

CHAPTER LVIII.
JOHNSTON'S SURRENDER.

Sherman's Preparations for an advance on Raleigh.—Contemporaneous Events.—Change of Plan after the Capture of Richmond.—Johnston retreats Westward.—Sherman enters Raleigh.—Johnston puzzled.—He inquires of Sherman as to Terms of Surrender.—The Reply.—Sherman's Letters to Grant.—Conference with Johnston, April 17th.—The Latter explains his Situation.—He offers, on favorable Terms, to surrender all the remaining Confederate Armies.—Conference renewed on the 18th.—Semi-political Nature of the Conversation.—Breckinridge admitted to the Conference.—Reagan's Memorandum ruled out.—Sherman pens one of his own.—"Glittering Generalities."—Substance of the Memorandum.—Sherman's Position in the Matter.—Letters to Washington.—The Cabinet Meeting.—Rejection of the Memorandum.—Grant goes to Morehead City.—His Consideration for Sherman.—Johnston's Surrender.—Secretary Stanton's Telegrams.—Injustice to Sherman.—Halleck's Interference.—Sherman's Indignation.—Surrender of Taylor and Kirby Smith.—The End of the War.

At the close of March, 1865, Sherman's army was being reorganized at Goldsborough, and awaiting the repair of railroads and the accumulation of supplies and clothing preliminary to an advance against General Johnston, who then covered Raleigh with an army of over 40,000 men. The Twenty-third and Tenth corps were united under the designation of the Army of the Ohio. Slocum's command was now styled the Army of Georgia, while Howard's retained its former title. Wilson's and Stoneman's expeditions were in full and successful operation, and General Canby was investing the defenses of Mobile.

Sherman's preparations could not be completed before the 10th of April. In the mean time Mobile had fallen; Selma had been occupied by Wilson, who was fast approaching Montgomery; Stoneman had broken up the railroad west of Lynchburg, and had pushed down to the Catawba River, in North Carolina, destroying the railroad through Greensborough and Salisbury; Richmond and Petersburg had been abandoned, and the Confederate Army of Northern Virginia had been routed and captured.

Tidings of the battles about Petersburg reached Sherman on the 6th. Up to this time Sherman's plan was to make a feint on Raleigh, cross the Roanoke, and, securing by the Chowan River communication with Norfolk as a base of supplies, to strike for Burkesville, interposing between Johnston and Lee. But the Army of the Potomac, under General Grant's leadership, had eliminated Lee's army from the problem to be solved. This led General Sherman to change his plan. On the 5th Grant warned him that Lee would attempt to reach Danville, and urged an immediate movement against Johnston. "Rebel armies now," he writes, "are the only strategic points to strike at." Instead of making a feint on Raleigh, Sherman, on the 11th, made a real movement on that place. Hearing of Lee's surrender in the mean time, Johnston had retreated westward, and on the morning of the 13th Sherman's army entered the capital of North Carolina.

Johnston had but a single line of retreat left—that by Greensborough and Charlotte. Of course it was folly for him to venture a battle with Sherman. He could not retreat as an organized army. He had therefore to choose between the surrender and the disbandment of his forces. The consequence of the latter step would be to let loose upon the citizens of North Carolina 40,000 men with arms in their hands, who would inaugurate a reign of terror. Johnston looked upon farther opposition as criminal. But how to dispose of his army was a perplexing problem. Lee's army had been defeated on the field of battle—in effect, it had been actually surrounded and captured, and in this case no such considerations had been involved as now presented themselves to Johnston. To the army of the latter escape was possible by disorganization; it had not been defeated or surrounded. The same considerations applied with equal force to Dick Taylor's and Kirby Smith's armies. As soon as it was fully realized that farther resistance was hopeless, immediate disorganization would follow, and the Confederate armies would resolve themselves into armed bands of lawless, irresponsible marauders, scattered over the entire South, unless some motive was offered sufficient to hold these armies until they could be paroled and disarmed.

Sherman had taken measures to cut off Johnston's retreat southward when, on the 14th, he received by flag of truce a letter from the Confederate commander, asking an armistice, and information as to the best terms on which he would be permitted to surrender his army. Sherman replied that he was willing to confer with him as to the terms of surrender, and added: "That a basis of action may be had, I undertake to abide by the same terms and conditions entered into by Generals Grant and Lee at Appomattox Court-house, Virginia, on the 9th instant." Arrangements were made for a conference on the 17th.

Up to this time Sherman had entertained no other terms of surrender than those proposed by Grant in the case of Lee's army. After Lee's surrender, he wrote to the lieutenant general: "The terms you have given Lee are magnanimous and liberal. Should Johnston follow Lee's example, I shall, of course, grant the same." The very day after he had agreed to meet and confer with Johnston, he again wrote: "I will grant the same terms as General Grant gave General Lee, and be careful not to complicate any points of civil policy."

