

2011

## "We Are No Grumblers": Negotiating State and Federal Military Service in the Pennsylvania Reserve Division

Timothy J. Orr  
*Old Dominion University*, [torr@odu.edu](mailto:torr@odu.edu)

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### Repository Citation

Orr, Timothy J., "'We Are No Grumblers': Negotiating State and Federal Military Service in the Pennsylvania Reserve Division" (2011). *History Faculty Publications*. 28.  
[https://digitalcommons.odu.edu/history\\_fac\\_pubs/28](https://digitalcommons.odu.edu/history_fac_pubs/28)

### Original Publication Citation

Orr, T. J. (2011). "We are no grumblers": Negotiating state and federal military service in the Pennsylvania Reserve Division. *Pennsylvania Magazine of History & Biography*, 135(4), 447-480.

# *“We Are No Grumblers”: Negotiating State and Federal Military Service in the Pennsylvania Reserve Division*

FOR SERGEANT JOHN I. FALLER, Company A, Seventh Pennsylvania Reserve Infantry, the month of April 1864 passed splendidly. The twenty-three-year-old Philadelphia machinist began serving out the final weeks of his three-year term of service inside the defenses of Washington. In March, he wrote to his sister that he liked his duty “very well,” and he assured her that, “I am well over from head to feet and from the right hand to the left.” Because he chose not to reenlist in December, Faller looked forward to returning to his parents’ house in Carlisle and instructed his sister “to have a room fixed up for me when I get home next summer.”<sup>1</sup>

As spring began, two important items escaped Sergeant Faller’s attention. First, he made no mention of Lieutenant General Ulysses S. Grant’s April 17 order to suspend prisoner exchanges. A few days earlier, at Fort Pillow, Tennessee, Confederate troops had refused to accept the surrender of defeated African American soldiers, killing or massacring 231 officers and men.<sup>2</sup> Grant reasoned that if Confederate troops would not offer

<sup>1</sup> John I. Faller to sister, Mar. 13 and Jan. 31, 1864, in *Dear Folks at Home: The Civil War Letters of Leo W. Faller and John I. Faller with an Account of Andersonville*, ed. Milton E. Flower (Carlisle, PA, 1963), 110.

<sup>2</sup> The exact number massacred after the surrender of the Fort Pillow garrison is unknown. A massacre definitely occurred, but the numbers killed during the battle cannot be extracted from those killed after the fort’s surrender. The garrison had 295 white soldiers and 262 black soldiers. The garrison lost 231 killed and 100 wounded, with the black units suffering the heaviest proportion of the losses, about 170. See Albert E. Castel, “The Fort Pillow Massacre: A Fresh Examination of the Evidence,” in *Winning and Losing the Civil War: Essays and Stories*, ed. Albert Castel (Columbia, SC, 1996), 35–50 (originally published in *Civil War History* 4 [1958]: 37–50); John Cimprich, *Fort Pillow, A Civil War Massacre and Public Memory* (Baton Rouge, LA, 2005), 85; Derek W. Frisby, “Remember Fort Pillow!: Politics, Atrocity Propaganda, and the Evolution of Hard War,” in *Black Flag over Dixie: Racial Atrocities and Reprisals in the Civil War*, ed. Gregory J. W. Urwin (Carbondale, IL, 2004), 104–31.

quarter to surrendering black soldiers, then it was the Union army's obligation to hold Confederates taken in battle indefinitely to ensure the safety of African American prisoners of war. Second, Faller failed to detect the uproar in his regiment's parent unit—the Pennsylvania Reserve Division—regarding the War Department's proposal to extend its term of service beyond three years. While in winter encampment at Brandy Station, Virginia, the other regiments of the Pennsylvania Reserve Division had staged a near mutiny, protesting a War Department directive that proposed to retain the Keystone soldiers two to three months beyond their expected muster-out date. Perhaps Faller disregarded this disturbance simply because it did not matter to him whether he mustered out in May—the month designated by the Commonwealth of Pennsylvania—or July—the month designated by the War Department. As long as Faller remained in Washington, he could avoid the enemy's bullets and merely count down the days until he went home. However, on April 18, orders came from Major General George G. Meade directing Faller's regiment, the Seventh Reserves, and another regiment, the Eighth Reserves, to join the Army of the Potomac at Brandy Station. Fourteen days later, Faller found himself marching into the Wilderness as part of Grant's historic—and costly—Overland Campaign.

Perhaps, as Faller marched to the sound of the guns in May 1864, he might have pondered the unrest that plagued the rest of the Pennsylvania Reserve Division. The division's mutinous behavior during the previous month revealed a complexity of army service that historians of the Civil War have rarely explored. The Pennsylvania Reserve Division's remonstrance outlined a fundamental problem besetting most Union regiments in 1864: on what exact date did the three-year terms of service of the 1861 volunteers conclude? This question arose from an organizational dilemma caused by the awkward progression of Northern mobilization during the first year of the war and from the conflicting use of state and federal oaths of allegiance to muster in Union soldiers. Scholars have yet to analyze the contractual nature of the oath of allegiance in the minds of Civil War soldiers and sailors and its significance in negotiating the clumsy transition from state to federal control of the militia. In 1861, state governors called out their soldiers and transferred them into federal service. Amid the zealous "war fever" that ruled the hour, eager recruits desired to reach the front as soon as possible. They mustered into state service immediately, but due to the haphazard mobilization process, they did not muster into

federal service until weeks later. This left many unanswered questions, the most important of which, perhaps, focused on the discharge of the three-year volunteers in 1864. Because many state-organized regiments waited for weeks—even months—to receive weapons and uniforms in 1861, and therefore did not come under federal control until the end of the summer, did the War Department have the right to hold them to service until summer's end in 1864? Did volunteers' state service count toward their contractual three years of military service?

This dilemma inaugurated bitter conflict within the ranks of the Pennsylvania Reserve Division, a unit whose state service lasted nearly three months. The struggle between the Pennsylvania Reserve soldiers and the War Department reveals two important aspects of Civil War soldiery. First, it discloses the contractual way soldiers viewed their service to the government. When the Pennsylvania Reserves believed the War Department had broken its agreement with them by extending their tours of duty illegally, they rebelled, wielding rhetoric of civil disobedience and republican scorn against executive corruption. The Pennsylvania Reserve Division's mutiny in 1864 confirms what historian Amy Dru Stanley concluded in *From Bondage to Contract*, that many Unionists celebrated “a cultural code that identified contract with personal freedom and social progress.” Union soldiers, it seems, represented a specific population of Northerners who glorified military contracts, the oaths of allegiance that made them soldiers and bound them to the government.<sup>3</sup>

The importance of the government's duty to Civil War soldiers is a matter of some dispute. In *For Cause and Comrades*, James McPherson reminded readers that Union soldiers exhibited a “consciousness of duty” pervasive to Victorian America. He wrote, “Victorians understood duty to be a binding moral obligation involving reciprocity: one had a duty to defend the flag under whose protection one had lived.” Indeed, while a sense of duty was enormously important to Union soldiers' military service, this concept should not be overstated. Union soldiers, as Gerald Linderman once proved, rarely accepted a “status of powerlessness” when joining the army. He reminded readers that Civil War-era mobilization was premodern and that soldiers believed that “reciprocity” bound the government to respect a volunteer's willingness to serve and, for that matter, muster out at the end of his enlistment contract. Considering the deep

<sup>3</sup> Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge, 1998), 3.

origins of soldiers' contractual obligations to the government, the incidents in the Pennsylvania Reserve Division appear to have been a part of an important legacy of egalitarianism within the American military. In studying the "contractual principles and military conduct" of New England militiamen during the Seven Years' War, Fred Anderson concluded that enlistment contracts served as the foundation of colonial soldiers' military service. Anderson stated, "[N]o contract would be changed without the mutual consent of the parties involved. An enlistment contract was no exception: any unilateral attempt to change the agreement nullified it and voided the soldier's contractual responsibilities."<sup>4</sup>

Furthermore, the Pennsylvania Reserve Division's mutiny uncovered latent tensions that existed between federal and state governments concerning the administrative conduct of the war. For the Pennsylvania Reserve troops, the state government provided a means to subvert unjust measures perpetrated by the War Department. While the sharing of wartime powers rarely proceeded amicably early in the war, as the conflict dragged on, federalism exacerbated the struggle between competing levels of government. In this case, both the Commonwealth of Pennsylvania and the War Department attempted to wield an important power—the authority to discharge soldiers.<sup>5</sup>

During the Civil War, the federal and state governments awkwardly shared administrative control of the Union army. In general, three types of soldiers served: the US Regulars (the nation's peacetime army), the US Volunteers (federal troops contracted for the wartime emergency), and the militia (the armies of the individual states). When war broke out, at first it appeared that the militia would fill the bulk of the army; however, the US Constitution provided military authorities with precious little guidance when it came to managing the militia. Article 1, section 8, allowed the federal government to "provide for organizing, arming, and disciplining, [of] the Militia"—meaning state militia brought under federal control—

<sup>4</sup> James M. McPherson, *For Cause and Comrades: Why Men Fought in the Civil War* (New York, 1997), 22–23; Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York, 1987), 39–41; Fred W. Anderson, "Why Did Colonial New Englanders Make Bad Soldiers? Contractual Principles and Military Conduct during the Seven Years' War," in *The Military in America: From the Colonial Era to the Present*, ed. Peter Karsten (New York, 1980), 42.

