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A Company of Officers Commanded by a Cook

J. KEITH JONES

Robert E. Lee's General Order No. 73 was written June 27, 1863, governing the conduct expected of Confederate soldiers while in Maryland and Pennsylvania during what came to be known as the Gettysburg Campaign. Lee had seen war before and was mindful of the tendencies of armies when unleashed in the land of their enemy. General Order No. 73 was written to prevent such outrages. After first praising the overall conduct of his soldiers, Lee then acknowledged that there "have however been instances of forgetfulness on the part of some." So he cautioned against "barbarous outrages" and "wanton destruction of private property that have marked the course of the enemy in our own country."¹

While it is generally acknowledged that Lee's Army of Northern Virginia was indeed quite mindful of the rules of war during this campaign, naturally there were lapses. One of these resulted in the arrest of nine officers and created a spectacle enjoyed by much of the army.

During the retreat from Pennsylvania, as the 3rd South Carolina Volunteer Infantry was camped at Chester Gap in the Blue Ridge Mountains of Virginia just south of Winchester, the soldiers were sleeping out in the open. A light rain had begun, so some of the men decided to get rails from a "shambling, tumble-down rail fence" near camp to build crude shelters.² Others decided to also build a fire from some of the rails for cooking and to fight off the night's chill. The next morning, as the regiment formed up for the day's march, Adj. Young John

Col. James D. Nance was the commander of the 3rd South Carolina Infantry who placed most of his company officers under arrest for violating General Order No. 73. From D. Augustus Dickert's *History of Kershaw's Brigade*.

Pope was sent to summon the commanders of the ten companies to the colonel of the 3rd South Carolina, James D. Nance.

These officers thought little of this, expecting orders regarding the upcoming march. Once they were in the presence of their commander, their previous ease quickly evaporated. Nance had a com-

¹ *The Wartime Papers of R. E. Lee*, ed. Clifford Dowdey and Louis H. Manarin (Boston: Little, Brown, 1961), 533–34.

² D. Augustus Dickert, *History of Kershaw's Brigade* (Newberry, SC: Elbert H. Aull, 1899), 259–60.

manding presence. He was described as being taller than most men of his era, with a large frame and a deep bass voice. Nance was known as a strict disciplinarian; and when met “by those cold, penetrating, steel-gray eyes of Colonel Nance,” the officers knew they were in trouble.³

Nance asked the commander of Company A, Capt. Robert E. Richardson, if his men took any rails the night before. Richardson answered, “Yes.” Nance then asked Richardson if they had replaced them, and Richardson said that they had. Next, he made the same queries of Capt. Thomas W. Gary of Company B. This time, the answer to the second question was, “No.” Nance proceeded by company until he had completed the line with Company K. The results were the same with each as they had been with Gary of Company B. With the exception of Richardson, each company’s commander stated that not only had his men taken some of the fence rails but they had not replaced them the next morning.⁴

Nance then lectured them on the “crime of disobedience to orders.” Captain Richardson was released to return to his men. The other nine were ordered to turn their swords over to Adjutant Pope and their companies over to the next in command. This included Capt. John K. Nance, Colonel Nance’s brother. With that, nine of the ten company commanders of the 3rd South Carolina Infantry were under arrest. For their crimes, they were forced to march as a body at the rear of the regiment. In so doing, these nine officers were “subject to the jeers and ridicule of all the troops that passed, as well as the negro cooks.” One man cried out, “Great Scott, what a company of officers!” Another asked, “Where are your men?” To make matters worse, this improvised “company of officers” required someone to relay orders, in effect, placing that man in command. This duty was given to the black cook of Capt. John Nance. This responsibility the man seemed to take very seriously. Each order being handed down “he would very gravely repeat . . . much to the merriment of the troops next in front and those in our rear.”⁵

3 Sammy Franks, “Colonel James D. Nance South Carolina’s Civil Wars ‘Proper Commander,’” in *All Theses*, paper 1507 (master’s thesis, Clemson University), 131, http://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=2507&context=all_theses.

4 Dickert, *History of Kershaw’s Brigade*, 260.

5 All quotes in this paragraph are from Dickert, *History of Kershaw’s Brigade*, 260–61.

That night, a clash with the Federal army resulted in Nance’s lifting the officers’ arrests and returning them to their companies. The lesson, however, had been taken to heart. Lt. Dan Maffett of Company C threatened any man that touched another rail during the rest of the war with being shot at the stake. When asked how they were to get over a fence, Maffett replied, “Jump it, creep it, or go around it, but death is your portion if you ever touch a rail again.”⁶

Colonel Nance was later killed in the Wilderness on May 6, 1864, and was memorialized with a poem by J. F. J. Caldwell in the *Columbia Guardian* newspaper that same year.⁷ Lieutenant Maffett was mortally wounded on November 18, 1863, at Knoxville.⁸ Captain Richardson survived the war and became Laurens County clerk of court.⁹ Captain Gary survived the war only to die of pneumonia at the age of thirty in 1869.¹⁰ Capt. John K. Nance, brother of Colonel Nance, surrendered at Greensboro, North Carolina, as a major at the end of the war. In contrast to his brother, Captain Nance was considered one of the “most jovial, funloving, light-hearted souls” in the regiment. After the war, he was a farmer and was elected county auditor.¹¹

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6 Dickert, *History of Kershaw’s Brigade*, 261.

7 Franks, “Colonel James D. Nance,” 180.

8 *South Carolina Civil War Service Records of Confederate Soldiers, 1861–1865*, s.v. “D. S. Maffett, 1861,” accessed May 4, 2015, FamilySearch, <https://familysearch.org/ark:/61903/1:1:XGPY-1JZ>, from *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of South Carolina*, Fold3, citing military unit Third Infantry K-Mi, NARA microfilm publication M267 (Washington, DC: National Archives and Records Administration, 1959), roll 175.

9 *House Documents*, vol. 2, vol. 267 (Washington, DC: U.S. Government Printing Office, 1872), 80.

10 “In Memoriam: Col. Thomas West Gary,” *Newberry (sc) Herald*, December 8, 1869.

11 Dickert, *History of Kershaw’s Brigade*, 478–79.