During the interval between the first correspondence between Sherman and Johnston and their meeting on the 17th, no movement was made by either army.¹ At noon of the day appointed, the two generals met at a house five miles from Durham Station under a flag of truce. They had never met before in person, though for two years they confronted each other on

many battle-fields. The interview, says Sherman, was frank and soldier-like. Johnston freely acknowledged that the war was at an end, and that every sacrifice of life after Lee's surrender was simply murder. He admitted that the terms conceded to Lee were magnanimous. He had no right to ask any better conditions for himself. But the situation of his army was peculiar. The sudden revelation of the hopelessness of farther resistance was likely to operate on the fears and anxieties of his soldiers. The consequence would be to relax military restraint. He therefore asked that some general concessions might be made which would enable him to maintain his control over his troops until they could be got back to the neighborhood of their homes. He suggested, also, that the proposition agreed upon should extend to all the Confederate armies then existing. Sherman asked Johnston what authority he had as to the armies beyond his own command. Johnston admitted he had no such power, but thought he could obtain it. He did not know where Davis was, but he could find Breckinridge—the Confederate Secretary of War—whose orders would be every where respected. It was then agreed to postpone the farther consideration of the subject till noon on the next day.

Sherman returned to Raleigh and conferred with his general officers, every one of whom pronounced in favor of a conclusion of the war upon terms which seemed so favorable, and which involved no sacrifice of the national honor.

The conference with Johnston was renewed on the 18th. The territory within the immediate command of Johnston comprised the states of North and South Carolina, Georgia, and Florida. He was now able to satisfy Sherman of his power to disband also the armies in Alabama, Mississippi, Louisiana, and Texas. He then asked Sherman what he was willing to do. Sherman replied that he could only deal with belligerents—that no military man could go beyond that. He was willing to make terms for the Confederate soldiers in accordance with President Lincoln's amnesty proclamation; that is, all of the rank of colonel and under should have pardon upon condition of taking the oath of allegiance to the United States. He was also willing to go farther than this—he would grant what had been conceded to Lee's army, that every officer and soldier who would return home, observe his parole and obey the laws, should be free from disturbance by United States authority. But Johnston did not seem to be quite satisfied. He expressed great solicitude lest the Southern States should be dismembered, and denied representation in Congress or any separate political existence; also, lest the absolute disarming of his men might leave the South powerless, and exposed to the depredations of assassins and robbers. Sherman listened with great courtesy to all this, which both commanders equally well knew lay outside the scope of a military surrender. In reply, he simply expressed his own personal assurance that if the Southern people submitted to the lawful authority of the nation, as defined by the Constitution, the courts, and the authorities of the United States, supported by the courts, there would be no occasion for solicitude; they would "regain their position as citizens of the United States, free and equal in all respects."

While the conversation was thus drifting off from the main question, Johnston suggested that Breckinridge be allowed to come in. Sherman was never fond of politicians, and had very good reasons for not being partial to this one in particular. He reminded Johnston that it had been agreed that the negotiation must be confined to belligerents. Johnston replied that he understood that perfectly. "But," said he, "Breckinridge, whom you do not know, save by public rumor, as the secretary of state, is, in fact, a major general. Have you any objection to his being present as a major general?" Sherman then consented, and Breckinridge came in; and though it was understood that he was only present as a part of Johnston's personal staff, he joined in the conversation. Soon a courier entered and handed Johnston a package of papers, over which he and Breckinridge held a conversation, and then put the papers in their pockets. One of these was a memorandum, written, as Johnston told Sherman, by the Confederate Post-master General Reagan. It was preceded by a preamble, and concluded with some general terms. Sherman read it, and, being the court in this case, ruled it out.

The conversation then became general, touching upon slavery, which was acknowledged "to be as dead as any thing can be," and upon reconstruction. Then it occurred to General Sherman—possibly it may have been suggested by Reagan's document—to write out a memorandum consisting of some general propositions, meaning little or much, according to the construction of parties, and send them to Washington for the assent or rejection of the government. No delay would result from this, as he would be obliged to communicate with his government in any case, in order to obtain authority by which he could receive the surrender of armies beyond the limits of his proper department.

These propositions Sherman himself calls "glittering generalities." The following is the substance of the memorandum:

The contending armies were to remain as they then were, but the armistice would cease forty-eight hours after a notice to that effect should be given by either commander to the other. All the Confederate armies were to be disbanded and conducted to their several state capitals, where their arms were to be deposited in the state arsenal, subject to the control of the general government. There, also, each officer and man was to be paroled. The several state governments of the South were to be recognized by the President on their officers and Legislatures taking the oath prescribed by the Constitution of the United States. The people of these states were to be guaranteed their political rights and franchise, and their rights of person and property, as defined by federal and state Constitutions. They were not to be disturbed so long as they lived peaceably and obeyed the laws. The war was to cease, and a general amnesty to be granted, on condition of the

¹ "I was both willing and anxious thus to consume a few days, as it would enable Colonel Wright to finish our railroad to Raleigh. Two bridges had to be built, and 12 miles of new road made. We had no iron except by taking up that on the branch from Goldsborough to Waldon. Instead of losing time, I gained in every way, for every hour of delay possible was required to reconstruct the railroad to our rear, and improve the condition of our wagon roads to the front, so desirable in case the negotiations failed, and we be forced to make the race of near 200 miles to head off or catch Johnston, then retreating toward Charlotte."—Sherman's Report.

disbandment and disarmament of the Confederate armies, and the resumption by the soldiers of their peaceful pursuits.

