. It would be facing north by west.

Witness. We formed along the edge of the field, with Ayres's division at this end. *At that time I supposed that we were to strike the enemy square in front.* I knew nothing about a refused line. I was a subordinate officer, and I knew nothing about the other divisions wheeling; I didn't know whether they were all going to wheel against the enemy or what; but we were going straight forward with the sun on our left shoulder.

Q. You expected to strike the enemy in front? A. Yes.

Q. Expected to strike their line of earthworks? A. Square in front.

Lt. Schermerhorn, page 691 :

Q. In the direction in which you were marching did you expect to strike their works? A. We expected them to be running in the same way. I don't know how, but we had an impression that the works were farther back here, and extending farther this way. We were astonished to find that they were here, and we swung around and *were astonished to find that they were so far to the left and so far to the south.*

Capt. Newhall, page 145 :

Q. Then you say, on page 95, that *it was supposed the right of the line would strike the enemy as soon as the left or center.* From what did you get that? A. That was my own conception altogether.

Q. I suppose you got that from what you heard the general say at the time? A. I imagine so.

Q. *You are quite clear that that was his purpose as he then expressed it? A. I was, when I wrote this.* I have not had any opportunity to confirm it.

General Sheridan says, in his statement to the court (page 55) : "I did not know the extent of that reverse flank, nor its strength, but it was the objective point of the attack that was made by the Fifth Corps." He farther says (page 55) : "I presumed that an extent of front of two divisions was enough *to cover the works of the enemy.*" Evidently he did not intend that Crawford's right should reach half a mile beyond the extremity of the "return." But it necessarily would do so, if the left of Ayres was to rest on the White Oak road; for the front of the Fifth Corps as formed was a thousand yards, and the length of the "return" was less than a hundred yards. That it was General Sheridan's understanding that *the enemy's works were directly in front of the Fifth Corps,* is made still more clear by the fact that when General Ayres changed front to his left to meet the fire from the return, although the whole corps had then crossed the White Oak road, and General Sheridan saw it, General Sheridan insisted that Ayres had changed front too soon, and was firing on our own cavalry, who were south of the works, and not on the enemy.

Genl. Ayres, page 257 :

Q. I want what he did say to you? A. He said he was afraid I was fighting his cavalry.

Q. That was before you carried the works? A. Yes.

Page 266 :

Q. You say that before the works were carried by your division at that angle that General Sheridan said he was afraid you were fighting his cavalry? A. Yes.

Q. Might not that have been said just after you had carried that angle of the works? A. No; *it was not said after; it was said before.*

Q. What did you understand he meant by that? A. I thonght he feared that I had changed my front too soon; that I had struck the flank of the cavalry along the front.

Q. You gave us yesterday a conversation with General Sheridan in which he expressed to you the fear that you were then firing into the cavalry? A. Yes; just when I changed my front.

Q. Was there such a conversation or a conversation on that point at more than one time? A. He came to me some three times at short intervals and expressed the same fear that *I had changed my front too soon.* and was engaging the cavalry instead of the enemy; that *I had changed it before I got sufficiently far north.*

Q. He was afraid that the fire coming in on you was from our cavalry? A. Yes.

Capt. Newhall, page 147:

I was sent by General Sheridan to General Winthrop on the left of Ayers's division.

Q He was Ayres's reserve, was he not? A. I do not know, perhaps he was; at any rate he was on the left of Ayres's division. *I took orders to him from General Sheridan to be very careful not to fire on our own cavalry.*

Apparently, from the questions put to the different witnesses, General Sheridan's counsel intends to maintain that the Fifth Corps should have begun "to wheel" as soon as they struck the White Oak road, without regard to the position of the enemy. The expression "swing around" in Warren's order was, of course, used with reference to the position of the enemy, as it was indicated in the diagram, and as it was understood to be. The position of the enemy was, of course, the vital point of the situation. General Sheridan saw the whole corps crossing the White Oak road; Crawford struck it even sooner than Ayres; and Ayres crossed it. But General Sheridan, instead of stopping Ayres, said that Ayres had not gone far enough. General Sheridan would be put in a very peculiar position as a soldier, by this supposition of his counsel, which is entirely at variance with the testimony of General Sheridan himself. Most assuredly it was never his intention to expose the flank of an entire corps of infantry, as he did, to the fire of that "return." Flanking an enemy means getting your front on the enemy's flank, not your flank in front of the enemy's earthworks.

II.—The Advance of the 5th Corps to Gravelly Run Church and its formation there.

The point attempted to be made here against Gen'l Warren is that the 5th Corps was slow in its movement up to the church. The order for the advance was issued by Genl. Sheridan at 1 P. M. The 5th corps was formed, ready to move, at 4 P. M. As to this last hour one witness (Maj. Dana, page 1014) professes to place the beginning of "the engagement" as late as 5.15. If this is understood to mean "the engagement" at the place where the witness was, there is no discrepancy. That the formation was completed at 4 is not open to controversy. Genl. Sheridan and Genl. Warren both agree on this point. They were the two men most especially interested in this point of time. Genl. Warren had assumed that this time would be required.

Statement of Genl. Sheridan, p. 55:

At one o'clock P. M., Genl. Warren says in his official report, he received my order to move his corps from the point where it was massed at J. Boisseau's house, and shortly thereafter he reported to me. I think he is correct as to the time.

* * * * * *

The distance from J. Boisseau's house to Gravelly Run Church is two miles, and the formation of the corps near the latter place was accomplished about 4 P. M.

The testimony clearly establishes that the march up to Gravelly Run Church was made as quickly as it could be made. On this point, a charge against Warren is a charge against all the chief officers of his corps. On the other points of the case he can be attacked without attacking them. Here it is not so. The order for the speedy and immediate advance of the corps was given by Warren immediately, and was more than once repeated. All the general officers in that corps, all the division and brigade commanders, Crawford, Griffin, Ayres, Chamberlain and Winthrop, and others, well understood that they were marching to meet the enemy, and that time was of the utmost importance. No fair-minded man can have a doubt that those officers pressed their commands forward with all possible speed. General officers, with the records which those men have, are entitled to some presumptions in their favor, and must not be required to prove their innocence of a charge which involves to them great dishonor. The commanders of Warren's divisions and brigades were men who had been well tried. They were men who could be safely trusted to bring their commands up for that attack.

The simplest computation, however, shows that the corps took for that movement only the time which any experienced soldier knows it certainly would require. There were in the corps on that day 12,000 men. Two divisions, Crawford's and Griffin's, were massed at J. Boisseau's, and one (Ayres') at the junction of the Brooks road with the road from Dinwiddie to Five Forks. The corps had to move up by a single narrow road—by the flank. The whole corps would have to stretch out its entire length on the road before the rear of the column could begin to move; and the rear of the column would have to march the entire distance after it got the road. The distance to be marched was almost exactly $2\frac{1}{2}$ miles; and the column would cover about that distance on the road. Five and a half miles, then, would have to be covered by the rear of the column before it would reach the place of formation. The roads were very heavy, somewhat blocked with the ammunition wagons and led horses of the cavalry (for which no one is here blamed) and the men were worn. Two miles an hour is the outside that infantry could do under those circumstances, if they were to be of service after they had done the distance. Assuming, then, that there were no delays whatever for any reason, allowing no space at all for intervals, and no time for the transmission of the orders, or for the formation, the mere marching would take $2\frac{1}{2}$ hours. This Gen. Sheridan must be supposed to have understood. If the infantry were not at the front at the time he wanted them there, it was no fault of Gen. Warren. The opinion given by Gen. Chamberlain was (p. 235): "The loss of time was that six

hours' halt." And most military men will agree with him. That six hours' halt was not Gen. Warren's doing. For that Gen. Sheridan gave the order. He admits it (see his report, p. 21 Record).

He had known soon after midnight that the enemy was retiring from his front. That fact was freshly apparent every minute throughout the whole forenoon. On his own statement, he left 12,000 infantry halted practically five miles to the rear of where he wanted them till one o'clock in the afternoon, while the enemy without any interruption was throwing up the earthworks on the White Oak road.

Testimony General Fitzhugh Lee, p. 471 :

Q. At the very beginning of the engagement where were you personally? A. We formed our line about nine o'clock in the morning, to the best of my recollection; *everything continued quiet;* we were followed up by the Federal cavalry, but *there was very little if any, skirmishing*, and my recollection is that our impression was that it was simply a force following our movements back to Five Forks for the purpose of watching them and not for any aggressive purpose; I *personally* remained in the front from nine until about twelve o'clock, *everything being quiet.*

Col. Mayo, page 498 :

Q. When you got back to Five Forks that morning, along the part of the line that you occupied, what was the condition of your intrenchments? A. There were none; we went to work immediately throwing up intrenchments; we made a very respectable breastwork, with what we had to work with, in about an hour and a half or two hours.

Q. *Were you attacked or molested while you were engaged in that? A. No, sir.*

Col. Wood (W. W.) page 485 :

Q. When did Stewart's brigade first become engaged, and with what Federal force, the day of Five Forks? A. After getting to Five Forks and eating breakfast, I suppose about eleven o'clock in the morning, a small force of cavalry, not numbering over 75 or 100, rushed upon us just where we were throwing up works. We disposed of them very easily; and *we were not molested any more—not a gun fired* any more *until attacked in the evening by General Warren's corps of infantry on the left.*

Gen. Corse, pp. 420, 421 :

Q. On your portion of the line on the White Oak road, where did the attack come from? A. The attack came—commenced while we were in line there; there were more than one or two demonstrations; they didn't amount to the dignity of an attack; I could not estimate it at more, perhaps, than a squadron of cavalry galloping down in front of my line, and some of them jumped over the picket-line, and they were fired upon from the main line, and retired and rode off down the front of the line into the woods upon the left of my line, in front of the White Oak road; that was early—about noon; there was some little demonstration; they came out then and deployed some troops in the Gilliam field, and they were fired upon by the artillery; they didn't make any attack; didn't get as far, perhaps, as my skirmishers; that was early in the day, following the cavalry demonstration; but later in the day this demonstration by cavalry was made; I didn't suppose by more than a squadron; I recollect turning to my adjutant-general, and saying, "This is not an attack; this is merely to develop our line —see where we are. The attack is not to be made here;" later in the day, some heavy infantry firing commenced upon our left.

Genl. W. H. F. Lee, p. 532 :

Q. During the middle of the day did you have any substantial engagement? A. Nothing serious; we had some squadron charges, and possibly a regiment might have been seriously engaged; but no general engagement.

Capt. McCabe, p. 512 :

Q. About what time of day was the first attack on your main line in front? A. You mean the fight?

Q. Yes? A. I think it was about half-past four; I cannot be exact.

Q. Before that time there had been no substantial firing? A. No; they had been feeling our position.

. An officer in Gen. Sheridan's position cannot safely make charges of slowness and delay against Gen. Warren. The contrast between Gen. Sheridan's operations of this forenoon and Warren's prompt despatch of Bartlett to Gen. Sheridan's support the previous day is one which is not to Gen. Sheridan's advantage.

Gen. Warren, while his division and brigade commanders were bringing up their men to the church, used his time to examine the ground, to throw out pickets, to confer with Gen. Sheridan, and get an understanding of his plans for the battle, to superintend the formation of his corps, and to give instructions to his subordinate commanders as they reached the ground. Did not these matters demand his personal attention?

III.—The Advance of the whole 5th Corps until Ayres changed Front to the Left.

The whole corps moved out from the rear of the Church together. A glance at the map and at the formation shows that Crawford's right brigade (Baxter's) was in the woods when the corps was formed, and nearly the whole of it remained continuously in the woods until it struck the Sydnor field. Crawford's left brigade (Kellogg's) was in the woods nearly continuously until it crossed the White Oak Road into the second field to the east of the "return," the smaller field. Griffin's division was almost wholly in the woods from the very beginning of the advance until it came into the Sydnor field. It formed in the woods and kept there.

The divisions all moved together in their respective situations, until Ayres got the fire on his left.

Ayres' division, as soon as it was well forward in the first field to the east of the "return," got a fire in front from Munford's cavalry, who were under cover in the edge of the woods.

Testimony Genl. Munford, p. 449, Ans. to 9th Q.

At almost the same time Ayres got a still sharper fire on his left flank from the direction of the "return." Ayres very promptly and handsomely, of his own motion, changed front to the left, by flanking to the left and filing to the left, and wheeling his reserve brigade (Winthrop's) to the left, bringing it on the left of his left brigade. The right brigade (Gwyn's) swung around on the right of the second at double quick. Winthrop, though an order was sent to him, had begun his movement before the order reached him.

This was the time when the confusion, such as it was, took place in Ayres' division. Gen. Sheridan says (page 100):

"Our skirmish line lay down, and the fire of the enemy was very slight; the line became confused, and commenced firing straight in the air. The poor fellows had been fighting behind breastworks for a long period, and when they got out to *attack* breastworks, they seemed to have been a little timid. I began to get alarmed."

The testimony on this point does not bear out Gen. Sheridan's statement. Munford was in a good position to see precisely how much that confusion was. He says (page 450) that such confusion as there was "would have happened anywhere in the world with that fire." He says again (page 453) :

"We were in position to fire; they were not expecting fire from us, when we opened by some marksmen as good as ever fired a gun, firing deliberately upon them; it was nothing more than would happen anywhere else."

This testimony is corroborated by Col. Porter of Gen. Grant's staff, Maj. G. A. Forsyth of Gen. Sheridan's staff, and by the testimony of Ayres. In all probability many of the skirmishers did lie down. It was the ordinary and proper thing to do. The evidence of Gen. Sheridan as to Ayres' men being "timid," from their having fought "behind breastworks" so long, is met by Gen. Ayres' testimony, given at page 254 :

"How did that line move up to the White Oak road? A. I had better describe, perhaps, what troops I had, in the first place; as I formed my line of battle, the Maryland Second Brigade was on the left, and the Third Brigade, Delaware and Pennsylvania troops, on the right front; in the rear was my First Brigade, under Winthrop, which I came in command of just before Gettysburg; they had fought through the Wilderness, at Spottsylvania, Bethesda church (Cold Harbor) Petersburg, and upon the Weldon Railroad, and never but once behind breastworks; they had fought in the open many times, and assaulted the enemy's breastworks many times; they numbered 800 out of 3,600 men with which I crossed the Rapidan; reduced from 3,600 to 1,500 in the first twenty-six days; I lost twelve colonels to nine regiments, and every field officer, in the Wilderness; those were my First Brigade troops; the Second Brigade were four regiments of Marylanders; they came to me just before the Weldon Railroad; I put them in on the railroad the first two days, and they helped to win the battle in the open; on the third day they fought behind breastworks; then during the rest of the season they fought at different times and places, and never but once behind breastworks, as mentioned before; the last fight they had was at Dabney's Mills, in the open, until they fought here (at Five Forks).

