

BULLETIN OF THE
COLLEGE OF WILLIAM & MARY
WILLIAMSBURG, VA.

Vol. IV., No. 3, January, 1911.

ADDRESS
of
JUDGE D. GARDINER TYLER
ON THE OCCASION OF THE
ANNIVERSARY OF THE BIRTH
OF
ROBERT E. LEE

DELIVERED AT THE
COLLEGE OF WILLIAM & MARY
JANUARY 19, 1911

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ADDRESS
OF
JUDGE D. GARDINER TYLER.

*Mr. President, Gentlemen of the Faculty, Students of the
College, Ladies and Gentlemen:*



W HILE to-day is the anniversary of the birth of Robert Edward Lee, and we gather to-night to pay special honor to his memory, is it not singularly appropriate that the birthday of Stonewall Jackson should almost be blended with that of Lee, only two days dividing them in the Calendar, so that their celebration is often held on the same date.

The name of one always calls up that of the other, and as in life these two great soldiers of Virginia, like the twin gods who fought for Rome, rode spur to spur up the steep incline of military glory, so shall they ride side by side forever through all human history. In our pride at their great achievements, we do not forget their purity, their unselfishness, their utter lack of the bitterness of envy and jealousy which so often mars the character of great men. Their admiration and friendship for each other was as loyal and sincere as their devotion to the cause for which they fought.

Jackson said of his commander: "I would follow General Lee blindfolded," while Lee, on learning that his great lieutenant had been wounded and his arm amputated, exclaimed: "General Jackson has lost his left arm, but I have lost my right arm." Could a more splendid tribute have been paid to either?

I shall not attempt to discuss the military career of Lee. As a great soldier the consensus of the world's opinion has placed him in the forefront of that small group of immortals, gathered from thirty centuries, who have carved their names with the sword in the highest niche of Fame's Temple. But it has always seemed to me that the fullest proof of his military genius did not appear in the glories of Mechanicsville, Second Manassas, Fredericksburg and Chancellorsville, where he fought with his good right arm unweakened, with Stonewall Jackson at his side, and hope of final victory still warm in the breasts of his men.

His star shown brightest as the twilight deepened into night, when starvation unnerved his soldiers, when the gaps in the ranks could not be filled, when want and suffering in the rear was worse than the ever increasing enemy in the front, when the world had cried *Habet* and left us unaided to our foes.

Through the jungles of the Wilderness, through the fire and smoke of Spotsylvania, the marvellous struggle went on. Impotent against the genius of Lee, the Union army reeled under the crushing blows of its antagonist, and sometimes it seemed as if the usual factors which make for victory would fail of effect.

The last ten months of the contest showed no gradual lessening of the fighting power of the Army of Northern Virginia.

No Leipsic foreshadowed Appomattox. On the very brink of the cataclysm, the sword of Lee struck hard and deep as ever, and the end came only when the blade was broken close to the hilt.

As I stand here in this presence, the lights grow dim, the faces of my audience fade and change and the Past enfolds me. I recall the day I first saw our great Commander. It was in the fall of 1864. The enemy had attacked our lines on the north side of James River. The major portion of General Lee's army had been massed around Petersburg; our lines on the north side were held chiefly by artillery, with a small infantry support. My battery, the Rockbridge Artillery, the day before the attack had been stationed at New Market near the river. The Federals, in heavy force, crossed the James that night, and massing in front of us, drove in the intervening cavalry pickets, forcing us to fall back to our inner line of fortifications near Laurel Hill Church, seven miles below Richmond. Reaching there, we took position, and after checking the enemy's advance at that point, we again limbered up and swung at full speed towards the right of our line. As we passed along the road filled with troops hurrying to the front and wounded men being brought to the rear, I saw an officer on horseback with several companions, who had halted in the road, and amid the noise and tumult—we could hear cheering ahead—the cry went through the ranks: "There's General Lee," and we joined in the cheering, which always greeted our Commander.

