at each step of the long way. Of those 20,000 men, Jackson brought back to Lee on the Antietam only himself and 5000 others. ${ }^{1}$ In the afternoon Walker came up. His two brigades had not as yet been engaged in any action. They had formed part of the rear-guard at Groveton. The two brigades numbered a little more than 3000 men when they rejoined Lee that evening. McLaws remained at Pleasant Valley until the morning of the 16 th . He then crossed the Potomac by the railroad bridge, passed through Harper's Ferry, not giving his men time for rest and refreshment, and at dark encamped for a few hours on the south bank of the Potomac, close by the ford. At midnight the march was resumed, and by dawn of the 17 th the command was halted close by Sharpsburg. Of the eight brigades comprised in this command, three had suffered severely at Cramp ton's Gap; the others had done hard duty on Maryland Heights, and in watching the outlets from Harper's Ferry. The march to Sharpsburg had been trying. Men dropped from the ranks in utter exhaustion. McLaws brought with him only 7000 men, barely half his force; of these about 3000 belonged to his own division, about 4000 to that of Anderson; ${ }^{2}$ so that, on the morning of the 17 th, Lee had, exclusive of cavalry, about 36,000 men, infantry and artillery. ${ }^{3}$

Meanwhile, on the afternoon of the 16th, McClellan began to move Hooker was sent across the Antietam at a point above the extreme left of the Confederates. The passage was made without opposition. He then moved down the west bank, and came in contact with the Confederate left. Some sharp skirmishing ensued, the only result being that Hooker established himself in a position from which he could strike on the next morning; and Lee could infer from what quarter the first blow would come, and make his dispositions accordingly. Mansfield's corps followed Hooker across the Antietam during the night, and encamped a mile in the rear McClellan's plan, if Hooker understood it rightly, was the true one. He had undertaken the offensive. The action at Turner's Gap had shown that he was in superior force. With half his strength he had forced the passage through the South Mountain, and his opponent had fallen back in full retreat He had come up with Lee standing at bay at the farthest point to which retreat was possible. Every thing pointed to the one conclusion, that the whole Union force should be thrown at the earliest moment upon the Confederates. That this was to be done on the morning of the 17 th was the decision, as understood by Hooker, to whom the initiative was assigned. ${ }^{4}$

Hooker opened the attack at dawn on the morning of the 17th. The on set fell upon a portion of Jackson's command, which, few in numbers, was strongly posted in a wood upon the Confederate left. This was soon swept back, with the loss of half its numbers, out of the wood, across an open field, and into another wood, where the outcropping rock gave shelter from the fierce fire poured in upon it. Lawton, who now commanded Ewell's division, called upon Hood for all the assistance which he could give Hood threw his two strong brigades into action, and was soon followed by three brigades from Hill's division. Hooker still pressed on, meanwhile sending back for Mansfield's corps to come up to his support. This came upon the field at about 8 o'clock. While deploying his column, the veter an commander, who had joined his corps only the day before, was killed, and the command reverted to Williams. Hooker still pushed on upon the extreme left of the Confederates, and by 9 o'elock had gained an elevation which commanded the position of the enemy. He thought the battle won. The enemy, as far as he could see, were falling back in disorder, while his own troops, full of spirits, rent the sky with cheers. Just then, while looking for a point at which to post his batteries in order to sweep the retreating foe, he fell severely wounded. Having directed a telegram to his friends, announcing that he had won a great victory, and sending a message to Sumner, who was already close at hand, to hasten upon the field, he was borne half-conscious to the rear. ${ }^{5}$

But when Sumner came up the whole aspect of the battle had changed. Hill and Hood had sprung to the relief of Jackson. Their united force was far inferior in numbers to that of Hooker and Mansfield, but they were inordinately strong in artillery. Hill, with but 3000 infantry, had more than 80 guns at his command. ${ }^{6}$. These, in front and upon the left, with the mounted artillery upon the right, under Stuart, were brought to bear upon Hooker's advancing corps. This was checked, then wavered, and when the enemy, with hardly half their numbers, charged from the sheltering woods, Hooker's corps broke and fled in utter rout, not to appear again upon the field. Their rout, moreover, threw into confusion a part of Mansfield's corps. The losses in Hooker's corps had been severe, but absolutely they had not been greater, and, relatively to the numbers engaged, had been less than they had inflicted. The killed and wounded had been about one sixth of the whole number, a ratio hardly one half of that of the forces which afterward bore the brunt of the fight on either side.?
${ }^{1}$ I accept this statement of the force brought by Jackson on the authority of the generals who
commanded the divisions at Antietam : J. R. Jones, who commanded Jackson's division, savs, commanded the divisions at Antietam: J. R. Jones, who commanded Jackson's division, says,
"The old Stonewall division entered the action weary and worn, and reduced to the numbers of a small brigade . . . not numbering over 1600 men at the beginning of the fight."-Lee's Rep., less than 35000 , whitho commanded Ewell's division, gives its losses at Antietam as 1352 "out of ${ }^{2}$ Lee's Rep,. ii., 116, 172 .
${ }^{3}$ From this point we take no account of the cavalry force on either side, as it was not engaged in the action of the day.
with my ank, there this attack, $I$ had been assured that, simultaneons with my attack, there should be an attack upon the rebel army in the centre and on the left the might direct the other attacks to be made atielan when 1 proposed to attack, in order that ho
 The completeness of the rout of Hooker's corps, after his wounding, is shown by evidence too
Toclusive to be questioned. Sumner says (Com. Rep. 368 ). "On moing pon the field, I found that General Hooker's corps had been dispersed and routed. I I passed him some distance in the rear, where he had been carried wounded, but I saw nothing of his corps at all, as I was advancing with my command upon the field. There were some troops lying down on the left, which $I$
took to belong to Mansfield's command. General Mansfield had been killed and a took to belong to Mansfield's command. General Mansfield had been killed, and a portion of his


Sumner's large corps, more than 18,000 strong, was now thrown into action. It advanced in three columns. Sedgwick's division, on the extreme right, took the position from which Hooker had been driven so speedily that the Confederates were not aware of their signal success, but fell back to their former position before what they supposed to be merely re-enforcements brought up to support a foree that had been driven back. Next on the left came the divisions of French's and Richardson's corps, pressing down toward the Confederate centre. Lee perceived that here was to be the main stress of the fight. To meet it, he ordered up every disposable man from his right. First came Walker's division, 3000 strong; then McLaws with 3000 , and Anderson with 4000 . So pressing seemed the emergency that Lee ventured still farther to weaken his right, detaching regiment after regiment, until D. R. Jones, who had been posted there with six brigades, had barely 2400 men with which to confront Burnside's corps of $14,000 .^{1}$ This withdrawal from the right was, however, screened from the view of the enemy by the wooded ridge along which the Confederate line was formed.