Q. You were on one side of the breastworks here? A. Yes; been there before with the same troops; the Third Brigade were Delaware and Pennsylvania troops that came to me just after the Weldon Railroad; they were a sort of re-enforcement to me; sent to me by General Warren, but they had the same fortune with the rest of my troops after that.

Q. Had you any of the regulars of your division here? A. No; the regulars had been buried; I had regulars, what were known as the regular division, before I went into the battle of Gettysburg; I left one-half of them there, and buried the rest in the Wilderness; there were no regulars left."

What General Sheridan said as to those men, was not a generous thing for a Lieutenant-General in the United States Army to say of men who had won a battle for him, even if it had been correct. But it was not correct.

To this confusion, such as it was, General Warren did not give his personal presence. It can hardly be urged by General Sheridan or his counsel, that General Warren's presence was needed. For there was General Sheridan himself. There too, were General Ayres and all his staff, besides all of General Sheridan's staff.

At this time General Warren was giving his personal attention to Crawford and Griffin. The bringing in of Generals Crawford and Griffin was, as General Sheridan says, the important point at that time. That is what Warren was doing.

IV.—The Movements of Ayres, from the time when he Changed Front to the Left until the end of the Battle.

Ayres' division, having changed front to the left to meet the fire on his left, pressed on through the copse and carried the "return."

This was done mainly with the first and and second brigades; the third (Gwyn's), which was for the time disconnected, passed mainly to the north of the "return," came up with Chamberlain on the west side of the Sydnor field, and was engaged with the enemy at that point.

Ayres, after carrying the "return," made a halt just within the "return," by the command of General Sheridan, and afterwards moved westwardly along the line of the White Oak road, being, during the rest of the battle, substantially not engaged. This halt must have lasted nearly half an hour. The lines were reformed, and Ayres had a large number of prisoners to dispose of.

V.—The Movements of Crawford, from the time when Ayres changed Front to the Left until the end of the Battle.

Crawford made no break from Ayres—Ayres made the break from Crawford, as he was compelled to do, in order to meet the unexpected fire on his left flank. This break of Ayres from Crawford was the direct and necessary result of Gen. Sheridan's misapprehension as to the position of the "return."

The position of Crawford's division, at the time Ayres changed front to the left, was this: Baxter's brigade, on the right, was in the woods, north of the White Oak road, about 500 yards from the road where they had crossed it on a line drawn to the rear, perpendicular to their line of battle; that is a matter of simple measurement on the map. Kellogg's brigade, on the left, was also almost wholly in the woods, having then passed somewhat beyond the second field east of the "return," the smaller one.

Warren, as soon as Ayres changed front, sent orders to both Crawford and Griffin to move to the left to the support of Ayres.

Warren also went in person to Crawford's left, established a new line for Kellogg, ordered Kellogg to change front to this new line, and to remain halted until Baxter should form on his right. He then went to Baxter and ordered him to form on the right of Kellogg.

Testimony of Col. Kellogg, p. 219:

Q. Will you state what the first was? A. Allow me to premise by saying that General Warren came to me just at the time I had executed or partially executed that change of my front and I received orders from him in person; it was simply a reiteration of the orders I had formerly received from General Crawford. General Warren seemed to be quite in earnest.

Col. Richardson, p. 315:

Q. State it to us as you recall it? A. After we had crossed the White Oak road we were ordered to wheel and move in a more westerly direction; as we went in we received a direct order from General Warren himself; the original order, as I understood it, was that we

were to move along the line of the road past the church until we struck the White Oak road, and then there would be a general wheel; but there was a wheel made by direct orders from General Warren himself; the wheel of our brigade was made on a fixed pivot.

Kellogg made his change of front, and was halted, waiting for Baxter, when Maj. Geo. A. Forsyth, of Gen. Sheridan's staff, ordered him to advance immediately, which he did; Kellogg then moved forward in his new direction.

Testimony of Col. Kellogg, p. 219:

Q. Careful and minute in his directions? A. Yes; he repeated substantially the same order I had formerly received; General Warren then rode away; my command was receiving a very light fire; I judged that there might be, perhaps, a skirmish line or a picket line of the enemy in there; I lost one man wounded; that I recollect distinctly, but I had my color-line out so as to form a skeleton line; I ordered my men to lie down to protect them from this fire temporarily until Baxter had formed; just at this time Colonel Forsyth appeared in front of the Seventh Wisconsin Regiment, which was my left regiment, my first line, and directed them to move forward, or gave them some order, I don't recollect precisely what it was; I immediately rode out to Colonel Forsyth and asked him who he was, and told him that I commanded that brigade, and if he had any orders, to give them to me, and he says: "Your orders are to move into action," or words to that effect; I asked him the question, and he gave it as coming from General Sheridan; I asked him if General Sheridan was aware of the fact that my brigade was the pivot of the change of front and that they were to guide upon my right; we had some italicised conversation about that time; I recollect precisely what it was; I felt as though I was in a dilemma; he replied that I had received my orders.

Maj. G. A. Forsyth, page 315:

Q. Did you meet General Crawford himself about that time? A. No, sir; when I got over to the line, naturally the first officer I met was, I think, a lieutenant-colonel, and I shouted, I said, "Swing in to the left here; the fighting is here on the left," and almost immediately I went forward and met a colonel, I think, I am not positive about this, it may have been a brigadier-general, and he said to me, "What are you interfering with my brigade for?"—I think these are the words—"Who are you?" I said, "I am Colonel Forsyth of General Sheridan's staff, and I want you to swing this brigade in to the left." I am not positive now, looking back at it; we did not exactly agree. He seemed to be very determined to have his own way. He seemed to have his orders; he seemed to understand himself. I was a little—well, not a little but a great deal—annoyed, but there was one thing certain, he did not know me and I did not know him. He said he must take his orders from people he knew. I then turned to find General Crawford, whom I knew slightly. I rode over some distance and could not see him, then I came back again. Then I came across another officer who was commanding a brigade, and who, I think, was Colonel Kellogg. I struck his left and tried to swing them in. The colonel rode up and was very indignant and wanted to know what I was doing with his brigade. I told him what I wanted to do was to swing that brigade in to the left by order of General Sheridan. He said he had his orders from his own authority, General Crawford or General Warren, and said that he would take orders from either of them; that he did not know me. I was very anxious to get the brigade in, and he was just as determined to follow out his instructions, and there was some conversation. I think the conversation was in italics for a moment or two; then they kept on the road. I saw at once he certainly knew what he was about as regards his orders, and I was simply very much distressed.

Kellogg passed through the Sydnor field, mainly between the Sydnor house and the Chimneys. The Sydnor house was for a time held by the enemy, who were dislodged by a detachment of the 91st New York.

Testimony Col. Kellogg, p. 320, Ans. to 1st Q.
" Col. Denslow, pp. 334, 335.

Kellogg then moved on to the Ford road, continually pressing back the part of Munford's command which was opposed to him.

Baxter's brigade, when Kellogg had been taken away, was left with no connection on either flank. In pursuance of the order received from both Warren and Crawford, Baxter continued to move to the left as quickly as possible, and moved westwardly to the Ford road. His brigade crossed the Sydnor field to the north of the Chimneys, with its right very near the extreme northern corner of the field.

Testimony, Capt. Herr, p. 553, Ans. to 9th Q.

Baxter was lightly engaged by that part of Munford's command who were in his front, who continually extended to their left to avoid being out-flanked.

Testimony, Capt. Herr, p. 554, Ans. to 7th Q.
" Gen'l Munford, p. 412, Ans. to 10th Q.

Coulter, who was Crawford's rear brigade, at the time Ayres changed front to the left, was probably 300 or 400 yards north of the White Oak road. He began at once to swing to the left, and moved forward through the Sydnor field, somewhat to the south of Kellogg's line of march. From the west side of the Sydnor field, Coulter moved westwardly to the Ford road, his left passing through or near the clearing marked F, where a sharp fire was received from the enemy.

Testimony, Gen'l Munford, p. 446, Ans. to 2d Q.
" Gen'l Coulter, p. 351, Ans. to 1st Q.
" Lt. Esmond, p. 359, Ans. to 2d Q.

The statement so often repeated that Crawford drifted out of the battle is wholly imaginative. A simple measurement on the map shows that Crawford's extreme right, passing through the Sydnor field, rested almost exactly where it would have rested if Ayres had changed front at a halt, with no enemy present, with his left resting on the White Oak road, and if Crawford had then been in close connection on the right of Ayres. The front of the 5th Corps as formed was about 1,000 yards. That would bring the right of Baxter precisely where the testimony shows it to have been, in the extreme northern corner of the Sydnor field. That was after a march through woods in a very rough country, when the enemy's fire, for a time at least, must have considerably drawn them to the right.

By the time the different brigades of Crawford's division reached the Ford road, they were tolerably well together. When the greater part of them had crossed the Ford road, by command of Warren, they changed direction to the south to move against the force of the enemy on the Ford road. This force was Terry's brigade, under Mayo, which had been ordered by Gen. Pickett from the works on the White Oak road to meet the advance of Crawford in their rear. Two pieces of the enemy's artillery were also on the Ford road.

Testimony Col. Mayo, page 499-500, Ans. to 2d Q.
" Maj. G. A. Forsyth, page 105, Ans. to 11th Q.
" Lt. Esmond, page 361, Ans. to 6th Q.
" Gen'l Coulter, page 355, Ans. to 9th Q.
" Gen'l Crawford, page 585, Ans. to 12th Q.

Crawford's division then moved southwestwardly to the White Oak road, pressing this force of the enemy before them, and crossed the works on the White Oak road on the north side of the Gilliam field. Baxter was farther to the right and did not cross the works.

Testimony Gen'l Crawford, pnge 577, Ans. to 6th Q.
" Col. Kellogg, page 221, Ans. to 18th Q.
" Gen'l Coulter, page 352, Ans. to 1st Q.
" Capt. Herr, page 556, Ans. to 4th Q.
" Col. Denslow, page 335, Ans. to 7th Q.

Crawford's division, led by Warren in person, then moved westwardly along the White Oak road, Baxter's brigade on the north side of the works, Coulter's and Kellogg's in the main on the south side, all in connection with a portion of Custer's cavalry, under the command of Custer. The enemy made their last stand on the west side of the Gilliam field. The pursuit by the infantry ceased in or near the field marked V.

Testimony Capt. Herr, page 557, Ans. to 7th Q.
" Lt. E. E. Wood, page 831, Ans. to 4th Q.
" Gen'l Corse, page 423, Ans. to 11th Q.
" Col. Randal, page 702, Ans. to 6th & 7th Q.
" Col. D. L. Smith, page 605, Ans. to 17th Q.
" Capt. H. G. Wood, page 830, Ans. to 10th Q.
" Capt. Benyaurd, page 172, Ans. 17th Q.
" Lt. Esmond, page 362, Ans. to 1st Q.
" Col. Denslow, page 336, Ans. to 4th Q.

VI.—The Movements of Griffin's Division, from the time when Ayres changed Front to the Left till the end of the Battle.

When Ayres changed front to the left, Griffin had for some time been in the woods, having entered the woods almost immediately when the corps first moved forward.

Immediately on Ayres changing front to the left, Warren sent orders to Griffin to move to the left and come in on the right of Ayres.

Testimony Major Cope, p. 324, Ans. to 9th Q.

Every effort was made by Griffin and his subordinate commanders to carry this order into effect.

When Griffin reached a point in the woods near the extreme easterly corner of the Sydnor field, he halted his division. At that time Warren came to Griffin, told him he was too far to the right, and ordered him to move across the Sydnor field in a southwesterly direction and attack the enemy, who were then forming on the west side of the Sydnor field. Griffin would probably have made the movement if he had had no order. Chamberlain, without any order, hearing the heavy firing on his left, where Ayres was engaged, moved his command in a southwestwardly direction by the left flank across the Sydnor field, and became engaged with the portion of the enemy who rallied on the west side of the field, north of the White Oak road. The force of the enemy at that point was part of Steuart's brigade, with such men of

Wallace's and Ransom's commands as had come back from Ayres' assault. Part of Gwyn's brigade (Ayres' 3d), as Chamberlain became engaged, came up on Chamberlain's right, having passed north of the return and moved west across the Sydnor field.

Testimony of Capt. Brinton, page 302 :

Q. Did you see General Warren anywhere at that time? A. While I was standing at the "Chimneys" General Warren rode up from the woods, which was then upon our rear as it were, as if he had come from General Ayres. He asked me where General Griffin was, and I told him I had just left him below in the woods, and he had halted his command. General Warren then rode to Griffin, and they had some conversation. Then I afterwards saw General Warren go towards where I afterwards learned General Crawford was.

Q. You saw them conversing? A. Yes.

Chamberlain and Gwyn for a time had a quite sharp engagement, but pressed back the enemy in their front and captured a large number of prisoners. Bartlett also moved from a point in the woods east of the Chimneys, near the edge of the Sydnor field, across the Sydnor field westward. When the enemy on the west side of the Sydnor field was broken, the greater part of Griffin's command moved westward, part of the division skirmishing through the woods, but the greater portion moving with Ayres' division along the White Oak road. Two detachments of Griffin's command Warren found on the Ford road, where they had moved, passing around Crawford's right and rear. One of them he used as a reserve on the south side of the Boisseau field, the other he sent to occupy the crossing of the Ford road over Hatcher's Run. This latter detachment had some skirmishing with Rosser's cavalry command, who were on the north side of the Run, and who made a demonstration to cross the Run at that point. Gen. Fitzhugh Lee, who was present, got the impression that the United States infantry were there in heavy force, and that an attempt by his cavalry to cross the stream would be fruitless.

Testimony Gen. Fitzhugh Lee, p. 471, Ans. to 6th Q.

Another portion of Griffin's command (two regiments of Gregory's brigade) after moving to the northward, on Griffin's right, returned to the White Oak road, and moved westward along the White Oak road in the rear of Ayres.

VII.—The Movements of the Cavalry.

