

The Celebrated Newport Barracks Court Martial of Brevet Major General David E. Twiggs

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Erected in 1803 as an arsenal for the trans-Appalachian west, the Newport (Ky.) Barracks (army installation) provided arms and ammunition for William Henry Harrison's troops at the Battle of Tippecanoe, as well as serving as a point of departure for Governor Isaac Shelby's Kentucky militia in their invasion of Canada during the War of 1812. With the restoration of peace, the construction of Jefferson Barracks at St. Louis, and the establishment of larger arsenals at Pittsburgh and Detroit, Newport Barracks was converted into a recruiting depot during the 1820s. Garrisoned by a small permanent party, it functioned to acclimate newly-enlisted volunteers to the rigors of army life before sending them on to their regiments in the field. During the Mexican War, 1846-1848, the post fairly swarmed with troops destined for New Orleans or Texas. But in the first decade following the war, the population of Newport Barracks leveled off to an average of approximately sixty permanent, and 150 transient occupants in any given month.¹

Located on the east bank of the Licking River at its confluence with the Ohio, and directly across from the Cincinnati public landing, the Newport Barracks was as much a part of the greater Cincinnati landscape as the seven suburban hills that ringed the Queen City of the West. The frequent cannon salutes, the weekly dress parades which were open to the public, and the periodic post band concerts all served as constant reminders of the presence of the U.S. military. Consequently, happenings at the Barracks were of general interest to Cincinnatians, whether they be a change in post commandant, a visit by a distinguished military figure, or the arrest of a drunken soldier. Small wonder then, that the Court Martial trial of Brevet Major General Daniel E. Twiggs aroused so much

regional interest in 1858.²

Twiggs, the third-highest ranking general of the line in the U.S. Army, was a veteran of forty-six years of military service and one of a dozen major heroes of the Mexican War.³ In fact, he had been awarded ceremonial awards by the U.S. Congress, the Georgia legislature, and the city of Augusta for his Monterrey campaign. Commanding general of the immense Department of Texas for the past two years, what could Twiggs possibly have done to invoke censure, the public wondered. The *Cincinnati Daily Gazette* of 27 April 1858, provided the details.

It seems that Captain William R. Bradfute of the 2nd Cavalry had received reports that one of his officers, second lieutenant Robert C. Wood Jr. had "stolen from the pocket of a drunken man, . . . a wallet, containing a certain sum of money."⁴ Bradfute promptly wrote Wood to inform him that his reputation was at stake, for the allegations were "rife among the citizens of Fredericksburg, Texas, and its vicinity," were believed there, and "were currently spoken of at San Antonio."⁵

Young Wood then prevailed upon his father, Major Robert Wood, an Army surgeon stationed in Washington,⁶ to intercede on his behalf with President James Buchanan, who ordered a court of inquiry to be convened. This court, consisting of Colonel Albert S. Johnston, Lt. Col. Robert E. Lee, Major George H. Thomas, and Captain Edmund K. Smith, all of the 2nd Cavalry, began proceedings at Fort Mason, Texas, on 15 July 1857. But within a few days, "by the accidents of service, the court was reduced to a single member, Major George H. Thomas, and so remained until its adjournment, and consequently it devolved upon him to make up the opinion of the findings."

The Court found "that the matter was not spoken of at Fredericksburgh, or its vicinity, in such matter to be hurtful to Lieutenant Wood's reputation, and that no report was, or is believed in San Antonio. And they further find that there is no ground for any such reports hurtful to Lieutenant Wood's reputation. They therefore acquitted him."⁷ The Court summary and decision was forwarded to Washington where the War Department, after an attentive inspection of the record, and a careful weighing of the evidence, approved and confirmed the finding of the Court in Special Orders No. 123, dated 26 August 1857.

Nor was that all. The Secretary of War's directive severely admonished Bradfute. "A declaration, proved to have been made by Captain Bradfute, when intoxicated, that he believed the charges, is the only evidence that they were believed by anyone. To give impression to an injurious report, by repeating or expressing a belief in it, without just ground, is highly censurable."⁸

Stung by this rebuke, and unexpectedly cast in the role of a villain, Bradfute immediately "demanded of General Twiggs a Court of Inquiry" in order to "vindicate his reputation from any reproach." Citing the 92nd Article of War as his authority, Twiggs granted Bradfute's request and a Court Comprised of Major David H. Vinton of the Quartermaster Department, Ordnance Dept. Captain John McNutt, and Lieutenants Thomas G. Pitcher and Edward D. Blake of the 8th Infantry, convened at San Antonio, Texas, on 16 November 1857.

This court, while scrupulously confining its investigations to points implicating Bradfute's reputation, found nevertheless, "that there were reports at Fredericksburgh, and its vicinity, hurtful to the reputation of Lieutenant Wood, prior to the date of the letter to him from Captain Bradfute, and that they were 'rife' and 'generally believed'; as well as "reports hurtful to the reputation of Lieutenant Wood in existence at San Antonio" Consequently, "the Court cannot find that Captain Bradfute was prompted by any other than friendly feelings toward Lieut. Wood"; that he had good grounds for a belief in the reports referred to; "and that he is not censurable therefor [sic]." These findings were then posted to Twiggs's entire command in Orders No. 33, dated 14 December 1857.