At ten it seemed that victory was secure for the Union forces. Sedgwick had gained a position a little beyond that from which Hooker had been driven an hour before, and Jackson's corps was streaming to the rear. Hood, having lost a third of his men and exhausted his ammunition, was with drawn. Hill was sorely pressed by French and Richardson. Three of his five brigades were broken and retreating; the other two clung desperately to a sunken road which formed a natural rifle-pit. The Confederate left, worn by the fight in which it had been engaged for five hours, and pressed at every point by a superior force, was on the point of giving way. But the strong re-enforcements brought up not only restored the balance, but gave them a slight preponderance. All losses being deducted, Lee had here on his left about 24,000 men. Sumner had his own corps and half of that of Mansfield, now numbering together 22,000 . The re-enforcements came up almost at the same moment. Jackson, strengthened by McLaws, advanced upon Sedgwick, who had gone considerably to the right, leaving a wide gap between himself and French. Into this gap Walker flung his division, assailing Sedgwick on the flank and threatening his rear. The combined attack was more than he could endure. The division was forced from the strip of woods which it held, and which Hooker had vainly attempted to win, across the open field, over which he had been driven for a full half mile, until they rallied behind a long line of post and rail fence. Here they re-formed, and poured in so fierce a fire that the Confederates were checked, and fell back again into the wood. Both sides now occupied here on the extreme right the positions which they had held in the morning, and the fighting in this quarter was closed. In this fierce encounter McLaws lost 1019 men and Walker 1103 out of the 6000 which they brought into the field. Jackson's loss during this final assault was nearly 1000. Sedgwick's loss was 1136, and Green's division of Mansfield's corps lost 650. Thus the Confederate loss in this final assault on the Union right was nearly double that of their opponents. ${ }^{2}$
corps also had been thrown into confusion. General Hooker's corps had been dispersed; there is no question about that. I sent one of my own staff officers to find where they were; and General Ricketts, the only officer we could find, said that he could not raise 300 men of the corps." Rep., 394): "There were but 6729 men present on the 18 th; whereas, on the morning of the 224 , there were 13,093 men present for duty, showing that previous to and during the battle 6364 men were separated from their command." ${ }^{1}$ Lee's Rep., ii., 219 ${ }^{2}$ The details of this action are given by McLaws and Walker in Lee's Rep., 169, 205. Neithe Lee nor Jackson make any separate maention of the defeat of Hooker in the morning. They


French and Richardson were gaining slowly but steadily upon Hill. Colquitt's brigade had suffered severely, and fell back to the sunken road, where a vain attempt was made to rally them; they broke, and disappeared from the fight. Garland's brigade was pressing on, when an officer raised a shout, "They are flanking us!" "This cry," says Hill, "spread like an electric shock along the ranks, bringing up vivid recollections of the flank fire at South Mountain. In a moment they broke and fell to the rear." A part of it was rallied in the sunken road. Ripley's brigade had also fallen back to this road, and behind the crest of a hill which bordered it. Hill's numerous artillery had been withdrawn from his front. It had done good service in the conflict of the morning; but McClellan had posted his heavy guns near the Antietam in such a position as to command the position. "Our artillery," says Hill, " could not cope with the superior weight, caliber, range, and number of the Yankee guns. They were smashed up or withdrawn before they could be effectually turned against the massive columns of attack.'

Howard, who now commanded the division of Sedgwick, who, having been twice wounded, was borne from the field, was still engaged with Jackson, McLaws, and Walker, when French on the right, followed by Richardson on the left, pushed vigorously upon Hill, driving him back toward the right and rear, into and beyond the sunken road, which formed a right angle with his previous line. Kimball, of French's division, and Meagher, of Richardson's, gained the border of this natural rifle-pit at almost the same moment. Here ensued the fiercest fighting of the day. R. H. Anderson had now brought his division of 4000 men to the support of Hill, who had been farther strengthened by a number of regiments drawn from D. R. Jones, who held the extreme Confederate right, opposite Burnside, who had hardly made an attempt to cross the Antietam and take his assigned part in the action. The fight here was almost wholly with musketry, scarcely a battery being brought into action on either side. Meagher's Irish brigade suffered fearfully. Its commander was disabled by a fall from his horse. The brigade, having nearly exhausted its ammunition, was withdrawn to replenish, its place being taken by Caldwell's brigade. Both brigades moved, one to the front, the other to the rear, as steadily as though on drill. Barlow, then colonel, since major general, now dashed upon the flank of the sunken road, capturing the 300 men who still clung to it.

Anderson was wounded shortly after coming upon the field, and the command of his brigade devolved upon Pryor. ${ }^{2}$ The ground upon which Richardson and French had been fighting was broken and irregular, intersected by numerous ravines, hills covered with corn, inclosed by stone walls, behind which the enemy could manoourre and throw his strength, without being perceived, upon every part of the lines. More than half a score desperate attempts were made; all were repelled, and the conclusion of each found the Union troops in possession of some additional ground and