The final advance of the cavalry over the enemy's works was not made until Crawford had driven Mayo down to the earthworks on the north side of the Gilliam field. This is apparent from the fact that the cavalry, as the witnesses from both the cavalry and infantry agree, when they went over the works, met Griffin's and Ayres' divisions coming in on their right. Sheridan was with the advance of Griffin and Ayres. Crawford was then considerably in advance of all of them; for Warren, after he passed Sheridan, moving westward on the White

Oak road, came up again with Crawford's troops, who had some minutes earlier struck the works, after driving Mayo southward.

The Confederate witnesses all agree, too, that their lines were unbroken by the attack on their front.

Testimony of Lieut. J. H. Blakemore, pages 1189–90:

Q. Did you pass close by the Forks where you had guns? A. Yes.

Q. Do you recollect how many you had there? A. I do not distinctly recollect the number of guns; I passed at least three pieces of artillery.

Q. Posted at the Forks? A. I cannot say they were posted there; they were halted there.

Q. Were your artillerymen still at their guns when you got there? A. They seemed to me to be waiting for orders to take the guns off the field; just at that moment, in riding by with General Ransom, I know an artilleryman asked General Pickett, who was there, what he should do with the artillery, and I recollect his telling the men to cut the traces and take the horses out, which they proceeded to do; that was when we were retreating through the woods and along the White Oak road.

Maj. G. A. Forsyth, pages 205-6:

Q. You continued with them from a place somewhere near the left of the enemy's works? A. I cannot tell where we struck their works; I am not positive about that, only we got in there at once; we went in and had a pretty sharp fight in two or three minutes; they seemed to be surprised to find us there; we seemed to have struck their flank, and they turned around and faced us.

Q. General Crawford's men struck the enemy that way? A. What I mean to say is, the enemy, as near as I could judge, were evidently coming down that road, the Ford road, and that they saw us and had to go back; they were going towards Hatcher's Run.

Q. How much of a force? A. I could only see part of it as it came out there, *but it was a substantial force.*

Q. Then the part of our forces that you were with there had a sharp fight for a little time upon the Ford road with the Confederates, who were trying to get away to Hatcher's Run? A I should judge so.

Q. Was there any firing upon our troops by their artillery about that time and place? A. I do not think so, but I do not want to be positive about that; there was some artillery in the road, and when we pressed up there I recollect one of the officers came up and said, "I want you to bear witness that my regiment captured these guns;" I recollect some dismounted cavalry getting in on the other side, on the south side; they were coming down, and for a moment we had some pretty sharp fighting—four or five minutes; the troops for a moment seemed to hesitate; I know that Captain Martin, of General Sheridan's staff, met me there; that was after I had gone over to find General Crawford; we encouraged the men the best we could, and finally the men broke over; I could not tell whether it was an intrenchment or a ditch that they broke over, and followed the enemy out, and came out into a large deserted cotton-field; *the enemy formed a line across that field* and opened on us, and we had some pretty sharp firing; I know I lost the best horse I ever had there, blown all to pieces.

Q. What field was that? A. They forced them back in here westerly, and just as we got in these woods we began to fight; there were two guns in the road captured. [Witness indicates on the map south of Young's field.] *After we forced the enemy through here I saw the cavalry coming dashing down the White Oak road—mounted cavalry going west.*

Q. Whose cavalry? A. *Our cavalry, the First Cavalry;* where my horse was killed there was a sort of rail fence, *and after we got into the field this enemy made a stand;* our people drove them over a field, over there somewhere; it does not appear on the Gillespie map. [Witness indicates southwest of Young's field.]

Q. Can you fix where you think the clearing was, as nearly as you can? A. I have never been there since then; I will tell you why I am so positive there was a road; because when my horse was shot, he ran about 60 yards after he was shot in the head, and fell dead in the corner of a field; as our troops rushed by me I sang out to Captain Lord, I think it was, and asked him to send me a horse; he turned and said something, I do not know what it was, and in a few moments a man came back and said there would be a horse there for me; I know I ran *along with the infantry for perhaps a mile,* and then a horse came to me; then I went down the road, and *after a while I came back to where General Sheridan was; it was dark then.*

Gen. Chamberlain, pages 282–283:

Q. There was no continuous fighting after you reached the Ford road? A. There was fighting up to the Ford road, but beyond that my command did not have much fighting; none to speak of.

Q. Did you keep along to the westward? A. We pushed along to the farther edge of the field; we went through the woods along by the White Oak road, and the north of it, in as good a line as we could keep.

Q. Do you know what time of day it was when you reached the westerly end of the enemy's works with your brigade? A. I do not think my brigade struck the westerly end of the enemy's works.

Q. You went yourself, then? A. I saw sharp firing there.

Q. About what time of day was that? A. It was about sunset.

Q. Do you know whether that was with the cavalry or not? A I judged by that firing; I thought that was an infantry engagement; it was not with my troops.

Q. Was it much of a fire? A. It was a very brisk fire; a very sharp fire for a short time.

Q Altogether it did not last more than twenty minutes or half an hour? A. That fire?

Q. Yes? A. No, sir; I do not think that sharp, brisk fire lasted more than fifteen minutes.

Col. Mayo, pages, 501–502:

Q. I would like to fix the time as nearly as possible when the Federal infantry came into your rear and left; that is, from the location beyond this clearing; I wish you would fix it as nearly as you can, in reference to the time you came back and found Corse forming his new line west of the Gilliam field, perpendicular to the White Oak road; about how long before you found Corse forming his new line was it that you abandoned your position upon the Ford road? A. I could only fix the time approximately; when I got back where General Corse was, it was just about sundown or a little after; the interval of time was very brief between that, because we made haste to get out of that place.

Q. Half an hour would cover it, do you think, or not? A. Yes; I should say half an hour would; it was but a very short distance we had to go.

Q. *When you left the Ford road had your line in front of the White Oak road been broken?* A. *No, sir; still there were men of my regiment there when I came along;* General Corse had not relieved them.

Q. *Then you were driven out of position by the men who came in upon your left and rear?* A. *Yes.*

Q. When you got back to Corse's new line, how long did you wait there? A. I did not wait a second; as soon as I heard what he said I moved off into the woods and got out of his way, and then was taken up by a youngster who didn't belong to the brigade—a cadet who ran away from the Military Institute to join the Seventh Regiment, and had picked up one of General Munford's horses; he accommodated me with a mount, and, taking him behind me, I steered for the railroad.

Genl. Corse, page 423:

Q. How long a stand did you make there, after you changed the position of your line? A. We stood there until it was nearly dark; we didn't move off until it was nearly dark; might have been six or seven o'clock; I could see the flashes of the guns.

Q. From which direction did the Federal forces come in on you after you had formed that new line, and what were they? A. They came across the Gilliam field; my recollection is that they were mounted men and infantry; they were infantry that came up the line on the north side of the White Oak road; they were on each side; we kept up the direction of the fire, a kind of oblique fire across here; the fire of the men that were in the line was directed towards this part of the field and then they fired obliquely; they (the Federal troops) were sweeping up our first line of battle and were on both sides of the White Oak road.

The orders of Gen. Sheridan just before the advance of the Fifth Corps began were, that the cavalry should withhold their attack until they heard the fire of the infantry on their right.

Testimony Capt. Sheridan, p. 216, Ans. to 7th Q.
Report Gen'l Sheridan, May 16, 1865. See Record, page 18.

Evidently, the state of the atmosphere and the nature of the country were such that the firing of the infantry was heard but a very short distance. The strongest evidence we can have on that point is the fact that the battle had been in progress for some time without its coming to the knowledge of either Pickett or Fitzhugh Lee, who were just to the north of Hatcher's Run. They were experienced soldiers, men who need no words in support of their gallantry. Before they could cross Hatcher's Run, Crawford's troops or detached portions of Griffin's division (who moved substantially with Crawford's right), were on the Ford road at the crossing of Hatcher's Run. These men of Crawford or Griffin had been engaged with Munford all the way through the woods to the Ford road, Ayres had carried the "return," and Chamberlain was engaged with the enemy on the west side of the Sydnor field. Yet no sound of the battle had reached those officers north of Hatcher's Run.

Gen'l Fitzhugh Lee, page 471, Ans. to 6th Q.
Gen'l Humphreys, page 1160, Ans. to 4th Q.
Col. Ives, page 882, Ans. to 2d Q.

In the same way the cavalry, who were lying in the woods to the south of the White Oak road, probably heard none of our infantry fire until the infantry came very near to them. This is made a matter of certainty by the evidence. The testimony given by those of the cavalry who were at or very near Five Forks is uniform to the fact that they made their final advance as soon as they heard the infantry fire that they had then substantially no opposition or delay from the enemy; and the infantry and the cavalry came so closely together at the Forks that they have never been able to agree as to which got there first. Ayres and Fitzhugh (who was nearly the first man of the cavalry who crossed the works), met at the Forks when Fitzhugh went over the works.

Testimony of Col. Fitzhugh, page 874, Ans. to 14th Q.

The same thing took place all along the line of the works. The cavalry, according to their instructions, withheld their assault until they should hear the fire of the infantry on their right. And they did not hear the fire of the infantry on their right until the infantry were close upon them.

In the same way Custer charged across the Gilliam field when Warren, with Crawford's men, moved along the line of the works on the north side of the field.

Testimony of Col. Denslow, page 1120, Ans. to 7th Q.
Lt. E. G. Shirley, page 1109, Ans. to 3d Q.

During the day portions of Custer's command had several sharp skirmishes with a detachment of W. H. F. Lee's cavalry, who were posted among the outbuildings south of Mrs. Gilliam's house. The Confederates had at that point the advantage of a cover, and of their artillery. They were able to maintain their position there until the very end of the day. Mrs. Gilliam and other ladies remained in the Gilliam House until the very end of the engagement.

Testimony of General Beale, page 617, Ans. to 2d Q.
S. Y. Gilliam, page 670, Ans. to 10th Q.
Genl. W. H. F. Lee, page 535, Ans. to 9th Q.

Near the close of the day, Capehart and Wells, of Custer's command, made a circuit to the rear of the detachment of the enemy's cavalry which held around the Gilliam place. Capehart's testimony is in parts, somewhat confused and contradictory. But only one point needs correction, in order to make nearly all of it consistent and accurate. He says his left rested through the middle of the day on the White Oak road. The road which he really rested on is evidently the road which runs southerly from the Gilliam house. That his left should have rested on the White Oak road is impossible. He connected on his right with Pennington, and Pennington connected on his right with Fitzhugh, who was on Devin's left. Fitzhugh's left was nearly in front of the Forks. Capehart gives approximately the length of his line and Pennington's as about three hundred yards each. And during the latter part of the day Capehart was all the time in close connection with Pennington. Moreover, following the line of his last movement—his final charge—as he details it on his cross-examination, it is quite clear that he had, through the middle of the day, been under cover of the woods east of the Gilliam field; that he then moved westwardly to the left and south of the tobacco barns, which were along the road south of the Gilliam house; that he then crossed the stream west of that road, then moved along west of the field marked *V*, struck the White Oak road, then returned along the White Oak road, and came upon the right of Crawford's division where they were resting in the woods just north of the field *V*, on the north side of the White Oak road. This route harmonizes Capehart's testimony with all the other established facts. That is the only place in which he could have come upon Crawford's troops as he describes. The statement here given of his movements harmonizes exactly with the passage in Custer's report in these words: "My line was then facing in the same direction towards which that of the enemy had faced two hours before." For Capehart had before his charge been facing westward, the enemy around the Gilliam house had been facing eastward, and Capehart, when he came back on the White Oak road, was facing eastward. When Custer says "my line," he obviously refers to Capehart's brigade. Capehart's mistake as to the White Oak road probably arose in this way. The direction of the road, which runs south from the Gilliam house, where it was in front of Capehart south of the tobacco barns, is not very different from that of the White Oak road as it runs for a short distance west of Five Forks. The enemy held the position around the Gilliam house. It was very natural for Capehart to suppose that that portion of the enemy around Mrs. Gilliam's house was part of the enemy's main line, and was a prolongation of their line on the White Oak road.

The cavalry continued the pursuit westward along the White Oak road.

Gen. Mackenzie in the early afternoon, by order of Gen. Sheridan, attacked the enemy's cavalry at the intersection of the Crump and White Oak roads, and drove them.

Leaving a small force to watch the White Oak road, he moved westward along the White Oak road and came in on the right of the 5th Corps about the time they crossed the road and moved northward

across Hatcher's Run. Recrossing the Run he moved westward to the Ford road and relieved the infantry who had been placed by Warren to hold the crossing over Hatcher's Run.

VIII.—The Relative Order of the different Movements and the General Features of the Engagement.

The original intention of Gen. Sheridan was that the movement of the 5th Corps should be a single turning movement.

The movements of the different portions of the 5th Corps, as they were eventually made, were successive turning movements, more thoroughly so than Gen. Sheridan had intended them to be. This will be apparent when we examine the relative order of the movements made by the single divisions and detachments.

(*a.*) *At the time when Ayres changed front to the left to meet the fire on his left:*

Kellogg changed front to the left, and was halted:

Baxter, on Kellogg's right, was changing front to the left to form on Kellogg.

Coulter began to swing to the left, in the rear of Kellogg and Baxter.

Griffin also began to swing to the left in the rear of Coulter.

Testimony of Gen. Chamberlain, p. 272, and last Q., p. 273, Ans. to 3d Q.

(*b.*) *At the time when Ayres carried the "return:"*

Griffin's division was moving southwestwardly through the Sydnor field; Chamberlain's brigade with one regiment of Gregory's had reached the point of the ravine where it makes a sharp turn to the northeast just south of the Sydnor house; Bartlett's brigade was near the same point.

Testimony of Gen. Chamberlain, p. 274, Ans. to 8th Q.
" Col. W. W. Wood, p. 494, Ans. to 8th and 9th Q.

Crawford's division, with the exception of some stragglers who had joined Griffin's command, had by this time passed through the Sydnor field.

Testimony Capt. Chester, page 383, Ans. 2d, 3d and 4th Q.

Griffin must have gained greatly on Ayres when Ayres was changing front, pushing through the copse, and assaulting the "return."

In the same way Crawford must have been considerably in advance of Griffin. The whole of Crawford's division started in advance of Griffin; Kellogg's brigade was halted, immediately changed front on a fixed pivot, was the inside brigade, and had the arc of a much smaller circle on which to move. Griffin was in the rear of Crawford's extreme right, so much so, that Griffin said in his report that he was on the right of the corps.

(c.) *At the time when Chamberlain and Bartlett, with Gwyn's brigade from Ayres, were engaged on the west side of the Sydnor field:*

Ayres' two brigades were halted inside of the return.
Crawford's division was engaged on and near the Ford road.