Upon receiving the pronouncement of Twiggs's second Court of Inquiry, the Secretary of War, John B. Floyd, wrote the following letter to Adjutant General Samuel Cooper on 16 January 1858, with instructions that it be transmitted to General Twiggs.⁹

Sir: The orders No. 33, December 14, 1857, of the Department of Texas, are before me on the appeal of Surgeon Wood, and the following is the decision thereon:

General Twiggs committed a gross breach of discipline in appointing a Court of inquiry in a matter in which the President has appointed a Court, and in publishing to his command his opinion and decision to contradict the opinion that the President had

pronounced and published in orders.

He had no authority to relieve an officer from the censure the President had pronounced on him, or to cast imputations on another officer from which the President had pronounced his entire acquittal.

Besides the offense against discipline, it is an offense against justice, to re-try, in the absence of one party, what has been fully heard and tried in the presence of both.

General Twiggs is expected, hereafter, to understand that he has no authority to revise and reverse the decision of the President, and that he will not be permitted to publish others annulling or setting aside the orders of the President.

You are instructed to communicate this letter to General Twiggs, and to direct him to publish it in orders to the Department of Texas.

Twiggs complied with this directive on 8 February 1858, but augmented it with numerous statements and comments in his own defense. "In publishing the above, as directed by the Honorable Secretary of War, the General commanding the Department deems it but just to himself to state that his action in reference to the transaction has been misapprehended." Twiggs first explained the rationale for the two courts of inquiry, following which he made a most unfortunate analogy.

With a view to spread before the officers of the Department the premises upon which the Honorable Secretary of War, on the appeal of Surgeon Wood, has seen fit so severely to blame the General commanding in a single act of routine duty, which, if it had anything wrong in it, could only have been an error of judgment, the publication of this letter is accompanied with the above concise statements of the whole transaction—that the antidote may go with the poison—that wherever the censure may reach, there, too, may the circumstances that called it forth be fairly and justly known.

Twiggs then proceeded to rebut each paragraph of the Secretary of War's 16 January letter. With regard to the fourth paragraph, the Court of Inquiry held in San Antonio at the order of General Twiggs, "was neither for the trial, nor retrial of Lieutenant Wood, and accordingly the Court studiously avoided admitting any questions reflecting on the Court of Inquiry held at Fort Mason, or that could be construed into a trial of Lieutenant Wood."¹⁰ Furthermore, Wood was notified that the second Court of

Inquiry would meet, "and was invited to attend, but declined." General Twiggs "well understands that he has no authority to 'revise and reverse the decision of the President,' nor does he desire to."

Twiggs then closed with the following statement: "In this whole transaction General Twiggs has acted without favor or partiality, strictly under authority vested in him by the articles of war; and thus most publicly, positively, and emphatically, denies having been, or having had any intentions whatever, to be in the slightest degree disrespectful to the President of the United States."¹¹

All of which led to the issuance of War Department Special Orders No. 42, 19 March 1858, summoning Twiggs to appear before a General Court Martial at Newport Barracks on 28 April. The charge was "insubordinate conduct to the prejudice of good order and military discipline," and the three specifications listed were: (1) Twiggs's appointment of Bradfute's Court of Inquiry "to examine matters adjudged and decided" in War Department Special Orders No. 123, 26 August 1857; (2) his publication on 14 December 1857, of the Bradfute Court findings, thus "contradicting a decision pronounced by the President's orders of August 26"; and (3) his publication on 8 February 1858, of the War Department's reprimand "with a commentary on the instructions designed to contradict and refute them, and denouncing them as a 'poison' and appealing from the orders of the President, to the troops under his command." In the first specification Twiggs was charged with acting in contradiction of orders of authority.¹²

Interestingly enough, this was not Twiggs's first court martial. As a twenty-five year old Captain in 1845 he had been suspended without pay for one month for getting a fellow officer drunk, and for "behaving in an unofficer and ungentleman like manner."¹³ And then, at the outset of the Mexican War he "became embroiled in a petty, but famous clash with Brigadier General William J. Worth over which officer took precedence after Taylor, a dispute in which General Winfield Scott eventually ruled in Twiggs's favor."¹⁴

Promoted to Brigadier General in the regular army on 30 June 1846, Twiggs was breveted to a Major General just three months later for the part his division played in the assault upon Monterrey, Mexico, "although it is not

clear whether the general, suffering from a gastrointestinal illness, personally took the field. Twiggs's apparent absence during the siege makes it all the more "singular" that "he was brevetted." As recently as 1857, Twiggs had "become involved in an incident involving a flow of acerbic letters from Twiggs to Thomas S. Jesup, the quartermaster general, challenging the wisdom of his and Secretary of War John B. Floyd's decision to continue the experimental use of camels as military pack animals in Texas."¹⁵