This memorandum was signed by Generals Johnston and Sherman, who, recognizing their want of authority to carry its terms into effect, pledged themselves to promptly obtain such authority, and to endeavor to carry out the programme indicated.¹

So far as Sherman allowed himself to take a political view of the crisis then upon the nation, this memorandum doubtless expressed, though somewhat crudely, his real sentiments. He said, some time afterward, "I stand by the memorandum." He put his signature to the document meaning thereby to give to its propositions all the sanction he could. He had hastily penned the memorandum. The act was wholly due to the suggestion of a moment; it had not been the subject of an hour's deliberation. From the beginning of the conference he had steadily resisted the encroachment of politics upon the negotiation for surrender. He would have persisted in this resistance if Johnston's army alone had been concerned. But Johnston had made a proposition for the surrender of all the Confederate armies from the Roanoke to the Rio Grande. This proposition Sherman would have rejected at once if it had not been backed by authority which seemed to him sufficient, or if it could possibly have been intended as a ruse on the part of the enemy to gain time. He had neither motive for its rejection. He was confident that the authority supporting the proposition would be respected by every Confederate soldier, and he was equally confident of its sincerity. It was, moreover, a proposition which, from its very terms, was not made to him, but through him to the United States government. Its rejection by him without reference to the government, and without a sufficient military motive, would have been as clearly a usurpation of authority as its acceptance would have been without such reference.

But why not submit the proposition to the government in the simplest terms and unaccompanied by the memorandum? Simply because the proposition was not thus submitted to him. Johnston had admitted that the terms granted to Lee's army were sufficiently magnanimous, but had begged that some official assurance might be given by the general government in regard to its future treatment of Southern citizens. Some general concessions were asked which might prevent the Confederate soldiers from resorting to a species of guerrilla warfare, from which the people of the South must suffer heavily. It must be remembered, also, that from Kentucky almost to Virginia, General Sherman was the military commander of the South, and that from the first the regulation of civil affairs had, in a large measure, been committed to military commanders within their several departments. The consideration of civil affairs—the regulation of trade, of the affairs of freedmen, of municipal government—was a part of the manifold duties of department commanders. On two previous occasions—in a letter to the mayor of Atlanta, and subsequently in a communication addressed to a citizen of Savannah—General Sherman had expressed his sentiments as to the policy which would be adopted by the government upon the return of the South to its allegiance. "Both these letters," says Sherman, "asserted my belief that, according to Mr. Lincoln's proclamations and messages, when the people of the South had laid down their arms and submitted to the lawful power of the United States, *ipso facto*, the war was over as to them; and furthermore, that if any state in rebellion would conform to the Constitution of the United States, 'cease war,' elect senators and representatives to Congress, if admitted (of which each house of Congress alone is the judge), that state becomes *instanter* as much in the Union as New York or Ohio. Nor was I rebuked for these expressions, though it was universally known and commented on at the time. And again, Mr. Stanton in person, at Savannah, speaking of the terrific expense of the war, and difficulty of realizing the money necessary for the daily wants of the government, impressed me most forcibly with the necessity of bringing the war to a close as soon as possible for financial reasons."

Some memorandum must accompany the submission of Johnston's proposition, in order that the government might understand what concessions were expected: once before the government, this basis might be modified,

¹ The following is a copy of the memorandum in full:

"Memorandum, or Basis of Agreement, made this, the 18th day of April, A. D. 1865, near Durham's Station, in the State of North Carolina, by and between General Joseph E. Johnston, commanding the Confederate Army, and Major General W. T. Sherman, commanding the Army of the United States, both present.

"I. The contending armies now in the field to maintain the *status quo* until notice is given by the commanding general of any one to his opponent, and reasonable time, say forty-eight hours, allowed.

"II. The Confederate armies now in existence to be disbanded and conducted to their several state capitals, there to deposit their arms and public property in the state arsenal; and each officer and man to execute and file an agreement to cease from acts of war, and to abide the action of both state and federal authorities. The number of arms and munitions of war to be reported to the chief of ordnance at Washington City, subject to the future action of the Congress of the United States, and in the mean time to be used solely to maintain peace and order within the borders of the states respectively.

"III. The recognition by the executive of the United States of the several state governments, on their officers and Legislatures taking the oath prescribed by the Constitution of the United States; and where conflicting state governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

"IV. The re-establishment of all federal courts in the several states, with powers as defined by the Constitution and laws of Congress.

"V. The people and inhabitants of all states to be guaranteed, so far as the executive can, their political rights and franchise, as well as their rights of person and property, as defined by the Constitution of the United States and of the states respectively.