Testimony of Capt. Brinton, page 311:

Q. Did you know where General Crawford had gone with his division, at that time? A. When I got into that woods I met some of General Crawford's stragglers, and I asked them where the division was, and they said General Crawford was ahead; but before I got back I heard this firing, when General Crawford struck off on the Ford road.

Q. Meantime were the enemy upon this line of breastworks running from the White Oak road north, on the westerly side of the Sidney field? A. They were not there very long; while I was leaving there I heard musketry-fire from General Chamberlain's troops, and they drove them out.

To understand how early Crawford reached the Ford road, and how far he was in advance of Ayres' and Griffin's divisions, it is only necessary to connect some of the events which are clearly established by the evidence.

When Crawford's division was engaged on the west side of the Gilliam field, Chamberlain had just come to the east side of the field. The interval of time between Chamberlain's reaching the east side of the Gilliam field and the end of his engagement on the west side of the Sydnor field, could not have been very long; for his advance along the White Oak road, after the end of his engagement, was uninterrupted, and must have been pretty rapid. On the other hand, the interval of time between Crawford's reaching the west side of the Gilliam field and his reaching the Ford road must have been considerable; for after crossing the Ford road his division changed front, became engaged with Mayo's brigade, pressed them back to the White Oak road, had a slight check there (some witnesses make it as long as ten or fifteen minutes), and then advanced over the field. All these things took time. Moreover, some of Crawford's men (or some of Griffin's men, who could not, up to that point, have been in advance of Crawford) fired on Pickett when they reached the Ford road, just after he crossed Hatcher's Run to go up to Five Forks. Pickett reached Five Forks, and was in active command there; and it was he who ordered Mayo's command from the line of works to meet and oppose Crawford. Mayo's command marched from the Forks down the Ford road, and met Crawford near the Boisseau field. Gilliam testifies, too, that he found Pickett personally in command at the Forks, and that then the United States infantry (which must have been Crawford's men) were moving up in their rear, and that he (Gilliam) then went along the White Oak road to the west of the field; and Corse's new line was not then formed, and their line was still unbroken along the works. McCabe's testimony corroborates this.

Testimony of S. Y. Gilliam, page 669:

Q. Facing which way? A. South, coming up the Ford road to the Forks.

Q. How do you know they were Federal infantry? A. Because I saw the colors and saw the uniforms; they commenced firing up that way.

Q. What did you suppose them to be when you first saw them? A. I thought they were Confederate troops; I noticed the line when I went there; I just glanced—paid no attention to them; I was there a minute or so at the forks of the road; when firing opened, I looked back; I thought they were Confederate troops until I saw them fire that way and those horses fall.

Q. Did you notice the colors and the uniforms? A. Yes; I saw the "stars and stripes" and the blue uniforms.

Col. Mayo, pages 499, 500:

Q. Was your line in front carried about this time? A. No, sir; soon after I sent this regiment—how long, I could not tell, everything was passing very rapidly—Major Pickett. General Pickett's brother and adjutant-general, rode up to me and told me that the general said I must draw the rest of my brigade out and bring it to him, leaving one regiment until General Corse could extend the intervals and occupy my place, leaving one regiment in the original line on the White Oak road; I left the Third there, and filed off by the left flank with the others down the Ford road, at right angles to my original line; I had not gone over 200 yards; I did not get to that open space indicated on this map [Young-Boisseau field]; I did not get as far as that; there I met General Pickett in the woods, and he told me, remarked, *verbatim:* "Colonel, the enemy are in our rear, and if we do not drive them out, we are gone up;" I said that was perfectly apparent to everybody; he said: "File off to the left and, with your right resting on this road, advance until you strike them."

Q. [Cotton map No. 3 shown witness.] Show to the court the line of battle your brigade took up there, and the direction. A. My left was resting on the Ford road at Five Forks; and my impression is that the right of the brigade was a little in front of the Gilliam field, because I know I rode down there to my skirmish-line when I wanted to re-establish it. But, to begin at the point I left off, I filed off down the Ford road; I moved down there some distance, about 200 yards north [about two-thirds of the way to the southern end of the Young-Boisseau field]. At that point I met General Pickett in the road on his horse. I at once directed Col. Flowery to file the Seventh Regiment to the west of the Ford road. That regiment, and the First Virginia next to it, had gotten in position when our people gave way over here. [Indicates in the direction of the clearing marked F to the east of the Ford road.] The other regiment, the Twenty-fourth, had not gotten in line. I immediately faced it front, and General Pickett and I together pushed it in there very rapidly with some of the men of the Ninth Virginia. I recollect seeing Colonel Phillips, and some other officers who rallied some of those men behind us; and we succeeded in re-establishing the line that they fell from. And then it was for the first time I saw that we were engaged in front, as our line then was.

Q. Will you draw the positions, as nearly as you can, of your line as it was then formed; give us the position of it as well as the direction? A. [The witness then marks the positions.] Two regiments, First and Seventh Virginia, were on the right, resting on the Ford road about two-thirds of the way from Five Forks to the Young-Boisseau field, on a line perpendicular to the Ford road. The Twenty-fourth Regiment was moved over, facing northeast, towards that open place marked F, to repair the loss of the line of battle there. I would not be mathematically accurate in that statement.

Capt. McCabe, page 513:

It was the first time I had heard this firing in the *rear*, or rather I did not *hear* the firing. It was then I first noticed that some bullets came over from that direction—the balls were the first thing I noticed. When Hall came up to me, he came to find Colonel Pegram, to get orders, and saw him lying on the ground. He said: "The men are running back from the rear, and I don't know where to move my ambulances." I said: "Move your ambulances down the road"—I did not know the name of the road—"and I will bring Colonel Pegram up the road and meet you." That was the Ford road. He turned off and went away in a great hurry. I got the litter corps there in a very short while. The fire then was increasing; so much so that the men of the litter corps lay down and I had to threaten to hurt them if they did not take Colonel Pegram up and carry him off.

Q. The firing was from the left and rear of your main line? A. Yes; left, rear and front.

All these facts make it clear and certain that Blakemore is not mistaken when he testifies that he heard the guns on the Ford road to his left and rear while engaged on the west side of the Sydnor field against

Chamberlain. Those guns must have been the ones which Coulter engaged. At the same time when Chamberlain was still engaged on the west side of the Sydnor field, Ayres was still in the rear of Chamberlain inside the "return."

Testimony of Lt. J. H. Blakemore, pages 1188–9:

Q. State from what direction the United States forces came in upon you across the field? A. My impression about our left was that it was being driven back upon our centre, and that the left and centre were being thrown together back on the right. The movement was in a sort of turn, driving our left and centre back upon our right, and putting us in a pocket.

Q. Did you hear the firing upon your left? A Distinctly.

Q. When you speak of your left now, do you mean as you were then formed? A. I am talking about the formation in these woods.

Q. Then the left of your new line was being turned? A. Yes.

Q. Did you hear the firing to your left? A. Yes; it seemed to me we heard it from almost every direction; I felt satisfied that we were pretty nearly surrounded, if not completely so; I can state that I heard firing to my left as we were newly formed—northerly part of the Sydnor field, west of the ravine.

* * * * * * * * * *

Q. Then you saw the artillery upon the Ford road; do you refer to artillery at the Forks, or farther up to the north towards Hatcher's Run? A. I refer to artillery here (witness points to a point on the Ford road, just south of the Young-Boisseau field.)

Q. The artillery fire seemed to you to be there? A. Yes.

Q. What did you suppose it to be when you heard it? A. The artillery of the enemy?

The general features of the engagement, then, are these: Gen. Sheridan intended to have the 5th Corps, as it moved to the front, strike the angle of the works, and turn the enemy's left. Although, through his misapprehension of the enemy's position, he exposed the flank of the 5th Corps directly to an enfilading fire from the return, yet that difficulty was successfully met by Ayres. Fortunately, too, for Gen. Sheridan, Munford was unable to get the enemy's artillery at the "return," and to play on the flank of the 5th Corps as it moved up in one solid mass. Warren, too, very quickly got Crawford and Griffin around on Ayres' right, turning the left flank of the portion of the enemy engaged with Ayres. In the same way Crawford, by his continued advance movement, turned the flank of the enemy engaged with Chamberlain. The attacks of Ayres and Chamberlain were very handsomely made. But there can be no reasonable doubt that Chamberlain's getting in the rear of the "return" was in all probability the cause of Ayres' capturing so many prisoners as he did, and that Crawford's getting in the rear of the enemy when they were engaged on the west side of the Sydnor field and crossing down to the Forks, was, in all probability, the cause of Chamberlain's getting so many prisoners as he did. For it had not been the habit of the Confederate infantry to throw down their arms, rush over their own earthworks, and surrender (as the witnesses say they did here), when they had an enemy only in their front. The movements of the different divisions of the 5th Corps, in short, were, as was said before, a succession of turning movements, entirely different from anything which had been originally intended.

The main features of the engagement, then, were these:

There was a misapprehension (for which it is conceded that Warren was not responsible) as to the position of the enemy's works, which

were the object of the attack of the 5th Corps, these works being supposed to be nearly three-quarters of a mile to the east of the point where they really were.

This misapprehension as to the position of the enemy's works exposed the left flank of the entire infantry force, a corps of 12,000 men, to the fire of that portion of the enemy's works which were the object of the attack.

It was necessary, in consequence of this misapprehension, to make new dispositions of the infantry to meet the enemy's true position.

These new dispositions were made by Warren and his division and brigade commanders.

The break between Crawford and Ayres was caused by this misapprehension as to the enemy's position, and the act of a staff officer of Gen'l Sheridan in ordering forward the pivot brigade of Crawford's division while these new dispositions were being made.

The movements of the different portions of the 5th Corps then became a succession of turning movements: Ayres turned the left of the enemy's main line; Griffin's division turned the left of that portion of the enemy with which Ayres was engaged; Crawford turned the left of that portion of the enemy with which Griffin's division were engaged.

Each of these successive turning movements, being made in a thickly wooded country, and the opposing force of the enemy being very small, was quick and successful. The different divisions of the 5th Corps were thus enabled to get in the rear of the successive positions of the enemy almost before their presence could be known, and thus made possible the capture of many prisoners.

The cavalry from the front moved over and along the works at and west of Five Forks after Crawford began to move up the Ford road towards Five Forks in the enemy's rear, when the enemy no longer made any effort to hold their works in force.

IX.—The Personal Movements and Conduct of Gen. Warren through the Engagement.

Warren moved with his corps when it advanced from Gravelly Run Church. No one believes for a moment the statement that Warren remained behind sitting on a log.

From that time, Warren's movements are best given in his own words:

Testimony General Warren, page 749:

Q. Then, did you, yourself, see that General Ayres got a fire on his left flank? A. Yes. Seeing this skirmish fire coming, and not finding any line of battle on the White Oak road, I thought it more probable that the line of battle was in the edge of the timber; so everything moved right on towards it. We found the road in a different direction from what I expected. I thought it, the road, was east and west, but it was southeast and northwest, so that if we had been marching due north the right of our line would have struck it first. As this fire was coming in our front, of course that was the thing to march for. We went on until General Ayres caught a fire on his left, after he had crossed the White Oak road. Then he immediately made a change of front, very promptly facing his nearest brigade by the left flank, filing it to the left so as to face the fire that was then coming from his previous left. The

other brigade on Ayres' right changed front and came around on his right—I think at double quick. The brigade in reserve, under General Winthrop, as soon as Ayres' division came under fire, just a little north of Bass' house, halted. It is not proper for a reserve to go under fire until it can be of some use; that halting was, therefore, proper. At this time, I should think a large portion of General Griffin's and General Crawford's commands were nearly out of sight in the woods north of the White Oak road; and the left of General Crawford passing by General Ayres' right, if the march continued, would have passed right on in the direction in which we started, at right angles with the line of battle at Gravelly Run Church. Seeing that the fight for the angle of the works was going to come on Ayres instead of Crawford, as we had planned it, I sent an officer to Griffin to come in in that direction as quickly as he could to sustain Ayres. I then went to the left of Crawford's division, Kellogg's brigade—Crawford himself was already in the woods—and I told Colonel Kellogg to change the direction of his brigade by wheeling to the left, and establish a new line of battle at right angles with his previous movement, and hold the pivot. He did so. I saw his new line established by markers. Then I passed into the woods, to the right, myself, and communicated the order to the next brigade on the right. I think I succeeded, perhaps, in doing that; but I did not find General Crawford. It was an anxious time, as Ayres was alone by himself. I did not pursue that any further, and I came back into the opening. I sent staff officers after Crawford to tell him that he must make a wheel to the left at once, and keep closed in to the left of the brigade that I had already established in the new direction. I was so long in the woods that, I think, when I came out Kellogg's brigade was gone; I now know it was Kellogg's brigade. I could not understand why it should have left there; it embarrassed me a good deal; so I remained there in the field where everybody could find me and see me, not far from where the left flank of Kellogg's brigade had been halted, and continued to send officers to General Crawford and General Griffin until, I think, I had none left. And while I was there, I think the first time, General Sheridan came to me. He seemed to be much pleased. He said, "We flanked them gloriously." Then the failure of the other troops to appear on the ground made him anxious. He said Griffin and Crawford were going too far off from the place where they ought to be, and that he had sent several of his staff officers after them. I told him I had sent every one of mine, but I thought he need not be alarmed, because they were too good soldiers to go very far away from the fire if there was no enemy on their front, and that he could rely upon their not going too far, and all would be right. The interval that elapsed seemed long. I remained there awhile, because I knew it was better I should be where I could be found—to give directions—than it would be to be riding around when I might not be wanted, and so that no one could find me when I might be wanted. Then I started myself, and I think I struck into the road that leads north from Bass', across the White Oak road and into the woods; and I came out in that clearing at the northeast corner of the Sydnor field. That northeast corner is depressed; the ground there is about, probably, eight or ten feet lower than it is out half way between it and the Chimneys; and there I met Brinton, of Griffin's staff; and I had my escort with me, and my headquarters' flag; and we rode out into the field, on that opening. When we got out on that field we got a very heavy volley, right across the Sydnor field, from the direction of the Sydnor house. That showed me where the enemy was in that part of the country; and I got news from Brinton that Griffin was not far from there, and I waited at that point to see what the developments would be. I had not waited there very long before General Griffin's division appeared in that opening, moving southwest by the left flank. I then saw General Griffin, and had a conversation with him, and told him I wished him to attack right across that field in the direction where that firing was coming from. He immediately proceeded to make his dispositions to make that attack. Having satisfied myself that he understood what I wanted him to do, I then went back as quickly as I could to where General Ayres was. At that time, I think, he had already carried the angle, so that he had 1,000 or 1,500 prisoners there. Finding that he was all right at that time, I started back on the road again, past the Sydnor field, and went to find General Crawford. I had a first-rate horse, and I went on as fast as anybody could through those woods. I followed a line not very different from one of those pencil lines that some of the officers (witnesses in this court) drew on that map, Cotton map No. 3, crossing the run in the Sydnor field, just in the woods below or to the north of the clearing. As I did that I turned southerly, to the line from where I left the road that runs northwest to that point *D*. There I got a good intimation of where Crawford's men were going, because there were wounded men all along the track; and I followed right along after them, and found General Crawford on his line across the Boisseau field, facing nearly west, and in very good order. I was glad to see his division in such good order. I immediately rode to him, and I told him to change his direction at once to the southward, and move down upon those guns that were firing south of us. I presumed that they were at

