

ARTICLE XIII.

Killed by a Brother Soldier.*

"General Davis has just shot General Nelson!" said John J. Crittenden, as he walked rapidly up to his son, General T. L. Crittenden, at the Galt House breakfast-table, on the 29th of September, 1862. This announcement, in the clear and impressive voice peculiar to the great Kentucky orator and statesman, sent a thrill of horror through all who heard it. Men hurried to witness or hear of the death-scene in the tragedy. Nelson, shot through the heart, laid at full length upon the floor. General Crittenden kneeled, took his hand, and said: "Nelson, are you seriously hurt?" "Tom, I am murdered," was the reply.

When the Army of the Ohio, under Buell, was moving on Chattanooga, in the summer of 1862, the line of railroad—some three hundred miles long—from Louisville, Ky., upon which the troops were dependent for supplies, was so frequently broken by the enemy that Buell detached Nelson, in whom he had great confidence, and sent him to Kentucky with orders to take command there and re-establish and protect the line of supply. Upon reaching his destination Nelson found himself second to General H. G. Wright, whom the President, without Buell's knowl-

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edge, had placed in command of a military department, embracing the State of Kentucky. Wright's troops under the immediate command of Nelson, and the Confederate forces, under Kirby Smith, fought a battle at Richmond, Ky., on the 30th of August, in which the former were defeated, and Nelson was wounded. The Confederates took possession of Lexington and Frankfort, held the "Blue-grass" region, and threatened Cincinnati and Louisville. Wright looked to Cincinnati, his headquarters being there, and entrusted the defence of Louisville to Nelson. Louisville, threatened by both Bragg and Kirby Smith, was in great peril. Nelson, able, energetic, arbitrary, was straining every nerve for the defence of the city. Davis, who was then on sick-leave in Indiana, appreciating the condition of affairs in Kentucky, and hearing that general officers were needed there, volunteered his services, reported to Nelson, by order of Wright and was charged with the duty of organizing and arming the citizens of Louisville. Nelson's quarters and offices were in the Galt House, at the north end of the west corridor, on the first or main floor. His Adjutant-General's office was in room No. 12, and his Medical Director's office in room No. 10. After Davis had been for a day or two on the duty to which he had been assigned, he called in the afternoon at headquarters, and Nelson said: "Well, Davis, how are you getting along with your command?" Davis replied: "I don't know." Nelson asked: "How many regiments have you organized?" Davis again replied: "I don't know." Then Nelson said: "How many companies have you?" To which

Davis responded in a seemingly careless tone: "I don't know." Nelson then said, testily: "But you should know," adding, as he arose from his seat, "I am disappointed in you, General Davis. I selected you for this duty because you are an officer of the Regular Army, but I find I made a mistake." Davis arose and remarked, in a cool, deliberate manner: "General Nelson, I am a regular soldier, and I demand the treatment due to me as a general officer." Davis then stepped across to the door of the Medical Director's room—both doors being open, as the weather was very warm—and said: "Dr. Irwin I wish you to be a witness to this conversation." Nelson said: "Yes, Doctor, I want you to remember this." Davis then said to Nelson: "I demand from you the courtesy due to my rank." Nelson replied: "I will treat you as you deserve. You have disappointed me; you have been unfaithful to the trust which I reposed in you, and I shall relieve you at once," adding, "you are relieved from duty here, and you will proceed to Cincinnati and report to General Wright." Davis said: "You have no authority to order me." Nelson turned toward the Adjutant-General and said: "Captain, if General Davis does not leave the city by nine o'clock to-night, give instructions to the Provost-Marshal to see that he shall be put across the Ohio."* Upon such occasions Nelson was overbearing and his manner was peculiarly offensive. Highly incensed by the treatment he had received, Davis withdrew; and that night went to Cincinnati and re-

* As given by Dr. Irwin, now Surgeon, with rank of Major and Brevet-Colonel U. S. A.

