

7-1-2013

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Recommended Citation

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Three Brothers in Arms

THE PHILBROOKS AND THE CIVIL WAR IN THE WEST

Jeffrey J. Safford

Many writers have noted the critical role played by the First Colorado Volunteer Regiment in the American Civil War in the West. Had these roughhewn frontiersmen not responded to the Union cause, the invasion of New Mexico by Texas volunteers in the late winter and early spring of 1862 might have resulted in the Confederate annexation of much of the American Southwest. Participants, contemporaries, and scholars have colorfully documented this extraordinary campaign, which climaxed in the Battle of Glorieta Pass from 26 March to 28 March 1862.¹

This article offers a fresh look at the campaign by tracing the enlistments of the three Philbrook brothers, who took part in the successful Union effort to push back the invading Confederate Army. The history of their involvement touches not only on military aspects of the campaign but also on other matters relating to the event and its aftermath, including the Union's court-martialing and pardoning systems and its method for dealing with battle fatigue and disabled veterans, particularly in the very early stages of the Civil War in the West.

Henry C., Leander D., and Darius A. Philbrook were born in 1825, 1830, and 1833, respectively, in Rushville, Yates County, southeast of Rochester, New York.² Farming was their family's main occupation. In the late 1840s, the family migrated to Brookfield, close to Milwaukee, Wisconsin, where Leander and

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Henry became farm laborers.³ In 1851 eighteen-year-old Darius enlisted in the U.S. Army, serving with the Third Infantry Regiment on the western frontier. Leander and Henry left Brookfield in the spring of 1861 for Breckenridge, Colorado, a hard-rock gold-mining district located about one hundred miles west of Denver. Leander labored as a sawyer; Henry worked as a mason. They were soon joined by Darius, recently honorably discharged after ten years of service. All three brothers had dark complexions and were of average height for their time, ranging from five feet six to five feet nine inches tall.⁴

When word reached Colorado in early September 1861 that Confederate general H. H. Sibley was raising volunteer regiments in Texas to invade New Mexico, the three brothers enlisted: Henry for six months with the Denver City Home Guards, and Leander and Darius for three years with the First Colorado Volunteer Infantry Regiment, one of two regiments raised by Gov. William Gilpin to thwart a Confederate invasion up the Rio Grande from Texas. For the most part, these regiments were composed of independent, tough men from the territory's mining camps and frontier communities. Semi-disciplined at best under the command of an austere and rigid Denver lawyer, Col. John P. Slough, the regiments longed for action. When the invasion failed to materialize and training no longer satisfied their restlessness, large numbers of volunteers diverted their energies to raising hell throughout the fall and winter of 1861–1862 at Camp Weld on the southern outskirts of Denver. So disturbing was the lack of discipline among these soldiers that the citizens of Denver felt compelled to recruit a special police force for their own protection.⁵ Among the First Colorado rabble-rousers was Company K, a mounted infantry unit to which Leander and Darius were assigned and that mutinied when notified that it had been reclassified as a traditional foot-soldiering infantry regiment. Although the rebellion was quelled and the commanding officer of the company arrested and replaced, Company K, a feisty group eager to experience combat, continued to disrupt good order at Camp Weld.⁶

Disorder finally ceased in late February 1862 when the regiment received orders to march south to aid Union troops in New Mexico struggling to stop the advance of General Sibley's Texas volunteers up the Rio Grande. After only two days of preparation, the First Colorado left camp on 22 February on a journey that would take it more than four hundred miles in just thirteen days. Darius, promoted to first sergeant on the strength of his previous enlistments, was one of the few volunteers to be given a mount. Leander walked. Henry, whose six-month enlistment would terminate on 1 April 1862, remained in Denver.

The march of the First Colorado, as historian Alvin M. Josephy Jr. describes it, was one of the “epic” feats of soldiering in the Civil War.⁷ Over high wintery plains and rugged mountains, the 950 volunteers labored amid wretched conditions on roads that grew increasingly treacherous as the snow and rain intensified. After averaging fifteen miles per day, the regiment was put on forced marches on 8 March when it received news that the Confederates had occupied Albuquerque and Santa Fe and were advancing northeast toward Fort Union, the First Colorado’s destination and the key to the Union retaining control over New Mexico and the far Southwest. To speed progress, the volunteers jettisoned all camp equipment, with the exception of two blankets per man. For several days, they endured a meager diet of dried biscuits and water. On one occasion, the troops covered sixty-seven miles in twenty-four hours; on another, ninety-two miles in thirty-six hours. Exhaustion, hunger, and exposure afflicted both the men of the regiment and its pack horses and mules, numbers of which “drop[ped] dead in the harness through sheer fatigue.”⁸

No record indicates whether Darius, traveling on horseback, suffered inordinately during this trying march, but his older brother Leander, promoted to third sergeant—a common rank used in the Trans-Mississippi West—on the basis of his soldiering at Camp Weld, suffered immensely. He declined during those thirteen days from a robust man capable of difficult physical work to someone tortured by chronic ailments for the rest of his life. He later recalled the terrible exposure to the elements, the absence of tents or any kind of shelter beyond common clothing and blankets, and the requirement “to sleep continuously upon the ground, at one time in a violent snow storm.”⁹ The snow and rain let up on 11 March, but bitterly cold winds whipped up blinding and choking dust and sand that further tormented the suffering soldiers. That evening the First Colorado entered Fort Union with great fanfare, but the ailing Leander could not share in the celebration. He was suffering from hypothermia and excruciating arthritis. He may also have not eaten that night, as the regimental wagon train of supplies, including tents and victuals, had fallen behind. To add to his discomfort, Fort Union had protective quarters for its resident troops only, forcing a physically compromised Leander and the other volunteers to once again sleep out in the open.¹⁰

Two days later, on 13 March 1862, a tragic event involving his brother Darius occurred that would later impair Leander’s mental health as well. Darius had been soldiering for more than ten years, much of it on the frontier, since first enlisting in the army in 1851.¹¹ Completing two five-year enlistments with honorable discharges, he had now embarked on a third. As a veteran, he

had been promoted to the rank of first sergeant in Company K. His record was unblemished, and his reputation, as one officer later testified, had been one of “gentlemanly and soldiery character.”¹²