[^0]important position. Two of these repulses were given by Barlow, who, with his two regiments, the 61st and 64th New York, had won the sunken road. He fairly won his generalship upon this bloody field. Eighteen months before he had enlisted as a private. In one of the last of these, Richardson, whose services on this day were second to those of no other man, was mortally wounded, and the command of his division fell upon Hancock.
This action on the centre was fairly begun an hour before noon. By two hours after noon the Confederates here were worsted, and their force was so thoroughly shattered that it needed but a single heavy blow to shiver it to atoms, and, notwithstanding the reverse which Sedgwick had met, which was really only slight, to win a complete victory. McClellan had then at the very point where the blow should bave been struck a force three-fold greater than was required to make it effectual. About noon, Franklin, with two divisions of his corps, 12,000 strong, had come up from Pleasant Valley. ${ }^{1}$ The march had been an easy one, and these troops were perfectly fresh. McClellan had intended to keep this corps in reserve on the east side of the Antietam, to operate on either flank or on the centre, as circumstances might require. But when it came up the action was so critical that he properly abandoned this purpose, and sent the corps across the stream. The leading division, that of Smith, touched the edge of the fight somewhat sharply. It came upon the field between Sedgwick and French just at the moment when Sedgwick had been forced back. The third brigade met a force of the enemy coming out of the woods so often contested, drove them back, and attempted to enter the woods. Meeting a severe fire, it fell back, somewhat disordered, behind the crest of a hill, where it reformed, the Confederates at the same time falling back into the shelter of the woods. Smith's second brigade was sent a little to the left to support French, and encountered a sharp fire from Hill's artillery. ${ }^{2}$ Slocum's division of Franklin's corps followed directly after that of Smith, and the whole corps was ready for action. Franklin had given orders to advance. Had this been done, nothing in war can be more certain than that the absolute rout and capture of the Confederate army would have followed. This corps, 12,000 strong, perfectly fresh and eager for action, lay right in front of a great gap which had been left between the Confederate centre and left. On the left, Jackson, with McLaws and Walker, had left barely 8000 men; Hill, in the centre, with the remnants of his own division, of Anderson's, of the six brigades of Longstreet, including Hood's two, which returned to the field, had remaining not more than 13,000 , and these were so utterly shattered and broken that, in the utmost emergency, not balf that number could have been rallied for a fight. Confronting him were the divisions of Richardson, French, and Green, of Mansfield's corps, worn, exhausted, and reduced in numbers, it is true, but cheered with success, and still with quite 13,000 effective men.

Hill's condition, as told by himself and his brigade commanders, was indeed pitiable. Of his own five brigades four had been utterly routed. He had gone into action at South Mountain with 5000, and lost 2000; of the 3000 with which he entered the battle of Antietam, he could, the day after its close, muster less than 1700. In three days he had lost almost two thirds of his men. Thirty-four field-officers had gone into these two battles; when they were over, only nine were left; regiments, or the fragments of them, were commanded by lieutenants. His artillery, eighty guns and more, had been "smashed up," or withdrawn to avoid certain destruction. The Thersites of the Confederate army (saving only the point of cowardice; for, in spite of his foul pen and tongue, he was a skillful leader and desperate fighter), one can not wonder that Hill heaps invectives upon friend and foe. Reno is a "renegade Virginian," killed by "a happy shot;" the force opposed to him are always styled "Yankees," in which word he embodies the utmost of his detestation, save in one case, where, for deeper emphasis, they are denominated "the restorers of the Union." The Confederates failed of victory, he says, because McLaws and Anderson came up two hours too late; because the artillery was badly bandled-"an artillery duel between the Washington artillery and the Yankee batteries was the most melancholy farce of the war;" and because "thousands of thievish poltroons had kept away from sheer cowardice; the straggler is generally a thief, and always a coward, lost to all sense of shame; be can only be kept in ranks by a strict and sanguinary discipline." Yet there is something almost sublime in the attitude of Hill at the close of the fight on his front. Two brigades had streamed to the rear in confusion, leaving a great gap, through which the enemy poured resistlessly. Rallying 150 men, Hill, musket in hand like a private, led them on. ${ }^{3}$ He himself shall describe the closing moments of his part of the engagement: "There were no troops

[^1]near to hold the centre except a few hundred rallied from various brigades. The Yankees crossed the old road which we had occupied in the morning, and occupied a corn-field and orchard in advance of it. They had now got within a few hundred yards of the hill which commanded Sharpsburg and our rear. Affairs looked very critical. I found a battery concealed in a corn-field, and ordered it to move out and open upon the Yankee columns. It moved out most gallantly, though exposed to a terrible direct and reverse fire from the Iong-range Yankee artillery across the Antietam. A caisson exploded, but the battery was unlimbered, and, with grape and canister, drove the Yankees back. I was now satisfied that a single regiment of fresh men could drive the whole of them in our front across the Antietam, I got up about two hundred men, who said they were willing to advance to the attack if I would lead them. We met, however, with a warm reception, and the little command was broken and dispersed. About two hundred more were gathered, and I sent them to the right to attack the Yankees in flank. They drove them back a short distance, but were in turn repulsed. These two attacks, however, had a most happy effect. The Yankees were completely deceived by their boldness, and induced to believe that there was a large force in our centre. They made no farther attempt to pierce our centre, except on a small scale.

McClellan thus relates the closing operations on this part of the field: "Hancock, seeing a body of the enemy advancing to the left of his position, obtained a battery from Franklin's corps, which assisted materially in frustrating this attack. The enemy seemed at one time to be about making an attack upon this part of the line, and advanced a long column of infantry toward this division" (this must have been Hill's last 200), "but on nearing the position, General Pleasanton opening on them with sixteen guns, they halted, gave a desultory fire, and retreated, closing the operations on this part of the field." Not dreaming that the enemy who had encountered them so stubbornly, and who still showed so bold a front, was so utterly broken that a single fresh regiment would have put them to utter rout, Hancock and French desisted from the attack, and rested in the positions they had won.
Jackson's plight, had Sumner known it, was no less critical than that of Hill. Of the 5000 men whom he had brought from Harper's Ferry, 2000 had been killed or wounded in the morning's fight with Hooker. Re-enforced, he had pressed Sedgwick back for half a mile, and then fallen back himself, having not more than 7000 effective men. Sumner, in front of him, had left wellnigh 5000 of Sedgwick's division; of Hooker's routed corps at least 6000 remained with their command, and might have been railied; of Mansfield's first division, which had withdrawn in the morning, there must have been 3000. In all, Sumner had at his hand on the extreme right twice the force of Jackson at the time when Franklin, fairly on the field, was ready and anxious to attack. Had he then thrown his fresh 12,000 between Hill and Jackson, and upon the flank of both, striking either to the right or left, one or the other of these commands must have been annihilated, even without an effort on the part of the troops with which they had already been engaged.