With the above background, Floyd may well have decided that Twiggs needed a bit of chastening, and thus the court martial. But in all probability most Americans in 1858 would have sympathized with Twiggs and agreed with the Cincinnati *Daily Gazette's* comments of 27 April to wit; "taking into account the rank, age, and public services of Gen. Twiggs, the course pursued towards him by the War Department, in compelling him to read an order calculated to humble him before his command, as harsh, discourteous, and oppressive."¹⁶ Or with the 30 April 1858 statement of the Cincinnati *Daily Times*: "Almost every one we have heard speak concerning this trial sympathizes with the veteran General Twiggs, and desires his acquittal. The charges are looked upon as frivolous, and without foundation in justice."¹⁷

In any event, The Twiggs Court Martial trial opened on 28 April and brought to the Queen City "the largest number of distinguished military men ever assembled" there.¹⁸ Only Major General Winfield Scott had a higher permanent rank than Twiggs, so in order that the accused be tried by a jury of his peers, every general officer in the army was detailed to the Court Board.

Although but three of the Board members had attended West Point—none of the generals—at least six of them traced their entrance into military service back to the War of 1812, or before, and all of them except General Jesup had won brevets for their participation in the Mexican War.¹⁹ It was indeed a distinguished, albeit elderly, military assemblage.

Originally assigned to the Board were Brevet Major General Thomas S. Jesup, Quartermaster General; Brevet Major General John E. Wool; Brevet Major General Persifor F. Smith; Brevet Brigadier General Sylvester Churchill, Inspector General; Brevet Brigadier General William S. Harney, Col. 2nd Dragoons; Colonel Joseph K. F. Mansfield,

Inspector General's Dept.; Colonel Joseph Plympton, 1st Infantry; Brevet Colonel John L. Garner, Lt. Col, 1st Infantry; Brevet Colonel Robert E. Lee, Lt. Col, 2nd Cavalry; Colonel Thomas S. Fauntleroy, 1st Dragoons; Colonel Henry K. Craig, Ordnance Dept.; Colonel Charles Thomas, Assistant Quartermaster General; Lt. Colonel George B. Crittenden, Mounted Riflemen; and Brevet Major John R. Lee, Judge Advocate of the United States Army.²⁰

The Court convened at 11:00 a.m. on 28 April in the Newport Barracks Chapel, a large second-floor room which accommodated some 150 people. The officers of the Board, minus General Harvey who was at Fort Snelling, and Colonel Thomas who was excused from duty because of a broken arm, were in dress uniform²¹ and seated around a long blanket-covered table. The defendant Twiggs, "about the best-looking specimen of humanity we ever looked upon,"²² and the prosecutor, Judge Advocate Lee, "a distinguished looking man" about forty-five years old,²³ were in civilian clothes. The spectators, consisting of Newport and Covington citizens, as well as a substantial number of the "hundreds" of Cincinnatians who "crossed the drink to be present," lined the sides of the room, while reporters "took seats on the window sills, and wrote on their hats."²⁴

Due to President Thomas S. Jesup's delayed arrival from Washington, General Wool presided over the Court. He opened proceedings by asking Judge Advocate Lee to read the order which convened the Court. Lee replied that he had left it in his Cincinnati hotel room, because "as I knew nothing would be done today, I didn't bring the order with me."²⁵ Stymied by this unexpected development, General Wool then adjourned the Court until 11:00 a.m., 29 April.

On that date, the second day of the Twiggs trial, civilian attendance was "very large. Ladies, gentlemen, and rabble besieged the Barracks. Guards were detailed to keep the passages and doors, and admit none but ladies, reporters, and friends of the officers." Both General Jesup and the order authorizing the trial were present and on time. The latter read as follows:

War Department, Adjutant-General's Office,
Washington, March 19, 1858, Special Orders No. 42.

By direction of the President of the United States, a
General Court Martial will assemble at Newport

Barracks, Kentucky, at 11 o'clock A.M. on Wednesday the Twenty-Eighth day of April, 1858, or as soon thereafter as practicable, for the trial of Brevet Major General David E. Twiggs, U.S. Army.

By order of the Secretary of War,
S. Cooper, Adjutant-General

Following the reading of the above directive, "General Twiggs arose and stated that though he had the highest confidence in the honor and integrity of Col. Fauntleroy, he should be compelled to object to his being one of the Court on account of former unpleasant official relations." Col. Fauntleroy said he felt he could be fair and impartial, but "his sense of honor would compel him, if General Twiggs objected to him, to ask the Court to excuse him from sitting."

The room was then cleared, the Court deliberated, and Colonel Fauntleroy was removed from the Board. Twiggs offered no objection to any other Court member, and introduced Mr. H. P. Brewster of Austin, Texas, who would be serving, he said, as his legal counsel. The members of the Court then swore an oath to "truly try the case, and to keep the findings secret till the injunction was removed."²⁶ General Jesup, the President of the Court, next administered an identical oath to the Judge Advocate.