But Darius had one weakness: a self-confessed “indulgence in liquor.”¹³ On the evening of 13 March, he became uncontrollably drunk. When Lt. Isaac Gray, whom Darius knew and liked, attempted to remove the cavalryman peacefully from the sutler’s saloon, Darius resisted violently and accosted the officer with abusive language. Attempts to pacify the soldier only exacerbated his agitation. Darius drew his Colt revolver and fired at the lieutenant, but the round missed. In defense, Gray struck the soldier with the flat of his sword, without visible effect. The totally inebriated Darius recommenced firing, with one round striking the lieutenant squarely between the eyes.¹⁴

As Ovando Hollister, who served in Company F of the same regiment, later recalled—while acknowledging that “there are fifty different stories” about what actually happened—Darius had no cause to react so violently. Other officers on the scene, incensed at what had just occurred, “emptied their revolvers” at the fleeing Darius, but he somehow eluded their shots. Soon overtaken, Darius was hauled to the camp guardhouse, but not before members of Lieutenant Gray’s Company B attempted to lynch the drunken sergeant. Only the firmness of the officer of the day prevented this effort from succeeding. In the meantime, it had become evident that the bullet that had struck Lieutenant Gray had not penetrated his skull but had glanced downward from the bridge of his nose into the lower part of his face. Miraculously, his wound was not life-threatening.¹⁵

Darius’s court-martial convened four days later. Presiding over the proceedings was Maj. John Milton Chivington, a huge, charismatic Methodist preacher and born fighter who would distinguish himself in battle at Glorieta Pass in several weeks, and two years later achieve infamy for the massacre of peaceful Indians at Sand Creek, Colorado. Chivington’s intolerance for miscreants spelled doom for the now completely sobered and repentant first sergeant, who claimed only the dimmest recollection of the shooting. “I have served ten years in Company F, 3rd Inf. USA, and I have never got into any difficulty during my whole service, except through indulgence in liquor,” Darius pleaded before the court. “I am very sorry that I have got into difficulty with Lieut. Gray,” he explained, “as I always looked upon him as one of my best friends. I was drunk when the occurrence [*sic*] took place, and I scarcely recollect anything that occurred [*sic*] at the time.” Adding that he had received two honorable discharges from the U.S. Army, Darius threw himself on “the indulgence and clemency” of the military court, a body composed of thirteen officers from companies of the First Colorado.¹⁶

Clemency was not forthcoming despite additional appeals made by officers of the regiment on the basis of his character and good record, and despite the revelation that Lieutenant Gray would survive. Darius was convicted of having violated the Ninth Article of War, which specified that any officer or soldier “who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office” could be sentenced to death.¹⁷ Adopting the most severe penalty, the court ordered that Darius “be shot to death at such time and place as the Commanding Officer of the Department of New Mexico may direct, two thirds of the members concurring therein.” This verdict was then approved by Col. Edward R. S. Canby, the commander of the Department of New Mexico.¹⁸

Customarily, verdicts calling for the death penalty would have been forwarded via the Office of the Judge Advocate General in Washington, D.C., to Pres. Abraham Lincoln for a final arbitrament. Recent studies of Lincoln and the military justice system during the Civil War suggest that there was a good chance the president, an ardent second-chancer, would have reduced Darius’s sentence, particularly given that the sergeant had served faithfully over two previous enlistments.¹⁹ Although Lincoln’s generals complained that the president’s well-known compassion made it difficult for them to enforce discipline in the ranks, Lincoln actually enjoyed pardoning soldiers if there was any justification for doing so. “It makes me rested, after a day’s hard work,” he informed Schuyler Colfax, an Indiana legislator, “if I can find some good excuse for saving a man’s life.”²⁰

But New Mexico’s remoteness appears to have worked against Darius. There is no record of the verdict having reached the nation’s capital for a final review before the sentence was carried out. At 2:00 p.m. on 8 April 1862, just twenty-six days after his attack on Lieutenant Gray, Darius met his end before a Fort Union firing squad. Because the Colorado Volunteers had already left Fort Union to engage the Confederates, the executioners were chosen by lot from three of the garrison’s ranks: Company D, First U.S. Cavalry; Company A, Fifth U.S. Infantry; and the fort’s “Battery,” presumably an artillery outfit. The whole garrison was then mustered for the viewing.²¹

Although not documented, the procedure probably followed the ceremonial practice prescribed by army regulations. According to these regulations, the troops would have been arranged in a large rectangle with one open end. Columns of soldiers would create a corridor through which the prisoner and his procession would march. The fort’s provost marshal would have led the execution procession, followed by a band performing funeral dirges with muffled drums; the dead march from Handel’s oratorio *Saul* was a frequent choice.²² An armed guard, the coffin, the prisoner on

a wagon, a chaplain, and another armed guard would follow the provost marshal and band. Bringing up the rear would be the twelve men selected by lot as executioners. An additional reserve of six men would serve as a backup in case the designated firing squad failed. Having reached the end of the rectangle, Darius might have been compelled to stand or sit on his coffin. Readings of the court's finding and the verdict would be followed by a prayer by the chaplain. Whether Darius chose to be blindfolded is unknown. Upon a signal, the firing squad, standing six to eight paces from the prisoner, would carry out its order. To leave doubt in the minds of the firing squad, not all the rounds fired would have been live. Following the execution, all those assembled would be obliged to file by Darius's bullet-riddled body—orchestrated to leave a sobering and indelible impression on those who witnessed it. First Sgt. Darius Philbrook would have been buried at Fort Union.²³

Darius's sentence of execution was unusual in three ways. First, as noted, it did not go through the typical appeals process. Second, according to a list compiled by the Office of the Adjutant General after the Civil War, of the 267 soldiers shot or hanged by Union military authorities between 1861 and 1865, Darius was the only one executed for assaulting a superior officer. Except for two men found guilty of inciting mutiny, the remainder of those executed under the Articles of War had either deserted or committed murder, robbery, or rape. Third, as first sergeant, Darius was, with one other, the highest-ranking soldier to be executed by the Union during the Civil War.²⁴