A halt for some reason occurred just then, and I noticed an infantry soldier with two negro prisoners. He drove the men ahead of him, turning off from the road in the direction of a pine thicket some distance off. Something in his manner at-

tracted General Lee's attention, and I heard him say very sharply: "What are you going to do with those men?" The man replied with a leer and in a tone which suggested to me that he was a foreigner: "General, I am going to parole them." The General's face darkened, and he ordered another soldier near him to take charge of the prisoners and carry them to Richmond, and then turning to the man, he said: "If I ever hear of your mistreating a prisoner, be he as black as Erebus, I will have you hung to the nearest tree. Go back to your command."

I can never forget this incident. We had not until then met black troops in battle, and the feeling among our men was very bitter against them. This reprimand of General Lee, I have no doubt, saved the lives of many negroes who were captured in that day's fight at Fort Gilmer. It was there we broke the advance of the Northern army and saved Richmond inviolate for six months longer.

During the long, weary winter that followed, although the troops were suffering from cold and hunger, and our thin line was weakened day by day and gloom was deepening on every soldier's face, yet their faith never faltered and their love for their great leader never lessened. Keeping his vigil over the feebly manned lines, extending for more than thirty miles, one could always tell of his approach by the loud cheering of the men, rolling from fort to fort, as if a battle were in progress. To my boyish eyes he seemed a demigod, realizing all the ideals of the perfect knight, with the sword arm of Arthur and the lance-thrust of Galahad, and still to the dimmed vision of age that ideal remains.

With the coming of spring the final scene of the great

tragedy hastened to its close. At last the dyke that had so long kept back the flood was broken, and Richmond fell. Stubbornly contesting, the remnant of the army of Northern Virginia staggered on to its death.

Our company reached Appomattox on the morning of the 9th of April and went into park. Soon the rumor stole through the camp that negotiations for surrender were in progress. It was not credited at first. But when we saw the Federal generals, Sheridan and Custer, accompanied by a small escort, ride rapidly through our lines with not a shot to greet them, the dreaded truth became apparent. In the afternoon, with several members of his personal staff, General Lee came slowly along the road from Appomattox Court House. As he passed through the troops drawn up on each side the highway, some of us started to cheer, but almost instantly ceased, and we stood in silence, as our beloved chieftain rode away from this, his last review—leaving us his touching farewell order, which was read to us on the field, and which should be repeated on every occasion like this.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,

April 10, 1865.

After four years of arduous service, marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources. I need not tell the survivors of so many hard fought battles, who have remained steadfast to the last, that I have consented to this result from no distrust of them, but feeling that valor and devotion could accomplish nothing that could compensate for the loss that would have attended the continuation of the contest, I have determined to avoid the useless sacrifice of those

whose past services have endeared them to their countrymen. By the terms of agreement, officers and men can return to their homes and remain there until exchanged. You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed; and I earnestly pray that a merciful God will extend to you his blessing and protection. With an unceasing admiration of your constancy and devotion to your country and a grateful remembrance of your kind and generous consideration of myself, I bid you an affectionate farewell.

R. E. LEE, *General*.

In the autumn of 1867, after an absence of two years from America, I entered Washington College, under the presidency of General Lee. It was my privilege, and I shall count it always a blessing, to be intimate with his charming family during my student life, and to see the General nearly every day at his home or in the class room. My reverence for the great soldier deepened into a personal attachment for the noble gentleman, the kind and gracious friend, so human and sympathetic with all his greatness. His very presence seemed to make purer the atmosphere around him, and there was in him a blended dignity and sweetness that made a man feel better for the seeing. The admiration and respect in which the students held him was universal, and during two years at college I never heard a jesting word spoken of General Lee. He took a personal interest in the students, and he was always open to approach in his home or his office. His influence with the wildest and most careless was wonderful, and yet no harsh word fell from his lips. A gentle reprimand to the most thoughtless was sufficient. I remember an incident that occurred the first year of my course in college that showed the remarkable control he

could exercise over the student body at a time when the worst passions had been aroused among them.

A very popular young student, a son of Judge Brockenborough, professor of law, got into a difficulty with a negro and was badly shot. His life was despaired of. As soon as the news of the assault reached the college, four hundred students, with a brother of the wounded boy at their head, searched for and captured the trembling wretch, and with a rope around his neck, marched through the streets of the town to the Court House Square, with intent to wreak their vengeance on the man.