<sup>5</sup> Scholarship has provided limited guidance on the importance of federalism in the Civil War North. Not since the early twentieth century, with such works as William B. Hesseltine's *Lincoln and the War Governors* (New York, 1948) and Fred A. Shannon's *Organization and Administration of the Union Army, 1861–1865*, 2 vols. (Cleveland, 1928), have Civil War scholars uniformly interpreted federalism as a hindrance to Union military progress.

but it did not specify how long state militia regiments could be held under federal dominion.<sup>6</sup> Sixty-nine years earlier, in May 1792, Congress had made an effort to delineate the contours of federal power. Then, fearful that “whiskey rebels” might lead a secession of the western counties of several states, Congress had passed two militia acts that better enumerated the president’s powers as commander-in-chief. However, even as these acts had strengthened federal control of the military establishment, they imposed certain restrictions on the president’s authority. Notably, section 4 of the 1792 Militia Act limited retention of the militia to a period no longer than three months from any given year. In 1795, following the Whiskey Rebellion of the previous year, Congress amended the Militia Act to allow the president to mobilize state militia without legislative authority, but this act also gave the commander-in-chief only thirty days to relinquish control once any state legislature reconvened.<sup>7</sup>

During the War of 1812 and the Mexican-American War, Congress granted the president temporary authority to call up another group of soldiers, “US Volunteers,” who could augment the federal army for a contractual length of service. US Volunteers served under federal regulations; however, during the wartime emergencies of 1812 and 1846, the federal government granted state privileges to volunteer regiments. In Pennsylvania, this meant that US Volunteers could organize themselves into companies, they could elect their officers, and the governor could commission their commanders.<sup>8</sup> Still, by swearing an oath of allegiance to the federal government, US Volunteers realized that, for better or for worse, they had entered into a contractual obligation with their national government. A sergeant who belonged to Pennsylvania’s Second Volunteer Infantry—a unit that served during the Mexican-American War—remembered the day he took the federal oath of allegiance: “We have today ceased to be ‘free and independent citizens’ and are become the

<sup>6</sup> US Constitution, article 1, section 8.

<sup>7</sup> Barry Stentiford, *The American Home Guard: The State Militia in the Twentieth Century* (College Station, TX, 2002), 6–9.

<sup>8</sup> Both the February 24, 1807, law and the February 6, 1812, law allowed the president to organize companies and regiments of “volunteers” and to appoint the field and line officers, if necessary. But if volunteer units came preorganized—meaning with officers appointed by the governors—the president was bound to accept them as offered. Likewise, the May 13, 1846, law specifically decreed that unit organization and officer appointment had to follow the laws of the states. John F. Callan, *Military Laws of the United States, Relating to the Army, Volunteers, Militia, and to Bounty Lands and Pensions* (Philadelphia, 1863), 198–99, 215, 367–68.

property of Uncle Sam, who has the sole and exclusive right to our labor, lives and all our energies.”<sup>9</sup>

The US Volunteer acts of 1812 and 1846 did not outlast their respective conflicts; they were temporary measures, not permanent changes to the federal government’s mobilization policy. The federal government had no other military statutes to direct control of volunteers until 1862, when the manpower needs caused by the Civil War propelled Congress to pass legislation to supervise state-level mobilization, though this too fell short of total federal control. Drafted by Radical Republicans in the throes of military defeat, the Militia Act of July 17, 1862, granted the federal government the authority to recruit African Americans for federal service and empowered the president to demand conscription from governors if their states did not meet troop requirements. Although highly controversial and seemingly devised to increase the military powers of the president, the Militia Act of 1862 did little to tamper with state authority. Under this act’s provisions, state governors—and not the War Department—had the power to execute and regulate conscription. It was not until March 1863—nearly a year after the Confederacy had enacted its own draft law—that Congress legalized the right of the federal executive to initiate and regulate a national draft.<sup>10</sup>

Thus, between the passage of the 1795 Militia Act and the early years of the Civil War, military legislation primarily occurred at the state level. Regularly, states revised or altered their military edicts to cope with local problems arising from state defense, and Pennsylvania’s example offered few exceptions to this trend. Like the federal Constitution, the Pennsylvania Constitution of 1838 offered vague language in rendering the military powers of the governor, declaring only, “He shall be commander-in-chief of the army and navy of this Commonwealth, and of the

<sup>9</sup> Between 1794 and 1862, Congress had passed legislation that enabled the president to call up US Volunteers to augment the regular army. These statutes held Volunteers in service for the twelve months or, in the case of the Mexican-American War, for twelve months or the duration of the war. Two calls in the winter of 1812 allowed President James Madison to call 30,000 US Volunteers for one year. During this call, 4,730 Pennsylvanians served as volunteers. During the Mexican-American War, congressional legislation passed on May 13, 1846, allowed President James K. Polk to call up 50,000 US Volunteers. Although the War Department originally set Pennsylvania’s volunteer quota at six regiments, in November 1846, the secretary of war reduced that quota to two regiments, or 2,000 officers and men. These acts from the War of 1812 and Mexican-American War lasted no longer than the duration of their respective conflicts. Samuel J. Newland, *The Pennsylvania Militia: Defending the Commonwealth and the Nation, 1669–1870* (Annville, PA, 2002), 168–72, 199–203; Allen Peskin, ed., *Volunteers: Mexican War Journals of Private Richard Coulter and Sergeant Thomas Barclay, Company E, Second Pennsylvania Infantry* (Kent, OH, 1991), 13.

<sup>10</sup> James Geary, *We Need Men: The Union Draft in the Civil War* (DeKalb, IL, 1991), 35.

militia, except when they shall be called into the actual service of the United States.”<sup>11</sup> During Pennsylvania’s first seventy-four years of statehood, the legislature generated more detailed specifications, adjusting Pennsylvania’s militia law nine times between 1793 and 1861. Four revisions came in the 1850s, and another minor amendment passed on April 21, 1861, just six days after Lincoln made his first call for troops to subdue the Southern rebellion. The largest alteration of the Pennsylvania militia law occurred on April 21, 1858, and expanded the statute to more than one hundred sections.<sup>12</sup>

Unlike vague federal decrees, state militia laws—including those from Pennsylvania—offered complex dissertations on the proper procedures for the enrollment, organization, provisioning, disciplining, and administration of state-level “armies.” The 1858 revisions made it clear that Pennsylvania held sole accountability when it came to readying its militia for federal service. A section added during the 1822 legislative session, and still in effect at the Civil War’s commencement, confirmed, “Whenever any portion of the militia shall be ordered into actual service, it shall be the duty of the governor, through the adjutant-general, to notify the brigade-inspector, from whose brigade any such detachment may be required, whether the call of militia so made, is by order or requisition from the general government, or by the authority of the governor of this state, and also the time of service for which the said detachment may be required.” This section specified that the responsibility rested with the governor to appoint each officer from second lieutenant to colonel, to declare when each regiment or brigade reached a state of readiness, and to ensure that each Pennsylvania soldier—either militiaman or volunteer—swore an oath of allegiance to the commonwealth before going into federal service.<sup>13</sup>

When the Civil War began, Lincoln and his ill-prepared secretary of war, Simon Cameron of Pennsylvania, initially offered no challenge to the operation of state militia laws. Lincoln called for soldiers to subdue the rebellion, but left it to state executives to raise them. On April 15, 1861,

<sup>11</sup> Pennsylvania Constitution of 1838, article 2, section 7.

<sup>12</sup> Near the end of the Civil War—in May and August 1864—the Pennsylvania legislature drafted two additional expansions to the commonwealth militia law, increasing the statute to 209 sections. Frederick C. Brightly, John Purdon, and George Coode, *A Digest of the Laws of Pennsylvania from the Year One Thousand Seven Hundred to the Tenth Day of July One Thousand Eight Hundred and Seventy-Two*, 10th ed., vol. 2 (Philadelphia, 1873), 1038–65.

<sup>13</sup> *Ibid.*, 1059.



Lincoln called for seventy-five thousand militia to serve for three months under federal control. Cameron assigned Pennsylvania a quota of twenty-five regiments—approximately twenty-five thousand officers and men. Everywhere across the commonwealth, communities exploded with enthusiasm. Each town, city, and village competed to be the first to meet the president's call for troops. Community leaders feared that if they did not mobilize their militia with enough speed, Governor Curtin might not select their community to represent the commonwealth among these first twenty-five regiments. "Everywhere the wildest excitement prevailed," remembered nineteen-year-old Marshall Van Scoten of Montrose. Soon to be a volunteer himself, Van Scoten recalled, "Military preparation of guns, bell and drum filled the soul with the joy of patriotism, proclaiming freedom to the masses and obedience to the majority from the Atlantic to the Pacific. In glad response to the President's call for volunteers, business was interrupted in the rural districts; flags lazily waved along the streets to the small villages and towns of greater pretensions. . . . Recruiting officers traveled from one prominent point to another, encouraging rapid enlistments; while volunteers were quickly enrolled, at first for three months."<sup>14</sup>

The reckless enthusiasm of the war's first weeks made it clear that the provisions of the Pennsylvania militia laws needed to be followed in the strictest sense. In a foolish move, one Philadelphia officer, William F. Small, chose to leave the commonwealth before his men possessed weapons or uniforms. "General" Small (he gave himself that rank) took charge of the "Washington Brigade," two incomplete regiments organized at Military Hall, Third and Green streets. Small's unit left Philadelphia without orders on April 18. On the morning of April 19, his soldiers arrived in Baltimore by train, but they could not reach the unprotected national capital by rail. The unusual transportation system in Baltimore required all travelers to detrain at President Street Station and to make their way through the city on foot.<sup>15</sup> Unfortunately, an enraged

<sup>14</sup> Marshall H. Van Scoten, *The Conception, Organization, and Campaigns of "Company H," 4th Penn. Reserve Volunteer Corps, 33rd Regiment in Line, 1861-5* (Tunkhannock, PA, 1885), chap. 1.