"VI. The executive authority or government of the United States not to disturb any of the people by reason of the late war, so long as they live in peace and quiet, and abstain from acts of armed hostility, and obey the laws in existence at the place of their residence.

"VII. In general terms, it is announced that the war is to cease; a general amnesty, so far as the executive of the United States can command, on condition of the disbandment of the Confederate armies, the distribution of arms, and the resumption of peaceful pursuits by officers and men hitherto composing said armies.

"Not being fully empowered by our respective principals to fulfill these terms, we individually and officially pledge ourselves to promptly obtain authority, and will endeavor to carry out the above programme."

entirely changed, or rejected altogether. There was nothing final, nothing in the nature of an *ultimatum* about the memorandum.

In the midst of the negotiations with Johnston, Sherman had heard of the murder of the President, but saw in that event no reason to modify these negotiations. In that respect it probably had no more influence over him than did the information received from General Halleck that a man by the name of Clark had been detailed for his own assassination.¹

Major Hitchcock, an officer on Sherman's staff, proceeded to Washington to lay the memorandum before President Johnson. No moment could have been more unfavorable for the consideration of concessions to be granted to rebels than that which witnessed Major Hitchcock's arrival at Washington. The country was buried in a sea of sorrow—a sea which, while it moaned in hopeless regret for one lost, whose need was now felt more than ever before, boiled also with indignation against the spirit of treason which had impelled the assassin's blow. It was, perhaps, too much to be expected of our poor human nature that President Johnson and his cabinet, meeting under these circumstances, would consider fairly and calmly the propositions submitted by Sherman. The document was read, and every word was listened to very much as if it had been a proclamation of pardon to Booth and his fellow-conspirators. Sherman, the scourge, with the fire and the sword, was the man for that moment, not Sherman, the liberal-minded soldier, who disdained to strike a fallen foe. No one seemed able to preserve calmness save Lieutenant General Grant, who was present at the meeting, and who, while he disapproved of the propositions submitted, was not willing to denounce his brother commander.

General Grant offered to go in person to Raleigh, and notify Sherman of the disapproval of the memorandum by the government. He arrived at Morehead City on the evening of the 23d, and from that point communicated with General Sherman. The latter gave Johnston notice of the close of the armistice, informed him of the fate of their agreement, and demanded the surrender of his army on the same terms which had been granted to General Lee. On the 26th Johnston complied with this demand.² So great confidence had General Grant in Sherman's ability to manage his own command, that, during these final negotiations, Johnston was not aware of his presence at Raleigh.

¹ The following letters were written by General Sherman on the 18th to Washington—the first to accompany the memorandum, and the second having reference to President Lincoln's assassination:

No. 1.

"Headquarters Middle Department of the Mississippi, in the Field, Raleigh, N. C., April 18, 1865.

"To Lieutenant General U. S. GRANT, or Major General HALLECK, Washington, D. C.:

"GENERAL,—I inclose herewith a copy of an agreement made this day between General Joseph E. Johnston and myself, which, if approved by the President of the United States, will produce peace from the Potomac to the Rio Grande. Mr. Breckinridge was present at the conference in the capacity of a major general, and satisfied me of the ability of General Johnston to carry out to the full extent the terms of this agreement; and if you will get the President to simply indorse the copy, and commission me to carry out the terms, I will follow them to the conclusion. You will observe that it is an absolute submission of the enemy to the lawful authorities of the United States, and disperses his armies absolutely; and the point to which I attach most importance is, that the disposition and dispersment of the armies is done in such a manner as to prevent them breaking up into a guerrilla crew. On the other hand, we can retain just as much of an army as we please. I agree to the mode and manner of the surrender of armies set forth, as it gives the states the means of suppressing guerrillas, which we could not expect them to do if we strip them of all arms.

"Both Generals Johnston and Breckinridge admitted that slavery was dead, and I could not insist on embracing it in such a paper, because it can be made with the states in detail. I know that all the men of substance South sincerely want peace, and I do not believe they will resort to war again during this century. I have no doubt but that they will in the future be perfectly subordinate to the laws of the United States. The moment my action in this matter is approved, I can spare five corps, and will ask for and leave General Schofield here with the Tenth Corps, and go myself with the Fourteenth, Fifteenth, Seventeenth, Twentieth, and Twenty-third Corps, *via* Burkeville and Gordonsville, to Frederick or Hagerstown, there to be paid and mustered out.

"The question of finance is now the chief one, and every soldier and officer not needed ought to go home at once. I would like to be able to begin the march north by May 1st.

"I urge on the part of the President speedy action, as it is important to get the Confederate armies to their homes, as well as our own. I am, with great respect, your obedient servant,
"W. T. SHERMAN, Major General Commanding."

No. 2.

"Headquarters Military Department of the Mississippi, in the Field, Raleigh, N. C., April 18, 1865.