the Forks, and it turned out that they were. General Crawford immediately executed that movement with a great deal of promptitude. Soon after they disappeared in the woods; we followed them up behind. There was a very heavy fire for a short time by the troops opposed to them, facing northward. I have since learned that they were part of Mayo's brigade. Before I left the field (Boisseau field) I was uncertain what might be the fate of that attack, for I knew it was vital for the enemy to stop that advance if they could. In this operation I found a portion of Bartlett's brigade, Griffin's division, in the Boisseau field moving by the flank southeast, as if to join their brigade. I halted them very near the southeast angle of the Young-Boisseau field and faced them towards the Five Forks, so that if there was any break in the line, or any rush made to get out there, we would have a line to meet it. I would remark about it that those were about as tired a set of men as I ever saw. They had run so that they were almost out of breath; but they took my order and faced in that direction, and I staid with them. Soon after this firing ceased in our front —all the firing ceased for the time being; our line evidently had carried everything before them. I saw some prisoners run out from the woods. I gained information of that fact from them, too. I then told them—this detachment of Bartlett's brigade--to face the other way, to face about, so as to prevent anything coming to re-enforce from the north side. Then I started to move southward, on the Ford road, to the Forks, and, as we had just got to about the edge of the woods a regiment, or a small brigade—it was, I suppose, not more than a regiment— of cavalry came down that road, going north by that road, at a gallop. Of course, these troops of Bartlett lay right across their track, and I knew no enemy had gone north up on that road; there was nothing for them to pursue in that direction. I hailed the commanding officer, kept pace with him a few seconds, and told him to file his men to the left and keep that direction. He obeyed that order at once. As soon as the rear of the column would let me pass I went south on the road. Just at that time, whilst I was halting, I gave Colonel Spear, as he has testified, directions to take a sufficient number of men and go down to the crossing of Hatcher's Run and hold it. I was under the impression that there was a bridge there at that time. I told him not to let it be destroyed. But I believe there was no bridge there. He became very sharply engaged, as I learned afterwards. As soon as the rear of the cavalry would allow I passed down the Ford road southward, and then turned off to my right on the White Oak road. Somewhere there I gave instructions to General Crawford—somewhere to the west of Five Forks—that he must change his direction again and pursue the enemy in a westerly direction. I think I did that before I came in sight of the Gilliam field. I had no idea that there was such a field there until I came to the east edge of it. When I came there, there were considerable many of our men ranged along that woods, and the firing that came across from the other side—west side—against them was considerable, so that there was no advancing out from the shelter the timber gave. There were a great many men shouting to go forward, but there was no advance at all. I saw that the only way to get the troops to advance was to get the color-bearers out, which ought to have been done when the command "Forward!" was given. I encouraged them to do that. I took my own flag, went out into the field; then the color-bearers went out with me. The firing at that point was not very heavy, but it was enough to stop the men who did not have some one to lead them in their disorganized condition. We then began to move across the field, everybody coming on with a great deal of eagerness again; and the firing was comparatively mild until we got more than half way across the field. About half way across it a staff-officer came to me from General Custer, who was south of me. This officer told me that General Custer's line would advance with me. By that time the firing was beginning to be very lively. As we kept moving on, we moved steadily—no double-quick—when we approached the angle in the northwest part of the field, there was, behind the breastworks, a regular line of battle that held its fire until we were close to the angle; then it gave us a volley which killed a good many men; that was very severe at that point; but before they could load their arms again we were inside of their works; and we captured many men. The line, to my eye, was full, some facing southward on a line extending half-way through that woods—and a good many along the return across the road. I think that there were in line fully 500 or 600 men, with arms in their hands, and two or three battle flags. As the men fired their volley at us they threw down their arms and ran into our lines and went on to the rear. None of us took any notice of them as we pushed on after them.

By the Court:

Q. What do you mean by saying they passed your lines and you went on after them? A. Not after them, after the others—if there were any more. We passed them, keeping our line, were going on until we got, probably, as far as the point in the road—on the White Oak road; perhaps half a mile beyond that; and then there was no longer any enemy in sight,

and only, apparently, a little skirmishing in the woods to our right, which I took to be the fighting between this cavalry that I had turned off and the enemy's rear guard of those that were trying to cover the withdrawal of the rest. I then saw there was nothing more we could do, and I sent back General Bankhead for orders to General Sheridan, to learn what he wished, and waited a little while. During that time General Custer, himself, passed me, on my left hand, and spoke to me.

General Bankhead came back to me and said that my orders had been sent to me; and very soon afterwards they arrived, brought by Colonel Forsyth, relieving me from duty. That very much astonished me; and I immediately rode back on the road and asked General Sheridan what it meant.

Q. You got a written order? A. Yes; the only answer I received from him was, "I must obey the order."

Q. The written order was the one relieving you? A. Yes; it has been read before here.

At one time on that field the question was asked, "Where is Warren?" Where was he not? is a question which might be asked and to which no answer can be given. At every point of the battle field, at the precise place where he could be of service, at the precise time when he could be of service, by some strange chance he was at hand. Was it a chance? Or is it the fact that one man on that field had a keen eye to seize a situation, and a keen mind to devise the measures to meet it? Although many of the witnesses here testify that they did not see their own division commanders at any time during the entire day, yet so it is that nearly every single man of them saw Warren. His own evidence as to his movements on that field can be thrown out of this case, except that it is a string on which to connect the events given us by other witnesses; and we could get his movements from the stories of other witnesses. At every point his testimony is confirmed by other witnesses, if it needed confirmation.

At the opening of the next day, 27th July, 1881, Mr. STICKNEY proceeded:

If the Court please: I find that in my argument I have omitted one portion of General Sheridan's Statement and of his testimony, which bear very directly on the main point of the operations of the day of the battle of Five Forks; that is, the point of the misapprehension as to the position of the enemy's works which the Fifth Corps were to take, and which is so very material and very conclusive that I think, upon the whole, I am justified in calling the attention of the court to it at this point, though it is somewhat out of the order of my argument. The court, of course, have it in mind that that point is, that Gen. Sheridan expected that the Fifth Corps, as formed at Gravelly Run Church, were to strike with their front on the angle of the enemy's works. I did call the attention of the court to one or two sentences of that Statement; but the passage immediately following makes it so clear and conclusive that I will ask to read the whole of it. Gen. Sheridan says:

Statement of Gen. Sheridan, page 53:

I knew that the left flank of the enemy was turned to the rear, so as to make a right angle with the White Oak road. I did not know the extent of that reverse flank, nor its strength, but it was the objective point of the attack that was made by the Fifth Corps, and when it was carried, the remaining portion of the enemy's works would be taken in rear. I

presumed that an extent of front of two divisions was enough to cover the works of the enemy, and supposing that I would meet with a pretty obstinate resistance, I put one division in rear as a reserve, and for the purpose of turning the extreme left of the enemy's line, after the two front divisions and Merritt's cavalry had become hotly engaged.

He confirms that in his testimony on page 116 :

When the two divisions of Ayres and Crawford became hotly engaged with the enemy, I supposed that probably all the infantry were engaged against them ; then he [Griffin] was to slip around on their left flank and turn the position. That was the conversation I had with him ; and I was so anxious about it that I saw Griffin, and had this conversation with Griffin, so that he would be able to take advantage ; so that he would fully comprehend.

Q. Those were the instructions you gave to him ? A. That was the conversation I had.

Gen. Chamberlain also gives his understanding to the same effect. He says his understanding was, that when Ayres and Crawford became engaged on the front against the works of the enemy, Griffin's division were to come in on the right and turn the extreme left of the enemy's works.

F.—GENERAL EXAMINATION OF WARREN'S CONDUCT THROUGH THE TWO DAYS COVERED BY THE INVESTIGATION OF THE COURT.

Before I begin any recapitulation of the main points of the argument, I will call the attention of the court to the extreme accuracy and the extreme fulness of Gen. Warren's testimony on every point of the case. I think it cannot fail to make an impression upon the court—the completeness of his knowledge as to every movement of every portion of his command—its thorough accuracy. As I said to the court yesterday, his statements do not in any material point stand by themselves. At every point of his personal movements, and every one of his material, important acts, there is confirmation by the testimony of a number of other witnesses, high in rank, and of unquestioned accuracy and veracity. I venture to say that the court will be struck when they come to review the whole testimony of the case, with this completeness and accuracy upon Gen. Warren's part. It comes naturally from his position; he was the commanding officer of the Fifth Corps, and if he was where he should be, if he had that fortune (for there is an element of fortune in it undoubtedly), if he had the fortune to be at every portion of his command, during the whole operations of the day, at the right time, then he would have a completeness of knowledge which no other witness could possibly obtain. And that he evidently had.

Coming, then, to the summary of the charges and imputations which have been made against him, and to the points which, according to my mind, the testimony clearly establishes, they amount to this:

In the first place, as to the engagement of the 31st, where the imputation made against him is, in the first place, that he fought his corps in detail; and, in the second place, that after the advance of the enemy was stayed he did not press after them with sufficient energy and promptness:

The testimony shows, without any dispute or controversy, by extracts from General Grant's despatches, and General Meade's despatches, without a word to question their verity or extreme correctness, that the position in which Warren's corps was on the morning of the 31st, was precisely in all its details the position that he was compelled to take in obedience to the orders of General Meade and of General Grant. General Grant's own despatches provide in detail for the precise position which he then held. More than that: Warren had before that time made the suggestion himself, that he be allowed to take his whole corps and block the White Oak road—that was late in the afternoon of the preceding day; that suggestion of his had been laid before General Grant, and the reply made by General Grant to the suggestion was, that Warren should keep the position that he then held, and should not put his whole corps upon the White Oak road. So that whatever responsibility there is for that position, and for the results that ensued, does not rest upon the shoulders of General Warren. Neither I nor the court have anything to say as to where it does rest.

Coming, then, to the movements of the night of the 31st, to re-enforce General Sheridan, the main burden of the charge against him here is, that he was slow and backward in carrying out his orders. We show that 9 o'clock P. M. was the first hour when any order was issued from General Meade for Warren to re-enforce Sheridan. We show that, certainly as early as four or five o'clock in the afternoon, at least five hours earlier than the 9 o'clock order, Warren, of his own motion, had taken the most direct step possible to re-enforce and support Sheridan, while he was still engaging the enemy; that this action of his was taken before either General Meade or General Grant knew that General Sheridan was in need of any assistance. We show that immediately upon receiving the order to re-enforce General Sheridan by the Boynton Plank road, Warren moved with all promptness, in precise conformity to the terms of the order then issued, and that throughout the night, instead of being behind his orders, he was ahead of them in every single instance; and that, if the movements that he had suggested as early as 8:40 in the evening had been then allowed to be executed, it would have been the means, according to the opinion of all the officers there present—Grant, Meade and Sheridan himself—and from the location of the enemy—the most efficient measure possible for the relief of Sheridan would have been taken—but those movements were not allowed until later, when General Meade's order had changed the situation—when new orders had come to Warren; and he used every means in his power to carry them out literally and precisely,

Coming to the Battle of the Five Forks, the charges and imputations are several:

The first one is, that he was slow in moving up his corps to the attack. Now, there is no controversy as to when he got that order to move up; there is no controversy as to when that order was accomplished; that is, the order was issued at one; it was executed at four. It is clear upon the testimony that that column of 12,000 infantry moved up as quickly as was possible under the circumstances, and attacked the enemy at almost exactly the time that any experienced soldier knew beforehand they would attack. There is a witness before this court, who says to the court: "Before midnight I knew that the enemy in my front was retreating; I knew in the morning I was simply following up the rear-guard of a retreating foe; I knew precisely where I had my main force of infantry; they were practically five miles to the rear of where I knew I should have to use them; I directed, myself, that they should stay there, halted, the whole of that forenoon, until one o'clock in the afternoon, twelve hours after I knew where I should have to use them, and how I should have to use them; and I now blame another soldier for carrying out my orders."

If any one of Gen. Sheridan's enemies should come here and make such a statement against him, no one could credit it for a moment; but that is his own statement, of his own acts, made with deliberation, before a court of soldiers.

We come then, to the point of the confusion which is charged to have taken place on Ayres' front. The evidence is overwhelming, and

practically uncontroverted, that it was very slight, that it was such as would have happened with the most experienced, cool, veteran troops under the circumstances; that it was very easily remedied; that Gen. Sheridan was there in person, in addition to the division commander; that there was no necessity whatever for the personal presence of Gen. Warren; that at that time Warren was giving his personal presence at what Gen. Sheridan himself considered to be the important point of the situation.

Coming, then, to the point of the alleged breaking away to the right of Crawford and Griffin, the testimony shows—and here, too, it is Gen. Sheridan's own testimony, his deliberate statement put in writing, his order, for it was his order—issued by Warren, drawn by Warren, submitted to him by Warren—not that Crawford and Griffin broke away to the right, but that they were originally placed and formed away to the right. He says, too, that the position of the 5th Corps, was a position of his own selection; and he comes here and says to the court:

"I was on the point of attacking the earthworks of the enemy with a corps of 12,000 infantry; and I delivered the attack with that corps three-quarters of a mile to the right of where I should have delivered it." Moreover, he says to the court: "I had during the whole of that forenoon 8,000 cavalry under my command, with whom I could have ascertained with precise accuracy the exact position of those works; with whom I should have ascertained with precise accuracy the position of those works; I allowed those six hours to go by; and I never then knew, and do not to this day know, where the position of the enemy was against which I was going to launch my corps of infantry."