Mercifully, Leander had not witnessed Darius's trial and execution. He had moved out on 22 March with the First Colorado to confront the Confederates at the battle for Glorieta Pass, a winding, high-elevation crossing through the southern Sangre de Cristo Mountains on the old Santa Fe Trail, roughly twenty miles east of Santa Fe, New Mexico. This Union victory, known locally as the "Gettysburg of the West," put a decisive end to Confederate designs on the Southwest. Precisely what part Leander played in this two-day battle is not clear. The larger portion of his Company K fought heroically at Pigeon's Ranch in support of a battery of Union artillery on the final day of the battle. When the rebels seemed about to reach the guns, military historian Flint Whitlock records, Company K rose from the ground and "deliver[ed] volley after volley at point-blank range, which drove the enemy back." Company K followed these volleys with a bayonet charge.²⁵ But a smaller portion of the company was stationed at the rear to guard the Union supply train. Results of the battle are well known: the Confederates appeared to be gaining the upper hand until Major Chivington led a Union contingent over the mountains to the south of the pass to attack the Confederates from behind. Providentially for the Union cause, Chivington's force happened upon the

Confederate supply train of eighty wagons and a large number of horses and mules. The successful surprise attack devastated the Confederates' supply line. Stripped of food, clothing, wagons, mules, and horses, all critical to the Texans' campaign, the Confederates were compelled to break off action and commence a humiliating retreat.

Having survived the battle, Leander took part in the Union pursuit of the Confederates down the Rio Grande. On 11 April, Leander's regiment received news that Darius's plea for clemency had been denied and that he had been executed by firing squad.²⁶ Four days later, Leander's regiment caught up with the Texans at Peralta, some twenty-five miles south of Albuquerque, where a minor victory hastened the Confederate withdrawal from New Mexico. The Colorado Volunteers then proceeded another seventy-five miles down the east bank of the Rio Grande. They were heading toward Fort Craig, a post established on the west side of the river in 1853 to repel repeated Indian attacks on the settlers of southern New Mexico Territory. The Confederates had previously bypassed Fort Craig on their way north because Sibley had determined it was too well defended for a frontal assault. After the Colorado Volunteers had proceeded down the Rio Grande, they were obliged to undertake a difficult fording of the river, which was rising and cold due to snowmelt.

Although Leander had performed admirably as a soldier, as his earlier promotion to third sergeant attests, he was now a broken man, overcome by grief over the death of his younger brother. His physical constitution, already compromised by hypothermia, had been further weakened by continued exposure to the elements. At the outset, icy, wind-driven snow and rain had plagued the volunteers; now gale-driven suffocating sands battered them as they moved into southern New Mexico. After traversing the Rio Grande, Leander became so ill that he was committed to the infirmary at Fort Craig.

While the reinforcement of Fort Craig by the Colorado Volunteers represented a military accomplishment of note, it did not bring complete satisfaction to the occupying Union soldiers, including Leander in his declining condition. The troops, having pushed far ahead of their supply train, had been obliged to go on half rations. To make matters worse, the half rations contained hardly any beef. Fresh beef was a mainstay of the frontier soldier's food supply. The absence of it was the cause of much discontent, especially among the Colorado Volunteers, whose "considerable murmuring" drew alarmed attention.²⁷

Several conditions led to the absence of beef. Foremost, the invasion of New Mexico forced local ranchers with pro-Union sentiments to drive their cattle herds north so invading Texans would not have access to them. The

ranchers drove many of their cattle beyond New Mexico's northern border into Colorado, and the Confederates took most of what remained for their own food supply. As a result, southern New Mexico lacked fresh beef. For more than two months following the volunteers' arrival, until July 1862, cattle herds from Colorado did not reach Fort Craig. Ranchers who had driven their cattle into Colorado faced an expensive and laborious round-up and drive of many weeks. To compound matters, the owners of available cattle anywhere in New Mexico or southern Colorado were reluctant to accept government-issued paper currency or IOUs. Instead, they demanded gold or silver coin, which the Union military authorities could not provide. In addition, the few cattle identified in southern New Mexico that would have been suitable for human consumption were in very poor condition because Indian depredations forced the owners, as one witness explained, "to herd them within their settlements and corral them at night." This necessity deprived the cattle of adequate twenty-four-hour access to grass and left them undernourished.²⁸

Determined to get rations down to the soldiers at Fort Craig, Colonel Canby—recently promoted to brigadier general—brought suit against O. P. Hovey, the Santa Fe entrepreneur who had been contracted to provide fresh beef for the military. But Hovey maintained that it was impossible to comply with the contract's terms given the existing circumstances.²⁹ When Hovey's agents appeared before the court, they passionately corroborated his testimony.³⁰ The outcome of the case is not included in the military record, but the implications are clear: throughout April, May, and June 1862, a sufficient supply of beef was not provided to the ill-fed soldiers at Fort Craig, a common affliction among all soldiers, East and West, Union and Confederate. All suffered as a result, the already malnourished Leander among them. The combination of inadequate food, repeated attacks of rheumatism, and mental anguish caused by the execution of his brother rendered Leander unfit for any but the most menial camp tasks and often unfit for anything but the camp hospital. He was taken off active duty and for all practical purposes ceased soldiering.

Leander's physical and mental constitution continued to degenerate as he agonized over the execution of Darius. He may have felt personally responsible for failing to protect his younger brother. So severely did his physical and mental state deteriorate that on 21 June 1862, his Company K commander, Capt. Samuel M. Robbins, felt compelled to recommend Leander's discharge on grounds of disability.

Since [the regiment's arrival at Fort Craig], 3d Sergt [Leander] Philbrook has not done a day's duty—that great trouble [the execution

of Darius] seems to have prostrated him; he never smiles, seldom speaks, except to wish that he might see his Father and Mother once more, that he might explain to them the circumstances attending his brother's death, before they hear it through the papers.

From a hale, hearty man, he has shrunk to a mere skeleton of his former self. I do not think he will ever be able to do another day's duty in the Company.