That this was not done was no fault of Franklin. He had made every preparation, and given orders for an assault upon the woods which had been so hotly contested all day, when Sumner came up, and, in spite of Franklin's urgency, forbade the movement. Neither is it to be charged to MeClellan except in so far that he approved of Sumner's action. ${ }^{2}$ Sumner, indeed, showed on this day a want of vigor and resouree utterly at variance with the whole tenor of his military career. For six hours he seems not to have made the slightest attempt to rally the corps of Hooker and Mansfield, which had retreated hardly a mile in his rear. Among these were some of the best soldiers in the army.
McClellan's plan on the evening of the 16th, as understood by Hooker, ${ }^{3}$ was to make a simultaneous attack upon the Confederate right, centre, and left. By the morning of the 17 th he had changed his scheme, and determ. ined "to attack the enemy's left with the corps of Hooker and Mansfield, supported by Sumner's, and, if necessary, by Franklin's, and as soon as matters looked favorably there, to move the corps of Burnside against the enemy's extreme left; and whenever either of these flank movements should be successful, to advance our centre with all their forces then disposable. ${ }^{\text {. }}$ Now Franklin's corps was fully four hours distant, and did not commence its march until an hour, and did not reach the ground until six hours after

[^2]
the opening of the attack which they were to support. The attack on the Confederate right was not opened until at least three hours after it should have been made. It is not easy to say how far the blame for this delay rests upon McClellan, and how far upon Burnside. McClellan affirms that the order to advance upon the bridge was sent at 8 o'clock, which was the proper time, unless the attack was to be simultaneous with that of Hooker; that the order was twice repeated, at considerable intervals, the second time most peremptorily. Burnside testifies that the order was not received until about ten o'clock. ${ }^{1}$
The part assigned to Burnside was of the highest importance. His initial attempts to exacute it were feebly made, and were repulsed one after another. At length two regiments dashed at the bridge, which had all along been commanded by Toombs with two small regiments, numbering together less than 500 men, hidden behind fences and in a narrow belt of woods. These had been withdrawn a little before, as well as the force which commanded the adjacent fords, so that the actual passage of the
stream was made without opposition. stream was made without opposition. ${ }^{2}$ Burnside's whole corps, nearly 14,000 strong, was soon across the stream. Here an unaccountable delay

[^3]of two more hours took place, and it was only after McClellan had given repeated orders that Burnside advanced. ${ }^{1}$ To appreciate the vital importance of these delays to the salvation of Lee's army, we must turn to the movements of the Confederates upon their extreme right.
Lee's right wing consisted of six of Longstreet's weakest brigades, under D. R. Jones. These had been reduced one half by various details of brigades and regiments, so that during the morning Jones had not quite 2500 men. ${ }^{2}$ When Walker, McLaws, and Anderson came up from Harper's Ferry, they were at first posted on the right and in the rear of the centre ; but when the heavy attack had fairly developed itself on the left, they were all withdrawn thither. This withdrawal took place at about ten. It could never have been made had Burnside's attack been begun at nine; and without it Jackson and Hill must have been crushed by Sumner, and driven in hopeless rout upon their right. Now, at almost four, two full hours after the action on the right and centre had ceased, Burnside fairly began his attack. It was at first successful. The heights which command Sharpsburg were won; the Confederates were driven back through the town. Had this been done two hours before, a position would have been secured from which the whole Confederate line would have been swept by an enfilading fire of artillery. But now A. P. Hill had come up from Harper's Ferry, having marched seventeen miles that day. He brought with him five brigades, or rather such portions of them as could endure the march. One
${ }^{1}$ Mc C. Rep. 390 ; Burnside, in Com. Rep., 641.
= This number is expressly given by both Lee and Jones. The words of the latter, indeed,
eem to imply that this was the seem to imply that this was the entire strength of his six brigades. He says (Lee's Rep., ii., 219): with only Toombs's two regiments, and Kemper's, Drayton's, and Walker's brigades. When it is known that on that morning my entire command, of six brigades, comprised only 2430 men, the
enormous disparity of force with which T contended may be seen." Now, althouch these brigades enormous disparity of force with which I contended may be seen." Now, although these brigades
had suffered heavily at Groveton, where two of them lost nearly 1500 men, and considerably at South Mountain, it is hardly credible that their average strength should have been reduced to 600 each-not one third of their original strength. The whole six brigades took part in the fight
with Burnside.

brigade was reduced to $350 \mathrm{men} ; 1$ all told there were not 4000 , and of these only three brigades, including the weak one, numbering all together not more than 2000 men, were brought into the fight. It was over before the others could engage. With these and Toombs's brigade, then not 1000 strong, Burnside's whole corps was driven back, just as darkness was coming on, to the Antietam, which he recrossed the next morning. A. P. Hill hardly exaggerates when he says: "The three brigades of my division actively engaged did not number over 2000 men, and these, with the help of my splendid batteries, drove back Burnside's corps of 15,000 men. ${ }^{12}$ Hill lost 346 killed and wounded; Jones lost about 700. Burnside's loss in killed and wounded was 2173.

Porter's corps had not been brought into action at all. It was posted in the centre, between the right and left wings, to guard the trains, for the safety of which McClellan was apprehensive. Portions of it were at times detached as supports to batteries. It lost only 130. Franklin's corps can hardly be considered as engaged, although in its brief encounter it lost 438; so that 25,000 men, wellnigh a third of McClellan's force, and as many as Lee had in action at any one moment, were practically unemployed. Lee had in all, and at all times, exclusive of cavalry, something more than 40,000 , of whom all but about 2000 were engaged. McClellan had 83,000 , of whom 58,000 were engaged; but they were sent in by "driblets," corps after corps, at intervals of hours. What the result was has been shown; what it would have been had the assault been made in full force can hardly be a matter of doubt. ${ }^{3}$ Had the battle of Antietam been fought on the 16th, Lee

## ${ }^{1}$ Lee's Rep., ii., 263. ${ }^{2}$ A. P. Hill, in

${ }^{2}$ A. P. Hill, in Lee's. Rep., ii., 129.- It is indeed asserted by Burnside (Com. Rep., 641): "The enemy had brought away from opposite the extreme right of our army portions of their forces, and concentrated them against us." There was, indeed, time sufficient for such an operation in
the interval between the cessation of the action on the right and the beginning of this on the left the interval between the cessation of the action on the right and the beginning of this on the left,
had the Confederates been in a condition to make it; but I do not find in any of their reports, which fully detail the movements of every brigade, with the exception of those of Anderson's division, the least intimation of any such movement, and this division was apparently in no condition for offense.