"General H. W. HALLECK, Chief of Staff, Washington, D. C.:

"GENERAL,—I received your dispatch describing the man Clark detailed to assassinate me. He had better be in a hurry or he will be too late. The news of Mr. Lincoln's death produced a most intense effect on our troops. At first I feared it would lead to excesses, but now it has softened down, and can easily be quieted. None evince more feeling than General Johnston, who admitted that the act was calculated to stain his cause with a dark hue; and he contended that the loss was most severe on the South, who had begun to realize that Mr. Lincoln was the best friend the South had.

"I can not believe that even Mr. Davis was privy to the diabolical plot, but think it the emanation of a lot of young men of the South, who are very devils. I want to throw upon the South the care of this class of men, who will soon be as obnoxious to their industrious class as to us.

"Had I pushed Johnston's army to an extremity, it would have dispersed and done infinite mischief. Johnston informed me that General Stoneman had been at Salisbury, and was now about Statesville. I have sent him orders to come to me.

"General Johnston also informed me that General Wilson was at Columbus, Ga., and he wanted me to arrest his progress. I leave that to you. Indeed, if the President sanctions my agreement with Johnston, our interest is to cease all destruction. Please give all orders necessary, according to the views the executive may take, and inform him, if possible, not to vary the terms at all, for I have considered every thing, and believe that the Confederate armies are dispersed. We can adjust all else fairly and well. I am yours, etc.,
"W. T. SHERMAN, Major General Commanding."

² "Terms of a Military Convention entered into this twenty-sixth (26th) day of April, 1865, at Bennett's House, near Durham's Station, North Carolina, between General Joseph E. Johnston, commanding the Confederate Army, and Major General W. T. Sherman, commanding the United States Army in North Carolina.

"All acts of war on the part of the troops under General Johnston's command to cease from this date. All arms and public property to be deposited at Greensborough, and delivered to an ordnance officer of the United States army. Rolls of all officers and men to be made in duplicate, one copy to be retained by the commander of the troops, and the other to be given to an officer to be designated by General Sherman. Each officer and man to give his individual obligation in writing not to take up arms against the government of the United States until properly released from this obligation. The side-arms of officers, and their private horses and baggage, to be retained by them.

"This being done, all the officers and men will be permitted to return to their homes, not to be disturbed by the United States authorities so long as they observe their obligations and the laws in force where they may reside.

"W. T. SHERMAN, Major General Commanding the Army of the United States in North Carolina.

"J. E. JOHNSTON, General Commanding Confederate States Army in North Carolina.

"Approved: U. S. GRANT, Lieutenant General.

"Raleigh, N. C., April 26, 1865."



JAMES BENNETT'S HOUSE, WHERE JOHNSTON SURRENDERED.

The fact that only about 30,000 men and some 10,000 small-arms were included in the surrender shows that Johnston's apprehensions as to the scattering of his command were well founded.

The conduct of the lieutenant general in this affair between the government and Sherman was noble and characteristic. Unfortunately, some of the officers in the cabinet, in their treatment of General Sherman in this connection, were neither just nor generous. It was perfectly proper for the government to reject the basis of agreement between Sherman and Johnston. But the very reasons given for this repudiation, and which must have been published by official authority, the terms of the memorandum not having yet been made public, cast reflections upon General Sherman's patriotism. These reasons were thus reported in the newspapers of April 22d:

"1st. It was an exercise of authority not vested in General Sherman, and on its face shows that both he and Johnston knew that General Sherman had no authority to enter into any such arrangement.

"2d. It was an acknowledgment of the rebel government.

"3d. It is understood to re-establish rebel state governments that had been overthrown at the sacrifice of many thousands of loyal lives and immense treasure, and placed arms and munitions of war in the hands of rebels, at their respective capitals, which might be used as soon as the armies of the United States were disbanded, and used to conquer and subdue loyal states.

"4th. By the restoration of the rebel authority in their respective states, they would be enabled to re-establish slavery.

"5th. It might furnish a ground of responsibility, by the federal government, to pay the rebel debt, and certainly subjects loyal citizens of the rebel states to debts contracted by rebels in the name of the states.

"6th. It put in dispute the existence of loyal state governments, and the new State of Western Virginia, which had been recognized by every department of the United States government.

"7th. It practically abolished the confiscation laws, and relieved rebels of every degree who had slaughtered our people from all pains and penalties for their crimes.

"8th. It gave terms that had been deliberately, repeatedly, and solemnly rejected by President Lincoln, and better terms than the rebels had ever asked in their most prosperous condition.

"9th. It formed no basis of true and lasting peace, but relieved the rebels from the pressure of our victories, and left them in condition to renew their effort to overthrow the United States government, and subdue the loyal states, whenever their strength was recruited, and any opportunity should offer."

In the first place, the people were led to suppose that Sherman had actually usurped authority, which was not the case. The assertion that the memorandum in any way recognized the Confederate government was entirely without foundation. Nor did the memorandum re-establish Confederate state governments except in the same way that President Lincoln had re-established the state government of Virginia.¹ Indeed, Sherman had in-

troduced this feature into his memorandum on the basis of President Lincoln's action in the case of Virginia. It was not until after the rejection of his own scheme that he heard that the invitation accorded to the Virginia Legislature had been retracted.