<sup>15</sup> The Washington Brigade formed in January 1861 under the authorization of the city council. On March 2, Governor Andrew Gregg Curtin accepted the Washington Brigade for "emergency service," but did not approve its departure. On April 17, General Small claimed command of twelve partially filled companies, seven in the First Regiment and five in the Second Regiment, perhaps eight hundred men altogether. Frank H. Taylor, *Philadelphia in the Civil War, 1861-1865* ([Philadelphia], 1913), 27-9; *Philadelphia Daily Evening Bulletin*, Apr. 20, 1861; Scott Sumter Sheads and Daniel Carroll Toomey, *Baltimore during the Civil War* (Linthicum, MD, 1997), 13-16.

mob of Baltimore secessionists stood in the path of arriving troops. Led by a customs officer, a mob of several hundred Baltimoreans assailed Small's outnumbered, unarmed force at the station, killing at least one soldier and wounding dozens of others. During the excitement, the train departed, leaving perhaps one hundred Philadelphians to flee Baltimore on foot. Appalled by this embarrassing affair, the Philadelphia City Council launched an investigation, and on May 16, it passed resolutions of censure upon Small for his misconduct and imprudence.<sup>16</sup>

The council absolved Curtin from any blame in the incident, for he had not approved the Washington Brigade's departure. Small's violation of the Pennsylvania Militia Act demonstrated the importance of following constitutional procedure when transferring control of the state militia to the federal government. Had Curtin been allowed to exercise his duty as commander-in-chief in this instance, he might have prevented Small from taking his unarmed brigade into a dangerous city. The inglorious disbanding of the Washington Brigade showed the thoughtlessness involved in ordering a Pennsylvania regiment to leave the commonwealth without first passing inspection by the governor. The legislators in Harrisburg concurred; a revision to the state militia law, signed on April 21, reinforced the 1822 amendment that authorized only the governor to order a regiment to depart for federal service.

On May 3, 1861, the War Department added an administrative wrinkle to Pennsylvania's manpower mobilization. Lincoln and Cameron decided to depart from the system prescribed by the militia acts of 1792. Instead of relying on state militia, they now wanted US Volunteers to augment the US regular army, just as James Madison and James Polk had ordered. The president's call of May 3 asking for a new levy of forty-two thousand soldiers departed from the traditional policy of letting soldiers' elections determine promotions in the militia. Instead of relying upon enlisted men to choose their officers, Lincoln and Cameron devised a system whereby state governors appointed them. By having appointed—instead of elected—officers, the War Department hoped that the volunteer regiments would conform to a higher code of discipline than the seventy-five thousand militia then arriving at Washington. Thus, the US Volunteers became an administrative hybrid. Similar to the US regular units, they fielded appointed officers, but like the militia, they were administrated by state governments.

<sup>16</sup> *Philadelphia Daily Evening Bulletin*, Apr. 20, 1861.

By asking the US Volunteers to swear into federal service directly, Cameron and Lincoln circumvented Pennsylvania's intricate state-level military statute.<sup>17</sup> Lincoln and Cameron had violated other state militia laws, but Cameron allowed the other governors the authority to appoint their own choice of officers, a coveted patronage power. Pennsylvania presented a different matter entirely. Cameron believed that Lincoln's call for US Volunteers granted him the right to appoint any officers to the volunteer regiments, if he felt it necessary. As a native of Pennsylvania and a bitter rival of Governor Curtin, Cameron decided to execute this authority.<sup>18</sup> Cameron determined that Pennsylvania should provide four regiments of three-year volunteers, or four thousand officers and men. He authorized three colonels to recruit in the commonwealth, while Lincoln—who normally abstained from such matters—approved the fourth.<sup>19</sup> Because these new units—the Twenty-Sixth, Twenty-Seventh,

<sup>17</sup> The May 3, 1861, call for three-year troops appeared to violate the 1792 militia acts, and some politicians openly questioned its constitutionality. One shocking incident occurred in August 1861 when the former vice president (and a future Confederate general), John C. Breckinridge, appeared intoxicated at the camp of the First California, a regiment that had been accepted under the May 3 call. Breckinridge convinced the soldiers of Company M to stage a mutiny. In his inebriated state, Breckinridge argued that the federal government had no legal right to muster soldiers without first receiving consent from their state governor. For a time, it appeared that the soldiers of Company M planned to take Breckinridge's advice and test the constitutionality of the May 3 call, but the regimental commander, Colonel Edward Baker, used his skilful oratory to diffuse the mutiny. Later, on September 10, 1861, the Supreme Court upheld the May 3 call despite evidence against it. In July 1861, Edward Stevens, a private in the First Minnesota Infantry, demanded release from the army by arguing that at the time of his muster Congress had not validated the May 3 call. After hearing the private's case, Justice James Wayne determined that Stevens had to be remitted to duty with the First Minnesota because Lincoln's call for troops—although illegal at the time of its enactment—could be upheld retroactively since it had been "done for the public good." See Gary G. Lash, "The Cases of Private Jesse Mayberry and Captain Bernard McMahon, 71st Pennsylvania Infantry," *Gettysburg Magazine* 22 (2000): 86–87, and David M. Silver, *Lincoln's Supreme Court* (Urbana, IL, 1956), 17.

<sup>18</sup> On May 4, 1861, the day after the call for "US Volunteers," Cameron issued General Orders Number 15, which granted the state governors the right to appoint each officer in the US Volunteers from second lieutenant to colonel: "The commissioned officers of the company will be appointed by the Governor of the State furnishing it, and . . . [t]he field officers of the Regiment will [also] be appointed by the Governor of the State which furnishes the regiment." When dealing with Pennsylvania's regiments, Cameron ignored the language of this directive. Thomas M. O'Brien and Oliver Diefendorf, *General Orders of the War Department Embracing the Years 1861, 1862, and 1863*, vol. 1 (New York, 1864), 32–33.

<sup>19</sup> The Twenty-Sixth and Twenty-Seventh Pennsylvania Volunteers had once formed the nucleus of the "Washington Brigade." Although Governor Curtin eventually commissioned the field and line officers of these two regiments, Simon Cameron had awarded the regimental commanders commissions as early as January 1861. Cameron also personally commissioned Colonel John K. Murphy, commander of the Twenty-Ninth Pennsylvania Volunteers, and Lincoln personally commissioned Colonel John W. Geary, commander of the Twenty-Eighth Pennsylvania Volunteers. Reluctantly approving Lincoln's and Cameron's choices, Curtin sent state commissions to Murphy and Geary.

Twenty-Eighth, and Twenty-Ninth Pennsylvania Infantry Regiments—recruited for longer terms of service, the four federally appointed colonels filled their commands with greater speed than the state-organized three-month regiments. When he noticed his recruits deserting to the new three-year regiments, John Keys, a state-appointed recruiter in Philadelphia, complained to the governor. Keys demanded some form of confirmation to prove that his unit would eventually serve in the war. He wrote, “[I]f we do not get through [muster] immediately I shall lose my men inch by inch in other companies.”<sup>20</sup> Although ostensibly a means of raising three-year troops promptly, Cameron’s decision to call for additional volunteers no doubt emerged from his seething hatred of Curtin, who had been his longtime political rival. Ever since the controversial senatorial election of 1855, Curtin and Cameron had fought to control state politics, and as the years passed and they both joined the Republican Party, their backbiting grew increasingly mean spirited and personal and continued until Lincoln removed Cameron from his post in January 1862.<sup>21</sup>

During the war’s first weeks, the secretary saw little chance to spoil his Pennsylvania cronies with military commissions. As of May 3, the only Pennsylvania officers then serving—those in the twenty-five three-month regiments—all held commissions approved by Curtin. Not surprisingly, Cameron’s call for three-year volunteers instantly displeased the governor, who among offering other criticisms, questioned its constitutionality. Under the federal militia acts of 1792 and 1795, the secretary of war could not call upon state militia to serve longer than three months. Also, under General Orders Number 15 issued by the War Department, Cameron could not appoint officers, even to those in the US Volunteer regiments.<sup>22</sup> To be legal, each officer from second lieutenant to colonel required a

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See, Samuel P. Bates, *History of Pennsylvania Volunteers, 1861–1865* (Harrisburg, PA, 1869–1871), 1:344–45, 382–83, 418, 484.

<sup>20</sup> John L. Keys to Andrew G. Curtin, July 11, 1861, Record Group 19, Pennsylvania State Archives, Harrisburg, Pennsylvania (hereafter PSA).

<sup>21</sup> For a fuller discussion of the Cameron-Curtin feud, see Cameron’s substantial biography, Erwin Stanley Bradley, *Simon Cameron, Lincoln’s Secretary of War: A Political Biography* (Philadelphia, 1966). During the senatorial election of 1855, Cameron faced accusations of scheming to win the legislative caucus. During one of the ballots, one too many votes were cast. Curtin supporters accused Cameron of planting the extra vote to win the nomination by fraud. For a year, Cameron and Curtin deadlocked, each refusing to relinquish his claim on the senate seat, but leaving the seat vacant until 1856 when a new legislature appointed ex-governor William Bigler to fill the position.

<sup>22</sup> See note 18.

commission signed by the governor or his adjutant general. Intending to appoint officers to the three-year regiments just as he had for the three-month regiments, Curtin requested that Cameron increase Pennsylvania's quota so that, as governor, he could have his share of the spoils. Instead, on May 14, Cameron instructed him to stop organizing the three-month regiments and transfer to the three-year regiments those who had already enlisted. Cameron wrote that, "It is important to reduce, rather than enlarge this number" of new regiments.<sup>23</sup>

When it became clear that Cameron would not let him appoint the officers for the May 3 call, Curtin called for a special session of the state legislature to ask for the formation of a state-funded "reserve division" of fifteen regiments to serve for three years. In fact, due to a miscommunication between his office and the War Department, Curtin had already called up twenty-five additional regiments, all to serve for three years. Because Cameron refused to accept them, Curtin faced the embarrassment of discontinuing these unauthorized regiments and breaking his promises to the men he hoped to appoint as officers. To humiliate Cameron by making him appear obstructionist to Pennsylvania's mobilization effort, Curtin announced to the state legislature that the War Department would accept only a limited number of new regiments. In a shrewd speech, Curtin pointed out that "the army of the United States [is] wholly inadequate for the maintenance of order and for the protection of public and private property." Therefore, he remarked, the Commonwealth of Pennsylvania required its own reserve force.<sup>24</sup> On May 15, the legislature approved a three million dollar loan to arm and equip the "Pennsylvania Reserve Division." Under the provisions of the Pennsylvania Reserve Act, Curtin retained sole authority to appoint officers in the division, including three brigadier generals and one major general.<sup>25</sup>

Initially, the division consisted of twelve infantry regiments and one rifle regiment distributed among three brigades. Later, Curtin authorized a cavalry regiment and a series of artillery batteries, but these units did not serve with the division in the field during the war.<sup>26</sup> The companies within

<sup>23</sup> William H. Egle, ed., *Andrew Gregg Curtin: His Life and Services* (Philadelphia, 1895), 223.