It was in vain that the college and town authorities sought to calm the frenzied mob and induce them to turn over the negro to the officers of the law. Just then General Lee appeared. Immediately the tumult was hushed, and the General, standing in the midst of the excited throng simply said: "Young gentlemen, let the law take its course." The quiet words had the effect of a military order, and the negro's life was saved.

During the final examinations, it was the custom of the General to request students to visit his office in the college building, so he might talk with them and encourage them about their work at this crucial stage of their collegiate life.

I recall a very pleasant interview I had with him after finishing my examinations and whilst waiting to learn the result. He was sitting at a table as I entered the room, and partially rising from his chair, asked me to be seated. He began to question me as to the branches I had been examined on, and when I told him that Spanish was one, his face lighted up, and with a humorous twinkle in his eye he exclaimed: "Why, I know some Spanish myself; you know I was in Mexico." He then

talked for some minutes in the most interesting way about the beauty of the tongue and the richness of the literature of Spain. When he finished, I discovered that he knew far more Spanish than Professor Joynes had been able to impart to me!

In the late spring of 1870 I saw General Lee for the last time. He was on his way to the South under the advice of his physicians for the benefit of his health, which had begun to fail. I was painfully struck with the change in his appearance since I left Lexington the year before, and I think he had little hope of recuperation. His face showed the deep lines, made more, I think, by grief for his people, than by disease, and he seemed weary and broken. In a few short months afterwards the South was weeping over his grave. The hero "whose name is as blessing to speak" had become an eternal memory!

Eulogy from friend and foe of Lee's character as a man and a soldier has almost been exhausted, and no dissentient voice now questions his greatness. Such criticism of him as still is heard is directed more against the cause he represented than against himself. From the materialistic standpoint of an age to which success is the chief test of merit, he is even blamed for protracting a struggle which, it is claimed, he must have known to be hopeless.

I think this may be fully answered in the words of the great Athenian patriot and orator after the overthrow of his country by Philip of Macedon: "I say that if the event had been manifest to the whole world beforehand, not even then ought Athens to have forsaken that cause, if she had any regard for her glory or her past, or for the ages to come."

With Lee's conception of duty—and there could be no higher—as the leader of a great people struggling for civil lib-

erty, and in defense of their homes and firesides, he could not have felt justified in closing the contest until every effort possible to human valor and endurance had been exhausted. The great drama was complete only when the curtain fell as it did, and its glory would have been marred by an earlier ending.

Except to disprove the charge of recklessness or ignorance of conditions on the part of Southern leaders, it is perhaps useless now to point out the well-grounded hopes of the South of success when she faced the stupendous power of the North. But it may be briefly stated: When the South seceded, there was great unanimity of sentiment among her people. She was about to enter upon a war of self defence. In a few months she became a compact and united nation; while in the North there was strong opposition to coercion, and the border States, East and West, were very much divided. The large area of the seceded States made subjugation almost impossible unless the contest should become one of mere endurance.

The control of the cotton production by the South seemed to warrant the belief that Europe could not stand idly by and see her markets destroyed and her own industrial life seriously disturbed.

No war of such magnitude as that waged between the States could conceivably continue through years and be confined to the original combatants and fought to a finish. Apparently the interests of other nations would be advanced by the disruption of the Union, and foreign intervention would inevitably result. In the war of the Revolution, history had shown that what would have been a hopeless struggle on the part of the colonists against Great Britain (where the discrepancy in resources and population was not greater than that between the North and

South) became, by the armed intervention of France, a complete triumph.

Recognition of the South as an independent nation, certainly through the first three years of the contest, would have kept open her ports and afforded her the means to carry on the struggle to ultimate success. With anything like an equal opportunity to draw on the outside world for supplies, the Confederacy could never have been conquered.