Again, the arms to be deposited in the state capitals were subject to the control of the United States, and it could only be through the fault of the government that they could be used in another rebellion.

There was not a word or phrase in the memorandum that indicated by the remotest suggestion the liability of the United States for the Confederate debt, or any thing which might be a basis for such liability. Nor did it acknowledge the legitimacy of the obligations of that debt as binding upon the citizens of the states which had incurred it. The recognition of the state governments in no way legalized their contracts made during the rebellion any more than it sanctioned their repudiation of debts due to Northern citizens.

Instead of putting in dispute the existence of West Virginia, the memorandum left that matter to be settled by proper authority. Nor was the Confiscation Bill passed by Congress in any way touched by the guarantee of the rights of person and property to Southern citizens, so far as such guarantee could be given by the executive, for the President is bound to execute the laws of Congress. It relieved no one of the penalty of their crimes any farther than Grant's terms with Lee had done.

The assertion that the memorandum was contrary to the policy of President Lincoln was so far from being true, that it was exactly false in every particular. And President Johnston's subsequent policy of reconstruction is a curious comment on his rejection of Sherman's memorandum.

The final reason given is simply absurd. If the memorandum left the Confederate armies in a favorable situation for a renewal of the war, pray where did it find those armies? It certainly did not increase their efficiency

they attempt it, give them permission and protection, until, if at all, they attempt some action hostile to the United States, in which case you will notify them, give them reasonable time to leave, and at the end of which time arrest any who remain. Allow Judge Campbell to see this, but do not make it public."

Thus authorized, General Weitzel approved a call for the meeting of the Virginia Legislature. This was after Lee's surrender. The call approved by General Weitzel read thus:

"The undersigned, members of the Legislature of the State of Virginia, in connection with a number of citizens of the state, whose names are attached to this paper, in view of the evacuation of the city of Richmond by the Confederate government and its occupation by the military authorities of the United States, the surrender of the Army of Northern Virginia, and the suspension of the jurisdiction of the civil power of the state, are of the opinion that an immediate meeting of the General Assembly of the state is called for by the exigencies of the situation. The consent of the military authorities of the United States to a session of the Legislature of Richmond, in connection with the governor and lieutenant governor, to their free deliberation upon the public affairs, and to the ingress and departure of all its members under safe-conduct, has been obtained.

"The United States authorities will afford transportation from any point under their control to any of the persons before mentioned.

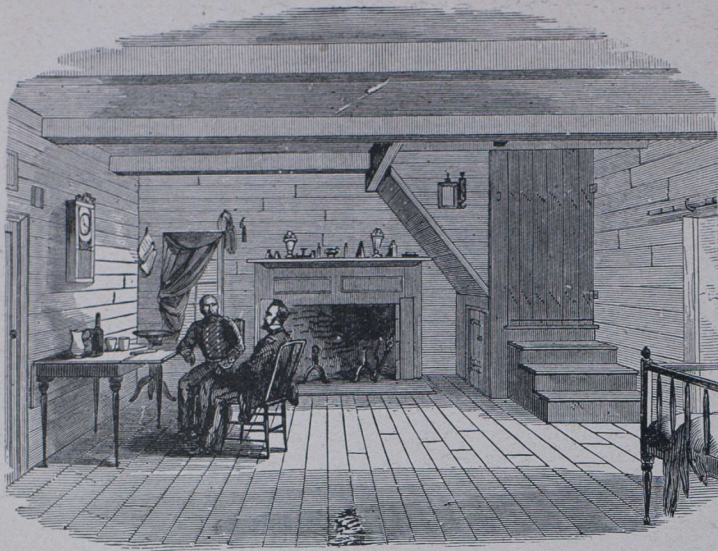
"The matters to be submitted to the Legislature are the restoration of peace to the State of Virginia, and the adjustment of the questions involving life, liberty, and property, that have arisen in the state as a consequence of war.

"We therefore earnestly request the governor, lieutenant governor, and members of the Legislature to repair to this city by the 25th of April, instant.

"We understand that full protection to persons and property will be afforded in the state, and we recommend that peaceful citizens to remain at their homes and pursue their usual avocations with confidence that they will not be interrupted.

"We earnestly solicit the attendance in Richmond, on or before the 25th of April, instant, of the following persons, citizens of Virginia, to confer with us as to the best means of restoring peace to the State of Virginia. We have secured safe-conduct from the military authorities of the United States for them to enter the city and depart without molestation."

¹ On the 6th of April (three days before Lee's surrender), President Lincoln wrote to General Weitzel: "It has been intimated to me that the gentlemen who have acted as the Legislature of Virginia in support of the rebellion, may now desire to assemble at Richmond and take measures to withdraw the Virginia troops and other support from resistance to the general government. If



JOHNSTON'S SURRENDER.

by disbanding them, sending them home, and rendering their arms subject to the disposition of the United States.