<sup>24</sup> Josiah R. Sypher, *History of the Pennsylvania Reserve Corps* (Lancaster, PA, 1865), 59.

<sup>25</sup> Egle, *Andrew Curtin*, 223–30.

<sup>26</sup> Batteries A, B, E, and G of the First Reserve Artillery served with the division until 1863 when the infantry units transferred to another corps. Batteries C, D, F, and H never served with the division. The First Reserve Cavalry received an assignment to the Department of the Shenandoah in 1862 and then another to the Army of the Potomac's Cavalry Corps in 1863. Bates, *History of Pennsylvania Volunteers*, 1:944–45, 1014–22.

the division represented every county in the commonwealth. On May 16, Curtin detailed state officers to establish permanent collection points for the Pennsylvania Reserves at Harrisburg, West Chester, Easton, and Pittsburgh. At those locations, Curtin's agents administered an oath of allegiance to each company when it arrived, swearing the soldiers into service of the commonwealth. By the first week of June, all thirteen regiments had taken the oath, and in late June, General Winfield Scott borrowed two regiments—the Fifth Reserves and the First Rifles (also known as the Thirteenth Reserves)—and deployed them as sentries near Cumberland, Maryland.

The oath of allegiance to the commonwealth held especial importance to the volunteers in the Pennsylvania Reserve Division. Not only did the oath contractually bind its volunteers to the state government, but each soldier now knew that his services were no longer in jeopardy of being rejected. The oath officially made them soldiers. After several weeks of drilling, the volunteers had a chance to prove their martial qualities to Governor Curtin and his inspector general, each of whom had a final say in accepting any company that applied for commonwealth service. Once Curtin or the inspector general approved an individual company or regiment, the state mustering officer administered the oath to each enlisted soldier, one by one. The mustering officer held a Bible and read aloud the oath phrase by phrase. Each enlisted man placed one hand on that Bible, put his other hand in the air, and repeated the oath. On occasion, if time was short, the mustering officer swore in each unit as a body. The text of the Pennsylvania militia oath closely resembled that of the federal government's:

I, [insert name] do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Pennsylvania against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the Governor of the State of Pennsylvania; that I make this obligation freely, without any mental reservation or purpose of evasion.<sup>27</sup>

<sup>27</sup> None of the nineteenth-century military statutes drafted word-for-word text to define the commonwealth's oath of allegiance. Undoubtedly, it changed little over the years, and many militiamen understood its meaning as a matter of common sense. During World War I, the legislature passed an act that described the Pennsylvania's military oath of allegiance, but only for commissioned officers. That text serves as the foundation of the quoted material. *Laws of the General Assembly of the Commonwealth of Pennsylvania Passed at the Session of 1917* (Harrisburg, PA, 1917), 630.

Upon completing the oath, most Pennsylvania Reserve soldiers expressed a feeling of exhilaration, knowing that they had “passed muster” and would, at some point, see battle. Private Ashbel F. Hill of the “Brownsville Grays,” a company that later became Company D, Eighth Pennsylvania Reserves, recalled, “All the boys took it [the oath] without the least hesitation; they had offered their services to their country, and they were in earnest. There was no ‘backing the patch.’ We were sworn into the service of the State of Pennsylvania with the understanding that we were subject to a call from the government at any time.”<sup>28</sup> Private John E. Lewis echoed this sentiment after his regiment, the Sixth Reserves, took the commonwealth oath in Harrisburg. Lewis recalled, “On Tuesday last our Company was sworn in to serve three years or during the war, and not a man that passed the examination faltered. When the swearing in of our Company was over we gave three hearty cheers that made the [State House] building ring.”<sup>29</sup>

However, some of the soldiers who joined the Pennsylvania Reserve Division viewed commonwealth service as a less momentous alternative to federal service. They took the oath only because they understood that Cameron’s policy of limiting Pennsylvania’s three-year volunteers to four regiments made their chance at federal service highly unlikely. When Private Hiram J. Ramsdell of the Sixth Reserves heard rumors that Cameron would not accept his company, “The Tioga Invincibles,” he noted how his comrades became despondent. He lamented, “It is rumored that some of our companies will have to be sent back. Should this prove true, there will be much dissatisfaction among the men, as of right there should be. They enlisted with the understanding that they were really needed, and not to gratify the ambition of a few officers, and if they have to go back unaccepted, the blame will go where it rightly belongs,” meaning the War Department. Ramsdell continued, “[A]ll have left home and friends, simply because we thought the country demanded our services, and we do not relish the idea of going back without a fight. The fact is, we are ‘spilin’ for a fight.”<sup>30</sup> Private John I. Mitchell of the same company expressed his dissatisfaction at being unable to muster into federal service. He wrote home, “By competent authority [we] were told ‘that the State already had more men than it wanted or could care for; that our

<sup>28</sup> Ashbel F. Hill, *Our Boys in the Army* (Philadelphia, 1865), 27.

<sup>29</sup> *Honesdale Democrat*, June 6, 1861.

<sup>30</sup> *Wellsboro Agitator*, May 8, 1861.

County would not be allowed to furnish, probably, more than three companies (and now it seems only two), that we would be honorably discharged and might return to our homes; that men were being discharged every day." Unlike Ramsdell, Mitchell could not take this disappointment, and before anyone required him to take an oath, he deserted his comrades and returned home to Tioga County. As he explained later, "We [wanted to go] for three months; . . . But we were required to enlist for three years [in another regiment], entirely unexpectedly to us, . . . [even though] the proclamation of the President was only for three months."<sup>31</sup>

For a few others, the oath of allegiance served as a last chance to nullify their decision to enlist. A typical Pennsylvania Reserve regiment often lost one or two unwilling recruits when the state mustering officer came to administer the oath. When a few recruits got cold feet, their comrades viewed it as dishonor to their company. A soldier from Washington County serving in the "Hopkins Infantry," a company that later became Company K, Eighth Pennsylvania Reserves, took pride in the fact that no one in his unit exhibited indecisiveness, although he could not say the same for the other companies in his regiment. Thus, he wrote home: "We passed inspection and were sworn in on Saturday [June 19]. In other companies there have been a good many men rejected, and some backing down when it came to taking the oath; but our company passed inspection without the loss of a man, and swore through without a flinch."<sup>32</sup>

For those who worried about missing the war, taking the commonwealth's military oath provided a sense of relief. On May 15, after the companies that eventually became the Sixth Reserves mustered into commonwealth service at Harrisburg, Private Hiram Ramsdell noted, "We are soldiers now. . . . We were sworn in to-day and have entered the State service as part of thirteen regiments of Infantry, composing the reserve corps of the State." Curtin himself visited the camp, welcoming the regiment into the ranks of the division, and he told the apprehensive soldiers that it was his determination to make the division "the finest army that ever trod the American soil." Ramsdell's earlier fear that the commonwealth and the federal government might both refuse his services made him skeptical of such acclamations. He wrote to his local newspaper, "These promises are very nice and easily made. We shall see whether they will be as easily fulfilled. But the long agony is over now, and that for

<sup>31</sup> *Ibid.*, May 29, 1861.

<sup>32</sup> *Washington Reporter and Tribune*, June 27, 1861.



which we have so long patiently waited has been accomplished, and as was truly remarked today by one of our company, 'the first battle won.'"<sup>33</sup>

Still, although Ramsdell understood the importance of taking the oath of allegiance, he incorrectly assumed that he had mustered into both state and federal service simultaneously, an error that would draw his comrades' attention in 1864.<sup>34</sup> He wrote, "We have taken the oath of allegiance to the State and to the United States for three years or during the war, and are to be ordered to camp either here or at some point the Governor may designate within the State limits, subject to the order of the Federal Government."<sup>35</sup> The majority of Pennsylvania Reserve soldiers, it seems, believed that they needed only one oath to bind them to the federal government, even if that oath came at the state level. In the minds of the Reserve Division's volunteers, their military careers officially commenced at the moment they took the oath offered by the commonwealth.

As the companies and regiments of the Reserve Division came together in June and July 1861 to receive their weapons and equipage, Curtin asked Secretary Cameron if he would eventually muster the Pennsylvania Reserves into federal service. Cameron replied negatively, for he did not want to accept Curtin's choice of officers, particularly his four generals, each of whom required approval by both Congress and President Lincoln. But, on July 22, Cameron changed his mind. Following the military disaster at Bull Run, Virginia, he asked Curtin to forward as many regiments as he could to Maryland—to Sandy Hook, Cumberland, Baltimore, and Annapolis—and to Washington without delay. Throughout July and August, whenever one of the Pennsylvania Reserve regiments encountered a federal mustering officer, it swore out of state service, and then swore into federal service for another term of three years. This required the regiments to assume a new federal designation. Thus, First Pennsylvania Reserves became known as the "Thirtieth Pennsylvania Volunteers," the Second Pennsylvania Reserves became known as the "Thirty-First Pennsylvania Volunteers," and so forth. Although redesignated, the men of the Reserve Division preferred to call themselves by their state designation. Letters home almost always bore the heading, "P.V.R.C.," meaning, "Pennsylvania Volunteer Reserve Corps."

<sup>33</sup> *Wellsboro Agitator*, June 5, 1861.

<sup>34</sup> Ramsdell was not serving with the Pennsylvania Reserve Division in 1864; he received a discharge on a surgeon's certificate in December 1862.

<sup>35</sup> *Wellsboro Agitator*, June 5, 1861.

The regiments from the Pennsylvania Reserve Division experienced an awkward transition to federal control. For a brief period, each regiment existed in a nebulous state of allegiance, having sworn out of state service, but not yet having sworn into federal service. To ensure that each complete Pennsylvania Reserve regiment shifted smoothly to federal control required the US mustering officer who administered the oath to treat each regiment with a delicate hand. Because the Pennsylvania Reserve volunteers had been in commonwealth service for almost three months, those soldiers who now wearied of army life possessed a legal means of leaving the ranks. More importantly, in May and June, the War Department had rebuffed the services of these men. The state legislature and the governor—not the War Department—had come to their rescue. Now, in July, Lincoln and Cameron seemed to need their services only out of desperation, when the national capital appeared threatened. If the federal mustering officers did not act kindly toward the Pennsylvania Reserves, they could produce mutinous sentiment.