Again, if any enemy of Gen. Sheridan came here, and made such a statement against him, no one would credit it. But that is his own statement, made as to his own acts, before a court of soldiers.

The testimony then shows that Warren and his subordinate commanders were the ones who repaired that error in position; and the testimony and a simple measurement on the map show that Gen. Warren's efforts and the efforts of his division commanders were, from the very beginning, as soon as the error of the enemy's position was ascertained, devoted to the rectification of the errors that had been committed; all of them were bringing their men in on the right of Ayres, and with such success, that before either Crawford's or Griffin's commands struck the east edge of that Sydnor field, Crawford's and Griffin's divisions had been brought down into almost the precise position which they would have occupied if, at the time the Fifth Corps struck the White Oak road, a change of front had been made at a halt, not in the presence of an enemy.

Coming, then, to the ~~fact~~ that Gen. Warren did not wish Gen. Sheridan's efforts in this battle to be a success, the court will recollect that at one period of the examination I asked Gen. Warren the question, whether throughout these operations he made every effort in his power to carry out Gen. Sheridan's plans? The learned counsel saw fit to object to the question being answered; and I thank him for making the objection. For it gave Gen. Warren an opportunity

to say, of his own motion: "I stand upon my record." He stands upon his record now.

The court will bear in mind, these are serious charges that are made against Gen. Warren. An error of judgment you can charge against any man. Probably there is not any soldier of distinguished position on either side, during the war of the Rebellion, who will not admit that he made errors of judgment. But when you come to say that a man makes no effort to carry out the orders of his superior officer, and that he wishes those operations to fail, that is something like a charge of high treason. A charge of cowardice is a more disgraceful one to the individual; but as far as the general discipline of the army is concerned, this is the most serious charge that can be made—that a man is "secretly aiding the enemy"—that is what it means. That clause in General Sheridan's report to the effect that "General Warren's manner gave him the impression that he wished the sun to go down before the formation could be completed;" if that were a hasty word, it might be taken as meaning nothing; but over the signature of a Major General of the United States Army in an official report, it means much; it admits of no possible interpretation than that the manner was the indication of the true wish behind it; and as such it must be treated.

Counsel has seen fit to put upon record the formal admission that "no one questions the fact that in the whole course of General Warren's military career, he was as brave an officer as the army had, and that Gen. Sheridan does not mean to dispute it." That is, however, the point that is questioned by these charges. That is the point that I trust will be fully set at rest.

Then we come to the charge that Warren was "not at the front." Again there is a witness before this court who says, "I was in command on that day, during the operations of that engagement, of the entire United States forces on the field of battle at Five Forks; I was present with one division of the infantry when their attack on the extremity of the works was delivered; from that time forward I saw nothing of Griffin's division where they were engaged with the enemy; I saw nothing of Crawford's Division where they were engaged with the enemy; I saw nothing of the cavalry where they were engaged with the enemy; and from the moment of that first onset on one extremity of the enemy's line of works, I saw nothing of the operations of my command; everything from that time forward was carried on in advance of my personal position, and from that time forward I was at the rear." I say, with all sincerity and with the utmost explicitness, here and now, that no one can question General Sheridan's gallantry or courage; that is known far and wide; not only here, but abroad, is he known as a most dashing and valiant soldier. But so it happened, that during the operations of that day he was at the rear; and it is not for him to make a charge of "not being at the front" against any man who was on that field, and particularly against the man who is shown on the record to have been at the front from the beginning of the engagement to the end of it, and to have headed in person the last charge that drove the enemy from the field.

As to the point of General Warren's manner, I did not suppose, when I first asked General Sheridan some questions on that point, that it was going to be pressed before the court. As long as General Sheridan had put this in his report, and as it was necessary for us to get at the full breadth of meaning of that which he had written, as it was necessary that we should become possessed of everything that he had to say against General Warren, I gave him an opportunity to explain what he meant, to qualify that expression, to withdraw it if he saw fit; to say, if he chose, that it was a mere hasty expression. This he did not deem it proper to do. More than that, his counsel has taken what he considers to be the proper course—and on his course I have no criticism to offer—he has seen fit to call witnesses to that point. I have not chosen to cross-examine them—that is, to do anything that deserves the name of cross-examination. If the point had been let alone, no one need have noticed it at all. But what does it amount to now? General Chamberlain gives an account of what General Warren's manner was during that day. He knew him well. He said it was simply the manner of the man as he had known him during the whole period of the war; that it was a manner which might mislead a casual observer; it was the manner of a man intensely occupied. It may be true, as General Francis Sherman says, who came there with a message to General Warren, that General Warren made him no answer. If that be the fact, in all human probability General Sherman's manner towards General Warren was such as to make that the only proper answer—silence. One fact is clear beyond controversy, and that is this—General Sheridan, through those two hours of waiting, made very plain his manifestations of impatience at what General Warren had done. Now, what would any proud, sensitive man have done under those circumstances? Would he be extremely demonstrative in his demeanor, or would he, smarting somewhat under the sense of unmerited manifestations of displeasure, naturally be somewhat cold and reserved in his manner, and stand somewhat upon his dignity? If he did not take that course, it is certain he would not have the soul of a soldier within him. They may make the most of General Warren's manner that they can. I trust that my friend on the other side will have the discretion to avoid that point.

Now, the most singular feature of this whole case, the most remarkable point in it, is the fact that a witness comes here and says: "Although I was in command of the United States forces in the field on that day, I saw only the attack of General Ayres on that earthwork at the end; I know nothing of Griffin's movements; I know nothing of Crawford's movements; I do not know that Crawford became engaged with Munford, or that he had any fighting at any point in the woods; I do not know anything of what the commander of the Fifth Corps did during the operations of that day; and I cannot give"—for those are his words—"I cannot give any account of my own personal movements after Ayres' assault. Yet I have had the glory of that day for sixteen years. And I still claim it!"

Testimony of Genl. Sheridan, page 120 :

Q. Your statement, as I understand you, is that Crawford did not get engaged substantially until he got to the Ford road ; is that it? A. Yes ; I mean by that that he had picket firing, but I don't call that an engagement.

Q. The cavalry, when he (Crawford) got to the Ford road, had carried the works, had not they ? A. That is my belief.

Q. Then he didn't have much of any fighting after he got there to the Ford road, according to your understanding of the battle ? A. There was firing there.

Q. But not any fighting ? A. I don't know how much fighting there was ; there was considerable fighting there.

Q. To amount to anything ? A. I think from the report of the guns there must have been a good many muskets discharged up there.

Q. That is one of the symptoms of a fight ? A. Yes ; that is a very good symptom.

Q. Do you know where Crawford did get engaged ; have you learned that yet? A. Do you mean in line of battle or by skirmishing ?

Q. I mean substantially engaged ? A. Some place near the Ford road ; I don't know whether it was on the west side of it or the east side of it.

Q. Did you ever learn that the Confederate General Munford had a division or brigade, I don't know which it was, over on the Confederate left, between their left, their intrenchments, and Hatcher's Run ? A. No, sir.

Q. Did you ever learn that Crawford became engaged as soon as he got in the woods ? A. My impression is that Crawford became engaged when he got some place on the Ford road.

Page 121 :

Q. Did you ever learn that Crawford's loss was about one-half of our entire loss that day ? A. I never saw any statement of it.

Q. Did you ever learn that fact ? A. Well, Crawford's statement would make it that way, I believe.

Q. Take official reports ? A. Well, the official report—that is, Crawford's statement—would make it somewhat as you say.

Q. You do not mean that the official report was erroneous in any particular ? A. I don't know about that.

Q. Do you mean to intimate a doubt about that ? A. Well, official reports sometimes are—that thing had better be proven.

Pages 122–3 :

Q. Do you recollect that in your report of May 16 you expressed no blame to either Crawford or General Warren for this diversion on the part of Crawford's division ; that is so ? A. I think I did not.

Q. Were you aware then that the movement had happened as it did ? A. Yes.

Q. But you did not speak of it in your report ? A. No, sir.

Q. When did you first meet Griffin after the advance began ? A. I cannot tell.

Q. Can you tell where you met him ? A. No, sir.

Q. Did you know, or did you learn then, what his movements were ? A. No, sir.

Q. I mean, did you learn at any time during the engagement or just after it what Griffin's movements were ? A. I think I saw Griffin coming in on the right ; I think some of his advance came in—following up ; the works were taken and we were probably over the Ford road.

Q. When you say on the right ? A. The right of Ayres, and some came in on the left, to the best of my opinion, through the angle of the works.

Q. Aside from that, did you learn at the time of the engagement what Griffin's movements were ? A. I don't recollect now.

Q. Can you state any further than that, what his movements were during the engagement ? A. No, sir.

Q. Do you recollect any instructions or orders that you sent to him or gave him after the first time that you have mentioned before the engagement began ? A. No, sir.

Pages 123, 124, 125 :

Q. You said the other day that after the engagement began, after the first assault, you were with either Griffin or Ayres, but you could not tell which ? A. I cannot tell which.

Q. Is it not pretty clear now that you were with Ayres? A. I could not tell; I think, to the best of my opinion, I was afraid that Ayres was going to fire into the cavalry; and I think I held him for a little while; and I think about that time or a little after that time I met Griffin; I cannot be positive about that; that is the reason I think he came in on the right.

Q. When you met Griffin, didn't he come down in the rear of the Confederate entrenchments on the right? A. Yes; some of them came in, I think, at the angle—came in along the works—then the other part, I think, came in on the right of Ayres.

Q. Then at that time you were, were you not, just on the line of the earthworks or about there? A. I don't know; I could not say; it does not seem to me that I was.

Q. Had you up to that time been with Ayres's division substantially? A. I had been substantially with it; I know I was absent from it for a time.

Q. Do you recollect where you went? A. No, sir; except I went in advance of it; I recollect seeing two or three pieces of artillery abandoned on the Ford road; and then I came back when I halted them to keep them from firing into the cavalry; I knew I would have protection to go on, and I went on; and I recollect seeing on the Ford road two or three pieces of artillery—it is rather indistinct in my mind—I think there were three pieces of artillery that seemed to have been abandoned; and there were one or two cavalrymen on foot.

Q. You said substantially that you were with Ayres's division for a little time after he carried the works, and you met Griffin when he came in from the rear of their line of works? A. No, sir; I have not said so.

Q. I understood that to be what you stated? A. No; I said I could not tell exactly.

Q. That is as nearly as you can give it? A. Yes.

Q. Then you looked upon the engagement as substantially over; am I right? A. From the time Griffin came in?

Q. Yes. A. Yes; I considered the engagement, as I said before, substantially over after we got in the rear of the enemy's lines; there may have been some fighting afterwards.

Q. You do not pretend from that time out to give us any statement in detail of what your movements were? A. No, sir; I was not so anxious after that as I had been before.

Q. Did you learn at any time during the progress of the engagement that the enemy made a second line of defense to the rear of the return in their works? A. No, sir; I did not see anything of it.

Q. And that there was quite a sharp fight there? A. No, sir; I don't know anything about it; I suppose those who tried to get away had a fight there with Crawford.

Q. Were you informed that later still, to the west of Five Forks, they made another line of defense and that there was a sharp fight there? A. Well, I suppose they were trying to get off.

Q. Were you informed of that? A. Yes; I think I was; there was some firing there and I supposed it was that; it was that which usually attends the pursuit of an enemy; he turns around and beats you off, if he can.

Q. You did not learn what General Warren had done with Griffin's and Crawford's divisions? A. No, sir.

Q. Did you know what time he sent the members of his staff and went himself to bring Griffin's division in the rear? A. I do not know anything about it.

Q. Did you know at the time he went personally and sent his staff to bring Crawford's division back into the works? A. No, sir.

Q. Did you learn during the engagement that it was General Warren who sent a detachment of the Fifth Corps to hold the possession of the ford over Hatcher's Run? A. No, sir.

Q. Did you learn at any time during the progress of the engagement that it was General Warren who ordered Crawford to change direction and make this advance down the Ford road in the rear of the works? A. No, sir.

Q. Did you learn at any time during the engagement that when the last line of defense on the part of the Confederates was taken, was General Warren, who led the advance of our troops to the assault, there? A. At what point?

Q. About half a mile west of the Ford road? A. No; I don't remember.

Q. If those facts should turn out to have taken place, to be true, how is it that you account for your ignorance of them? A. Well, I might have known of them at the time; it is a long time since.

Q. Did you know anything about them at the time? A. I cannot say now whether I did or not.

Q. You did not say anything about it in your report? A. No, sir.

Q. I notice that among the officers who are mentioned with praise in your report of May 16, every officer of prominent position is mentioned favorably except Warren? A. Yes.

Page 128:

By Mr. STICKNEY:

Q. Then, as far as I understand you, to make a little *résumé* of some points, you gave no order or instructions to General Warren himself after the commencement of the advance? A. It is possible I sent staff officers to communicate with him; and I think most of them did not find him; some of them may have found him; some of these officers that I sent; if I sent any orders by them I don't know what they were.

Q. As far as I understand you, you do not now recall any orders or instructions that you sent to General Crawford, except that he was to come back to his left? A. No, sir.

Q. As far as I understand, you gave no orders or instructions to General Griffin after the advance began? A. I don't know what I sent by the aides.

Q. As far as you recollect? A. My recollectiont is that I was pretty anxious that he should get down there.

Q. As far as I understand, you had no knowledge at the time of what General Warren did do in this battle after you parted with him at the beginning of the attack? A. No; I had no knowledge.

Q. Nor did you make any inquiry to find out what he had done? A. I didn't have time.

Q. Have you learned at any time that for some time after you put Griffin in command General Warren was exercising command and leading the troops? A. No, sir; it would not make much difference if he was.

If ever a soldier in military history has taken such a position before, it is beyond my knowledge. If any enemy of General Sheridan should tell such a story against him, no one would credit it; but it is the statement of the man himself, as to his own movements, made before a military court. And there we must leave him.

Now, let me say what the position of General Warren is, and I do that without making any imputation against General Sheridan, without criticising for an instant or questioning the propriety of his conduct in relieving General Warren—*that* this court has no occasion to pass upon—as to that I make no criticism or suggestion; that is assumed to have been done with proper motives. Yet in order that the court shall appreciate General Warren's position, it will be necessary for me to review one or two of the circumstances connected with General Sheridan's act in relieving Warren of his command.