could have mustered barely 27,000 men, while McClellan had-Franklin's corps not being present-fully 70,000 . The Union loss was 11,426 killed and wounded; that of the Confederates about 10,000. The disparity arises mainly from the great excess of Burnside's loss on the left. On the right and centre each side lost about equally. The entire Union loss in the series of actions in Maryland, not including missing, was 14,200 ; that of the Confederates about 12,500. ${ }^{1}$
were sent, if General McClellan had authorized me to march these 40,000 men on the left flank of the enemy, we could not have failed to throw them right back in front of the other divisions of our army on our left, Burnside's, Franklin's, and Porter's corps; and all escape for the enemy, I
think, would have been impossible. Why that was not done I do not know."-Sumner, in Com. think, would
Rep, 368.
${ }^{1}$ The Union force at Antietam is given in detail in McClellan's Report. In summing up the Confederate force we have to estimate that under Longstreet. We put down the average strength
of his brigades at 1500 -some were less, some greater. He had eleven brigades, and had probably of his brigades at 1500 -some were less, some greater. He had eleven brigades, and had probably
lost 500 at Turner's Gap; this would give him 16,000 at Antietam. The strength present in the other commands is stated with sufficient accuracy in the various reports, as previously cited. From these data, omitting cavalry on both sides, we construct the following table:


Probably, to make the comparison ${ }^{2}, 014$ engaged...................... lan's numbers, as the Confederate commanders report usually the numbers with which "the went into the action," while the Union report gives the number "present and fit for duty :" there
will always be some discrepancy between these two modes of enumeration. Liee says (Report , 35): "This great battle was fought by less than 40,000 men on our side;" which we think a true statement. D. H. Hill, indeed, asserts (Lee's Rep., ii., 119): "The battle was fought with less than 30,000." Cooke (Stonewall Jackson, 340-342): "In General Lee's published official Report the exact numbers are given- 33,000 ." I find in Lee's Report no such statement, but do find the
one just cited. Again Cooke says: "Nor was the bulk of Jackson's corps present until four P M toward the end of the action. General Lee fought until late in the day with Longstreet, D. H. Hill, Ewell, and two other divisions, a force of about 25,000 men. The re-enforcements of McLaws, Anderson, and Hill increased this number to 33,000 , with which force General Lee met the 87,164


The action of Antietam was in all respects a drawn battle. The Confederates had inflicted a greater absolute loss than they had suffered; but they had suffered, in proportion to their strength, far more than they had inflicted. At the close of the fight the positions of the armies were nearly the same as at its commencement. On the extreme right and left, the Federals, after forcing back the Confederate limes, had been repelled in turn beyond the original Confederate lines; but the Confederates then fell back, so that neither side held the field of battle. In the centre the Confederate lines had been forced back a little, and here the Federals held some ground wrested from the enemy. During the night the Confederates changed ground a little, but in all essential respects their position was as advantageous as it had been in the morning. Nor did the battle decide the issue of the invasion of Maryland; that question had been decided three days before, when McClellan, forcing the passes of the South Mountain, interposed his army between Lee and his projected line of march into Pennsylvania. After the battle, Lee accomplished without hinderance just what he would have done had no action taken place. He gave up the invasion of the North, recrossed the Potomac, and awaited in Virginia the movements of his tardy opponent. But the moral effect of the battle was great. It aroused the confidence of the nation, who saw in it a sure presage of the speedy overthrow of the insurrection; and, what was more, it emboldened the President to issue his warning proclamation for the abolition of slavery. That proclamation had been written months before, though only his trusted advisers knew of it. If put forth at any time during the disastrous summer, it would have been a mockery. It would have sounded to the world like a despairing shriek for help. And so the proclamation, written and rewritten, touched and retouched, lay in his desk. How could he without mockery, promise to "recognize and maintain" the freedom of all slaves in the insurgent states, when the victorious armies of those confederated states threatened the capital of the Union? And so, when urged to issue such a proclamation, he replied in one of the half-jesting phrases in which he was wont to couch his most serious thoughts, that it would be like "the pope's bull against the comet." But now it seemed that such a promise could be maintained. So five days after the battle of Antietam the proclamation was put forth, and the result of the contest was staked upon an issue from which a few months before the nation would have shrunk, and for which even now it was scarcely prepared. The principle upon which Mr. Lincoln acted then, before, and thereafter, was at the same time clear y expressed by himself: "My paramount object is to save the Union, and not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; if I could save it by freeing all the slaves, I would do it; if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save this Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I believe that what I am doing hurts the cause; and I shall do more whenever I believe that doing more will help the cause." The inexorable march of events had now brought things to such a state that the confict between Slavery and the Union was irrepressible. One or the other must go down. In a few months more all men saw that, whether the Union was saved or lost, Slavery was inevitably destroyed.
The battle was over, except on the extreme right, while the sun was yet nigh in the heavens, and McClellan had to consider whether it should be renewed the next day. Burnside, in spite of his severe repulse, was in favor
men reported by General McClellan as 'in action' on the Federal side." But McLaws and Annen reported by General Mcclellan as 'in action" on the Federal side." But McLaws and An
derson, instead of being absent until "late in the e day," were hotly eigaged before noon, the division of McLaws losing a larger proportion of its numbers than any other except that of D. H
Hill.
In giving their losses, the Confederate reports do not usually discriminate between the different engagements. The report by regiments (LLee's Rep., ii., 107, 108) makes their entire loss 1567 killed, 8274 wounded, 10,291 in all; but this is clearly defcetive, as is shown by the separate reports of division commanders. Those of Longstreet, including his entire "command," are given
in Lee's Report, p. 89 ; Jackson, excluding A.P. Hill's at Antien in Lee's Report, p. 89; Jackson, excluding A.P. Hill's at Antietam and Shepherdstown, Ibid., 105 ;
A. P. Hill at Antietam, Ibid,, 131; D. H. Hill, Ibid., 119 The Union loss in A. g. Hill at Antietam, Ibid,, 131 ; D. H. Hill, Ibid., 119. The Union loss in each engagement

Losses in the Maryland Caarpaign, Sept. 14-17.