Almost all of the Pennsylvania Reserve regiments experienced an untidy switch to federal control. Each company possessed a handful of men who refused to swear. Of course, their recalcitrance damaged the good name of their company, causing those who took the federal oath to reprimand them. When the Eighth Reserves arrived in Washington on July 24, several soldiers refused to muster into federal service. Private Ashbel F. Hill recalled, “Three of our boys—I am sorry to call them . . . ‘our boys’—refused to take the Oath and that night deserted, notwithstanding that they had been sworn into State service. Their names were Victory Jones, Robert Campbell and Thomas Grace. Thus you will perceive . . . that *Victory* was ours no more, that our *Camel* (Campbell) had run away with us, and that *Grace* was no more at present with us. Pardon me for punning; but the names—they are the real names of the gentlemen—present a temptation not to be resisted.”<sup>36</sup>

Unlike with the commonwealth oath, when the Reserve Division soldiers took the federal oath, they took it as a unit, not individually. Taking the oath en masse made it difficult for unwilling volunteers to back out of federal service; those who refused to take it incurred the public wrath of their comrades. On July 25, the Seventh Pennsylvania Reserves reached Washington, DC, and encamped in a shady spot north of the city. Two days later, a federal mustering officer administered the oath. Although the

<sup>36</sup> Hill, *Our Boys in the Army*, 65.

reserves eagerly wanted to join the fray, some men refused to swear. A Lebanon County soldier wrote that, “Yesterday (Saturday) we were mustered into the United States service, when two of the [Iron] Artillerists [the nickname for Company C, Seventh Pennsylvania Reserves]—and two of the few Lebanon men composing the company, at that—at first refused to take the oath of allegiance, and thus disgraced not only themselves, but also the company.” When the intractable men refused to swear into federal service, their comrades threatened them with bodily harm. Remembered a soldier from Company C, “Had it not been for the Captain our two men [who refused to swear] would have been torn to pieces by their companions on their return to the ranks.” In all, nine of the Seventh Reserves’ ten companies possessed groups of men who refused to swear. Colonel Elisha B. Harvey ordered those men to stand in front of the entire regiment, so their comrades could get a good look at them and perhaps bully them into rejoining their companies. Eventually, all but one of those who initially refused to take the oath swore into federal service. When they resumed their places in the ranks, their comrades gave them “three cheers and a tiger.” The single obdurate soldier faced humiliation. One witness described, “The one who was bent on backing out was shown out of the regiment between bayonets, and was afterwards stripped of all of his clothing and run out of camp. He belonged to one of the Philadelphia companies.”<sup>37</sup>

Generally, each regiment in the Reserve Division lost less than a dozen men from refusals to take the federal oath—hardly enough to destroy a unit’s fighting potential. One regiment, the Second Reserves from Philadelphia, lost far more—nearly 50 percent of the regiment’s aggregate strength. The mutinous behavior in the Second Reserves occurred more from perceived mistreatment from the War Department than from indecisiveness on the part of the volunteers. Once Cameron issued the order calling the Reserve Division into federal service, on July 24, Colonel William B. Mann, the commander of the Second Reserves, by his own authority, ordered his soldiers to board cars at Philadelphia. His men proceeded to Harrisburg and swore out of service of the commonwealth. Unfortunately, no US mustering officer met them there. But Mann refused to wait, and with Curtin’s permission, he put his men on a train to Baltimore, hoping that he might find a mustering officer in that city. The regiment arrived at Baltimore on the afternoon of July 26, but since

<sup>37</sup> *Lebanon Courier*, Aug. 1, 1861.

Mann had departed “on his own hook,” as one soldier recorded in his journal, the department commander, Major General John A. Dix, refused to accommodate his unit. Secretary Cameron then redirected the regiment to Sandy Hook, Maryland, instead of Washington. Although discouraged, for it appeared that Cameron intended to send them away from the action, the soldiers of the Second Reserves boarded another train and arrived at their new destination that night. Cameron, however, neglected to telegraph their new department commander, Major General Nathaniel P. Banks, to prepare for them. When they reached Sandy Hook, Banks had made no effort to draw necessary rations. He assigned the travel-weary soldiers to a campground where they begged nearby regiments for food.<sup>38</sup>

Growing discontent flared up when the men of the Second Reserves discovered that another regiment with many Philadelphians, the Twenty-Eighth Pennsylvania, camped adjacent to them. Four companies belonging to the Second Reserves had earlier hoped to serve under the command of Gabriel De Korponay, a prominent Philadelphia Democrat with European military experience. In June, Curtin had ordered Major General George Archibald McCall, the divisional commander, to replace De Korponay with Philadelphia’s Republican district attorney, William Mann. Seeing De Korponay in another regiment brought back unpleasant memories for the four companies of the Second Reserves that once pledged to serve under him. Disgusted at the treatment they had received from the disorganized federal government, groups of men in each company realized that no one could keep them at Sandy Hook. If they refused to take the oath of allegiance, they could return to Philadelphia to reorganize under a new commander, presumably the ringleader of the nascent mutiny, Lieutenant Colonel Albert L. Magilton, a Philadelphia Democrat. Undoubtedly, the mutiny commenced in the regiment’s Irish companies, for not only did they have reason to despise Mann for the organizational fiasco that unseated Colonel De Korponay, but, since he was a Republican politician, they wanted to break free from his yoke.<sup>39</sup>

On the sweltering afternoon of August 1, the US mustering officer, Lieutenant Colonel Fitz-John Porter, attempted to administer the oath,

<sup>38</sup> Evan Morrison Woodward, *Our Campaigns, or, The Marches, Bivouacs, Battles, Incidents of Camp Life, and History of Our Regiment during its Three Years Term of Service: Together with a Sketch of the Army of the Potomac, under Generals McClellan, Burnside, Hooker, Meade and Grant* (Philadelphia, 1865), 26–27.

<sup>39</sup> *Ibid.*, 28.

company by company. Over one-quarter of the men refused to swear and instead registered a list of grievances. Captain Evan M. Woodward of Company G wrote in his journal:

The reasons assigned by them was that they were armed with smooth-bored muskets (the only ones the Government at the time could give them,) their crowded tents, (five in each,) bad rations, (better than some of them got at home,) not having overcoats, (in the summer,) their unwillingness to serve under Colonel Mann, (their own choice,) they, in fact, like all other men doing wrong, using every subterfuge to justify their conduct.<sup>40</sup>

Appalled at this turn of events, Porter lost his temper and directed “injudicious remarks” at the entire regiment.<sup>41</sup> The next morning, the regiment formed again and Porter ordered all men to retake the oath; even those who had sworn into federal service the previous day had to retake it. Such “injudicious proceedings,” remarked Captain Woodward, predictably infuriated the men. Now, fully one-half of the regiment—476 enlisted men and one officer—refused to swear. The other officers rounded up the mutineers, ordered them to stack arms, and unceremoniously stripped them of their uniforms. Placing eleven officers as guards, Colonel Mann sent them on a train back to Philadelphia. As the train departed, the mutineers offered three cheers for Lieutenant Colonel Magilton. Although everyone knew that a cabal of disgruntled officers had probably organized the mutiny, there was no way to punish them, for they had all sworn into federal service individually upon receiving their commissions. Thus, they did not officially participate in the refusal to swear.<sup>42</sup>

News of the mutiny surprised the people of Pennsylvania. The befuddled editor of the *Philadelphia Inquirer* could not comprehend why the mutineers declined federal service at the eleventh hour. “It was difficult to ascertain what these reasons were,” he wrote, “but murmurs finally assumed the shape of ‘bad arms,’ ‘bad food,’ [and] ‘want of confidence in

<sup>40</sup> Ibid., 28–29.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., 29. Even though they were already sworn into service by virtue of their commissions, officers usually took the oath of allegiance alongside their enlisted men as an act of good faith. Philadelphia newspapers indicated that one second lieutenant was removed for refusing to swear. Of all the mutineers, this lieutenant’s name was the only one withheld from publication. This officer was probably Second Lieutenant Francis Fox of Company C. It is not clear why Mann singled out Fox and not the other officers who likely organized the mutiny.

officers.”<sup>43</sup> Curtin expressed frustration, since the Reserve Division had been his brainchild. Curtin was in Philadelphia when the mutineers returned, and he held an audience with the eleven commissioned officers, who castigated the mutineers as untrustworthy soldiers. Two weeks later, Curtin ordered all of Philadelphia’s major newspapers to print the names, occupations, and addresses of the mutineers with a warning to recruiters to refuse to accept them for any new regiments. “We do not need their services,” Curtin announced sharply, “nor do we risk our cause in their hands.”<sup>44</sup> Predictably, Curtin’s pronouncement carried little potency, as recruiters needed volunteers to fill out new regiments forming in the city. On July 22, Lincoln demanded five hundred thousand additional three-year volunteers. In order to fill the new regiments quickly, many recruiters accepted anyone, mutinous record or not. Over one-half of the mutineers reenlisted during the war; one-third reenlisted immediately upon their return to the city. Meanwhile, back at the Second Pennsylvania Reserves’ encampment, Companies B, F, G, and I disbanded, for each company had lost over 66 percent of its enlisted men. Colonel Mann distributed these men among the other understrength companies, and in 1862, Curtin added three new companies to the regiment. The officers of the disbanded companies lost their commissions and returned to the enlisted ranks.<sup>45</sup>

When the eleven officers assigned as guards returned to Sandy Hook, they discovered that Lieutenant Colonel Porter had called the remnant of Second Reserves into line to swear them into service for a third time. When Porter realized that these eleven officers had not been there to take

<sup>43</sup> *Ibid.*, 29; *Philadelphia Inquirer*, Aug. 2, 1861.

<sup>44</sup> *Philadelphia Inquirer*, Aug. 21, 1861.