With the trial officially underway, General Twiggs stated:

I may desire to call other witnesses than those summoned. Circumstances during the progress of the trial, which cannot be foreseen, may make it necessary. I cannot say that I am prepared for trial, but I do not wish to delay the Court an instant, and am ready to proceed.²⁷

Judge Advocate replied: "I will read the Regulations relative to a proposition for delay"—and commenced.

General Twiggs replied: "Impatiently—I don't recognize the Regulations at all. I rely upon the Articles of War—the Articles of War, Sir, govern my case."

The President: "The Court understands that the Articles of War apply here."

General Twiggs: "I don't apply for a delay or postponement."

General Smith: "There is no proposition for delay or for

anything else, and I can't see why we can't go on."

This hurdle cleared, the Judge Advocate then read the charge and specifications brought against Twiggs by the Secretary of War in conjunction with Special Orders No. 42, to all of which Twiggs pleaded Not Guilty. Following this Major Lee read the contents of Special Orders No. 123. And after this, the Secretary of War's demeaning letter of 16 January 1858, along with Twiggs subsequent 8 February embellishments of same.²⁸

During the course of his lengthy readings Lee "was interrupted by the noise of a salute of 13 guns which was fired in the yard below." As he paused impatiently, Col. Gardner teasingly consoled him "with the remark, 'only one big gun at a time.'" When he had at last finished, the Judge Advocate "threw the documents on the table saying, 'and here the case for the prosecution is closed.'"²⁹

The focus of attention now centered upon the accused. A robust six-footer whose physical appearance belied his sixty-eight years, General David Emanuel Twiggs was described as having "a large, dense head, with piercing grey eyes, which are half concealed by heavy, bushy eyebrow;" his countenance one "of frankness and determination."³⁰ Ignoring Mr. Brewster, his legal counsel, Twiggs undertook his own defense.

First, he called Brevet Captain John Withers, Ass't. Adjutant General of the Dept. of Texas, to the stand. Withers testified that Twiggs had authorized him to hold the Bradfute Court of Inquiry, saying that it would not conflict with any previous order because "the former case was closed." Then, when the Bradfute Court submitted its findings, Twiggs ordered "me to publish the order in the case, but to omit the expression of any opinion from him in regard to them." Withers promptly undertook an examination of all army general orders from 1825 to date, and informed the general "that the course he proposed to adopt was an unusual one, and so far as I could find there was no precedent for it." The reviewing officer had always stated his approval or disapproval of Court findings. Whereupon, "Twiggs said that I should put in the order that the proceedings of the Court were approved," for if he did not so indicate "the Court might think that he had disapproved of the proceedings."³¹

Captain Withers further stated that Twiggs's letter

to him authorizing the convening of Bradfute's Court of Inquiry specifically included an injunction that the Court should "confine itself to the matters set forth in the letter," but that Twiggs told him he didn't feel it was necessary to include in writing the phrase, "and nothing else."

Major David Vinton, who had presided over the Bradfute Court of Inquiry was then summoned to the stand where he testified that the Court deliberately "eliminated references made to H. Wood."³² Twiggs then requested that the other members of the Bradfute Court be called upon to testify.³³ The Judge Advocate protested that they could not, for he had not summoned them to the Trial. In controlled fury, Twiggs addressed the Judge Advocate: "Major, I asked you to summon those witnesses, and supposed you would."³⁴

The Judge Advocate referred quickly to the Regulations, and read a clause directing proceedings in the pending emergency, viz, that the Judge Advocate shall summon no witnesses at the expense of the United States Government, unless the Court is satisfied their evidence is material.³⁵

Gen'l Twiggs with a frown of impatience, threw a pen he held in his hand vehemently on a chair, evidently out of patience with the repeated reference to 'Regulations' when he claimed to be subject only to the 'Articles of War,' and said, I want the witnesses fairly before this Court. It is right they should be.

The President—I think the witnesses should be examined.

Gen'l Smith—We can take their testimony and reserve the question of summoning them till the close of the session, that time may be saved.³⁶

Twiggs arose and reiterated:

I want the witnesses properly before the Court. When thus under orders of the Court, no authority short of the sudden appearance of the enemy directly in front can take them away. The President of the United States has not authority to do it.³⁷

The Court, after a lengthy deliberation, agreed with Twiggs's contention that the Bradfute Court witnesses were necessary to his defense and permitted the interrogation of Captain McNutt who was in the courtroom.

McNutt confirmed that the Bradfute Court had "confined itself strictly to the case of Capt. Bradfute, and admitted no questions upon the guilt or innocence of Lieut. Wood."³⁸ Following this, General Jesup adjourned the Court until 9:00 a.m., April 30.

At the appointed hour on Friday the Court convened.