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ported to Wright, who assigned him to command in front of Covington and Newport, Ky. A few days thereafter (Sept. 25) Buell reached Louisville and superseded Nelson in command, and Wright ordered Davis to return to Louisville and report to Buell. In pursuance of Wright's order, Davis, on the morning of September 29, 1862, appeared at the Galt House, Louisville, the headquarters at that time of both Buell and Nelson. When Nelson entered the grand hall, or office, of the hotel, just after breakfast, there were many men there, among them Davis and Governor O. P. Morton, of Indiana. Nelson went to the clerk's office, asked if General Buell had breakfasted, and then turned, leaned his back against the counter, faced the assembled people, and glanced over the hall with his clear black eye. In the prime of life, in perfect health, six feet two inches in height, weighing three hundred pounds, his great body covered by a capacious white vest, his coat open and thrown back, he was the feature of the grand hall. Davis, a small, sallow, blue-eyed, dyspeptic-looking man, less than five feet nine inches high, and weighing only about one hundred and twenty-five pounds, approached, charged Nelson with having insulted him at their last meeting, and said he must have satisfaction. Nelson told him abruptly to go away. Davis, however, who was accompanied by Morton, pressed his demand till Nelson said: "Go away, you d——d puppy, I don't want anything to do with you!" Davis had taken from the box on the counter one of the visiting cards kept there for common use, and, in the excitement of the interview, had squeezed it into a small ball, which,

upon hearing the insulting words just quoted, he flipped into Nelson's face with his forefinger and thumb, as boys shoot marbles. Thereupon, Nelson, with the back of his hand, slapped Davis in the face. He then turned to Morton and said: "Did you come here, sir, to see me insulted?" "No, sir," replied Morton, and Nelson walked away toward his room, which, it will be remembered, was on the office floor, and at the north end of the hall or corridor which extends along the west side of the building. A doorway connects this corridor with the grand or office hall, and near that doorway starts a staircase which leads from the hall to the floor above. After the slap, Davis turned to Captain ——, an old Mexican-War friend from Indiana, and asked for a pistol. Captain —— did not have a pistol, but he immediately obtained one from Thomas W. Gibson and gave it to Davis. Gibson was a friend of Davis, and was from Indiana, but at the time of this occurrence he was a practising lawyer in Louisville. In the meantime Nelson had passed from the office hall into the corridor which led to his room, had walked toward his room, then turned back and was near the foot of the staircase and in front of the doorway leading to the office hall when Davis reached the threshold from the office. They were face to face and about a yard apart, the one with pistol in hand, the other entirely unarmed. Davis fired and Nelson walked on up stairs. Buell, at the time, was in his room, which was near the head of the stairs on the second floor. It is believed that Nelson was on his way to report to Buell what had occurred, when he was confronted and shot by Davis. Be that as it

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may, he walked up stairs after he was shot, and fell in the hall between the head of the stairs and Buell's apartment. Those who had gathered around carried him into the room nearest the spot where he fell and laid him on the floor. He said to Silas F. Miller, proprietor of the hotel, who had rushed to the scene when he heard the pistol: "Send for a clergyman; I wish to be baptized. I have been basely murdered." The Rev. J. Talbot, an Episcopal minister, was called. All the medical aid available was summoned. Surgeon Robert Murray, Buell's medical director at the time (afterward Surgeon-General of the Army), says: "I was summoned from the Louisville Hotel to the Galt House when he was shot. I found him on the floor of his room insensible, with stertorous breathing, and evidently dying from hemorrhage. The ball, a small one, entered just above the heart, had passed through that organ or the large vessels connected with it. I am quite sure that he did not utter an intelligible word after I saw him." Before Surgeon Murray arrived, however, a number of persons went into the room, among them General Crittenden, mentioned in the opening of this narrative, the Rev. J. Talbot, and myself. At half-past eight A.M., within less than an hour from the time Nelson was shot, he was dead.

I was in the grand hall of the Galt House when the encounter took place, but I did not know Davis was there; nor had I heard of the difficulty that had occurred some days before between him and Nelson. They were both my warm friends. Davis had been 2d Lieutenant in the company of which I was 1st Lieutenant, and part of the time commander.