I regret to loose [*sic*] him, as he has been a good soldier, and it is only from motives of humanity, that I most respectfully ask for an order discharging him from Service.³¹

Major Chivington, the officer who had presided over Darius's court-martial, could comprehend the tragedy felt by Leander and authorized the request. On 24 June 1862, Leander left Fort Craig with a medical discharge describing his condition as one of "broken health."³²

Although Captain Robbins based his request for Leander's discharge on both mental and physical disability, the *Medical and Surgical History of the War of the Rebellion* did not list "broken health" as a justification for wartime release from duty when it was published in 1870.³³ From the record of disablement discharges, Leander seems to have been classified as a victim of acute rheumatism, a so-called "constitutional" disease that caused more medical discharges in the New Mexico military department than in any other department of the U.S. Army during the spring of 1862.³⁴

Psychiatric disability, such as that which complicated Leander's condition, was only vaguely comprehended during the war's initial stages. As historians Richard A. Gabriel and Karen S. Metz note, American military psychiatry in the first year of the Civil War had improved little since the Revolutionary era. At the war's outset, the Union Army had no psychiatrists on its staff. Ailing soldiers would have to wait until 1873 for an existing military hospital to be devoted specifically to the "treatment of psychiatric casualties."³⁵ Disorders of the nervous system were apparent among the men but too often were treated in the ranks as unmanly cowardice rather than genuine mental fatigue. Ultimately, psychiatric casualties were most commonly classified under a category labeled "nostalgia"—one of twelve categories considered a "disease of [the] nervous system"—a combination of emotional symptoms that rendered a soldier incapable of fighting. Although Leander fit this category of disablement—his longing for home and his parents suggests this condition—the statistical record indicates that his discharge in this early stage of the conflict was granted for physical disability rather than for mental incapacitation.

The physicians contracted by the U.S. Army in New Mexico may be at fault for underestimating Leander's condition, resulting in inadequate care. E. J. Bailey, surgeon for the U.S. Army Medical Services in Santa Fe, did not reference Leander's case specifically, but in June 1862, following the successful Union campaign, he complained to headquarters that "it is impossible to obtain competent contract physicians to perform the medical duties of this Depart[ment]," adding that "those that we now employ possess the most ordinary qualifications." Consequently, Bailey was convinced that soldiers in "precarious conditions" could not receive the care they needed in New Mexico, and would have to be sent east for treatment or discharge. Sadly, Bailey's superiors ignored his observations.³⁶ Could Leander have been one of Bailey's "precarious" cases? Records contain names of soldiers who were sent to a new medical facility near Las Vegas, New Mexico, and then east, many suffering rheumatic symptoms such as those displayed by Leander, but his name is not among them.³⁷

One hundred years later, during the Vietnam War, psychiatric disabilities, including battle fatigue, were divided into four categories: anxiety reactions, conversion reactions (hysteria), depressive reactions (melancholy), and insanity. In all probability, Leander's disability would have been classified as a depressive reaction (melancholy). In this category, the symptoms listed were guilt and self-depreciation. The patient feels guilty for not having been kinder to, more helpful to, and more protective of friends and family. He upbraids himself for shortcomings that might have led to the death of his fellow soldiers.³⁸ While not labeled the same way, these symptoms were also identified by Civil War surgeons. As Surg. Gen. William A. Hammond later observed, "When reverses ensued, or food or clothing became deficient, or the weather changed for the worse, these men became morose and despondent."³⁹ Leander's commanding officer, Capt. Robbins, had earlier and independently identified some of these symptoms, but at the time of Leander's discharge there was neither a classification for them nor a means to remedy them.

Leander's discharge seems to have followed the pattern of how numerous mentally and physically disabled Union soldiers were mustered out during the war's initial stages. Given that there were no medical or psychiatric facilities in the area to treat his condition and that he was not an ambulatory case, Leander was probably shown the camp gate and turned out to fend for himself, instead of being sent to Las Vegas or back east. This practice, a merciless solution to the problem, was founded on long military tradition. Both sides released untold numbers of insane or shocked Union and Confederate soldiers in this manner. Where railroads existed, some soldiers, unsupervised and short of

reason, were put on trains, their destination pinned to their clothing. With no railroads in New Mexico, however, the prospect of a discharged soldier wandering about until he succumbed to exposure or starvation was real.⁴⁰ Men at the military headquarters in Santa Fe surely understood that this possibility existed. If the precarious cases cited by Bailey were released in New Mexico, warned B. A. Clements, an assistant surgeon, “it would prove difficult for them to reach their homes.”⁴¹

Despite such reservations concerning the ability of the Union’s New Mexico medical service to treat its patients, no one could say that care and compassion were absent from its efforts. For example, Basil Norris, the assistant surgeon at Fort Craig, was deeply concerned for the welfare of the seriously wounded or impaired. He requested orders from General Canby that ambulatory cases be “moved [to the East] in the most comfortable manner, and with everything necessary for their convenience and care during the journey.” Norris feared that unless his request was honored, “these poor fellows will be sent away uncomfortably under some wagon master who will find them a source of trouble [rather] than transported subservient to their convenience and ease.”⁴²

Fortunately, unlike numerous other soldiers in a “precarious” condition, many of them disoriented and hundreds, if not thousands, of miles from home, Leander had family help on hand. His older brother, Henry, discharged on 1 April following the conclusion of his six-month enlistment with the Denver City Home Guards, came to Leander’s aid. Perhaps Henry was even at the camp gate, prepared to shoulder an arduous commitment to care for the well-being of his invalid younger sibling.

So concludes the three brothers’ troubled Civil War experience, yet there is more to their story. A brief examination of Leander’s postwar experience—more than forty years’ effort to secure treatment for his war-inflicted disabilities—takes the story to its logical end.