As has been well said by that distinguished Federal soldier and orator, Charles Francis Adams: "Yet the Confederate cause sank in failure, it did so to the complete surprise of a bewildered world, for in Europe the ultimate success of the South was accepted as a foregone conclusion. How was the wholly unexpected actual outcome brought about? The simple answer is, The Confederacy collapsed from inanition. Suffering such occasional reverses and defeats as are incidental to all warfare, it was never crushed in battle or on the field until its strength was sapped away from want of food. It died of exhaustion, starved and gasping! What had been considered impossible was done—man's foresight once more came to grief. As usual, it was the unexpected that happened."

On more than one occasion the scales of victory inclined to the South. The capture of Washington, after the first battle of Manassas, would have brought on immediate intervention, for the loss of the capital would have, to Europe, meant the downfall of the government. Again, had Lee's orders been promptly obeyed, Pickett's men would have swept over the Federal lines at Gettysburg and Mead's army could never have rallied. It has been stated as a historic fact that, just prior to the invasion of Pennsylvania, Louis Napoleon had at last succeeded in in-

ducing the English ministry to join in a concerted movement to intervene in the American conflict. The leaders of the two great English parties had reached an agreement to introduce a resolution in Parliament for the recognition of Southern Independence on a definite day. Before the bill was reported the news of the repulse of the Confederates at Gettysburg, and their withdrawal across the Potomac, reached Europe, and the resolution fell still-born. Even then, continued hopes of the South were not without basis. The French were seeking to establish an empire in Mexico, and the success of that venture could only be secured by co-operation with a friendly power on this continent. With this in view, Napoleon the Third was unremittingly active in urging on the Cabinets of Europe steps looking to intervention. Finally, so severe had become the strain upon the resources of the North, and so great the depreciation in its currency, and the wastefulness of war, naturally most heavily felt by a commercial people, that it is not unreasonable to believe that had the terrible slaughter, which had accompanied Grant's campaign from the Wilderness to Petersburg, continued for six months longer, with Richmond still uncaptured, terms of peace might have been possible which, even if they had fallen short of independence, would at least have saved the South from absolute conquest and the horrors that resulted.

How will the South stand in history? Is it going too far to say that she will occupy the same position that Virginia and her sister Colonies would have done had they failed in their struggle for Independence? The principle upon which the Revolution was fought was the right of self-government, and defeat could not have changed the righteousness of that principle. Had the end come at Valley Forge, instead of at Yorktown, Wash-

ington would not have been less a patriot, nor his cause less worthy. Nor would the progress and prosperity that in after years might have followed the restored Empire have in any way affected the right of the issue as represented by the Colonies.

The South will also occupy the unique distinction of being the first people which put to the test the binding power of a written Constitution, and proved the futility of such a compact. Her overthrow shattered the American ideals of government based on the consent of the governed and destroyed the sanctity of constitutional guaranties. The new thing under the sun that the Fathers believed they had founded in this new world proved as fleeting as a dream, and we lapsed back into the old world position, that the development and growth of a nation are essentially dependent upon the unwritten law of Force.

I recognize the fact that a fair and impartial judgment of the South is greatly hampered by the incident of African slavery. Had this shadow not attended the struggle between the two nations, whatever the result, there would have been no need of special pleading in defense of the South before the Bar of History.

It is the irony of Fate that, as it is, she should bear the odium of conditions for which she was not responsible, and that her antagonist should receive the world's plaudits for a moral position never assumed by the North until military and political necessity forced it upon her.

The rallying cry of the one section was the Rights of the States; of the other the Preservation of the Union. No matter what may have been the irritating causes that led to this alignment, in the minds of the controlling majority on either side the issue was made up between loyalty to the State, and loyalty to the Union.

The platform upon which Mr. Lincoln had been elected had expressly declared that the Republican party did not intend to interfere with the institution of slavery in the States where it already existed, and Mr. Lincoln in his message, after the secession of the Cotton States, asseverated that the integrity of the Union and not the abolition of slavery was the object of the administration. And again even in his emancipation proclamation he excepted certain States and part of States from its operation which were within the Federal lines. And yet in the face of these incontrovertible facts, the South is held up to the world as contending for the perpetuation of human bondage, and the North as the Red-cross champion of Freedom. Verily, the New England pen is mightier than the Truth!