We had been companions and messmates. Upon hearing the sound of the pistol, I ascertained what had happened, and made my way through the crowd that had gathered around Davis, put my hand upon his shoulder, and told him that I placed him in arrest by order of General Buell. I was at that time Buell's Chief-of-Staff. Davis, though greatly agitated, showed no signs of rage. He was glad to be taken from his surroundings, and placed in formal military custody by a friend and proper military official. I took his arm, and we immediately went together to his room on an upper floor of the Galt House. No policeman had any thing to do with his arrest; nor did one appear so far as I know. When we entered the room and closed the door, Davis said he wanted to tell me the facts in the case while they were fresh. He then gave me details of the affair, including the decisive incident of flipping the paper wad into Nelson's face. I remained with Davis but a few minutes. I am satisfied that he had not anticipated the fatal ending to the encounter he had just closed with Nelson. He sought the interview unarmed, and so far as known none of his friends were armed except Gibson, and it is not probable that he had provided himself for this occasion with the small pistol which was passed from him to Davis. It seemed to be Davis's purpose to confront Nelson in a public place, demand satisfaction for the wrong done him a few days before, and if he received no apology, to insult Nelson openly, and then leave him to seek satisfaction in any way, personally or officially, that he saw fit. It was to fasten upon Nelson the insult of a blow that the paper wad was.

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flipped into his face. Nelson, no doubt, had that offensive act in mind when he said to Morton just after it was committed: "Did you come here, sir, to see me insulted?" But, instead of waiting to send a challenge, or take official action, if he had been inclined to do either, for the insult he had received through the paper wad, Nelson avenged himself on the spot by returning the blow. Davis then carried on the fight, and it reached an end he had not designed. Nelson (as well as Davis) had many devoted friends about the Galt House at the time, and there were mutterings of vengeance among them. But wiser counsels prevailed. Generals Jackson and Terrill were the most difficult to appease. They both found soldiers' graves a few days later upon the battlefield of Perryville.

Buell regarded Davis's action not only as a high crime, but as a gross violation of military discipline. He felt that the case called for prompt and vigorous treatment; but he could not administer it. The campaign was beginning. A new commander was found for Nelson's corps, and the army marched the second day after his death. Buell could neither spare from his forces the high officers necessary to constitute a proper court-martial, nor could he give the necessary attention to preparing the case for trial in Louisville, where it was best, if not necessary to try it. He therefore reported by telegraph as follows:

"FLOYD'S FORK, KY.

"*Via Louisville, Oct. 3, 1862. (Received 6.20 P.M.)*

"GENERAL H. W. HALLECK:

"Brigadier-General Davis is under arrest at Louis-

ville for the killing of General Nelson. His trial by a court-martial or military commission should take place immediately, but I can't spare officers from the army now in motion to compose a court. It can perhaps better be done from Washington.

"The circumstances are, that on a previous occasion Nelson censured Davis for what he considered neglect of duty, ordered him to report to General Wright at Cincinnati, Ohio. Davis said with reference to that matter that if he could not get satisfaction or justice he would take the law in his own hands. On the occasion of the killing he approached Nelson in a large company and introduced the subject. Harsh or violent words ensued, and Nelson slapped Davis in the face and walked off. Davis followed him, having procured a pistol from some person in the party, and met Nelson in the hall of the hotel. Davis fired. The ball entered the right breast, inflicting a mortal wound, and causing death in a few minutes.

"D. C. BUELL, *Major-General.*"

The military authorities did not institute the proceedings suggested in the foregoing report from Buell to Halleck; nor was Davis taken from military custody by the civil authorities; but in a few days he was at large. Wright, the General commanding the Military Department in which the offence was committed, explains Davis's release as follows: "The period during which an officer could be continued in arrest without charges (none had been preferred) having expired, and General Buell being then in the field, Davis appealed to me, and I notified him that he

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should no longer consider himself in arrest." Wright adds: "I was satisfied that Davis acted purely on the defensive in the unfortunate affair, and I presumed that Buell held very similar views, as he took no action in the matter after placing him in arrest." I do not know upon what Wright based his opinion that Davis acted purely on the defensive, but he is in error as to Buell's views in the matter.* Davis's course in taking the law into his own hands, and the failure to bring him to trial, both met with Buell's unqualified disapprobation.

The case is without a parallel. A Brigadier-General in the highly disciplined army of a law-abiding people, reaching the headquarters just as the forces were ready to march to the battlefield, instead of reporting for duty against the common enemy, as he was under orders to do, sought out a Major-General commanding a corps of the army to which both belonged, killed him on the spot, and then went to duty without punishment, trial, or rebuke. Though officially reported, as already shown, no military trial was instituted.