* * * *

The reunited Leander and Henry first settled in Trinidad, Colorado, on the New Mexico—Colorado border. Leander had previously encamped nearby on the Purgatoire River during his regiment’s arduous trek from Denver to Fort Union. Perhaps as a result, the now-ailing soldier thought highly of the location. Here the two brothers established Trinidad’s first store, which they operated for almost a year and a half: Henry worked the store, and Leander, no longer able to take on manual labor, assisted when not disabled by “great general debility.”⁴³ Even with his disabilities, in the spring of 1863, Leander traveled back to the Midwest, where in April he wed Nancy J. Graham in Ottawa, Illinois.⁴⁴

Following their nuptials, Leander returned to Trinidad, likely with his wife, and took part in the exciting life of southern Colorado Territory. In October 1863, for example, while he was escorting one Dolores Sanchez north from Trinidad, members of the notorious “Espinosa Gang” attacked his and Dolores’s wagon. Dodging a fusillade of bullets, Leander managed to escape and, despite his infirmities, fled on foot many miles to safety.⁴⁵

In early 1864, the brothers decided to leave Trinidad for Virginia City, Montana Territory: Leander, “for a change of climate and atmosphere and thermal springs”; Henry, for the opportunity to prospect for gold.⁴⁶ Having heard of the existence of ample thermal springs and gold in Montana, they sold their store and made their way by the long overland trail to the territory’s capital, Virginia City, arriving sometime before midyear.⁴⁷

Precisely what Henry and Leander did for the remainder of 1864 and much of 1865 is not clear in the historical record, although Leander later testified that he was able to undertake some light work as a herder of ranch livestock.⁴⁸ Then in the fall of 1865, the brothers, along with Leander’s wife, Nancy, relocated to Cold Spring Gulch in the Lower Hot Spring Mining District, thirty-five miles northeast of the territorial capital. Cold Spring Gulch was part of a rapidly growing and promising gold-producing region, and the two men sought to take advantage of it. During the latter part of 1865 and very early in 1866, Henry, Leander, and Nancy claimed discoveries and extensions on nine lodes in and around the gulch.⁴⁹ Coincidentally, Cold Spring Gulch was located less than four miles from the Hot Spring Mining District’s most notable landmark—and the source of its name—a remarkable fount of 124°F thermal waters. Access to therapeutic waters was crucial to Leander’s health, or so the brothers believed.

Water cures, or hydropathy, were exceedingly popular in the post-Civil War period. A widespread belief at the time was that the application of, ingestion of, or immersion in natural waters could improve poor or delicate health in general and also treat specific ailments. For instance, immersion in medicinal waters, believed hydropathists, improved the blood circulation of patients suffering from rheumatism, Leander’s constant and painful affliction since the First Colorado’s epic march in the winter of 1862. Hydropathy was an alternative to—and cheaper and less harmful than—the stubborn medical orthodoxy holding that all illnesses could be cured by purging or bleeding. The conviction that water cures not only were the best therapy for persons afflicted with rheumatic diseases but cured mental illnesses as well—calming nerves frayed by armed combat and mental fatigue, for example—undoubtedly caught Leander’s and Henry’s attention.⁵⁰ Access to thermal waters became a dominant concern in their lives.

The Philbrooks did not stay long in Montana, departing the territory in the spring or early summer of 1866. Perhaps this was because the Hot Spring Mining District's waters had failed to provide the sought-after cure for Leander's ailments; locals, in fact, had expressed doubt that the waters had any medicinal value at all.⁵¹ Moreover, the family's prospecting for gold apparently was unsuccessful, as there is no record that the Philbrooks were able to get any return on their discovery claims. The brothers' new destination was Salt Lake City, Utah Territory. Whether Nancy accompanied them cannot be determined, nor can she be accounted for in any way hereafter.

Henry and Leander resided in Utah for four months before heading for Nevada's numerous hot springs, first to Belmont and then shortly to Virginia City, where Leander found light work in a mine and as a driver of a water cart for Wells Fargo. Within another year, Leander and Henry moved an additional three times to other Nevada communities: Hamilton, Elko, and Pische. Leander later testified that in all three locations he had suffered "severe attack[s] of sickness" that rendered him unable to undertake any form of labor and forced him flat on his back for long stretches during those months.⁵²

During the summer of 1870, the Philbrooks headed back to Montana, this time to Helena, where they lived for two years at hot springs around that growing community and at similar sites near the Yellowstone River. Once again, Montana's thermal waters failed to please Leander, and he and Henry moved south for a second time to Salt Lake City's therapeutic springs. They resided there through 1879, the year Leander reported on his ill health and wanderings to federal pension authorities.⁵³

Seventeen years had passed since Leander's discharge from Fort Craig in 1862, and many societal changes had occurred, but the attitude toward government handouts was not one of them. In much the same way that battle fatigue was too often interpreted as cowardice during the Civil War, disabled veterans lawfully seeking pensions were often portrayed as "shirkers, malingerers, or free-loaders" following the conflict.⁵⁴ Leander, however, made a good case for himself, and his application for a veteran's pension was approved. He also acknowledged to these officers the brotherly care of the faithful Henry, "upon whose aid and assistance this applicant was dependant for maintenance and support in a large degree."⁵⁵

One year later, without Henry, and seemingly without Nancy, Leander was reunited with his family in Brookfield, Wisconsin, and appears to have been a resident there through most of the 1880s.⁵⁶ But the Milwaukee area did not possess the thermal waters the veteran still believed he required. Consequently, Leander moved to Hot Springs, Arkansas, around 1892.⁵⁷ Long

renowned for its numerous springs, which discharged a million gallons of water per day at an average temperature of 143 degrees, Hot Springs had been designated a military reservation as early as 1832, with an Army and Navy General Hospital constructed there in 1887. It is doubtful, however, that Leander entered the military hospital, as that institution's records do not list him among its patients.⁵⁸ More likely, Leander attended one or more of the many privately operated baths whose therapeutic waters were supplied by the military reservation.

Leander's whereabouts during the next decade are difficult to determine. Following the turn of the century, however, he was back in Brookfield, Wisconsin. Here, he qualified on the basis of his war-caused impairments for admittance to the Milwaukee-situated National Home for Disabled Volunteer Soldiers, one of three such facilities signed into law by President Lincoln in 1865 and constructed in 1867–1868.⁵⁹ Why Leander waited so many years to avail himself of the National Home's facilities and medical services remains another of those many imponderables marking his life's history.