The Judge Advocate read the minutes of yesterday's proceedings, and then commenced reading a paper, in which he had summoned the witnesses ordered by the Court [Vinton and McNutt], but he was so impressed with the irrelevancy [and illegality] of their testimony that he hoped the Court would hear no more of it, and would pay no attention to that already offered.

Gen. Twiggs—I object to the reading of that. The Court has decided the case, and if the Court is to be lectured, it need not be in my presence.

Gen. Jesup—The Court will decide the question of relevancy.

Gen. Twiggs—I object.

Judge Advocate—Let the Court be cleared.³⁹

"The spectators then retired, and in a few moments were again admitted, when it was announced that the Court had decided" to hear the reading of the paper.⁴⁰ Major Lee went on to say that:

The members of the Court of Inquiry in Texas are not expected to explain to this Court the effects of the proceedings of that Court, nor of General Twiggs [sic] orders therein. They stand for themselves. The charges here rest on the orders of General Twiggs. Those orders are in evidence.⁴¹

Twiggs again stressed the importance of the Vinton-McNutt testimony to his defense, but acknowledged that he had no intention of examining any additional witnesses.⁴² Major Lee then read a copy of Captain Bradfute's request for a Court of Inquiry although he could not produce a like copy of Lt. Wood's similar request.⁴³

At this point General Twiggs read the contents of a letter he had sent to the Secretary of War on 6 February 1858, "Your letter of January 16 to" Adjutant General Cooper "was written on the appeal of Surgeon Wood. In it you have reprimanded me, in severely harsh terms," for "granting to an accused officer of my command on his demand, a Court of Inquiry which he had a right to ask" for in the 92nd article of the Articles of War.⁴⁴

As you have entertained the appeal of Surgeon Wood, I also most respectfully appeal to your justice to give me a fair hearing—to carefully and impartially consider my case—for so confident am I of having discharged my duty, and only my duty, uprightly, and with firmness and impartiality, that I earnestly court the fullest investigation, and feel certain the neverest sentence that can be pronounced against me will be an error of judgment in a point of law, and not in my duty as a soldier.

In conclusion: I must solemnly aver, that, in the whole transaction, I had not the slightest intention, or desire, to oppose the authority of, or to evince the faintest shadow of disrespect to either the President of the United States or yourself.⁴⁵

Following the reading of this letter, General Twiggs announced that the case for the defense was closed. Judge Advocate Lee then "submitted the case to the prosecution without argument."⁴⁶ But at this point, Twiggs's legal counsel, Mr. Brewster, "upon the request of the accused, and by permission of the Court," read a statement from Twiggs to the Court.⁴⁷

I entertained then, and do still, the deliberate conviction that I had the right to order the Court upon the application of Capt. Bradfute. It was my duty. Lieut. Wood alone asked me for the first, and Capt. Bradfute alone for the second Court of Inquiry. Neither was a party in the proceedings instituted on the part of the other. . . . The parties in the two cases were different, the charges were different, and consequently the inquiry in each case would necessarily be different.

The first Court of Inquiry was to prove or disprove evidence of reports and attitudes harmful to the reputation of Lt. Wood. The second to determine if Captain Bradfute had "wantonly defamed a brother officer."

The word "poison" which has been singled out in the specification, and improperly separated from its connection, is but a portion of a figurative expression in common use, and, and in this instance, meaning no more than saying "that the explanation of the charge may go along with the charge itself," or "that the defense may go along with the accusation."⁴⁸

His design, Twiggs stated, was to defend himself, and he could not "here, or anywhere, retract or modify one sentence of it, unless lights not now before me shall show

me that I was wrong."⁴⁹ "[I] emphatically repeat" that "I did not mean to be in the slightest degree disrespectful to the President. With these remarks, gentlemen, the matter is with you."⁵⁰

But Twiggs was not yet finished. He arose, to read with deep feeling, the 16 January letter of reprimand from the Secretary of War which had so wounded and offended him. When he had finished, Twiggs said: "I ask the Court did any of you ever hear such an order addressed to an officer before."⁵¹ General Jesup responded immediately: "The letter is before the Court," which in turn evoked a reply from Twiggs: "I know it sir, but I am closing my defense. . . ."

Twiggs continued:

As to the charge that I desired to be disrespectful to the President or the Secretary, it is too ridiculous for me to deny it. Why should I? Why should I?

I can only say that if this matter had been understood at Washington, and had not received a false coloring there, I should not now had been a prisoner before you.