The testimony of General Sheridan was, in substance, that when the operations of that day began, he knew nothing of General Warren, either personally or by reputation. Yet the court will recollect General Chamberlain's testimony as to what took place when he first met Sheridan, at the very opening of the day, when General Sheridan made inquiry as to General Warren's whereabouts, and was told that General Warren was with Crawford and his rearguard. The answer made by General Sheridan was, "Just where I expected him to be." What did that show? Nothing had happened then. Did that show anything in the nature of prejudice, or did it not? The statement which General Sheridan makes, page 56, as to the circumstances of relieving General Warren, and as to his reasons for doing so, is this:

After the battle was practically over, it became necessary for me to consider the position of my command with reference to the main rebel army. I felt that though my troops were victorious, they were isolated from the Army of the Potomac, and the extreme left of that army having been thrown back so as to occupy a position fronting on or parallel to the Boydton plank road, while the enemy held strongly at the intersection of the White Oak road and Claiborne road, and directly in my rear, and distant from Five Forks not to exceed three and a half miles, I surmised that they might march down the White Oak road

that night or early next morning and take my command in rear. It was therefore necessary for me to make new dispositions to meet this new emergency.

General Sheridan's statement is that this resolution to relieve General Warren was taken by him after the battle was over, in view of the new conditions that arose at the end of the engagement. We have the testimony of Colonel Brinton to the effect that in the Sydnor field, when the action was not more than one hour in progress, General Sheridan met General Griffin; that he shouted out the question, "Where is Warren?" Without waiting for an answer, he turned to General Griffin and said, "General Griffin, I put you in command of the Fifth Corps." That is confirmed by General Chamberlain's testimony in the most explicit manner. It reads (pages 277 and 278):

Q. Where were you when you learned of Warren's being relieved? A. I cannot say that I learned it; there was talk of it; Major Brinton, of General Griffin's staff, met me about half way between the easterly edge of the woods and the Ford road, and asked me if I knew that General Griffin was in command of the corps, and said I, "No, sir, I do not."

Q. That was when you were moving toward the Ford road? A. Yes; the troops were actively engaged at the time moving westward.

Q. When did you next see General Warren, and where? A. I saw him on the Ford road.

Q. In which direction was he moving then? A. He was coming up the Ford road towards the White Oak road, southerly towards the forks.

Q. In which direction did you see him go then? A. He advanced westerly on the White Oak road.

Q. Did you hear any firing farther to the westward about that time? A. Yes; to the south of the White Oak road.

Q. Coming from about what spot, as near as you could judge? A. There was firing all along the edge of the open, which is on this map (witness indicates the Gilliam field), on the west edge of the field, on the east edge of the wood; and afterwards there was a very sharp fire in the angle on the White Oak road at the northwest corner of that field; there was a very sharp engagement.

Q. About how long after you saw General Warren going in that direction was that engagement? A. Very shortly.

Q. Very shortly after you saw him going towards where you saw the firing—did you see General Warren again that evening? A. My impression is I did not see General Warren again that evening.

Q. How long was that engagement on the west side of the Sydnor field, when the enemy were posted inside the woods—how long had you a sharp firing, and how much of a stand did they make? A. Twenty minutes to half an hour.

Q. Could you form any idea of how heavy the force was in front of you, engaged there? A. I could not tell exactly about that force, because they seemed to have a second line; this force was pretty heavy; I know that it was, because when I got my line formed perpendicularly, about the time General Gwyn went in, the enemy appeared to be caught here, and a thousand of them came in prisoners at once—900 or 1,000 of them came in over the works, the "refused" line running northerly, and gave themselves up; we struck them in such a direction that our loss was not very heavy until this force back in the woods enfiladed us.

Q. By this movement, as I understand you, you got in the advance of Ayres, of his two brigades that had remained with them? A. I cannot say where General Ayres' other brigades were; I do not think I saw them.

Q. You saw General Ayres himself; in which direction did he come from? A. He came up from the woods that General Gwyn had left; that is, from the eastward.

Q. Which direction did he go when you left him? A. I do not know.

Q. Did he go in advance with you? A. No, sir.

Q. Then you judge his command must have been where? A. I judge that his command was in this woods.

Q. In the rear of yours at that time? A. I cannot say at that time.

Q. When you separated from him he did not go farther in advance with you? A. He did not go in advance with me.

Q. Then from this point just west of the Sydnor field how long did the engagement con-

tinue—I mean, did you have continuous fighting to the Ford road? A. We had continuous fighting to the Ford road.

Q. Where were you when you learned of Warren's being relieved? A. I cannot say that I learned it; there was talk of it; Major Brinton, of General Griffin's staff, met me about half way between the easterly edge of the woods and the Ford road and asked me if I knew that General Griffin was in command of the corps, and said I, "No, sir, I do not."

Q. That was when you were moving toward the Ford road? A. Yes; the troops were actively engaged at the time moving westward.

Q. When did you next see General Warren, and where? A. I saw him on the Ford road.

Q. In which direction was he moving then? A. He was coming up the Ford road towards the White Oak, southerly towards the forks.

Q. In which direction did you see him go then? A. He advanced westerly on the White Oak road.

So there can be no doubt, in view of this testimony, that it was there, where Brinton places it, in the Sydnor field, that General Sheridan first gave his oral command to General Griffin, that he was to take command of the Fifth Corps. More than that, as the Court will recollect, I asked General Sheridan when he was on the witness stand, explicitly, whether this incident took place or not; for I had my information as to it at that time. General Sheridan does not deny it; admits it as a possible thing, and says simply that he does not recollect it. That effectually disposes of the statement that this resolution was formed after the battle was over, in view of new emergencies. And, if you add to that the color which you can legitimately take from the conversation he had with Chamberlain in the morning—taking into consideration the oral authorization which came from General Grant to relieve General Warren, and that General Grant's message would convey to the mind of any soldier that such action would not be displeasing to General Grant—I think we shall have no difficulty in coming to the conclusion that General Sheridan's resolution to relieve Warren was formed early in the progress of that battle, if not before the battle began.

But there is this other fact, which to General Warren is of great importance, there is the fact that Warren was not relieved, that no order was issued taking from him his command until that battle was over; when that order, in writing, was brought to him by General Forsyth, which bears now upon it the memorandum made of the hour of 7 P. M., as the hour when Warren received it. The testimony of the witnesses abundantly establishes the fact that Warren was in that field marked *V* at the extreme left, the farthest point that any of the infantry reached, when he received that order which relieved him, that he was sent to the rear, when he was at the head of his command, when he had just led it in person in its last charge, when he had conducted its operations in person from the beginning of the battle to the end of it.

What did that mean? That meant, and it means now, until the act is disavowed, that a soldier of the United States Army, who had been a soldier from his youth, who was a soldier by education, who had gone into the war in command of a regiment, who rose from that position to the command of a brigade, who then served as Chief of Staff of the Army of the Potomac, through some of its most perilous times, who was placed in command of a corps in the armies of the United States by special as-

signment of the President, and who conducted himself to the satisfaction of his superior commander, at all times, to the very end of the war, it meant that such a man, with such a record, had been guilty of cowardice, or something equivalent to it, upon the field of battle. There was no other possible construction to be given to that fact.

The position of a soldier in the Army of the United States is not, in all respects, an enviable one. It has its great compensations. It must be conceded, I suppose, that the people of the United States, through their recognized authorities, give the officers of the army rather hard measure. They give them the most severe labor at all times. They give them very insufficient pay. They expose them to great dangers. The brightest military genius in the whole army may, at any moment, lose his life in a skirmish with a half dozen Indians on the frontier, and may never be heard of. But soldiers of the United States Army are willing to take all these risks, on one possibility—that is, the possibility that, when a time of actual warfare comes, with a civilized foe, and in strong force, they may make a great reputation for themselves; and that mere possibility of a great reputation is to them abundant compensation—for so they show by all their acts—abundant compensation for all the hardships and disadvantages of their ordinary life. Fortunately for them, although their ordinary treatment rests in the hands of civilians, they are subject to civil authorities, and the people of the United States, whom they serve, are not able to exercise a wise judgment of their merits and of what they do, yet they have one compensation—their reputation, that one thing which has the greatest value in their eyes, is always put under the protection of soldiers. If their reputation is injured by any one, no matter how powerful a man he may be; if their reputation is attacked unjustly, they have the right to a court of soldiers to do them justice.

Now, sixteen years have passed, since these imputations were made against General Warren's military reputation. For an assassin who takes human life the whole civilized world has the deepest condemnation. For a man who kills reputations, they have the most thorough contempt; and the Constitution of the United States and the Articles of War give to a soldier whose reputation is assailed a proper and sufficient protection. It would be a sad day for the United States Army, if it should ever come, when a soldier's reputation could not have this full and sufficient safeguard; and if the day should ever come, when a soldier could not appeal to a military court for full and complete protection, on that day the United States Army had better pass out of existence, for its days of usefulness will have been numbered.

Mr. Stickney, after the argument of General Sheridan's counsel, made the following additional remarks by way of finally closing his argument in behalf of the applicant.

Mr. Stickney said:

After the learned counsel's argument, as it seems to me, these points remain substantially uncontroverted on the testimony:

As to the Engagement of the 31st.

First: That Warren made no report as to being able to get possession of the White Oak road.

Second: That Warren made no attack.

Third: That the position of the Fifth Corps at the time of the attack made by the enemy was precisely in conformity with the orders of General Meade and General Grant.

Fourth: That Warren, on the day before this engagement, that is, on the afternoon of March 30, in his dispatch of 4 P. M., had submitted to General Meade the proposition that he be allowed to take the whole of his corps and block the White Oak road.

Fifth: That this proposition was submitted to General Grant by General Meade.

Sixth: That General Grant did not allow this proposed movement to be executed.

Seventh: That Warren in forming his corps and assuming the offensive after the temporary reverse of the forenoon, acted with promptness and energy.

Those positions, as I say, seem to me to be substantially uncontroverted upon the testimony. They are abundantly borne out by the testimony, and especially by the records in the case.

That finishes what I have to say as to the engagement of the 31st.

As to the Movements to Re-enforce General Sheridan, these Points, as it appears to me, Remain Uncontroverted on the Evidence.

First: That Warren, at least as early as 5 P. M., on the 31st of March, sent Bartlett against the enemy's rear.

Second: That Warren's orders to Bartlett were to attack the enemy.

Third: That Warren ordered this movement on his own responsibility.

Fourth: That Bartlett's movements gave General Sheridan the relief he needed, compelling the withdrawal of the enemy from General Sheridan's front during the night of March 31st.

Fifth: That Bartlett's withdrawal from his advanced position in the rear of the enemy was ordered by General Meade in pursuance of orders of General Grant.

Sixth: That there were only three orders during the night from Meade to Warren which directed any movement by Warren in co-operation with Sheridan, viz.: the order of 9 P. M., and 10:15 P. M., and 11:45 P. M.

Seventh: That the order of 9 P. M. was put in execution by Warren without delay, and with literal exactness according to its terms.

I think there we agree.

Eighth: The order of 10:15 P. M., which directed Warren to send one division to Sheridan down the Boynton road and attack the enemy

in the rear with his other two divisions, was immediately put in execution by Warren, according to its apparent purpose, by his directing Ayres' division to press on to Dinwiddie Court House instead of halting when it reached the Boydton road; and by halting Crawford and Griffin in the retrograde movemennt which they were then executing under a previous order of General Meade; that Warren's halting Crawford and Griffin until Ayres should reach the Boynton road and begin his movement to Dinwiddie, was proper and judicious.

And here I have a word to say on the points that Major Gardner has advanced as to an alleged intention on the part of Warren not to execute General Meade's order for the rear movement. This is a severe charge. It is the charge of a deliberate intention on General Warren's part to disobey the orders received from General Meade. And the learned counsel thinks that he finds in the wording of one of General Warren's dispatches confirmation of his theory. To my mind the dispatch indicates simply this: that it was not General Warren's intention to actually deliver his attack until morning. The expression "to-morrow," which he uses in that dispatch is written with the idea by Warren that he is still in the evening of the 31st, although the dispatch is actually written a few minutes after midnight. When he says, "I am going to attack to-morrow," he has reference only to his actual delivery of the attack; and at no time—such is his deliberate testimony—had he any intention of delaying the movement to the enemy's rear until "to-morrow," or of delaying it later than until he should learn that Ayres had succeeded in re-enforcing Sheridan.

Ninth: That the order of Meade of 11:45 P. M., received by Warren at 1 A. M., was immediately put in execution by Warren with all possible dispatch; that Warren's delay in moving his two divisions in the enemy's rear until he should learn that Ayres had succeeded in joining Sheridan before Sheridan should be compelled to leave Dinwiddie, was proper and judicious, and in full conformity with the purposes of General Meade's orders.

In General Meade's latest despatch, 11:45 P. M., he expresses grave doubt as to whether Warren would be able to re-enforce Sheridan before Sheridan would be obliged to leave Dinwiddie; that doubt which Meade expresses came from Sheridan in his dispatches to Meade, and was conveyed by Meade to Warren. So, I say, Warren's evident purpose was to wait, as to the movements of his two divisions, until he should learn that Ayres had joined Sheridan. It was not enough for him to simply know that Ayres had begun his movement down the Boydton road, or that Ayres had gone as far as the crossing of the Run; because his information was that the enemy were there in force between him and Sheridan. So it was necessary that Warren should wait until he heard from Ayres that Ayres had succeeded in accomplishing the purpose of Meade's order, before he proceeded to execute the movement with the other two divisions. In the meantime he was holding the other two divisions where it would be most easy for them to make a movement to the rear, instead of allowing them to continue the retrograde movement back to the Boydton road.

Tenth: That the movement of Ayres' division to re-enforce Sheridan at Dinwiddie began immediately on the receipt of Meade's order of 9:35 P. M.; was a continuous movement, with no unnecessary delays; and was executed by Ayres with all the speed and promptness possible under the circumstances.

Eleventh: That the movement of Warren with Crawford and Griffin was made by Warren immediately on his learning that Ayres had succeeded in joining Sheridan, and was made with promptness and in full conformity with the purposes of General Meade's orders, so far as they were made apparent to Warren.

Twelfth: That the movements of Warren during the night until he joined Sheridan were made under the orders of General Meade; and, as far as appears by General Meade's dispatches or reports, or by any evidence before the court, they were executed to the full satisfaction of General Meade.

Thirteenth: That as far as appears to the court, no expression of dissatisfaction was made by General Sheridan, in his official dispatches at the time, with the movements of Warren to re-enforce him, or support him during the night of the 31st.