Finally, on 5 December 1906, only days before his seventy-sixth birthday, the aged veteran died and was buried, apparently without fanfare, in Brookfield's Pioneer Cemetery (now Woods National Cemetery).⁶⁰ So concluded Leander's more than four decades' effort to seek relief for his Civil War-caused disabilities. After all this time, he was not forgotten: following a request to the War Department, an official military gravestone was shipped to Brookfield in 1939 and now honors the remains of one of the many unheralded First Colorado Volunteer soldiers in the New Mexico Campaign of 1862.⁶¹

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Like so many other Civil War veterans and pioneer settlers of the American West, the Philbrook brothers did not leave an indelible mark on the land, save for Leander's gravesite. Beyond their war experience, few records remain to document the brothers' or their immediate families' existence. Still, theirs is a touching tale. Conspicuous on the one hand for its acts of familial compassion and fidelity, coupled on the other with the federal government's establishment of services and institutions for its military veterans, the story gives evidence that at least one of the brothers was finally able to receive assistance vital to his well-being in a harsh land that too often ignored the aged, infirm, or otherwise handicapped members of society. Finally, the Philbrook story provides a microcosmic glimpse into significant aspects of the Civil War's New Mexico Campaign and its peacetime aftermath that were undoubtedly shared by many veterans of the conflict, especially disabled Union soldiers.

Notes

1. For accounts of this battle, see Ovando J. Hollister, *Colorado Volunteers in New Mexico*, ed. Richard Harwell (Chicago: R. R. Donnelly, 1962); *The March of the First: Being a History of the Organization, Marches, Battles and Service of the First Regiment of Colorado Volunteers, the Names of the Members of the Regiment, a List of Officers and Promotions, with a Full List of Killed Dead and Wounded by a Private of the Regiment* (Denver, Col. Terr.: Thomas Gibson and Company, 1862); Alvin M. Josephy Jr., *The Civil War in the American West* (New York: Knopf, 1992); Don E. Alberts, *The Battle of Glorieta: Union Victory in the West* (College Station: Texas A&M University Press, 1998); Chris Emmett, *Fort Union and the Winning of the Southwest* (Norman: University of Oklahoma Press, 1965); Flint Whitlock, *Distant Bugles, Distant Drums: The Union Response to the Confederate Invasion of New Mexico* (Boulder: University Press of Colorado, 2006); Thomas S. Edrington and John Taylor, *The Battle of Glorieta Pass: A Gettysburg in the West, March 26–28, 1862* (Albuquerque: University of New Mexico Press, 1998); Reginald S. Craig, *The Fighting Parson: The Biography of Colonel John M. Chivington* (1959; repr., Tucson, Ariz.: Westernlore Press, 1994); and William Clark Whitford, *Colorado Volunteers in the Civil War: The New Mexico Campaign in 1862* (Boulder: University Press of Colorado, 1963).
2. Darius, Leander, and Henry Philbrook Service Records, Compiled Military Service Records, Records of the Adjutant General's Office, 1780s–1917, Record Group 94, National Archives and Records Administration, Washington, D.C. [hereafter CMSR, RG 94, NA]. These service records indicate that Henry was thirty-five years old at the time of his enlistment, while the federal census for 1850, Wisconsin, cites Henry as fourteen years of age, which would make him twenty-five years old at the time of enlistment. Further research indicates that the service record age for Henry is the accurate one.
3. The Philbrook family's movements reflect the westward migration of innumerable mid-nineteenth-century Americans. The brothers' parents were born in New Hampshire and Maine, moved to New York, where at least six of their children were born, and then went to Wisconsin. See the federal census for 1850, Wisconsin.
4. Darius, Leander, and Henry Philbrook Service Records, CMSR, RG 94, NA; and Leander D. Philbrook Pension File, Records of the Record and Pension Office of the War Department, 1784–1919, Records of the Adjutant General's Office, 1780s–1917, Record Group 94, National Archives and Records Administration, Washington, D.C. [hereafter RPO, RG 94, NA].
5. Hollister, *Colorado Volunteers*, 53–55.
6. Craig, *The Fighting Parson*, 71; and Whitlock, *Distant Bugles, Distant Drums*, 84.
7. Josephy, *The Civil War in the American West*, 77.
8. *The March of the First*, 7; and Craig, *The Fighting Parson*, 91.
9. Affidavit of Leander D. Philbrook to Federal Pension Authorities, 24 October 1879, Salt Lake City, Utah, Leander D. Philbrook Pension File, RPO, RG 94, NA.
10. Edrington and Taylor, *The Battle of Glorieta Pass*, 30.
11. Prior to the Civil War, the Third U.S. Infantry Regiment had been stationed in the West to deal with Indian disorders. For examples of the Third's service on the antebellum frontier, see Robert M. Utley, *Frontiersmen in Blue: The United States Army*