<sup>45</sup> It is interesting to examine the social composition of the Second Reserves’ mutineers. The bulk of them came from Philadelphia’s unskilled or semiskilled working class, and most were Irish American. The “Governor’s Rangers” (Company B), the company that lost the most men—seventy-nine out of ninety-six—exhibited the greatest amount of socioeconomic homogeneity. This company contained thirty-two watermen and ten laborers, all of whom mutinied. Additionally, half of this company lived in Southwark, seventeen within three blocks of each other (five of whom lived in the same building, 752 South Front Street). The tugs of community loyalty were perhaps stronger in this company than in most others recruited during this time. It cannot be argued that the mutineers were disloyal soldiers; their immediate reenlistment disproved this. Rather, their occupational, ethnic, neighborhood, and political loyalties conspired to fashion a sense of entitlement that drove these men to negotiate the terms of their enlistment in a public way. This should come as no surprise. Nineteenth-century cities were havens of democratic-minded protest. This mutiny more likely reflected the unique composition of the prewar urban North than a lackluster sense of patriotism from Philadelphia’s poor, Irish American population. Andrew Curtin, raised in the rural central Pennsylvania countryside, could not have understood this. Muster and Alphabetical Rolls, Second Pennsylvania Reserve Infantry, PSA.

the oath, he flew into high passion and insisted that, for a fourth time, the officers call the regiment into line to administer the oath so that all could take it together. The eleven officers assured Porter that it was unnecessary; they had sworn into federal service by virtue of their commissions. From then on, the men of the Second Reserves bitterly joked, "It is necessary for a good soldier to carry a Bible with him to be sworn in, or he will find himself discharged before he knows anything about it."<sup>46</sup>

Philadelphia's Republicans blamed Secretary Cameron and his cronyism for causing the mass defection. As the editor of the *Philadelphia Sunday Evening Transcript* maintained, "At the bottom of the whole transaction is Simon Cameron. He has cast disrepute on his State . . . and, to a great degree, has served to impair the faith of the people in the Administration of which he is a most unworthy member."<sup>47</sup> Although this interpretation smacked of political bias, especially since it attempted to acquit Colonel Mann of any misconduct and it ignored the partisan element of the mutiny, the newspaper editor's opinion demonstrated a partial understanding of the problem disturbing all the Pennsylvania Reserve regiments. As the editor noted, Philadelphia had raised a complete regiment. Yet, at some point during the discomfited process of transferring it from state control to federal control, the soldiers became mutinous. In the editor's opinion, it was this transfer process—caused, as he thought, by Cameron's hatred of Mann—that spawned the unnecessary discontent. He argued:

But the truth of all the defection, of which so much has been iterated, is simply this: Col. Mann is a patriot at heart. As a Republican, he worked with zeal . . . to secure the election of Mr. Lincoln to the Presidency. As a true friend of Abraham Lincoln, he could be no friend of Simon Cameron. . . . Therein lies the difficulty. Petty spleen and personal spite are at the bottom of the whole trouble. Col. Mann would not, as an honest man, crook the knee to Simon Cameron. The latter, needing parasites, and bent upon making parasites of true and loyal men . . . falling in his unworthy purpose, to turn his back on the State which gave him birth, and to which he owes all that he is and can ever be—to break down everything that can add glory to the State, and destroy all who are willing to serve the nation without selfishness in its present hour of peril. To this end, there was a difficulty raised as to the acceptance of Col. Mann's regiment. It is

<sup>46</sup> Woodward, *Our Campaigns*, 29.

<sup>47</sup> *Philadelphia Sunday Evening Transcript*, Aug. 11, 1861.

true the capital of the nation, which Washington founded, was in danger. Then enemies of the country were, indeed, at its very gates; and, by one bold stroke could have taken it. At such a juncture, by direction of Governor Curtin, Col. Mann moved forward. . . . Cameron had been crying "on to Richmond," and his men had been driven back "on Washington." Still the Pennsylvanians under Mann determined to go, and went to the rescue. Apparently not a moment was to be lost. In reality Col. Mann's command was sent to Harper's Ferry. And there the insubordination began. The secret history of that insubordination is yet to be written. The present is not the time to reveal the hidden motives which brought about the trouble. It is enough to know that Colonel Mann, at a vast expenditure of time and means, completed his regiment; that that regiment elected him their Colonel; and that, after their acceptance and "mustering in," the most outrageous acts were committed to disgrace a Pennsylvanian and deprive the country of the services of Pennsylvania soldiers who had volunteered to maintain its honor.<sup>48</sup>

In any case, this incident left a troublesome question: by swearing into federal service, did the soldiers of the Pennsylvania Reserve Division restart their three-year terms of service, or did the War Department accept them from the moment they swore into state service in May? Those questions remained unanswered until April 1864.

For the moment, Curtin focused his efforts on rectifying the problem made evident by the mutiny. Now that Pennsylvania had to raise an additional eighty-nine thousand three-year men under the July 22 call, Curtin wanted to remove any federal interference. He believed the problem with the reserves' muster had emerged from two simultaneous and incongruous efforts by the commonwealth and federal governments. In essence, Curtin identified federalism as the culprit. Writing to President Lincoln on August 21, Curtin pointed out that, "The direct authority of the Government of the United States having been thus set in competition with that of the State, acting under its requisition, the consequence has been much embarrassment, delay, and confusion. . . . There remains the great evil of the unavoidable clashing of two authorities attempting at the same time to effect the same object among the same people through different and competing agencies."<sup>49</sup>

<sup>48</sup> Ibid.

<sup>49</sup> *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, DC, 1880–1901), ser. 3, 1:435–41.



Curtin explained that even though Congress had passed special legislation on July 22 allowing the president to call for troops to serve for three years or the duration of the war, the authority to organize, provision, inspect, and muster troops still rested with the state governments. Curtin admonished, “[the] law is so clearly in accordance with true policy and expediency, it is hoped that the Government of the United States will adhere to it.”<sup>50</sup> Other state governors registered similar complaints, usually charging that Cameron’s cronyism had stifled mobilization in their own states, thus sowing the seeds of his departure from the cabinet post in January 1862. Thanks to Curtin’s forthright complaining, control of Union mobilization remained firmly in state hands until March 1863, when Congress passed an act that allowed the War Department to initiate conscription. Four months later, the first federal draft went into effect. By appointing federal provost marshals to regulate the draft in each congressional district, the War Department took a drastic step to control mobilization of state-level volunteers. However, administrative control of the regiments—old and new—remained in the hands of the governors until the end of the war. Curtin’s August 1861 demand for noninterference from the federal government and Cameron’s subsequent dismissal proved to be one of the principal delineators of the limits of the War Department’s managerial control of the Union army. Still, although Lincoln mollified Curtin by removing his political adversary, he did nothing to address the constitutional issue at stake: which level of government—state or federal—had the power to muster in the soldiers—or muster them out, for that matter? It was the Reserve Division’s discontent in 1864 that pushed this unresolved issue to the forefront.

The Pennsylvania Reserve Division went to the front lines in December 1861 and fought eleven major battles with the Army of the Potomac between then and spring 1864: Dranesville, Mechanicsville, Gaines’s Mill, Glendale, Second Bull Run, South Mountain, Antietam, Fredericksburg, Chancellorsville, Gettysburg, and Bristoe Station. In the winter of 1863, as a second federal draft loomed near, the War Department offered all its veteran soldiers who enlisted in 1861 a chance to reenlist for three additional years, or the remainder of the war. If a majority of any regiment reenlisted, that regiment could “veteranize,” that is, retain its old numerical designation and its commissioned and non-commissioned staff. Additionally, all reenlisted veterans received a thirty-

<sup>50</sup> *Ibid.*, 1:439–41.

day furlough and a \$402 veteran bounty. As Colonel Martin D. Hardin of the Twelfth Reserves remembered, “great efforts were made to get the men, in a body, to re-enlist. Applications were made to give the division a furlough. General [Samuel Wiley] Crawford [the new divisional commander] urged the matter very forcibly, using for the first time the argument that ‘seasoned’ soldiers, as the remainder of the Reserves then were, were so very far superior to the new levies. Also stating that the men were mostly young and the best material for soldiers.”<sup>51</sup> Despite these lucrative inducements and frequent promises of a furlough, only 1,700 of the remaining 4,300 soldiers in the Pennsylvania Reserve Division reenlisted. Thus, not a single regiment “veteranized.”

Still, the War Department hoped if the president made another call for troops in the summer of 1864, the soldiers who chose not to reenlist might join new regiments that Curtin expected to organize. In the meantime, Cameron’s successor, Secretary of War Edwin Stanton, gave General Grant the option to deploy all the Pennsylvania Reserves for his upcoming campaign. Stanton set the reserves’ muster out for the middle of the summer, the earliest on June 11 and the latest on August 10.<sup>52</sup>

By the end of the winter of 1863/64, Governor Curtin became aware of the discrepancy between the War Department’s muster-out date and the commonwealth’s muster-out date. On March 4, he addressed a letter to President Lincoln asking for the reserves’ term of service to “be estimated from the date of their being originally sworn into the service of the state.” Secretary Stanton—who had grown to despise Curtin almost as much as his predecessor had done—intercepted Curtin’s letter and directed Assistant Adjutant General Edward R. Canby to draft a reply to silence the garrulous governor. Canby’s message reiterated Stanton’s decision, stating that discharge dates of the reserves would be calculated from the day the regiments swore into federal service. When Pennsylvania newspapers learned of Canby’s message, they replied with livid denunciation of Stanton and the War Department. The *Harrisburg Patriot and Union* stated:

<sup>51</sup> Martin D. Hardin, *History of the Twelfth Regiment, Pennsylvania Reserve Volunteer Corps (41st Regiment of the Line) from Its Muster into Service of the United States, August 10, 1861, to Its Muster Out, June 11, 1864* (New York, 1890), 174.

<sup>52</sup> Stanton set the muster-out dates as follows: First Reserves, August 1; Second Reserves, August 1; Third Reserves, July 23; Fourth Reserves, July 17; Fifth Reserves, June 21; Sixth Reserves, July 27; Seventh Reserves, July 27; Eighth Reserves, July 29; Ninth Reserves, July 27; Tenth Reserves, July 21; Eleventh Reserves, July 29; Twelfth Reserves, August 10; First Rifles, June 11.