|  | Uxtor. |  |  |  | eriares. |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Hook | $\underbrace{\substack{\text { a }}}_{\text {Killad }}$ | Wounded | Mitivg. | ${ }_{2,619}^{\text {Toal }}$ | Lo |  | $\left.\right\|_{\text {Wemad }} ^{\text {Wemded }}$ | ${ }^{\text {Mising}} 1310$. |  |
|  | 860 |  |  |  |  | 321 |  | ${ }_{57}$ | 87 |
| er |  |  |  |  |  |  |  |  |  |
| Burnside | ${ }^{432}$ | 1,741 | 120 | ${ }_{2,293}$ | D. | 464 | 1852 | 925 | 3,241 |
| Mansfield | ${ }^{274}$ | 1,354 | 85 | 1,743 |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| ner's | 312 | 1,234 | ${ }^{1015}$ |  | low, we ctive the fo | following | as a close |  |  |
| mpons Gap. | 115 |  |  |  |  |  |  |  |  |
| Total. | 2437 | 11,06 | 1067 | 14,97 | Tot | ${ }_{\substack{\text { Kined } \\ 2062}}$ | $\left\|\begin{array}{c}\text { Woondded } \\ 10,428\end{array}\right\|$ | ${ }_{\text {Mising }}^{\substack{\text { a }}}$ | $\substack{\text { Total } \\ 17,282}^{\text {chen }}$ |

A large proportion of those entered as "missing" in the Confederate Reports were undoubt-
edly killed or wounded, D. H. Hill savs (Lee's $R e n$, ii. 118 ) " dily killed or wounded, D. H. Hill says (Lee's Rep, ii, 118 ): "Doubtless a large number of the
missing' fell into the hands of the Yankees when wounded;" and Rodes (lbid 347): "The missing' are either prisoners or killed.". At South Mountain they were forced to abandon their killed and severely wounded, and could only enter as such upon the lists those whose fate was
snown. Nearly all the killed and miny of the is safe to estimate that of the 2292 many of the wounded were also left behind at Antietam. It ing these in the usual ratio adds 250 to the killed and 1250 to the killed or wounded ; apportioning the missing by the same numbers.
MeClellan puts the Confederate loss much higher. He says (Report, 396): "About 2700 of he enemy's dead were, under the direction of Major Davis, Assistant Inspector General, counted ond buried upon the battle-field of Antietam. A portion of their dead had been previously buried Accepting fhis, and ading the ce cen that the enemy sustained much greater loss than we. bered fully 3500 , which would make their there were 6000 , about two thirds of whom appear to here lake to reconcile these conflicting aceounts as to the killed end stragglers. We do not underdopt the Confederate statement, with the exception above noted .To " we add 4000 unwounded prisoners.
The method of the Confederate generals in stating the number of the "missing" is wholly in xpplicable. From the 23 d of August to the 17 th of September they put down in all only 2373 ,
while it is certain that they lost nearly thee days of this period, and all of their reports speaks of that number in prisoners during the three las ${ }^{1}$ Ante, p. 203. For the proclamation, see ante, p. 208 .
of renewing it in the morning if he could have 5000 fresh men. Franklin was of the same opinion; he was sure that he could take the hotly-contested wood, which would uncover the enemy's left. Sumner thought otherwise. ${ }^{1}$ McClellan decided to postpone the attack. He reasoned that, "Virginia lost, Washington menaced, Maryland invaded, the national cause could afford no risks of defeat. One battle lost, and almost all would have been lost. Lee's army might then have marched as it pleased on Washington, Baltimore, Philadelphia, or New York, and nowhere east of the Alleghanies was there another organized force able to arrest its march."2 Believing, as he and most of his generals did, that the enemy was equal or superior in numbers, he could not well have come to any other decision. But in truth his fresh troops were almost equal in number to Lee's entire remaining force, while those who were worst off were in better plight than the best of the enemy. During the morning Humphreys's and Couch's divisions, 14,000 strong, came up; Lee also received some accessions from those who had fallen out in the march from Harper's Ferry, and stood at bay all day awaiting an attack. McClellan ordered that this should be made on the morning of the 19th. But in the darkness of the night the Confederate forces slipped quietly away, and when McClellan looked for them in the morning they were safely across the Potomac, and as evening fell they en camped five miles from the river. Next morning a strong reconnoissance from Porter's corps was sent over at Shepherdstown to ascertain the position of the enemy. A. P. Hill, who brought up the Confederate rear, turn. ed upon them and drove them back, with considerable loss. ${ }^{3}$
Gathering up the remnants of his army, and bringing on those who had been left behind at Harper's Ferry, and those who had fallen out on the march thence to the Antietam, numbering in all less than 40,000 effective men, Lee fell back to Martinsburg, and thence to Winchester, where he had ordered all his stragglers to rendezvous. On the 30th of September he had but 53,000 men present for duty. On that day, exclusive of 73,000 left behind for the defense of Washington, McClellan had with him 100,000 effect ive men.

Six weeks of beautiful autumnal weather were passed in almost total in action. McClellan, believing that his army was in no condition to provoke another battle, posted it along the eastern side of the Potomac, half nea Harper's Ferry, and the remainder watching the fords above and below, for he still apprehended that Lee would attempt to recross the river. Meanwhile the old bickerings between the commander of the army in the field and the military authorities at Washington were renewed with increased pertinacity. McClellan wanted supplies, clothing, horses, and, above all, re-enforcements. The Washington authorities would not spare a man from the 73,000 lying idle in the defenses of the capital, and the clothing and horses forwarded were far less than McClellan demanded. On the 6th of October the President issued a peremptory order that the army should at once "cross the Potomac and give battle to the enemy, or drive him South." If the army crossed between the enemy and Washington, so as to cover the capital, it should receive 30,000 re-enforcements, otherwise not more than 15,000. McClellan paid no immediate attention to this order, but reiterated his demands and complaints. He assumed that he, being with the army in the field, was more competent to determine whether it was in a condition to move than was the general-in-chief in his office at Washington. ${ }^{5}$ On the 10th, Stuart, with 1800 cavalry, erossed the Potomac above the Union positions, made a clear circuit around the Union army, and recrossed below without having lost a man. On the 13 th the President wrote to McClellan earnestly urging him to action, and indicating the true theory upon which operations should be conducted.
"You remember," he said, "my speaking to you of what I called your over-cautiousness. Are you not over-cautious when you assume that you can not do what the enemy is constantly doing? Should you not claim to be at least his equal in prowess, and act upon the claim? You say that you can not subsist your army at Winchester unless the railroad from \#ar per's Ferry to that point be put in working order. ${ }^{6}$ But the enemy does now subsist his army at Winchester, at a distance nearly twice as great from railroad transportation as you would have to do. He now wagons from Culpepper Court-house, which is just about twice as far as you would have to do from Harper's Ferry. He is certainly not more than half as well provided with wagons as you are. I should certainly be pleased for you to have the advantage of the railroad from Harper's Ferry to Winchester, but it wastes all the remainder of the autumn to give it to you, and, in fact, ignores the question of time, which can not and must not be ignored. It is one of the standard maxims of war to operate upon the enemy's communications as much as possible, without exposing your own. You seem to act as if this applies against you, but can not apply in your favor. Change positions with the enemy, and think you not he would break your communi cations with Richmond in twenty-four hours? You dread his going into Pennsylvania. But if he does so in full force, he gives up his communications to you absolutely, and you have nothing to do but to follow and ruin him; if he does so with less than full force, fall upon and beat what is left behind all the easier. If he should move northward, I would follow him closely, holding his communications. If he should move toward Rich-