I come then to the conversation between General Warren and General Sheridan, in which General Lee is mentioned. I have very few words to lay before the court on that matter. General Warren gives a very full statement of the interview which must have led to this testimony that has been given by General Sheridan and General Forsyth. He gives this account of his first meeting in the morning with General Sheridan. He says (page 742):

> I felt, notwithstanding that I had gone without sleep all night—I felt a good deal elated that such a night as we had had turned out so well; that everything had turned out so successfully. So I made the remark to General Sheridan that we had had rather a field day of it since yesterday morning. He said to me, "Do you call that a field day?" I saw by the tone of his remark that he was not very well pleased with what I had said; so I, in a measure, apologized for it by saying that it was perhaps a little ironical, and I referred to the fact that we had been directed to cease operations and have a quiet time of it, but the dispositions General Lee had made had given us about as lively a time as I had had in my experience. That was the only allusion that I recollect making to that subject, and we ceased conversation.

Then General Warren further testified as to General Sheridan's manner at the time:

> The first remark I made that he did not seem to like was one of those unfortunate remarks that anybody would be likely to make. It did not seem to please him; and when I made the other statement, I think it rather removed the dissatisfaction which I thought the first remark caused. It was so intended.

Now, very plainly, General Sheridan misunderstood entirely General Warren's meaning. Very naturally Gen. Sheridan, with his understanding of it, took offense. General Warren said what he could to remove the unfavorable impression produced on General Sheridan's mind, but did not succeed in doing so.

On page 741 of Warren's testimony, just before his account of this interview, he says, "I did not notice Forsyth there;" but at a later period that was corrected, he did notice Forsyth; somewhere later in

the record that correction is made. So, in all human probability, it is that conversation to which General Forsyth testifies. There was a simple misunderstanding as to what General Warren meant.

As to the Battle of Five Forks.

Upon my view of the testimony, these facts remain uncontroverted

First : That the advance of the Fifth Corps was ordered by Warren immediately on receipt of orders for that advance from Sheridan, and orders for a speedy march were repeated by Warren more than once to his division commanders.

Second : That the advance to Gravelly Run Church was made, not under Warren's immediate personal supervision ; that it was made with promptness and rapidity under the circumstances.

Third : That during the advance of the Fifth Corps to Gravelly Run church, Warren was occupied in learning from General Sheridan his plan for the coming engagement, in superintending the formation of his corps as the different portions of it came upon the ground, and in giving to his subordinate commanders their instructions for the coming engagement. That Warren's so occupying himself was proper and judicious.

Fourth : That the formation of the Fifth Corps for the attack on the enemy's position was made under General Sheridan's personal supervision, and in strict conformity with his orders.

Fifth : That the written orders issued by Warren to his division commanders were in strict conformity to the instructions received by Warren from General Sheridan.

That is Sheridan's own testimony, repeated as many as five different times.

Sixth : That there was a misapprehension as to the position of the enemy's works, the angle of those works on the White Oak road being supposed to be in front of the Fifth Corps as it was then formed.

Upon that point I have only to call the attention of the court to one point, and that is this: Will the court conclude, after a review of all the circumstances, and after hearing the learned counsel's argument, that General Sheridan ever intended to move up the Fifth Corps so to present their flank squarely to the fire of a work that he intended the Fifth Corps to carry?

That is a question to which my friend has not seen fit to direct his remarks.

One other point here is to be mentioned. The learned counsel in his argument says, that General Baxter, Crawford's right brigade, should have begun to wheel as soon as he struck the White Oak road. Now, whether it is the meaning of the learned counsel that all the front subdivisions of the Fifth Corps, that is, each brigade, should have made a wheel by itself—or a change of direction, for it could not have been a wheel—as soon as they struck the White Oak road, I do not know ; but that very plainly, if it had been done, would have brought the whole corps right in column in a charge on earth-works. And that

may be the counsel's idea of strategy, for all I know. If his idea is that the different divisions were to make changes of direction so as to have simply a new front at right angles with the front which they had held in marching up from Gravelly Run Church, that would put them with the whole line of the Fifth Corps extending up nearly half a mile beyond the end of that return. General Sheridan had no idea of anything of that sort, for he says expressly that it was his intention to "cover the return" with those two divisions. He says that in so many words. My learned friend is going in the face of his client's statement.

Seventh: That for the misapprehension in the enemy's position Warren was not responsible.

Eighth: That the angle of the works of the enemy being to the left of their supposed position, made it necessary for Ayres to change front to the left to meet the unexpected fire on his left.

Ninth: That this change of front on the part of Ayres was the cause of the break between Crawford and Ayres.

Tenth: That Warren and his subordinate officers did all in their power to remedy this break, and to bring the divisions of Crawford and Griffin into the battle as soon as was possible.

To show that my learned friend is not quite correct in his statement before the court that this is a new theory as to the battle of Five Forks, I will read to the court a passage from General Warren's original report of the battle. That extract will show the court that Warren took then precisely the view that he has ever since taken—the one which is now before the court.

* * * * * * * * * *

The propriety of an army all moving at once presupposes, in order that the General who so employs it should be entitled to the credit of the results obtained, that he should have his information so exact that the mass falls directly upon a vulnerable and vital point of the enemy's position. If there should be a mistake in this, the chief merit belongs to those exertions and arrangements by which this mistake is corrected, or in the new dispositions which the occasion demands as requisite, and which are not impracticable. But this calculation as to the position of the left flank of the enemy's line was faulty, and to a very serious extent, considering that he had placed all the troops in position for the move. The changes we had to make afterward required the greatest exertion of myself and staff, when everything was in motion, and in woods of the difficult nature usually found in Virginia, no one of the command being at all acquainted with the ground over which we were moving. * * * * * *

There is the point, as directly and vigorously stated as it was proper that General Warren should state it, in his official report made to his superior officer at the time.

Eleventh: That Warren gave his personal presence during the engagement at such points as he judged most required his personal presence from time to time.

Twelfth: That Warren throughout the engagement did his utmost to second the efforts of General Sheridan to carry out General Sheridan's purposes.

Thirteenth: That Warren was relieved of his command in or near the field marked "V," west of the Gilliam field, when he was at the head of his corps, just after he had led them in person in their last advance against the enemy.

Upon that point I have simply this consideration to submit: The learned counsel has made an extended argument as to the precise point where General Locke met General Sheridan on the White Oak road. It may very well be that General Locke is at this time mistaken in putting that place of meeting just at the right or left of Five Forks. The point, to my mind, is not material. The only point as to which it is material before the court, is the point where Warren was relieved. It is not disputed, and Major Gardner states in his argument that, when General Sheridan was to the west of Five Forks, General Warren passed by him moving farther to the west. It is clear, too, that Custer and Warren met somewhere, and they could not have met except in the Gilliam field; and that was where Warren's advance was made just after his passing by General Sheridan. General Sheridan was undoubtedly close by the northeast corner of the Gilliam field; there is no doubt that he gave an order to General Richardson; there is no doubt that after that order was given by General Sheridan, Warren did lead the advance across the field. It has not been my intention to say that that advance across the Gilliam field was a great act, nor has General Warren ever claimed any credit for it; he conceives that it is what nearly any man of his rank in the United States army would have done. The only material point is, where he was at the time he was relieved; and that is all I have introduced the testimony for.

Then one word as to the witnesses who have been introduced here as to Custer's movements. It is possible that Custer, after he moved around to the west of the field marked V, and to the south of W. H. F. Lee's outpost, did move to the eastward again towards the Young-Boisseau field; some of the cavalrymen may have met him there. There can be no doubt that he did move west along the Gilliam field, and with Warren; and there can be no doubt as to the time when the movement in conjunction with Warren happened. As to Custer's subsequent movements, I do not care to discuss the question at all. It is very clear that if Custer had, at the time Major Gardner supposes, moved around the extreme western end of the works at the point V, and then moved east, none of the enemy's infantry would have escaped. The uniform testimony of all the Confederates is, that they got back through the woods to the north of the Gilliam field without any interruption from the cavalry. So that Custer's movement on the north side of the works, if he made it as supposed by Major Gardner, was made after Corse's line was broken, and after the main body of the enemy's infantry had escaped northward through the woods.

Then we ask a general finding in such terms as the court sees fit to make it, as to whether General Warren, throughout the operations of those two days, acted to the utmost of his ability in carrying out the purposes of his commanding officers, as far as those purposes were made known to him.

Now, as to Warren's having used these years, since the events took place, in making up a case:

It is well known to both Major Gardner and myself, and it appears here on the record, that the pamphlet which General Warren published was almost a verbatim copy of General Warren's official report, which

is before the court. That pamphlet was published immediately after the events. Since that time, General Warren has done nothing except to make and renew his applications for a Court of Inquiry.

As to the point of the alleged delay upon his part in making his application for redress, the evidence is, that in the beginning, on the evening of the battle before he left the field, he made personal application, in a respectful form, to General Sheridan himself; and General Sheridan's answer was very peremptory, and need not be here repeated. Captain Martin, of General Sheridan's staff, gives its exact words. General Sheridan required him to report to General Grant. From that time General Sheridan was no longer his commanding officer, and no further application could have been with dignity or propriety made to General Sheridan. General Warren then within a few days made his application to General Grant for a Court of Inquiry. General Grant's reply was that the exigencies of the service would not then allow it. General Warren then made his application to the Secretary of War. That application was afterwards pressed, through Senator Morgan's intervention, but no official action was ever taken upon it until the time when the action of the President was finally taken. To Secretary of War, McCrary, General Warren repeated his application asking for the consideration of the one previously made for a Court of Inquiry. That application was finally granted. That action was taken on the recommendation of the General of the Army, given in such words that I ask the privilege of reading it:

"The Hon. Secretary of War having asked my opinion of the enclosed appeal, I must say that the long endured imputations on the fair fame of Gen. Warren warrant the Court of Inquiry which he has repeatedly asked for, and which has thus far been denied him.

W. T. SHERMAN,
General."

Now I have finished what I have to say upon the case. And I have to assure the court once more that I have endeavored during this whole investigation simply to forward their purposes. If there has at any time been anything in my manner or in my acts, which has seemed to be improper, I most sincerely hope it will be excused. The feelings which I entertain towards the members of the court, after their exceedingly kind and courteous treatment of me, are such as I need not state at all. In closing, I have only to most earnestly and respectfully request of the court that they will, at the earliest time at which their official duties will allow, take up the consideration of this case. The delay thus far has not been at any stage a thing for which General Warren was responsible. He has pressed this matter as hard as he could at all times. A long period of time has now elapsed. If a decision should be very greatly delayed, who can tell whether the lives of the members of the court will be spared, or the life of the person who is most interested in their decision will be spared. I repeat, therefore, most urgently and respectfully my request, that the court will, in the interest of justice, take up the case for consideration at the earliest possible moment.

Warren Court of Inquiry. *Cotton Map No. 2, See page 238 of Record. Astronomical notes from Prof. Michie, see Appendix*

"COTTON" MAP No. 2.

April 1st 1865; positions of Sun in the Sky.

Mean Time	Altitude	Azimuth
4 P.M.	27°-20'-05"	74°-06'-34"
5 P.M.	15°-39'-04"	84°-07'-19"
6 P.M.	3°-52'-59"	93°-17'-29"
6h 21m 21s P.M Sun Set.	0°-00'-00"	96°-31'-11"

Peter S. Michie
Prof. of Phil. U.S.M.A.

Mean Time of Rising & Setting of Sun & Setting of Moon

1865.	Sun Rises.	Sun Set.	Moon Sets.
March 30th	5h 49m 54s	6h 19m 36s	10h 33m 30s
" 31st	5h 48m 25s	6h 20m 29s	11h 43m 23s
April 1st	5h 46m 56s	6h 21m 21s	12h 26m 37s

New Moon — March — 21st — 12h — 19m
First Quarter — April — 2nd — 8h — 09m

Peter S. Michie
Prof. of Phil. U.S.M.A.

* *Maj. Gen.l P.H. Sheridan, Comdg U.S. Forces*

Brv. Maj. Gen.l Merritt, Comdg U.S. Cav. — 1st Divn Gen.l Devins; 3rd Divn " Custer's
Gen. Mackenzie, Cav. Divn Army of the James

5th Army Corps – Warren

1st Div. Griffin	1st	Brigade	Chamberlain
	2nd	"	Gregory
	3rd	"	Bartlett
2nd Div. Ayres	1st	"	Winthrop
	2nd	"	Bowerman
	3rd	"	Gwyn
3rd Div. Crawford	1st	"	Kellogg
	2nd	"	Baxter
	3rd	"	Coulter

BATTLE-FIELD OF FIVE FORKS.

A is W. Dabney's House	B is J. William's	C is Dr. Andrew's
D " Old Gate Ford	E " Boisseau's or C. Young's	F " Shanty †
G " Sidney or Sydnor	H " Chimney	I " J.W. Harmon's
J " A. Roberts	K " Barnes	L " J.D. Grant's
M " left of earthworks	N " Tobacco barn	O " Mrs. Gilliam's
P " Bass'	R " Gravelly Run Church	
S " Moody's	T " Jas. Boisseau's on Gillespie Map	
U " Old Mill Ford	V " Old graves	

Small Figures in brackets show relative elevations in feet

Scale 4 inches = 1 mile.

0 — ¼ — ½ — ¾ — 1 — 2 miles

* *Confederate Forces*

GENl PICKETT Comdg. the whole

Infantry (from left to right)
Gen.l Ransom's North Carolina Brigade
" Wallace's South " "
" Steuart's Virginia "
Col. Mayo's "
Gen.l Corse's "

Cavalry Commanded by Gen.l Fitz. Lee
Gen.l Munford's Division on left
" Rosser's " in reserve
" W.H.F. Lee's " on right

Artillery Comd by Col. Pegram
One six gun battery
" eight gun horse artillery battery.

JULIUS BIEN, LITH. 16 & 18 PARK PLACE N.Y.

* *Organization of forces as displayed before the Court.*

† *Built since the battle, see page 667 of Record.*

Sketch showing the country about FIVE FORKS

and the right of the Confederate position

to illustrate the operations of the 5th Corps under Maj. Gen. G.K. Warren

on the 31st of March and 1st of April 1865

as derived from the official Maps of

Maj. N. Michler Corps of Engrs. Bvt. Brig. Gen. U.S.A.

F.O. Maxon Asst Engr. and "Colton" Maps Nos. 2 and 3.

Compiled by order of Court of Inquiry.

December 1880.

Drawn by C.G. Auerbach.

C. YON AMY. LITH. 15 FRANKFORT ST., N.Y.