The United States Government, under this decision, may gain a few months service from these men at the expense of creating dissatisfaction and losing them for a new period of three years. The treatment of our gallant reserves, on the part of the government, has been shameful ever since they entered Washington four days after the battle of Bull Run. . . . Nothing short of annihilation would seem to be the fate of the gallant Reserves.<sup>53</sup>

The soldiers also grasped the dilemma. The War Department meant to squeeze one more bloody campaign out of the Reserve Division before sending it home. Fearing that their lives would be cut short by this red-tape technicality, they replied with irate vitriol. Corporal Adam S. Bright, a Pittsburgher in the Ninth Reserves, wrote to his uncle that:

The impression is now that we will not be discharged before the middle of July. Old Ed Stanton is stubborn and refuses to let us off. Governor Curtin [*sic*] is doing all he can to get us off in May, but Stanton has an old grudge against Curtin and is going to take it out on the Pennsylvania Reserves. I'm sorry we can't have a sane man for Secretary of War. The Penna. Reserves will remember Stanton. If he was here they would shoot him quick as they would a Reb.<sup>54</sup>

Naturally, the disgruntled Pennsylvania Reserve soldiers looked to Governor Curtin for support. Curtin—now widely renowned as the “soldier’s friend” for his tireless efforts to support military families—had long applauded the division for its battlefield prowess and had made strenuous efforts to reunite the errant Second Brigade, then stationed in Washington and Alexandria, with the rest of the division. One discontented soldier wrote the governor, “Knowing you to be the soldiers friend we place great confidence in you.” Similarly, a Pennsylvania Reserve officer wrote, “We appeal to you because you first conceived us, brought us into existence, our military father, and have at all times protected and defended us against assault.” One soldier humbly concluded an infuriated protest letter with: “If I have offended in writing thus to you, I ask your pardon.”<sup>55</sup>

<sup>53</sup> *Harrisburg Patriot and Union*, Apr. 28, 1864.

<sup>54</sup> Adam Bright to Emanuel Stotler, Apr. 15, 1864, in *“Respects to All”: The Letters of Two Pennsylvania Boys in the War of the Rebellion*, ed. Aida Craig Truxall (Pittsburgh, PA, 1962), 54.

<sup>55</sup> William Sprague to Andrew Curtin, Apr. 20, 1864; George O'Donnell to Andrew Curtin, Apr. 18, 1864; and William Cooper Talley, Apr. 22, 1864, PSA.

In their denunciations of the War Department's decision, the Pennsylvania Reserve soldiers couched their arguments in a language of citizens' rights, arguing that by extending their tours of duty the federal government had broken its contract with the men. In a letter to Governor Curtin written on April 10, 1864, an anonymous soldier wrote, "We enlisted on the fifteenth of May [18]61 and was not sworn into the United States Service till the 28th of July[.] [N]ow I ask you is that acting fair with us[,] keeping us till that time[?] [A]re we to loose two months and better[?] I say no and the Div says no[.] [W]e will fight for our wrights if need be[.] [W]e have done our duty as well as we knowed how so far but we will do no more after the 18th of May[.] [T]hat is the voice of our Division." Private James Thompson of Company E, Ninth Reserves, warned Governor Curtin correspondingly, writing on April 20 that "should the Secretary of War attempt to keep us longer [than May 15] he may have trouble with us for we are determined that our rights shall not be disregarded by any man or set of men or my government." When Sergeant William P. Sprague, Company K, Ninth Reserves, who expected to be mustered out on May 4, learned that he would have to wait until July 28 to start for home, he stated, "We consider . . . [it] an act of injustice to us, hence the dissatisfaction."<sup>56</sup>

Thirty-four officers from two regiments in the Pennsylvania Reserve Division—the Tenth and Eleventh Reserves—drafted formal resolutions and sent them to Curtin on April 12 and 13. These two sets of resolutions argued that the retention of the reserves longer than three years "would be highly unjust to ourselves and the men under us; [we] desire to make known to your Excellency our emphatic disapproval of such a measure and moreover to petition that there may be some action taken on it at once." The officers of these regiments argued that the federal mustering officer "had nothing whatever to do with our time, that we would be governed altogether on this point by our State Muster," and that, by the transfer to federal authority, "we took no new oath or bound ourselves to no new term of service." Although the officers admitted that they had acted "hasty" by not settling the question of their muster-out date in 1861, at the time, they felt it incumbent upon themselves "to take advantage of . . . our zeal to render our country service in its darkest hour, yet we never for a moment suspected that justice would be any the tardier

<sup>56</sup> "One of the P.R.V.C.s" to Andrew Curtin, Apr. 10, 1864; James Thompson to Andrew Curtin, Apr. 20, 1864; and William P. Sprague to Andrew Curtin, Apr. 20, 1864, PSA.

in a recognition of our services.” Thus, the Pennsylvania Reserve officers believed that extension of their terms of service nullified or impugned the patriotism that had compelled them to enlist in 1861.<sup>57</sup>

Even though the Pennsylvania Reserve soldiers hinted that they would mutiny if ordered to serve until July or August, they simultaneously reaffirmed their patriotism and devotion to the cause, which they claimed had not dissipated since 1861. A letter written to Governor Curtin by “many privates” in the Sixth Reserves stated, “We are no grumblers, and you will please bear in mind the fact that the sentiment of the Penn’a Reserve Corps is that a gross imposition is about to be practiced upon us and the occasion or excuse the officials have for it is ignorance—We protest against it.” These soldiers warned that they would not abide by their newly scheduled muster-out date of July 27, but would “lay down their arms [on May 15] when their term of service expires counting from the date of their enlistment.” Private George W. O’Donnell, a Philadelphian in Company G, Fourth Reserves, argued likewise, suggesting that extending his unit’s term of service to July 17 cheapened the duty he had already done. His company had sworn into commonwealth service on May 29 at the Girard Hotel, and O’Donnell maintained that, “We needed no other oath to bind us to the United States; for we did not enlist to make street parades and make a show of ourselves around the city, but to do our country service, which we have done; or tried to do.” O’Donnell argued that when his company mustered into federal service, it took no specific oath binding it to a muster-out date of July 17, but merely “transferred into [the service of] the United States.” He added, “I am of the opinion that what Laurels we have won will be thrown away; it is a shame when men serves

<sup>57</sup> Officers of the Tenth Pennsylvania Reserve Infantry to Andrew Curtin, Apr. 12, 1864; and officers of the Eleventh Pennsylvania Reserve Infantry to Andrew Curtin, Apr. 13, 1864, PSA. The officers of the Tenth Pennsylvania Reserve Infantry included Lieutenant Colonel Ira Ayer Jr., Major C. Miller Over, Quartermaster William R. Shippen, Captain Joseph B. Pattes, Captain P. E. Shipler, Captain Valentine Phipps, Captain C. C. Cochran, Captain John B. Gaither, First Lieutenant Charles McLaughlin, First Lieutenant David Service, First Lieutenant George E. Lehman, Second Lieutenant William McQuillen, Second Lieutenant David Farrell, Second Lieutenant N. B. McWilliams, and Second Lieutenant Charles Davis. The officers of the Eleventh Pennsylvania Reserve Infantry included Major James C. Burke, Adjutant T. D. Libman, Quartermaster H. A. Lowrance, Captain Edward Scofield, Captain Daniel R. Coder, Captain William H. Timblin, First Lieutenant James P. Boggs, First Lieutenant George W. Heeger, Captain Hannibal Sloan, First Lieutenant Archibald W. Stewart, Second Lieutenant John S. Sutor, First Lieutenant W. R. K. Hook, Captain James A. Hayden, Captain James H. Mills, Second Lieutenant William F. Shuman, First Lieutenant Daniel D. Jones, Second Lieutenant J. G. Jackson, and Second Lieutenant Richard M. Birkman.

their time out faithfull, and then to be trampled upon.”<sup>58</sup>

By referring to their division’s past glories in their protest to Governor Curtin, the privates of the Sixth Reserves made it clear that the federal government had soiled their 1861 patriotism:

History will tell how we have done our duty—The skeleton Regiments, the tattered banners of the Division and the absence of many dear, familiar faces, whose bones are bleaching on the inhospitable soil of “old Dominion” will testify our devotion to that flag, under whose folds we were born and shall it be said that the State of Pennsylvania permitted an outrage of this kind to be practised upon that Division upon which the safety of the capitol of the nation depended at the outset of the war, and the only representative Division of the State in the Army of the United States.<sup>59</sup>

However, the Pennsylvania Reserve did not only denounce what they perceived as threats to their honor. They also expressed concern about the administration’s ability to maintain law and order in the wake of this outrage. If the War Department held the reserves until July, the survivors, many believed, would return home and refuse to reenlist in any of the new regiments then organizing in Pennsylvania. George O’Donnell pointed out that his regiment, the Fourth Reserves, had over three hundred men, and he believed, if not mustered out as soon as possible, “instead of being a profit to the Government,” it would become a “loss.” The privates of the Sixth Reserves warned that if the War Department “would let us go at the proper time, two thirds of the ‘Old Guard’ would find their way again into the army, [but] if they hold us, every man will feel himself aggrieved and will not hesitate to say so. Even now that is the common talk.”<sup>60</sup>

Filling a body of seasoned veterans with an angry resolve seemed like an imprudent idea, especially considering Pennsylvania’s turbulent inter-party competition. Colonel William McCandless, a brigade commander in the reserves, considered the “vexed question” a matter of common sense. Writing to Curtin on April 13, he pointed out, “There is another matter which I suppose has not escaped your attention. I.E. the necessity for maintaining the military spirit of the State in order that we may evade

<sup>58</sup> “Many Privates” to Andrew Curtin, Apr. 11, 1864; and George W. O’Donnell to Andrew Curtin, Apr. 18, 1864, PSA.

<sup>59</sup> “Many Privates” to Andrew Curtin, Apr. 11, 1864, PSA.