- and the Indian, 1848–1865* (1967; repr., Lincoln: University of Nebraska Press, 1981), 23, 127.
12. General Orders No. 25, 4 April 1862, Record of the Court Proceedings of Darius A. Philbrooks [sic], file no. II953, Records of the Proceedings of the U.S. Army General Courts-Martial, Court-Martial Case Files, 1800–1894, Entry 15, Records of the Judge Advocate General, Record Group 153, National Archives and Records Administration, Washington, D.C. [hereafter Court Proceedings of Philbrooks [sic], II953, USAGC-M, Entry 15, RG 153, NA].
 13. Darius Philbrook statement, General Orders No. 25, 4 April 1862, Court Proceedings of Philbrooks [sic], II953, USAGC-M, Entry 15, RG 153, NA.
 14. Court Proceedings of Philbrooks [sic], II953, USAGC-M, Entry 15, RG 153, NA. As Don Rickey Jr. and others have agreed, “Whiskey-maddened men” were the “curse of the Army.” Don Rickey Jr., *Forty Miles a Day on Beans and Hay: The Enlisted Soldier Fighting the Indian Wars* (Norman: University of Oklahoma Press, 1963), 156. See also Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784–1898* (New York: Oxford University Press, 1986), 197, 350, 368.
 15. Hollister, *Colorado Volunteers*, 85–86, 89. While Hollister’s account has long been considered the authoritative description of the event, recently declassified court-martial records elaborate on his account through the depositions of the sutler and other witnesses. These declassified records cite Gray as having struck Philbrook with his sword. These documents also discuss what Hollister and other enlisted men could not have known when the court-martial started. These depositions are elaborated on in R. Gregory Lande, *Madness, Malingering, and Malfeasance: The Transformation of Psychiatry and the Law in the Civil War Era* (Washington, D.C.: Brassey’s Inc., 2003), 97–103.
 16. Darius did ask for the removal of two officers from the court because he had heard that they had already “expressed an opinion in the case.” This request was not granted. Darius Philbrook testimony, Court Proceedings of Philbrooks [sic], II953, USAGC-M, Entry 15, RG 153, NA.
 17. Capt. Stephen Vincent Benet, *A Treatise on Military Law and the Practice of Courts-Martial* (New York: D. Van Nostrand, 1862), 337–38.
 18. General Orders No. 25, 4 April 1862, Court Proceedings of Philbrooks [sic], II953, USAGC-M, Entry 15, RG 153, NA.
 19. Thomas P. Lowry, “Don’t Shoot that Boy!”: *Abraham Lincoln and Military Justice* (Mason City, Iowa: Savis Publishing Company, 1999), 166–68, 257–63, 277.
 20. Gerald J. Prokopowicz, “Military Fantasies,” in *The Lincoln Enigma: The Changing Face of an American Icon*, ed. Gabor Boritt (New York: Oxford University Press, 2001), 68.
 21. Special Orders No. 34, 8 April 1862, Headquarters, Fort Union, New Mexico, Fort Union National Monument Library, Watrous, New Mexico. Courtesy of Dr. Tibor Reminyik.
 22. Alexander Macomb, *The Practice of Courts-Martial* (New York: S. Colman, 1840), 75–76. Macomb’s assertion that “in cases of Capital punishment by shooting, great ceremony is ordinarily observed” was probably true in Darius’s case.
 23. Recently, two New Mexico archaeologists reexamined the remains of four bodies buried the same day of Darius Philbrook’s execution and unearthed in 1958 from

- a Fort Union mass grave on the suspicion that one of the deceased was Philbrook. Further examination of the re-exhumed; the absence of a coffin, which would not have followed military procedure; and a contemporary newspaper account led to the conclusion that the interred were three Apache Indians and a non-Native American asserted to have been a Mexican by the *Rocky Mountain (Denver, Colo.) News*. The incarcerated, held in the fort's guardhouse for undocumented reasons, were killed by garrison guards when they attempted to escape upon being informed, "rightfully or maliciously," that they too would soon be executed. In the fracas that ensued, several of the guards were wounded. Lit-fused shells were then thrown into the cell, killing all four prisoners. Darius Philbrook's final resting place remains unknown. *Rocky Mountain (Denver, Colo.) News*, 29 April 1862; Catherine H. Spude (archaeologist), interview with author, 8 February 2011; and Catherine H. Spude, email message to author, 13 February 2011.
24. U.S. War Department, *List of U.S. Soldiers Executed by United States Military Authorities during the Late War* (1892), War Department Publication, U.S. Army Reference Collection, National Archives and Records Administration, Washington, D.C. Darius Philbrook's execution is listed on p. 2. Until 1989 this list was classified as "confidential" by the Office of the Adjutant General.
 25. Whitlock, *Distant Bugles, Distant Drums*, 201; and Whitford, *Colorado Volunteers in the Civil War*, 111–12.
 26. Hollister, *Colorado Volunteers*, 138.
 27. Col. G. R. Paul, 4th Regiment, New Mexico Volunteers, to Capt. William J. S. Nicodemus, Acting Assist. Adj. Gen., Santa Fe, N.Mex., 3 May 1862, r. 17, microfilm (Washington, D.C.: National Archives and Record Service, 1980) *Register of Letters Received, and Letters Received by Headquarters, Department of New Mexico, 1854–1865*, Microcopy 1120, National Archives Microfilm Publications, Records of United States Army Continental Commands, 1821–1920, Record Group 393, National Archives and Records Administration, Washington, D.C. [hereafter M1120, RG 393, NA].
 28. Affidavit of John C. Stedman before the District Court of Santa Fe, 23 July 1862, r. 16, M1120, RG 393, NA.
 29. Hovey to Gen. Edward R. S. Canby, 7 August 1862, r. 16, M1120, RG 393, NA.
 30. Affidavits before the Santa Fe District Court of five of Hovey's agents: C. G. Parker, John C. Stedman, C. S. Hinckley, James Conklin, and Felipe Ortiz, 23 July 1862, r. 16, M1120, RG 393, NA.
 31. Captain Robbins to Gen. Edward R. S. Canby, Camp Valverde, N.Mex., 21 June 1862, Leander D. Philbrook Service Record, CMSR, RG 94, NA.
 32. Maj. John M. Chivington's Authorization for Discharge, n.d., Leander D. Philbrook Pension File, RPO, RG 94, NA.
 33. Joseph K. Barnes and George A. Otis, *The Medical and Surgical History of the War of the Rebellion (1861–1865)*, 3 vols. (Washington, D.C.: GPO, 1870).
 34. *Ibid.*, 1:128–29.
 35. Richard A. Gabriel and Karen S. Metz, *From the Renaissance through Modern Times*, vol. 2 of *A History of Military Medicine*, Contributions in Military Studies series, 2 vols. (New York: Greenwood Press, 1992), 196.
 36. Bailey, Surgeon, U.S. Army Medical Services, Santa Fe, N.Mex., to Capt. G. Chapen, Acting Assist. Adj. Gen., Headquarters, Santa Fe, N.Mex., 13 July 1862 and Bailey to