Gentlemen, my defense is closed.⁵²

"After the General concluded, the Judge Advocate said with his characteristic and demonstrative rapidity—"The case is closed—the court is ordered to be cleared."⁵³ The spectators then withdrew, "and the Court deliberated until half-past two o'clock when it completed its labors and adjourned *sine die*."⁵⁴

With the termination of the Court Martial, the principal participants scattered in all directions: Twiggs and Capt. Withers by train to New York; Col. Mansfield by train to Cleveland; General Jesup to Louisville, Capt. McNutt and Lt. Pitcher to their stations in Texas; General Churchill and Colonels Lee and Plympton to Washington; and General Wool and Colonels Craig and Gardner to their stations via Philadelphia.⁵⁵ Even cadaverous General Smith, described as "an invalid," whose "complexion was perfectly livid, we might say ghastly, and his hair is perfectly white," headed west en route to his command in Utah.⁵⁶ Only Major Vinton remained at the Burnet House Hotel, "quite unwell."⁵⁷

The military flavor lingered over the weekend, however, due to a "full dress parade and inspection of the

soldiers at Newport Barracks" on Sunday morning, 2 May, "which was attended by a large concourse of ladies and gentlemen, a good portion of whom were from "the Queen City."²⁸ And the 4 May edition of the *Daily Gazette* contained a reprint of the *New York Tribune* of 30 April 1858, which explained to a degree the rationale behind Secretary of War Floyd's attack upon General Twiggs. In it, portions of a letter of complaint from Assistant Adjutant General Lorenzo Thomas to General in Chief of the Army, Winfield Scott, were quoted. Thomas objected mightily to the sale of Ft. Snelling, for "so long as the Indians remain in Minnesota, so long must troops be kept in the territory." Floyd responded by stating: "When the War Department is required to report to subordinates 'under what circumstances the post at Fort Snelling was sold,' or any other act was done, the duty shall be performed; but until then, a 'military man' will probably understand that a superior in authority is not to be called on for an explanation of any order."²⁹

Floyd, in fact, remained under Cincinnati editorial fire a full week after the conclusion of the Court Martial.

Among the notable things to be set down in the history of Mr. Secretary Floyd's first year of service in the War Department, there are three which will have a bad eminence so long as he or his works are remembered. His connection with the Fort Snelling sale, his blundering management of the Utah War, and his gratuitous insult to a brave and honorable General, resulting in the remarkable Court Martial just closed at the Newport Barracks, are discreditable acts which cannot efface from public memory, until general oblivion covers him.

According to the *Cincinnati Weekly Gazette*, Floyd was to blame for the travesty because:

having little familiarity with the rules and regulations of the army, and listening to the clamors, probably, of certain personal enemies of Gen. Twiggs, the Secretary conceived that the latter had committed an act of insubordination in granting a Court Martial on Bradfute.

Bearing in mind that the act thus censured was simply the discharge of a plain duty, it may well be imagined how such language as that used in the pert Secretary's reprimand, must have affected a high-toned gentleman, whose honorable services as a soldier, for so many years, are known to the country.

It will not be easy for the blundering Mr. Floyd to

alone, to public sentiment, for the indignities he has heaped upon the gallant general.⁶⁰

Meanwhile, the decision of the Newport Barracks Court had been forwarded on to Washington for approval. Its findings and the official pronouncement of judgment were published in the War Department's General Orders, No. 4, dated 11 May 1858. In this directive it was revealed that the Court had found Twiggs "Guilty, except for the word 'contempt'" of the charge in the First Specification of Special Orders No. 42; "Guilty, except for the word 'contempt'" of the Second Specification; and "Guilty," and "Guilty of the Charge" of the Third Specification. For all of which, the Court did sentence Twiggs "to be reprimanded by the President of the United States."

The Secretary of War then approved "the verdict of the Court Martial," but "in consideration of" General Twiggs "distinguished services, and of the unanimous recommendation of the Court, the sentence is remitted." Twiggs was then authorized to "resume his sword and the command of the Department of Texas."⁶¹

Thus, the "Tempest in a Teapot" Court Martial Trial of General Twiggs ended in an acceptable compromise for all concerned. The Secretary of War's prerogatives had been upheld. The officers of the military court had discharged their duties in a professional and, presumably, unbiased way. And Twiggs's honor and dignity had emerged intact by virtue of the non-punitive court sentence.

Many of the General's admirers, however, hailed the decision as a victory for their champion; a triumph of justice, both literal and poetic. Who among them could have foreseen in the spring of 1858, that less than three years later, 16 February 1861, the "gallant" and "noble" Twiggs would surrender, without resistance, his entire Department of 2,328 U.S. soldiers and over a million dollars worth of government equipment, to a force of some 1,000 seceded Texans under the command of Ben McCullough.⁶²

For this inglorious and treasonous act,⁶³ Twiggs was summarily dismissed from the United States Army on 1 March 1861, just three months short of the fiftieth anniversary of his first having entered it. But the ultimate irony was still to come. With the founding of the Confederate States of America, the two bitter antagonists of 1858,

Secretary of War John B. Floyd, and Brevet Major General David E. Twiggs, found themselves supporting a common cause as generals in the rebel army; the former in Virginia, and the latter at New Orleans.