It appears from the records of the Jefferson Circuit Court, Louisville, Ky., that on the 27th of October (1862), Davis was indicted by the Grand Jury for "manslaughter," and admitted to bail in the sum of \$5,000. T. W. Gibson, who furnished the pistol with which Davis killed Nelson, and W. P. Thomasson were sureties on his bond. The case was continued from time to time until the 24th of May, 1864, when it "was stricken from the docket, with leave to rein-

* See Buell's article on Shiloh in *Century Magazine*.

state"; and nothing more was heard of it in the halls of justice.*

It has been said that Davis was pardoned by the Governor of Kentucky, but the Secretary of State, of the Commonwealth, contradicts this in a letter dated April 8, 1885, saying: "There is nothing on the Executive Journal, to indicate that Governor Robinson or Governor Bramlette issued a pardon to General Jeff. C. Davis for the killing of General Nelson."

There is good reason for the belief that Morton's influence was exerted to prevent proceedings against Davis. An able and influential lawyer, James Speed, Esq., of Louisville, who was afterwards appointed Attorney-General in President Lincoln's Cabinet, was retained as Davis's counsel, and succeeded in saving his client from both civil and military prosecution.

Davis was born in Clarke County, Indiana, March 2, 1828. He began his military career, June, 1846, by volunteering for the Mexican War, as private in the 3d Indiana Infantry. He took part in the battle of Buena Vista, was appointed 2d Lieutenant 1st U. S. Artillery, June 17, 1848; 1st Lieutenant, February 29, 1852; and Captain, May 14, 1861. He was engaged in Anderson's defence of Fort Sumter, at the outbreak of the Civil War, April, 1861; and in August of that year became Colonel of the 22d Regiment of Indiana Volunteers. Before the close of the War he had reached the grade of Major-General of volunteers, and the command of the 14th Army Corps; to which General Sherman says he had "fairly

* Collin's History of Kentucky is in error in stating that "General Davis was never *indicted*, nor tried by the civil authorities." Page 581, Vol. II.

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risen by merit and hard service." "He threw his whole soul into the contest," adds General Sherman, "and wherever fighting was hardest for four years, we find him at the front. To recount his deeds would require a volume." When the War was over, he was appointed Colonel of the 23d U. S. Infantry, and held that office until his death from pneumonia, November 30, 1879.

Davis was brave, quiet, obliging, humorous in disposition, and full of ambition, daring, endurance, and self-confidence. He felt that he was a born military chieftain. As early as 1852, when he was but twenty-four years of age, and only a 2d Lieutenant, I heard him express entire confidence in his ability to command an expedition for the invasion and capture of the Island of Cuba. The last years of his life were passed in broken health, and were somewhat embittered by disappointment at not receiving the Brigadier-Generacy, for which he felt qualified, and which he, as well as others, thought he had earned by his services in the Civil War; but I never heard that he expressed, and I do not believe that he felt, any regret for having killed Nelson.

Nelson was born at Maysville, Ky., September 27, 1824; was appointed Acting Midshipman in the Navy, January 28, 1840; Passed Midshipman, July 11, 1846; Lieutenant, September 18, 1855; and Lieutenant-Commander, August 5, 1862.

In the Navy he acquired the principles and rules of rigid obedience and discipline, which he applied with marked effect to the volunteer land forces that came under his control early in the Civil War. He was

distinguished for gallant and meritorious services as a Navy officer in the War with Mexico. When the Rebellion broke out in 1861, Nelson was on duty at the Washington Navy-Yard. His pronounced Unionism, and his clearness and vigor in discussing existing affairs and forecasting the course of events, at once attracted the favorable notice of the Government. In the summer of 1861, his native State, Kentucky, was torn by contending parties, one trying to drag her into rebellion, another seeking her distinct action in favor of the Union cause, and a third advocating the middle course of armed neutrality. At that critical time, Nelson, an officer of the Navy, was directed to report for special duty to the Secretary of War; and under date of July 1, 1861, was "ordered by the Adjutant-General of the Army to organize and muster into the United States Service, volunteer troops from East Tennessee, West Tennessee, and South-East Kentucky." Under these instructions, but left to rely mainly upon his own resources, judgment, and discretion, Nelson went to Kentucky and established "Camp Dick Robinson," a spot that is now historic as the scene of the early labors by which he began an active defence against the invaders and the internal foes of his native State, and anchored her to the cause of the Union.