The memorandum ought to have been rejected, on the ground that the subject of reconstruction could not be settled except by the deliberate action of the executive and Congress, and should not, therefore, be introduced in connection with the surrender of the Confederate armies. But the reasons for its rejection which were published then by official sanction not only had no validity, but almost seem to have been chosen for publication because of their reflections upon General Sherman.

On the same day that these reasons were published, Secretary Stanton telegraphed to General Dix:

"Yesterday evening a bearer of dispatches arrived here from General Sherman. An agreement for a suspension of hostilities, and a memorandum of what is called 'a basis of peace,' had been entered into on the 18th instant by General Sherman with the rebel General Johnston, the rebel General Breckinridge being present at the conference.

"A cabinet meeting was held at 8 o'clock in the evening, at which the action of General Sherman was disapproved by the President, by the Secretary of War, by General Grant, and by every member of the cabinet. General Sherman was ordered to resume hostilities immediately, and he was directed that the instructions given by the late president, in the following telegram, which was penned by Mr. Lincoln himself, at the Capitol, on the night of the 3d of March, were approved by President Andrew Johnson, and were reiterated to govern the action of military commanders.

"On the night of the 3d of March, while President Lincoln and his cabinet were at the Capitol, a telegram from General Grant was brought to the Secretary of War, informing him that General Lee had asked for a conference to make arrangements for terms of peace. The letter of General Lee was published in a message of Davis to the rebel Congress. General Grant's telegram was submitted to Mr. Lincoln, who, after pondering a few minutes, took up his pen, and wrote with his own hand the following reply, which he submitted to the Secretary of State and the Secretary of War. It was then dated, addressed, and signed by the Secretary of War, and telegraphed to General Grant:

"Washington, March 3, 1865, 12 30 P. M.

"Lieutenant General Grant:

"The President directs me to say to you that he wishes you to have no conference with General Lee, unless it be for the capitulation of General Lee's army, or some minor and purely military matters. He instructs me to say you are not to decide or confer upon any political questions. Such questions the President holds in his own hands, and will submit them to no military conference or conditions. Meantime you are to press to the utmost your military advantages. EDWIN M. STANTON, Secretary of War."

"The orders of General Sherman to General Stoneman to withdraw from Salisbury and join him, will probably open the way for Davis to escape to Mexico or Europe with his plunder, which is reported to be very large, including not only the plunder of the Richmond banks, but previous accumulations. A dispatch received by this department from Richmond says:

"It is stated here by respectable parties that the amount of specie taken south by Jefferson Davis and his partisans is very large, including not only the plunder of the Richmond banks, but previous accumulations. They hope, it is said, to make terms with Sherman, or some other Southern commander, by which they will be permitted, with their effects, including the gold plunder, to go to Mexico or Europe. Johnston's negotiations look to this end."

"After the cabinet meeting last night, General Grant started for North Carolina, to direct future operations against Johnston's army."

This telegram was sent to General Dix for the purpose of publication. It would have been courteous in the secretary to have withheld this report until the circumstances under which Sherman had acted were more fully known. In the first place, it was implied, though not stated, that the same instructions had been received by Sherman which, on the 3d of March, had been addressed to the lieutenant general. This would naturally be inferred from the date of those instructions. Thus Sherman was somewhat cruelly

exposed, for a time at least, to a suspicion of disobedience of orders. But Sherman had not received these instructions. The statement that Grant had gone to North Carolina to direct future operations against Johnston's army was also likely to be misunderstood. Grant had gone to Raleigh to communicate to General Sherman the action of the government in regard to the memorandum. Of course, if more than that was necessary, Grant would do more. As lieutenant general, he directed the operations of all the national armies. Any instructions from Secretary Stanton could give him no power which he had not before. But he never for a moment contemplated the necessity of interference with, or personal direction of, Sherman's movements—and, in fact, did not interfere or direct. Unfortunately, Stanton's dispatch implied, and was popularly understood to imply, that Grant's presence at Raleigh was necessary.

But the matter did not end here. On the 26th of April, General Halleck, then at Richmond in command of the Military Division of the James, dispatched to Secretary Stanton that he had ordered Generals Meade, Sheridan, and Wright to move into Sherman's proper department, and pay no regard to either the orders or truce of the latter. He also advised that Sherman's own subordinates should receive similar orders. The pretext given for moving into Sherman's department was "to cut off Johnston's retreat." Now Johnston was not retreating, and could not retreat if he would, on account of the disposition which Sherman had already made of his forces.