Neither one distinguished himself in Confederate service. Twiggs, after the fall of New Orleans to Union forces in April of 1862, retired to his Augusta, Georgia, home where he died on 15 July 1862. Floyd, after being transferred to the western theater, is best remembered for abandoning his command at Ft. Donelson in order to escape being captured by U.S. Grant. Thus, their joint espousal of the "Lost Cause" in no way harmed the North, while verifying anew the timeless maxim that politics and wars do, indeed, make strange bedfellows.

Notes

¹Figures compiled by the author at the National Archives, Washington, D.C., from the monthly post returns of the Newport Barracks commandants.

²An honorary military title, the brevet rank was usually bestowed upon an officer as a reward for gallant and heroic action in wartime or for long and distinguished service in peacetime.

³Quartermaster General Thomas S. Jesup had been a brigadier general since 1818 and Brevet Major General since 1828, but he was not considered a line officer. Although David E. Twiggs's brevet major generalship antedated that of John E. Wool's by five months, Wool's permanent rank of brigadier general preceded that of Twigg's by a full five years. Thus Wool was second in line to Major General Winfield Scott. *Official Army Register For 1858*, (Washington, 1858).

⁴*Cincinnati Daily Gazette*, 27 April 1858, p. 1. Hereafter referred to as the *Daily Gazette*. Bradfute, a Tennessean, first entered U.S. service in 1846. Promoted to captain in March of 1855, he resigned his commission six years later to serve in the Confederate States' Army as a colonel of cavalry.

⁵*Daily Gazette*, 27 April 1858, p.1.

⁶Robert C. Wood, Sr., entered U.S. military service as an assistant surgeon in May of 1825. In May 1836 he was promoted to major and to surgeon. During the Civil War he was colonel and Assistant Surgeon General of the U.S. Army. Brevetted a brigadier general in March of 1865, he died on March 28, 1869. His son, Robert C. Wood Jr.'s career in the U.S. Army was a brief one. He served as a second lieutenant in the 2nd Cavalry from 1855 until his resignation from service on 1 January 1858. During the Civil War he was Lt. Colonel of a Mississippi cavalry

regiment. He died on 4 December 1900.

⁷*Daily Gazette* 27 April 1858, p.1.

⁸*Daily Gazette*, 30 April 1858, p. 2.

⁹*Daily Gazette* 27 April 1858, p.1.

¹⁰*Daily Gazette* 27 April 1858, p.1.

¹¹*Daily Gazette* 27 April 1858, p.1.

¹²*War Department, General Orders No. 4*, Washington, 11 May 1858, p.1 contains the charges included in Special Orders No. 42 of 19 March 1858.

¹³Joseph L. Donnelly, "Newport Barracks," p. 173-74. An unpublished typewritten manuscript located at the U.S. Army Military History Institute, Carlisle Barracks, Pa.

¹⁴Roger J. Spiller, ed., *Dictionary of American Military Biography*, Vol. III, (Westport, Conn., 1984), p. 1119-120. Both Worth and Twiggs were awarded swords by the U.S. Congress on 2 March 1847, for their achievements at Monterrey.

¹⁵Spiller 1120.

¹⁶*Daily Gazette*, 27 April 1858, p. 2.

¹⁷*Cincinnati Daily Times*, 30 April 1858, p.3. Hereafter referred to as *Daily Times*.

¹⁸*Daily Gazette*, 29 April 1858, p.2.

¹⁹This information was compiled from a number of sources, including biographical sketches in Cincinnati newspapers, the *Dictionary of American Biography*, and Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, Vol. I, (Washington, 1903).

²⁰*Daily Gazette*, 28 April 1858, p. 2.

²¹General Persifor F. Smith "wore the new hat, in accordance to the late army regulations. . . It has the appearance of a low crowned Kossuth (black) with one portion of the rim pinned up at the side. Barring the decoration, it looks very much like a hat whose owner has been on a 'bender' and got one side (of the hat) jammed in."

²²*Daily Times*, 28 April 1858, p.3.

²³*Cincinnati Daily Commercial*, 29 April 1858, p. 1. Hereafter referred to as *Daily Commercial*.

²⁴*Daily Times*, 28 April 1858, p. 3.

²⁵*Daily Gazette*, 29 April 1858, p. 2.

²⁶*Daily Gazette*, 30 April 1858, p. 2.

²⁷*Daily Commercial*, 30 April 1858, p. 1. The dialogue following Twiggs's statement is from this same source.

²⁸*Daily Commercial*, 30 April 1858, p. 2.

²⁹*Daily Gazette*, 30 April 1858, p. 2.

³⁰*Daily Commercial*, 29 April 1858, p. 1.

³¹*Daily Gazette*, 30 April 1858, p. 2.

³²*Daily Gazette*, 30 April 1858, p. 2.

³³McNutt was in the courtroom; Pitcher, if not actually present, was known to be in Cincinnati; but the local newspapers made no mention of Lt. Blake's whereabouts. Perhaps General Twiggs never intended for him to testify.

³⁴*Daily Commercial*, 30 April 1858, p. 1.