- Brig. Gen. James H. Carleton, Commander, Dept. of N.Mex., Santa Fe, N.Mex., 5 Oct 1862, r. 15, M1120, RG 393, NA.
37. For lists of men sent from Fort Craig to the military hospital at Las Vegas, New Mexico, some to be wagoned east, see r. 17, M1120, RG 393, NA. These lists do not include Leander Philbrook. "Post Returns of Troops Stationed at Fort Craig, New Mexico," also fails to register any mention of Leander. The returns are limited to the garrison stationed at Fort Craig and do not include data on the Colorado Volunteers, encamped nearby. See Fort Craig, New Mexico, March 1854–December 1870, r. 261, microfilm (Washington, D.C.: National Archives and Record Service, 1968), *Returns from U.S. Military Posts, 1800–1916*, Microcopy 617, National Archives Microfilm Publications, Records of the Record and Pension Office of the War Department, 1784–1919, Records of the Adjutant General's Office, 1780s–1917, Record Group 94, National Archives and Records Administration, Washington, D.C. [hereafter M617, RG 94, NA].
38. Byron Stinson, "'Battle Fatigue' and How It Was Treated in the CW," *Civil War Times Illustrated*, November 1965, 40–44.
39. Surg. Gen. William A. Hammond, *Treatise on Hygiene*, quoted in Stinson, "Battle Fatigue," 40–44. Besides suffering the trauma of prolonged combat and a personal reversal (the death of his brother), Leander Philbrook identified with seven of the thirteen additional factors that historian James M. McPherson cites as causing soldiers "to break down": "Marching, loss of sleep, poor food or no food, bad water, lack of shelter and exposure to extremes of heat and cold, dust and mud, and the torments of insects." See McPherson, *For Cause and Comrades: Why Men Fought in the Civil War* (New York: Oxford University Press, 1997), 163. For more on the commonalities of psychiatric illness in the Civil War and the Vietnam War, see Eric T. Dean Jr., *Shook Over Hell: Post-Traumatic Stress, Vietnam, and the Civil War* (Cambridge, Mass.: Harvard University Press, 1999).
40. Gabriel and Metz, *From the Renaissance through Modern Times*, 198; and Lande, *Madness, Malingering, and Malfeasance*, 171.
41. B. A. Clements, Assist. Surgeon at Military Headquarters, Santa Fe, N.Mex., to General Hospital, Hot Springs near Las Vegas, N.Mex., 3 June 1862, r. 17, M1120, RG 393, NA.
42. Basil Norris to E. J. Bailey, 1 June 1862, r. 17, M1120, RG 393, NA.
43. *The Rocky Mountain Directory and Colorado Gazetteer for 1871: Comprising a brief history of Colorado . . . together with a complete and accurate directory of Denver, Golden City, Black Hawk, Central City, Nevada, Idaho, Georgetown, Boulder, Greely [sic], Colorado City, Pueblo, Trinidad, etc.* (Denver, Colo.: S. S. Walihan, 1870), r. 455, microfilm 692, no. 4592, Renne Library, Montana State University, Bozeman, Montana; and Leander Philbrook Affidavit to Federal Pension Officers in Salt Lake City, Utah, 24 October 1879, Leander D. Philbrook Pension File, RPO, RG 94, NA.
44. Robert W. Philbrook, "The Execution of Sgt. Darius Philbrook, 1st Colorado Volunteers," *Philbrook Family Association Newsletter*, August 2001, in possession of author.
45. Ms. Sanchez was captured and raped by members of the gang, who left her to die. She did not. See Charles F. Price, "If This Woman is Found Dead, Tell the People the

- Espinosas of the Conejos Killed Her': The Attack on [Leander] Philbrook and Dolores Sanchez," in *Season of Terror: The Espinosas in Central Colorado, March–October 1863* (Boulder: University Press of Colorado, forthcoming). This chapter has been provided courtesy of Charles Price. Price cites the 28 October 1862 issue of the *Weekly Commonwealth and Republican* (Denver, Colo.) to verify Leander Philbrook's involvement.
46. Leander Philbrook Affidavit, 24 October 1879, Leander D. Philbrook Pension File, RPO, RG 94, NA.
 47. Ibid.
 48. Ibid.
 49. Record Book E, Lode Discoveries, 539, 600, 610, 728, 752, 755, Clerk and Recorder's Office, Madison County Courthouse, Virginia City, Montana. Nancy Philbrook was entered on each of these claims but not as a discoverer. Claimants had to be residents of Montana Territory.
 50. Marshall Scott Legan, "Hydropathy in America: A Nineteenth Century Panacea," *Bulletin of the History of Medicine* 45 (May–June 1971): 267–80; and Marshall Scott Legan, "Hydropathy, or the Water Cure," in *Pseudo-Science and Society in Nineteenth-Century America*, ed. Arthur Wrobel (Lexington: University Press of Kentucky, 1987), 74–99.
 51. William Y. Lovell, "Hot Spring District and Surroundings," *Montana Post* (Virginia City, Montana Territory), 9 November 1867.
 52. Leander Philbrook Affidavit, 24 October 1879, Leander D. Philbrook Pension File, RPO, RG 94, NA.
 53. Ibid.
 54. Peter D. Blanck and Chen Song, "With Malice Toward None; With Charity Toward All: Civil War Pensions for Native and Foreign-Born Union Army Veterans," *Ohio State Law Journal* 2 (spring 2001): 1–76.
 55. Leander Philbrook Affidavit, 24 October 1879, Leander D. Philbrook Pension File, RPO, RG 94, NA. At this point Henry disappears from the record.
 56. Leander D. Philbrook Service Record, CMSR, RG 94, NA; and Appendix to the Wisconsin State Census of 1885, "Enumeration of Soldiers and Sailors Residing in Wisconsin June 20, 1885," 266.
 57. Leander D. Philbrook Service Record, CMSR, RG 94, NA.
 58. Army and Navy General Hospital records covering the period from October 1891 to December 1904 do not list Leander Philbrook as a patient. See "Hot Springs, Arkansas, U.S. Army and Navy General Hospital, March 1887–December 1904," Arkansas and Indian Territory, r. 482, M617, RG 94, NA.
 59. "National Soldiers Home, Milwaukee, Wisconsin, Civil War Military History," Genealogy and Family History Library, Milwaukee County, Wisconsin, www.linkstothepast.com/milwaukee/soldiershome.php.
 60. Leander D. Philbrook Service Record, CMSR, RG 94, NA; and *Waukesha (Wisc.) Freeman*, 13 December 1906. Philbrook died a "widower," but nothing is known of Nancy's death date or place of death. National Soldiers Home records were not located.
 61. United States, Civil War Soldiers Index, Leander D. Philbrook, "Applications for Headstones for U.S. Military Veterans, 1925–1941," Family History and Genealogy

Records, Family History Center, Church of Jesus Christ of Latter-day Saints, Bozeman, Montana.