mond, I would press closely to him, fight him if a favorable opportunity should present, and at least try to beat him to Richmond on the inside track. If he made a stand at Winchester, moving neither north. nor south, I would fight him there, on the idea that if we can not beat him when he bears the wastage of coming to us, we never can when we bear the wastage of going to him. In coming to us he tenders to us an advantage which we must not waive. We should not so operate as merely to drive him away. As we must beat him somewhere, or fail finally, we can do it, if at all, easier near to us than far away. If we can not beat the enemy where he now is, we never can, he again being within the intrenchments of Richmond."
On the 21 st McClellan was convinced that his army was nearly in a condition to move. The cavalry was indeed, he thought, in numbers much inferior to that of the enemy, but in efficiency was far superior. He now asked whether the President wished him "to march on the enemy at once, or to await the arrival of new horses." The reply was that no change was intended in the order of the 6th. The President did not expect impossibilities, but the season should not be wasted in inaction. McClellan's purpose had been to cross the Potomac above Harper's Ferry, on the western side of the Blue Ridge, and move directly upon the Confederate forces, expecting that they would either give battle near Winchester or retreat toward Richmond. He believed that if he crossed below, Lee would recross into Maryland. But now the season had come when the river might be expected to rise at any hour, rendering the apprehended Confederate movement too hazardous to be ventured. McClellan therefore decided to cross on the eastern side of the Blue Ridge, thus threatening Lee's communications. He thought it possible, though not probable, that he might throw his force through some pass in the mountains, and gain the Confederate rear in the Valley of the Shenandoah. Failing this, he still hoped to strike the flank of their long retreating column, separate their army, and beat it in detail, or, at all events, force them to concentrate as far back as Gordonsville, and thus leave his own army free to adopt the Fredericksburg line of advance upon Richmond, or to move by his old way of the Peninsula. ${ }^{2}$
The crossing of the Potomac began on the 26th of October, and continued until the 2 d of November, when the whole army was over. Leaving 15,000 men at and near Harper's Ferry, the army marched more than 100,000 strong, besides 20,000 detached from the force at Washington ${ }^{3}$ to co-operate with his movement. The weather was favorable, the roads good, and the great army moved rapidly. Keeping along the eastern foot of the Blue Ridge, Warrenton being the point of direction for the main body, its line of march for the greater part of the way being the same, but in a reverse direction, as that by which Lee had advanced upon Pope hardly three months before.

1 Com. Rep., 524.
${ }^{1}$ McC. Rep., 428
28,436 . "I still considered the line of the Peninsula as the true approach to Richmond, but, for obvious reasons, did not make any proposal to return to it."-Ibid., 427. ${ }^{3}$ According to the official return (Com. Rep., 534) on the 20th of October, the Army of the Potomac numbered, "present for duty," 133,409 , exclusive of 73,593 at Washington. McClellan (Report, 430) gives its strength at 116,000 , besides some 5000 detached bodies. This discrepancy appears to be occasioned (see $M c C$. Rep., 422) by about 12,000 teamsters, officers' servants, etc.,
being included in the regular returns.

The Confederate army, during its two months' repose after Antietam, had been recruited to about $70,000 .{ }^{1}$ As soon as Lee was aware of the threatening movement of McClellan, he hastened to counteract it by moving southward in the same direction. Jackson, with his own corps and Stuart's cavalry, was halted to observe, and, if occasion was given, assail the Union force upon its march, while the remainder of the army pressed up the Valley of the Shenandoah. For days the two hostile columns were moving parallel to each other, only a few miles apart, but with the Blue Mountains between them. Rapid as was the march of the Union army, that of the Confederates was still faster. Lee, in advance of his opponent, turned a spur of the Blue Ridge, passed from the Valley of the Shenandoah into that of the Rappahannock, and took position at Culpepper by the time that McClellan had massed his army near Warrenton, a half score of miles to the north. But in effecting this operation be had played into his opponent's hands, and given him an opportunity to strike more favorable than he had dared to anticipate. McClellan had hoped to separate the Confederate army. Lee had himself separated it. Jackson's corps was left fully three days' rapid march behind that of Longstreet. If an attack had then been made, it could hardly have failed to result otherwise than in a serious disaster to the Confederates. McClellan resolved upon an assault. For once he seemed satisfied that he had the preponderance of force. ${ }^{2}$

But this intent of vigorous action came too late. The breach between McClellan and the military authorities at Washington had become too wide to be closed. His removal from the command had been resolved upon, and had been delayed only from the difficulty of deciding upon his successor. The choice finally lay between Burnside and Hooker. ${ }^{3}$ Why Sumner, who outranked each, and had seen more service than both, was passed over, it is hard to say. But the choice now fell upon Burnside. Upon the stormy evening of the 7 th of November, when McClellan had given directions for the movements of the next two days, a messenger from Washington reached the head-quarters of the army. He bore an order, couched in briefest military phrase, bearing date two days before, removing McClellan from the command of the army, and directing Burnside to assume it; and another equally curt, from Halleck to McClellan, the writing of which one may imagine to have been a pleasant task. ${ }^{4}$
${ }^{1}$ Present for duty, October 20, 67,805; November 20, 78, 554.-Ante, p. 383.
hand, and in admirable condition Warrenton, ready to act in any required direction, perfectly in had the honor to command the Army of the Potomac, it was in such excellent condition to fight a great battle. ... The reports from the advance indicated the possibility of separating the two wings of the enemy's forces, and either beating Longstreet separately or forcing him to fall back at least upon Gordonsville to effect bis junction with the rest of his army. . . Had I remained in command I should have made the attempt to divide the enemy; and could he have been brought to a battle within reach." of my suppies, 48, can no.
a brilliant vietory for our army."-McC. Rep., 438,439 .
${ }^{2}$ "General Hooker came very near receiving, instead of me, the command of the Army of the
Potomac." - Burnside, in Comi. Rep., 725 . Potomac." - Burnside, in Con. Rep., 725.
*General Orders, No. 182. - "By direction of the President of the United States, it is ordered
that Major General McClellan be relieved from the command of the Army of the Potomac that Major General McClellan be relieved from the command of the Army of the Potomac,,$\ldots$
that Major General Burnside take command of the army. By order of the Sere that Major General Burnside take command of the army. By order of the Secretary of War," Halleck to McClellan. - "GENERAL,-On the receipt of the order of the President, sent herewith, you will immediately turn over your command to Major General Burnside, and repair to Trenton, New Jersey, reporting on your arrival at that place, by telegraph, for farther orders."Com. Rep., 565.