³⁵*Regulations For the Army of the United States, 1857*, (New York, 1857), p. 111, states in Article XXXVIII, paragraph 671, that "The Judge Advocate shall summon the necessary witnesses

for the trial; but he shall not summon any witness at the expense of the United States, nor any officer of the army, without the order of the court, unless satisfied that his testimony is material and necessary to the ends of justice."

³⁰*Daily Commercial*, 30 April 1858, p. 1.

³¹This statement was made by Twiggs in response to an allusion just made to a recent order the Secretary of War had supposedly issued, ordering all unauthorized court martial witnesses back to their posts. *Daily Gazette*, 30 April 1858, p. 2.

³²*Daily Gazette*, 30 April 1858, p. 1.

³³*Daily Times*, 30 April 1858, p. 3. It was important that Vinton, McNitt, Pitcher, and any court martial witnesses for that matter, receive a proper summons, for if not, their traveling expenses would not have been reimbursed by the government, and their testimony did not have to be considered in the trial deliberations.

³⁴*Daily Times*, 30 April 1858, p. 3.

³⁵*Cincinnati Enquirer*, 1 May 1858, p. 3. Although this statement by Major Lee would indicate that he had summoned none of the Bradfute Court of Inquiry officers as witnesses for the Twiggs Court Martial, both the *Daily Commercial* and *Daily Gazette* accounts relate that Major Vinton had testified on Twiggs's behalf prior to Twiggs insistence that the other members of the Bradfute Court be summoned as witnesses.

³⁶*Daily Commercial*, 1 May 1858, p. 1. This eliminated, at least, Lieutenants Pitcher and Blake.

³⁷*Daily Commercial*, 1 May 1858, p. 1.

³⁸*Daily Gazette*, 1 May 1858, p. 2.

³⁹*Daily Gazette*, 1 May 1858, p. 2. The wording of this letter makes one wonder if Twiggs was not soliciting a Court of Inquiry into his motives for permitting the Bradfute Court of Inquiry.

⁴⁰*Daily Gazette*, 1 May 1858, p. 2.

⁴¹*Daily Commercial*, 1 May 1858, p. 1.

⁴²*Daily Gazette*, 1 May 1858, p. 2.

⁴³*Daily Gazette*, 1 May 1858, p. 2. It is interesting how much this statement parallels that of Martin Luther at the Imperial Diet of Worms in 1521.

⁴⁴*Daily Gazette*, 1 May 1858, p. 2.

⁴⁵*Daily Gazette*, 1 May 1858, p. 2. According to the *Daily Commercial*, 1 May 1858, p. 1, Twiggs added the following statement: "When I published that order I considered that I had executed myself."

⁴⁶*Daily Gazette*, 1 May 1858, p. 1.

⁴⁷Earlier in the trial the *Daily Commercial*, 30 April 1858, p. 1, had observed "that to Major Lee, 'time is precious.' His movements, like his thoughts and language, are nervous and quick as lightning. His utterance is so rapid generally that it is almost impossible to comprehend him."

⁴⁸*Daily Commercial*, 1 May 1858, p. 1.

⁴⁹*Daily Gazette*, 1 May 1858, p. 2.

⁵⁰*Daily Commercial*, 29 April 1858, p. 1. On 27 May 1858, the *Cincinnati Weekly Gazette*, p. 1, reported that "Major General Persifor F. Smith, commander of the army in Utah, died

in Ft. Leavenworth, Kansas, on Monday Morning at one o'clock. He was in this city about two weeks since in attendance upon the court martial of Gen. Twiggs, where his ghostly appearance excited much attention, and the thought that his days were nearly numbered."

⁵⁷*Daily Gazette*, 1 May 1858, p. 2.

⁵⁸*Daily Gazette*, 3 May 1858, p. 2.

⁵⁹*Daily Gazette*, 4 May 1858, p. 1.

⁶⁰*Cincinnati Weekly Gazette*, 6 May 1858, p. 1.

⁶¹War Department, *General Orders*, No. 4., 11 May 1863, p. 1.

⁶²A full account of this surrender may be found in Caroline B. Darrow, "Recollections of the Twiggs Surrender," *Battles and Leaders of the Civil War*, Vol. I, (New York, 1956), p. 33-9.

⁶³So was it generally considered throughout the northern states in the spring of 1861, but according to Douglas E. Freeman, *R. E. Lee*, Vol. I, (New York, 1935), p. 426-27, Twiggs, "a strong 'states rights' man," had informed the Adjutant General "that he would not fire on American citizens," and had repeatedly "asked Washington for instructions, stating that he did not assume the government desired him to carry on civil war in Texas and that he consequently would turn over the army property in his department to the government of the state after Texas seceded." Thus, when the Texas legislature voted in favor of secession on 1 February 1861, and state forces began negotiations for Twiggs's surrender, he yielded completely on 16 February, following their seizure earlier that morning of the U.S. arsenal and stores at San Antonio. He had even requested, on 13 January 1861, to be relieved of his command, but did not receive said order until February 15, too late to abdicate responsibility.