On the 16th of September, 1861, he was appointed Brigadier-General, U. S. Volunteers, and his authority was extended to the command of troops operating in Eastern Kentucky. Buell assumed command of the Department of the Ohio (including Kentucky) November 15, 1861, and Nelson then fell under his control. When Buell organized the army which was first called

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the Army of the Ohio, and later the Army of the Cumberland, he assigned Nelson to the command of the 4th Division. From that time until his death (September 29, 1862) Nelson's career grew more and more brilliant and meritorious; and on account of his gallantry and good conduct in the campaign at Shiloh (April, 1862), he was promoted to the grade of Major-General. The summary of services and character, made in Buell's order issued upon the occasion of Nelson's death, is enough for the purpose of this article. The order says:

"The General commanding announces with inexpressible regret, the death of Major-General William Nelson, which occurred in this city at half-past eight o'clock this morning. The deceased was bred a sailor, and was an officer of the Navy while holding a commission in the military service. History will honor him as one of the first to organize by his individual exertion, a military force in Kentucky, his native State, to rescue her from the vortex of rebellion toward which she was drifting.

"He was a man of extensive information, comprehensive views, and great energy and force of character. By his nature he was intolerant of disobedience, or neglect of public duty; but no man was more prompt to recognize and foster merit in his inferiors; and in his own conduct he set an example of vigilance, industry, and prompt attention to duty which he exacted from others. In battle his example was equally marked. On more than one field, at Shiloh, Richmond, and Ivy Mountain, he was conspicuous for his gallant bearing."

Nelson's remains were buried at Cave-Hill Cemetery, Louisville, October 2, 1862. On the 21st of August, 1863, they were transferred to Camp Dick Robinson, and interred there with appropriate honors; but were subsequently removed by his relatives to his native place, Maysville, Ky., where they now rest.

Erroneous versions of the encounter between Nelson and Davis, unfavorable to the former, were scattered broadcast at the time. Nelson's habitual violence of character was exaggerated, the idea of retribution supplanted the demands of justice; and public attention became fixed upon Nelson's alleged violent conduct toward men generally, and not upon Davis's specific act of violence in shooting Nelson. Though Davis was aggrieved, it is difficult to see now, even if it was not then, how he can be justified in provoking the final quarrel and committing the foul deed of death. The facts will not sustain the theory of self-defence; and the military law, as he well knew, offered prompt and ample redress for all the wrong Nelson had done him at their first meeting. But he made no appeal to law. On the contrary he deliberately took all law into his own hands. Whether he proceeded solely upon his own judgment, or was advised and incited by others, is not positively known; but I do not doubt that Morton, and perhaps others, without designing or foreseeing the fatal consequences, encouraged Davis to insult Nelson publicly for wrong done in an official interview. One step led to another in the attempt to place and fix the insult, until the end was Nelson's violent death.

It was a cruel fate that brought about a collision

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between these two rash men. General officers whose country needed them, great soldiers, brother soldiers, the one—bearing an unhealed wound received in battle for the cause to which both had pledged their lives—was slain by the other, the Union arms, at a critical juncture, lost services of incalculable value, and the result of a great campaign was very different from what it would have been if these men had not prevented each other from performing their proper parts in it.

NOTE.

Many erroneous accounts of this tragic encounter have been published. One of the latest is that of a correspondent of the *Philadelphia Press*, who wrote to that paper from Cleveland, Ohio, February 23, 1885, as follows:

“General James B. Steedman was an eye-witness to the killing of General Nelson, the bully, by General Jeff. C. Davis, a quiet, little man whom he had grossly insulted.

“There was a lot of us standing at the Galt House bar,” said he, “among them being General John T. Croxton, of the Kentucky Infantry. I heard voices down the long hall and looked that way, and saw a group in which were General Nelson, Governor Morton, and General Davis. They were quite excited and talking in a vehement manner. Almost immediately Nelson drew back his right hand and slapped Davis in the face. Davis was a small man, while Nelson was over six feet tall, weighed well on to three hundred pounds, and was as strong as a giant. I

turned to Croxton and said: 'There is going to be trouble. Nelson has struck Davis.' We moved toward the group, and as we did so Nelson moved back a few steps and leaned against the office rail. Morton and Davis moved back a short distance. The former took a pistol from his hip-pocket and handed it to Davis, who stepped forward, levelled it and fired. Nelson threw his hand up to his breast and said: 'Jim, I'm a dead man; send for an Episcopal minister.' We all took hold of him and carried him into a little side room. His clothes were thrown open, and near the heart was found a small blue mark, about the size of a shot. No blood was seen, and the wound had closed. A clergyman came running in, and as he entered we withdrew and closed the door. In ten minutes Nelson was dead.