[^0]:    were not at all aware that it was an utter rout. So closely had the advance of Sedgwick followed the retreat of Hooker that it was supposed to be a rally of the same troops with strong reenforcements. See also McClellan's Report, and Sumner, in Com. Rep., 368.
    I. D. Hill, in Lee's Rep., ii., 115.
    D. H. Hill, in Lee's Rep., ii., 115 .
    and its movements are barely alluded to ny Hill
    1000 men ; but its efforts seem to have been desultory and sharply engaged, losing more than

[^1]:    ${ }^{1}$ Franklin says (Com. Rep., 626): "The advance of my command arrived on the battle-field of Antietam about 10 o'clock." McClellan says (Report, 385 ): "Between 12 and 1 P.M. General Franklin's corps arrived on the field of battle." From a comparison of all the indicia of time, I ${ }^{2}$ This movement of Smith's division of Franklin's corps was of considerable importance. The Confederate reports respecting it are very full, and greatly exaggerated. Thus Hill says (Lee's Rep, ii., 115): "Franklin's corps advanced in three parallel lines, with all the precision of a paand finally lay down behind the crest of a hill, and kept up an irregular fire. I got a battery in position, which partly enfiladed the Yankee line, and aided materially to check its advanca" Walker (IVid., ii., 206) describes at length the encounter between Smith's third brigade and two regiments of his division, which were ordered by Longstreet "to charge the enemy, who was threatening his front as if to pass through the opening between the point of timber. This order was promptly obeyed in the face of such a fire as troops have seldom encountered without runn :ng away, and with a steadiness and unfailing gallantry seldom equaled. Battery after battery, ranks; but nothing could arrest their progress, and three times the enemy broke and fled before their impetuous charge. Finally they reached the fatal picket fence. To climb over it in the face of such a force, and under such a fire, would have been sheer madness to attempt, and, their ammunition being now almost exhausted, Colonel Cooke very properly gave the order to fall back, which was done in the most perfect order; after which the troops took up their former position, which they held until night."

[^2]:    ${ }^{1}$ D. H. Hill, in Lee's Rep., ii., 116, 117. -This closing attack "on a small scale" is quite differently described by others. McClellan says: "The 7 th Maine, of Franklin's corps, without any annoying our artillery and troops on the right." Hill says that "Pryor had gathered quite a respectable force behind a hill, when a Maine regiment" (he gives the number erroneously as the 21 st) "came down to this hill, wholly unconscious that there were any Confederate troops near it. A shout and a volley informed them of their dangerous neighborhood. The Yankee apprehension is acute; the idea was soon taken in, and was followed by the most rapid running I ever saw." ${ }^{2}$ Franklin's testimony, in Com. Rep., 626: "The division of General Slocum arrived on the field. I formed two brigades of it in line of battle in front of the Dunker Church, with the inten-
    tion of making an attack at once upon the enemy in that wood. I was waiting for the third brition of making an attack at once upon the enemy in that wood. the brigade at his head-quarters for the protection of his right. I sent for it, and it finally arrived, and General Sumner with it. The general advised me not to make the attack, for if it failed, the right would be entirely destroyed, as there were no troops there that could be depended upon. I informed him that I thought it a very necessary thing to do, and told him that I would prefer to make the attack, unless he assumed the responsibility of forbidding it. He assumed the
    responsibility, and ordered me not to make it. One of General McClellan's aids was there at the responsibility, and ordered me not to make it. One of General McClellan's aids was there at the
    time. He informed General McClellan what had been done, and the general himself came up time. He informed General sated that things had gone so well [ill?] on all the other parts of the field that he was afraid to risk the day by an attack there on the right at that time. Therefore no attack was made by Franklin ordered two brigades of General Slocum's division, General Newton's and Colonel Torbert's, to form in column to attack the woods that had been so hotly contested by Generals Sum ner and Hooker; General Bartlett's brigade was ordered to form the reserve. At this time General Sumner, having command on the right, directed farther offensive operations to be postponed, as the repulse of this, the only remaining corps available for attack, would peril the safety of th whole army."
    ${ }^{3}$ Ante, p. 399

[^3]:    ${ }^{1}$ McClellan (Report, 390) says: "At eight o'clock an order was sent to General Burnside to
    carry the bridge. After some time had elapsed, not hearing from him, I dispatched an aid to as-
    certain what had been done. The aid returned with information that but litte pro certain what had been done. The aid returned with information that but little progress had been
    made. I then sent him back with an order to General Burnside to assault the bridge at once, and carry it at all hazards. The aid returned to me a second time with the report that the bridge was still in possession of the enemy. Whereupon I direeted Colonel Saekett, the Inspeca moment's delay, and, if neeessary to carnside my positive order to push forward his troops without a moment's delay, and, if necessary, to carry the bridge with the bayonet; and I ordered Colonel
    Sackett to remain with General Burnside and sec side testifies (Com. Rep., 640): "On the morning of the 17th I was ordered to place the command in position to enable us to attack the enemy at the bridge as soon as I was notified to commence the attack. About ten o'clock I received an order from General McClellan to make the
    attack on the bridge." attack on the bridge."
    ${ }^{2}$ This withdrawal
    R. Jones and Toombs (Lee's Rep., ii., 219, 324) attempt at crossing is expressly affirmed by D. without positively affirming it, that there was a contliet here.

