

**A STATEMENT OF THE CASE OF
BRIGADIER-GENERAL JOSEPH
W. REVERE, UNITED STATES
VOLUNTEERS, AUGUST 10TH,
1863**

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A Statement of the Case of Brigadier-General Joseph W. Revere, United States Volunteers,
August 10th, 1863 by Various

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VARIOUS

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1868, Oct. 15.
Gift of
Hon. Chas. Sumner,
(86.6.1830.)

P R E F A C E .

JUSTICE to those friends and fellow-citizens of mine, at whose instance I took up arms in this war, and also to a military reputation founded upon twenty-five years spent in the service of the United States, in her armies and in the Navy, in every part of the world, compels me to lay before those friends and the public, the following statement of facts and accompanying documents.

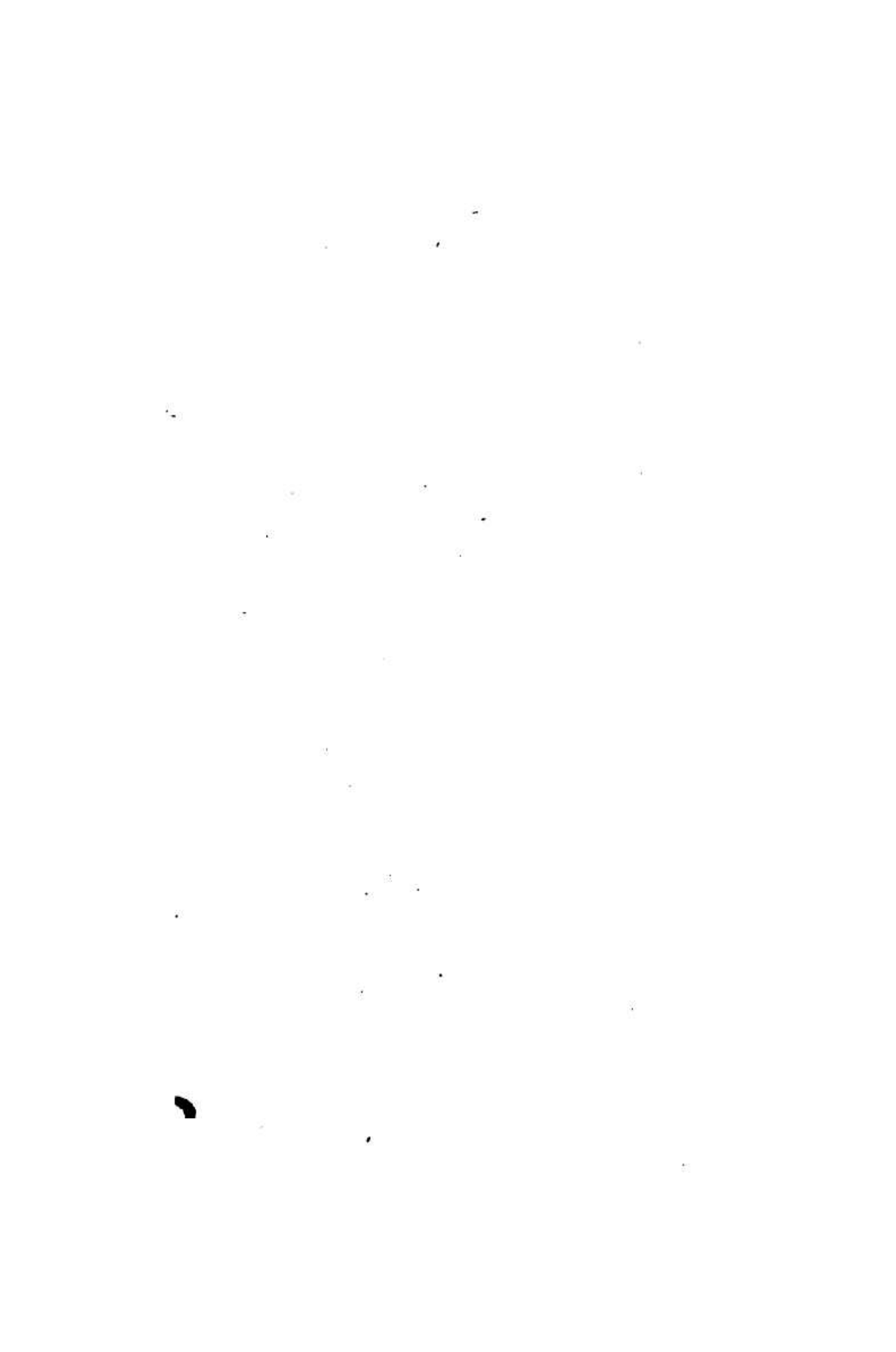
I have endeavored to confine myself strictly to the official action of the Court-Martial which sentenced me to dismissal from the Army, and to matters respecting that action; for, in my quality of a soldier, I have always judged men by their acts, and not by what they say of themselves, or by what their friends or others say of them.

I submit this statement in the belief that the public, more fully informed than the Court, will exonerate me from the censure cast upon me by its sentence.

J. W. REVERE.

THE WILLOWS, NEAR MORRISTOWN, N. J.

September, 1863.



STATEMENT.

At a General Court-Martial, ordered by General HOOKER, commanding the Army of the Potomac, held near Falmouth, Virginia, on the 12th day of May, 1863, for the trial of Brigadier-General JOSEPH W. REVERE, United States Volunteers, the following charges were preferred by General SICKLES, commanding the Third Corps:

FIRST CHARGE.—Misbehavior before the enemy.