"Davis remained quietly near where the encounter had taken place. Among those who first appeared in answer to the shot was a policeman, who placed Davis under arrest. He went along quietly, but was soon released on the demand of General Buell or the Mayor. He was never called to account in any way for the deed. There was nothing else the man could have done under the circumstances. He would have had no show in a physical contest. To have received a blow in that manner and in that public place, and then to have walked away with his hands in his pockets, would have driven him from the Army in disgrace. There have been questions raised as to whether Morton furnished the weapon or not. I was not near enough to see that it was a pistol he gave Davis, but I do know he took something from his

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pocket, handed it over, and that Davis raised his hand and immediately fired. The homicide did not seem to change Davis in the least—he was always a morose, quiet man.”

A more formal and more erroneous account, as well as a more unjust one to Nelson, is found in Shaler's "History of Kentucky" (p. 319): "Always a man of passionate nature, the defeat of his forces by Kirby Smith made him furious, though he was responsible for the condition that brought it about, for to him more than to any one else must be attributed the leaving of Morgan's forces at Cumberland Gap. When organizing the forces in Louisville under Buell, his rage broke forth against General J. C. Davis. During a trifling dispute concerning some unimportant matter, he insulted his opponent, and on his dignified remonstrance struck him with his hand. Davis instantly killed him. Davis's act was generally approved by his brother soldiers." In a foot-note to this the author says in justification of Davis: "In war the personal dignity of officers and men must be preserved. It cannot be kept without such cruel customs."

The foregoing statement that "*he* insulted *his* opponent, and on *his* dignified remonstrance struck *him* with *his* hand," leaves a doubt as to who made the dignified remonstrance, who was struck, who did the striking, and whose hand was used for the blow; but there can be no doubt about the general inaccuracy of Professor Shaler's account of the affair.

The assertion that Nelson, "more than any one else," was responsible for leaving Morgan's forces at

Cumberland Gap, or that he was in any degree responsible for it, is erroneous. He had no authority or responsibility in the matter. He was subordinate to Gen. H. G. Wright, who, as Department Commander assigned by the President, controlled Morgan. But Wright even, superior as he was to Nelson, was not responsible for Morgan's remaining at Cumberland Gap after the position had been turned by Kirby Smith's advance into Kentucky. On the 22d of August, eight days before the defeat which according to the author settled Nelson into a month's "rage," Halleck, the General-in-Chief of the Army—pursuing a precedent determination—telegraphed Morgan: "Hold on firmly. I will see that you are very soon supported by other troops"; and on the 30th of August he telegraphed Wright: "*The relief of Morgan and the holding of Cumberland Gap are deemed of the first importance.*" Halleck, therefore, held Morgan at Cumberland Gap. Nelson had nothing to do with it.

The difficulty between Nelson and Davis occurred, not when Nelson "was organizing the forces in Louisville *under Buell*," but when he was organizing them under himself, and in the excitement of a threatened attack upon the city.

In the author's account, the two interviews between Nelson and Davis, which were about a week apart, are merged into one; and Nelson is represented as first insulting Davis, and then striking him when Davis submitted a "dignified remonstrance." This is incorrect and unjust.

In his attempt to justify Davis the author says:

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“In war the personal dignity of officers and men must be preserved. It cannot be kept without maintaining such cruel practices.” The duty of maintaining personal dignity is not confined to war, nor to soldiers, nor does it depend upon “cruel practices” either in peace or war. No men have so little excuse for resorting to the pistol and the bowie-knife, in their dealings with one another, as the very men whom the author encourages in the use of them. Soldiers are not only protected by the civil code, but by the more stringent military code, to which they are pledged by oath of office, and by duty to their country.

NEW YORK, September 1, 1885.