<sup>60</sup> Ibid; George W. O’Donnell to Andrew Curtin, Apr. 18, 1864, PSA.

future drafts." McCandless suggested that the state legislature draft another bill to create a second reserve division to catch the commonwealth's deserters and draft dodgers. He supposed the discharged soldiers of the Pennsylvania Reserve Division would form a good nucleus for this new body of state troops, but he pointed out, the veterans would only join if they mustered out in May.<sup>61</sup>

Pennsylvania Reserve soldiers also took pains to point out that their votes would be critical in the upcoming presidential campaign. Private James Thompson considered it a "sorrowful day for us to oppose any measure of the Administration," but if left so distraught by the Republican Party, all of the loyal soldiers in the Pennsylvania Reserves would certainly vote against Lincoln in November. On April 25, Major Richard Ellis, commander of the Second Reserves, cautioned Governor Curtin that, if the War Department held the soldiers in his regiment after May, "they will be turned from ardent supporters to violent opposers of the Administration, National and State. Hold this Division in service to August, and they will carry the State against the Administration next fall in spite of fate—So much for politics."<sup>62</sup> Major Ellis wrote a letter to Secretary Stanton the next day, asking him to reconsider his opinion, again stating that extension of the reserves' service would change his men "into violent opposers of the Administration." Ellis added:

I am particularly anxious with reference to this matter, as I was a member of the [Republican] Convention at Chicago, that nominated His Excellency, the President, and I desire to see him reelected. The men of this Division are of a superior class, and would wield a powerful influence in the State, and will be driven into the ranks of the opposition by retaining them in service after the time which they honestly believe they are entitled to their discharge. I regret to say, that I have frequently heard expressions of opinion of this kind from gentlemen who have heretofore been our warm political friends.<sup>63</sup>

Neither did unrest in the Reserve Division escape the attention of politicians on the home front. William Daniel of Canonsburg, whose town had raised the "Jefferson Light Guards," now known as Company

<sup>61</sup> William McCandless to Andrew Curtin, Apr. 13, 1864, PSA.

<sup>62</sup> James Thompson to Andrew Curtin, Apr. 20, 1864; and Richard Ellis to Andrew Curtin, Apr. 25, 1864, PSA.

<sup>63</sup> Richard Ellis to Edwin Stanton, Apr. 26, 1864, Edwin McMasters Stanton papers, Library of Congress, Washington, DC.

D, Tenth Reserves, believed the Canonsburg company should receive its discharge on May 15 rather than July 21. In his opinion, Daniel considered it quite unfortunate that the Republican Party would choose to ruin its reputation this way, especially after Curtin had so narrowly won the gubernatorial election in October 1863. Daniel believed that angering the reserves would risk losing Canonsburg to the Democrats and hinder the town's ability to meet its draft quotas. He guessed many of the reserves "were very much wedded to the fortunes of the late Gen McClelland, but I think they have all got over that now, since his imputation on them at Mechanicsville. If those men were permitted to come home at the expiration of their Com[monweal]th Service . . . I have no doubt they would reenlist allmost to a man, but if the attempt is made to throw out the time they were in the Service of the State; I fear many of them will not."<sup>64</sup>

Meanwhile, the commanders of the Pennsylvania Reserve Division faced a different problem: keeping discipline and preventing unrest from spreading to sympathetic units in the Army of the Potomac. On April 21, six companies of the Sixth Reserves stacked arms and refused to perform duty. The officers of Dauphin County's Company G brought their muster roll to their brigade commander, Colonel McCandless, showing him that their three years had elapsed. McCandless ordered all the mutineers arrested and preferred charges against the ring leaders. He also addressed Curtin, demanding that the governor take action. He wrote, "If this [action by the War Department] is persisted in it will place us in a disreputable position, and all our hard fighting will have gone for naught." Colonel William Cooper Talley, commander of the First Reserves, wrote Curtin the next day, upholding McCandless's decision. "Every attempt of disobedience will be promptly and firmly met," he wrote. "This, however, is only the beginning of the trouble. The cause should be removed, full justice should be done to the men; it is our duty as officers to use all our efforts to accomplish this." Talley urged Curtin to seek a personal audience with the president, because Talley guessed, "Our only hope is that you cause the President (who has the power) to see the necessity of his prompt action in the matter. . . . [T]he least disturbance among us [officers] would be magnified into mutiny by those who would be pleased to have an opportunity of staining our character." On April 24, Major General George G. Meade, commander of the Army of the Potomac and also an old commander of the reserves, wrote to Curtin, adding his

<sup>64</sup> William H. Daniel to Andrew Curtin, Apr. 21, 1864, PSA.



endorsement of an early discharge: “My experience is decided that it is inexpedient and impolitic to retain men beyond the period which they honestly believe they are entitled to a discharge. . . . It is of the utmost importance that a speedy decision be made as there are symptoms of disorder and mutiny appearing in this command.”<sup>65</sup>

On April 25, armed with this support, Curtin went to see President Lincoln and agitate for the release of the Reserve Division. Curtin’s audience with the president yielded success, and the *Philadelphia Inquirer* declared, “Every difficulty existing between the Commonwealth of Pennsylvania and the National Government has been removed.” Upon his return to Harrisburg, Curtin told Pennsylvania’s citizens that the reserves would muster out in May. To ensure that Lincoln’s promise stuck, Representative Thomas J. Barger, a Philadelphia Democrat, drafted resolutions soliciting President Lincoln for a timely release of the Pennsylvania Reserves. On April 29, the legislature unanimously adopted Barger’s resolutions.<sup>66</sup>

On May 3, Major General Gouverneur Kemble Warren, the commander of the Fifth Corps of the Army of the Potomac, drafted orders returning the Reserve Division to Pennsylvania. Unfortunately, the order came one day too late. The Army of the Potomac struck tents that same day and crossed Germanna and Ely’s Fords on the Rapidan River on its way to engage the Army of Northern Virginia. Over the next twenty-eight days, the reserves fought in a series of six battles—The Wilderness, Spindle Hill, Spotsylvania, Guinea’s Station, North Anna River, and Bethesda Church—sustaining 1,116 casualties. On May 5, the Seventh Reserves suffered the heaviest loss when two companies of the Sixty-First Georgia Infantry surrounded them in the Wilderness, forcing 273 officers and men to surrender.

Two Reserve Division regiments—the Eighth and Ninth Reserves—departed the front lines after the Battle of Spindle Hill and mustered out in Pittsburgh on May 24 and 13, respectively, the first two to be released from service. On May 31, staff officers read Warren’s farewell orders to the rest of the division. On June 3, the surviving Pennsylvania Reserves marched to White House Landing, boarded transport ships, and on June 6, they sailed into Harrisburg. The survivors met a grand reception at the

<sup>65</sup> William McCandless to Andrew Curtin, Apr. 21, 1864; William Cooper Talley to Andrew Curtin, Apr. 22, 1864; and George Gordon Meade to Andrew Curtin, Apr. 24, 1864, PSA.

<sup>66</sup> *Philadelphia Inquirer*, Apr. 28 and 30, 1864; *Philadelphia Daily Evening Bulletin*, Apr. 30, 1864; *Harrisburg Patriot and Union*, Apr. 27, 1864.

capitol and received a public thanks from Governor Curtin. Four regiments mustered out in Harrisburg, three took cars to Philadelphia and mustered out there on June 14 and 16, and two more regiments journeyed to Pittsburgh and mustered out there on June 11. The 1,700 soldiers who reenlisted in December 1863 remained in Virginia and reorganized as the 190th and 191st Pennsylvania Infantry Regiments (also known as the First and Second Veteran Reserves).<sup>67</sup> They participated in the Battles of Cold Harbor, Petersburg, Weldon Railroad (in which 600 of them were captured), Poplar Springs Church, Hatcher's Run, White Oak Road, and Five Forks.

Only one regiment did not completely muster out: the Seventh Reserves. Instead of going home, the captured enlisted men took a long train ride to Andersonville, Georgia, where sixty-seven of them died.<sup>68</sup> Thirty-three men from Sergeant John I. Faller's Company A entered the stockade, but only nineteen came out at the end of the war. As he squatted in filth and misery, ridden with scurvy, watching his teeth fall out daily, maybe Sergeant Faller considered the curious set of circumstances that plucked him from his cushy assignment in Washington at the eleventh hour of his term of service and extended it long enough to get him captured. Maybe he even pondered the clumsiness of the transfer to federal control that lay at the root of his dilemma and subsequent anguish. But, in the words of the soldiers of the Sixth Reserves, Faller "was no grumbler"; he solemnly did his duty inside the stockade. As long as he remained a breathing prisoner of war, the Confederacy had to appoint soldiers to guard him. By merely surviving, Faller continued to serve his country. Then, in the autumn, Faller received another opportunity to take an oath of allegiance, this time to the Confederacy; the guards promised to give him food and clothing if he chose to switch sides. Faller did not accept. According to him, he and thousands of other inmates "remained faithful to their flag, although food and clothing and life were offered to them to betray their country."<sup>69</sup>

<sup>67</sup> Two regiments, the Third and Fourth Reserves, had been in West Virginia at muster out. Their veteran volunteers joined the Fifty-Fourth Pennsylvania.

<sup>68</sup> A small contingent of the Seventh Reserves, numbering less than one hundred men under command of Captain Samuel King, mustered out in Philadelphia on June 16. Bates, *History of Pennsylvania Volunteers*, 1:730.

<sup>69</sup> John I. Faller G.A.R. address, *Philadelphia Record*, Jan. 7, 1906, reprinted in *Dear Folks at Home*, 137–38.

Like many other soldiers in the Reserve Division, Faller considered oath-taking a serious business. In 1861, the Pennsylvania Reserve Division volunteers viewed the commonwealth's oath of allegiance as the moment they became soldiers, as an inviolable contract that protected them from abuse of power, in this case, from federal supremacy. Of course, the War Department had its own interpretation of the oath of allegiance, viewing the federal oath as the true and official declaration of one's duty to his country. This discrepancy in interpreting the oaths ultimately produced the mutinous sentiment of 1864. Had both levels of government solved their constitutional problems in 1861, they might have avoided this unpleasant blemish on the division's stellar war record. In any event, the maladroit sharing of military power between Pennsylvania and the War Department produced a substantial amount of grumbling.

*Old Dominion University*

TIMOTHY J. ORR