Specification.—In this, that Brigadier-General J. W. Revere, United States Volunteers, commanding Third Excelsior (Second) Brigade, Second Division, Third Corps, while the said division was engaged with the enemy at Chancellorsville, Virginia, did march his command an unnecessary distance to the rear to re-form it, and did then march with his brigade, and such fragments of other regiments of the said division as he could assemble, to United States Ford, about five miles from the scene of action. All this without orders from his superior officers, about eight o'clock on the morning of May 3d, 1863.

CHARGE SECOND.—Neglect of duty, to the prejudice of good order and military discipline.

Specification.—In this, that Brigadier-General J. W. Revere, United States Volunteers, commanding Excelsior (Second) Brigade, Second Division, Third Corps, did allow public property to the amount of 189 muskets, 178 sets of accoutrements, 259 bayonets, 28,440 rounds of small-arm ammunition, 1,779

knapsacks, 836 haversacks, 494 canteens, 2,000 shelter tents, and fifty-five pioneer tools, in the service of his command, to be abandoned, and to fall into the hands of the enemy. All this without orders from his superior officers at Chancellorsville, Virginia, on or about May 3d, 1863.

And the finding of the Court was in these terms:

Of the Specification to First Charge, guilty, except the words, "while said division was engaged with the enemy at Chancellorsville, Virginia, did march his command an unnecessary distance to the rear to re-form it, "and" "then" and "to United States Ford, about five miles from the scene of action," substituting for the latter clause, "to about three miles from the scene of action, towards United States Ford."

Of the First Charge, not guilty, but guilty of conduct to the prejudice of good order and military discipline.

Of the Specification to Second Charge, not guilty.

Of Second Charge, not guilty.

The finding on the First Specification, then, is as follows:

Guilty, in this, "that Brigadier-General J. W. REVERE, United States Volunteers, commanding Excelsior (Second) Brigade, Second Division, Third Corps, did march with his brigade, and such fragments of other regiments of the said division as he could assemble, to about three miles from the scene of action, towards United States Ford."

The sentence of the Court was, that General Revere be dismissed from the military service of the United States.

This sentence was approved by the President on the 10th day of August, 1863, and made known to the accused on the 15th day of August, 1863.

I.

The Court-Martial held the grave charges of neglect of duty and misbehavior before the enemy to be unfounded, and rested its sentence upon the far less disgraceful charge of "conduct

to the prejudice of good order and military discipline." I make no comment upon the spirit which dictated an accusation fatal, if proved, to the honor of a brother soldier, yet unsustained by the facts: nor is it necessary to dwell on that large portion of the evidence in the case which relates to the second charge. The reader is capable of deciding for himself in what degree the facts warrant the finding, and to what extent the finding justifies the severity of the sentence.

No defence was offered by the accused on the trial. At the close of the case for the prosecution, my counsel, General D. B. Birney, was so entirely satisfied with the evidence, as exonerating me from all censure, that, after offering the testimony of two officers for the defence, in explanation of some details, he advised the course of submitting the case to the Court, without making any argument, or any fuller explanation of the circumstances and motives governing my action. It was his opinion, as well as that of my friends present at the trial, that the case for the prosecution had completely broken down; and I received their congratulations upon the result, without a doubt of my acquittal. Nor were any of us prepared for the extraordinary course which the Court adopted, in pronouncing me not guilty upon both the charges, yet framing another charge, fitting a part of one of the original specifications to it, and condemning me thus, in fact, unheard upon that particular accusation. "Neglect of duty," under the second charge, we were prepared to disprove, and did in fact disprove, by the very evidence for the prosecution. The more general charge of "conduct prejudicial to good order and military discipline" required a different defence, resting upon motives, upon special information, and reasons for action, known only to the accused; and, if it had been fairly presented, it would have been met by such a defence. How far the Court was justified by military law in this peculiar finding, will be inquired in another part of this paper.

Some confusion may have been produced in the minds of the members of the Court, by the ingenuity with which the chief witnesses for the prosecution insinuated the proof of an

offence not really charged. Their testimony labors to establish two facts; one supporting the charges, and the other wholly irrelevant to them. The first is the offence of misconduct while commanding the division; the other, that of misconduct in unwarrantably assuming command of it. Now, while the latter, if proved, could have had no effect upon the case as charged, it might very easily have fixed upon the minds of the Court an impression of insubordination, which must have affected their finding. No evidence was offered by me to disturb this erroneous impression. An attentive reader of the testimony can hardly escape the conclusion, that the false issue thus craftily presented may have had this effect.

II.

Some explanation of earlier events and circumstances is necessary for a clear understanding of the questions with which the Court had to deal.

First, as to the command of my division.

The three brigades composing the Second Division of the Third Corps, were commanded respectively by Brigadier-General Mott, in command of the Third Brigade; Brigadier-General Revere, in command of the Second; and Acting Brigadier-General Carr, in command of the First. The numbering of these brigades has no reference to the relative rank of their respective commanders. General Mott and myself were commissioned Brigadier-Generals, his commission bearing date in September, 1862, and mine in October, 1862. Brigadier-General Carr had been appointed to that rank by the President in September, 1862, but the Senate had not confirmed his appointment. After the adjournment of Congress, and in March, 1863, he was reappointed by the President, and it was under that appointment only, dated in March, 1863, and giving him rank from that time, that he was an acting Brigadier-General at the battle of Chancellorsville. His origi-