The merit for this change of base from the imperialistic to the moral position is claimed by Mr. Carl Schurz in his recently published memoirs. He had been sent by the President on a secret mission to Europe to sound the chancelleries and to secure their good will for his government. But he found that there was little sympathy for the North in their effort to preserve the Union by force of arms. Indeed, he was met with something of a sneer when he spoke of the Rebellion. It was intimated to him that to deprive the South of self-government was somewhat contrary to the generally accepted idea of what the United States stood for.

Mr. Schurz on his return to America stated to the President that it was only on the moral issue of destroying slavery that Europe could be favorably influenced. In a very short period horses were swapped in crossing the stream (contrary to Mr. Lincoln's general view of expediency), the garb of the crusader was donned, and Exeter Hall was appeased! Thus the South fell a victim to diplomatic expediency, defensible, perhaps, on

the old maxim, but hardly so in the historic judgment seeking a just verdict.

Before concluding this subject let me say that if the South had cared to consider it, she would have clearly recognized that her withdrawal from the Union meant not the maintenance, but sooner or later the abolition of slavery. The greatest security for preserving the institution was in the Union. It was then partially at least under the protection of the laws. Establishment of an independent government would have speedily changed the industrial and economic conditions; the necessity for an increase to the South's white population as a matter of national defense would have set flowing a stream of immigration into her borders; the development of machinery would have rendered slave labor less necessary and less desirable; more intimate contact as an independent power with the world, would have stirred to greater activity the moral sentiment against the principle of enforced labor.

In any event, whether successful or conquered, if the South were looking only to the preservation of slavery, she could have taken a no more fatal step than an attempt at separation. And it is not incredible that, had the solution of the problem been left to her, she would have solved it fully without the terrible price she was forced to pay, and is paying now, for a solution which is only partial after all.

Further injustice is done the South by contemporaneous writers in charging that she was narrow, provincial, a laggard in the march of progress, with a halted civilization and a semi-barbaric conscience, lacking the softening influence of the higher culture.

I can conceive of no better standard by which to judge a people than the character of the men chosen by that people as

their leaders in a time of storm and stress. With such representations of her culture and civilization as Davis, Lee, Jackson, and their associates in the civil and military service of the South, she need not fear in this regard comparison with her opponents. If it was a proof of a higher civilization to seek to add a double fierceness to the hell of war, then the South falls short of the test.

The order of Lee at Chambersburg, forbidding insult to non-combatants or destruction of private property, may well be contrasted with the devastation of the Shenandoah Valley. As was well said by a gallant Union soldier: "I doubt if a hostile force of equal size ever advanced into an enemy's country or fell back from it in retreat leaving behind less cause of hate and bitterness, than did the Army of Northern Virginia in that memorable campaign which culminated at Gettysburg." And it may be added that there is no instance in the general conduct of the war by the Confederates that suggests the harrying of the Palatinate in 1692, or parallels the famous March to the Sea a century and a half later.

In accepting the inevitable and in seeking adjustment to changed conditions, I deprecate the apologetic note that runs through some of the literature, written by Southern men, dealing with the Great War. For one, I can never concede that the South poured out her blood and treasure in a cause in which failure was better than success. In every essential the Confederate States were pre-eminently fitted for a separate national life. In territory, in resources, in population, in the homogeneity and character of her people, the South possessed all the elements that enter into the strength and stability of nations.

Notwithstanding the fact that the material losses she sus-

tained were almost beyond calculation; although the accumulated wealth of two centuries was destroyed, and her industrial system totally disorganized, her fair land filled with the graves of the flower of her youth, and in her heavens the very sun seemed to be blotted out: yet with the light of victory on her brow, with liberty won, with her future in her own hands, the South would have wisely and effectively solved her social and economical problems, and recuperated far more quickly from the results of the conflict than she has done as a conquered province, with little influence in the Federal councils.