This dispatch also was sent by Stanton to Dix for publication. A few hours later the public was informed through the same channel that the Secretary of War had instructed General Thomas, and, through him, his sub-commanders, to disregard Sherman's orders. These bulletins, succeeding each other with such rapidity, excited at once serious apprehension and a tumult of indignation. Every body read and wondered. What had Sherman been doing? Had he allied himself with traitors? Could he no longer be trusted? For a time some terrible danger was supposed to hang like the sword of Damocles over the republic. It did not seem possible that the government could itself thus excite popular apprehension without good reason. Where orders were given to violate a truce—an act punishable with death by the laws of war—certainly there must be some peril impending which could only thus be averted. For a brief period a storm of denunciation was directed against General Sherman. And while all this was going on in the North, it must be remembered that Sherman was accepting Johnston's surrender, and that not one word had been said or written to him indicating the displeasure of the government.¹ He received the announcement of the rejection of the memorandum with entire good feeling. He wrote to Stanton on the 25th admitting his "folly in embracing in a military convention any civil matters." He adds: "I had flattered myself that, by four years of patient, unremitting, and successful labor, I deserved no reminder such as is contained in the last paragraph of your letter to General Grant."² It was not until several days afterward that Sherman saw Stanton's bulletins, and then his indignation was aroused, especially against Halleck, with whom he refused to have any friendly intercourse.³

¹ The following were the instructions which Grant received from Stanton when he started for Raleigh, and which were there shown to General Sherman:

"GENERAL.—The memorandum or basis agreed upon between General Sherman and General Johnston having been submitted to the President, they are disapproved. You will give notice of the disapproval to General Sherman, and direct him to resume hostilities at the earliest moment.

"The instructions given to you by the late President, Abraham Lincoln, on the 3d of March, by my telegram of that date addressed to you, express substantially the views of President Andrew Johnson, and will be observed by General Sherman. A copy is herewith appended.

"The President desires that you proceed immediately to the headquarters of General Sherman, and direct operations against the enemy."

² See previous note.

³ The following extract from General Sherman's report shows the manner in which he regarded the treatment which he had received:

"On the evening of the 2d of May I returned to Hilton Head, and there, for the first time, received the New York papers of April 28th, containing Secretary Stanton's dispatch of 9 A. M. of the 27th of April to General Dix, including General Halleck's, from Richmond, of 9 P. M. of the night before, which seems to have been rushed with extreme haste before an excited public, namely, morning of the 28th. You will observe from the dates that these dispatches were running back and forth from Richmond and Washington to New York, and there published, while General Grant and I were together in Raleigh, North Carolina, adjusting, to the best of our ability, the terms of surrender of the only remaining formidable rebel army in existence at the time east of the Mississippi River. Not one word of intimation had been sent to me of the displeasure of the government with my official conduct, but only the naked disapproval of a skeleton memorandum sent properly for the action of the President of the United States.

"The most objectionable features of my memorandum had already (April 24th) been published to the world in violation of official usage, and the contents of my accompanying letters to General Halleck, General Grant, and Mr. Stanton, of even date, though at hand, were suppressed.

"In all these letters I had stated clearly and distinctly that Johnston's army would not fight, but, if pushed, would 'disband' and 'scatter' into small and dangerous guerrilla parties, as injurious to the interests of the United States as to the rebels themselves; that all parties admitted that the rebel cause of the South was abandoned, that the negro was free, and that the temper of all was most favorable to a lasting peace. I say all these opinions of mine were withheld from the public with a seeming purpose; and I do contend that my official experience and former services, as well as my past life and familiarity with the people and geography of the South, entitled my opinions to at least a decent respect.

"Although this dispatch (Mr. Stanton's of April 27th) was printed 'official,' it had come to me only in the questionable newspaper paragraph headed 'Sherman's Truce Disregarded.'

"I had already done what General Wilson wanted me to do, namely, had sent him supplies of clothing and food, with clear and distinct orders and instructions how to carry out in Western Georgia the terms for the surrender of arms and paroling of prisoners made by General Johnston's capitulation of April 26th, and had properly and most opportunely ordered General Gilmore to occupy Orangeburg and Augusta, strategic points of great value at all times, in peace or war; but, as the secretary had taken upon himself to order my subordinate generals to disobey my 'orders,' I explained to General Gilmore that I would no longer confuse him or General Wilson with 'orders' that might conflict with those of the secretary, which, as reported, were sent, not through me, but in open disregard of me and of my lawful authority.

"It now becomes my duty to paint in justly severe character the still more offensive and dangerous matter of General Halleck's dispatch of April 26th to the Secretary of War, embodied in his to General Dix of April 27th.

"General Halleck had been chief of staff of the army at Washington, in which capacity he must have received my official letter of April 18th, wherein I wrote clearly that if Johnston's army about Greensborough were 'pushed,' it would 'disperse,' an event I wished to prevent. About that time he seems to have been sent from Washington to Richmond to command the new Military Division of the James, in assuming charge of which, on the 22d, he defines the limits of his authority to be the 'Department of Virginia, the Army of the Potomac, and such part of North Carolina as may not be occupied by the command of Major General Sherman.' (See his General Orders, No. 1.) Four days later, April 26th, he reports to the secretary that he has ordered Generals Meade, Sheridan, and Wright to invade that part of North Carolina which was occupied by my command, and pay 'no regard to any truce or orders of mine.' They were ordered to 'push forward, regardless of