An independent nation, she could have devoted all her energies to the upbuilding of her waste places, instead of losing more than a decade in a struggle to save her very civilization; and with legislation suited to her needs, with intercourse unfettered by restrictions, the world's commercial navies would have thronged her harbors, eager for her trade, and the cities on her seaboard would have become rich and prosperous emporiums. Once intrenched in her place as a nation, content within her own borders, she would have had little fear of aggression, and, representing the American idea of government again triumphant on this continent, she would have been a potent factor in hastening the coming of the Truce of God!

In conclusion, I wish to impress upon the young men in this audience that their fathers fought for no mere abstraction, but for a cause which was dear to Lee, and for which Jackson died.

Will they not see to it that while time brings healing in its wing, it shall not bring forgetfulness? For the sorrow and suffering of the South, Fate has not denied her compensation. She has given to the world the highest type of Christian manhood. It was worth all the travail and agony of those fateful years, to have produced such examples for the guidance of the

generations to come as the glorious men whose memory we honor to-day, and whose influence will broaden with the centuries. To you especially belongs this priceless heritage, and it is your duty to guard it well. Insidiously the effort may be made to persuade you that fidelity to the past is disloyalty to the present. This can not be true. Nothing so weakens the fibre of a people as to lose veneration for its own and to adopt the ideals of its conquerors. The blood-stained record of the South's Heroic Age is a closed book. It can have no sequel. And to her youth that record should ever be held sacred.

Whatever the common interests and mutual duties of to-day may be, however strong the ties between the States of this Republic may become in the future, yet for the days of 1861-'65 the South must say to the North: "Thy people were not my people, nor thy God my God."

The Scots who fought with Wellington at Waterloo, still loved to sing of Bannockburn, and Scotland's greatest pride to-day is in the deeds of Wallace and the Bruce.

But to us of "the thin gray line," who shared in the great struggle, neither the Present nor the Future can stir our pulses.

The vision that came to us in "the land where we were dreaming" has faded long ago—the walls of our Troy are fallen—and from Walhalla, where the victorious chiefs are feasting, we turn proudly to the House of Broken Swords:

"Cloud-high it loomed and dark

As Amazonián forests. Far o'erhead
Its shadowy roof, sometimes but spindrift dim,
Sometimes was heaven, with lucent twilight skies
Besprent with stars; and round each echoing hall
In carven ambrys quaint, old storied arms
Blazoned the walls. But the loftiest nave
In that strange house was hung with broken swords.

COLLEGE OF WILLIAM AND MARY

Whereof the chiefest three had shields beneath,
 Scrolled each with shining names. One shield was his
 Who long time humbled Rome, and one, blood-red,
 Recalled the Corsican; and last a shield,
 Now wet with old men's tears, proclaimed the chief
 Whose ramparts linger 'mid Virginian pines:
 Untenanted the place, to casual eyes,
 And silent; but anon began afar
 Onset of armed feet, and thunders rolled
 (Thunders or battle), and a hand unseen
 Lifted a veil, and lo! a marching host
 Swept through the aisles, while on amazed ears
 Sea-like uprose the Prayer of Beaten Men.

"We are the fallen, who, with helpless faces
 Low in the dust, in stiffening ruin lay,
 Felt the hoof's beat, and heard the rattling traces
 As o'er us drove the chariots of the fray.

"We are the fallen, who by ramparts gory,
 Awaiting death, heard the far shouts begin,
 And with our last glance glimpsed the victor's glory
 For which we died, but dying might not win.

"We were but men. Always our eyes were holden,
 We could not read the dark that walled us round,
 Nor deem our futile plans with thine enfolden—
 We fought, not knowing God was on the ground.

"Give us our own; and tho in realms eternal
 The potsherd and the pot, belike, are one,
 Make our old world to know that with supernal
 Powers we were matched, and by the stars o'erthrown.

"Aye grant our ears to hear the foolish praising
 Of men—old voices of our lost home-land,
 Or else, the gateways of this dim world raising,
 Give us our swords again, and hold thy hand."

"Thus prayed they, and no spoken answer fell;
 But whoso watched, saw the dark roof again
 Flash into sudden heaven aglow with stars
 That aimed their rays, straight as God's glances, on
 Those shields alone beneath the broken swords."

