

tens to Hood's arguments he changes his mind and sustains Hood; and thus, with two of his corps commanders opposed to defending their lines, Johnston deemed it better to decline the impending battle.

6. On page 110 in Hood's book you will find the beginning of a letter from Capt. W. J. Morris, Gen. Polk's chief engineer, from which I will make some quotations, abbreviating them as much as possible. He says he arrived at Cassville station about 3:30 or 4 P.M., May 19, 1864. Col. Gale was there to meet him and to tell him that Gen. Polk wanted to see him as soon as he arrived. He had half a mile to go to Polk's quarters. He met Gen. Polk at the door. He says it took him about half an hour to examine a map that Polk placed before him and make notes of the General's wishes, and fifteen minutes to ride from Polk's headquarters to the line that was reported to be enfiladed. When he left Polk's headquarters he thinks Gen. Hood was there. It took him about two hours to examine the lines, angles, elevations, and positions of the batteries of the enemy established on their line in front of Hood, and his opinion and conclusions were:

"(1) That the right of the line of Polk's command could not be held. (2) That traverses would be of no avail, etc. (3) That it was extremely hazardous for Gen. Polk to advance his line to make an attack upon the enemy while the batteries held the positions they then occupied."

"Having made the reconnoissance, he returned to Gen. Polk's headquarters just after dark. Gen. Polk immediately sent for Gen. Johnston. Gen. Hood was at Gen. Polk's."

You will thus perceive that the conference to be held was determined on between Polk and Hood, before Morris made his report to Polk, because Hood was already there, for I rode with him to the "rendezvous."

7. On the 8th of May, 1874, Gen. Hood wrote me a letter to know what I knew about the "vexed question" of retiring from Cassville. He had forgotten that he had met me in the road; that he had invited me to ride with him to see Gen. Johnston, or that I was at the conference, and said he "only learned that I was at the conference from Johnston's narrative," etc.

I answered his letter from New York, where I then was, from recollection, without reference to my diary. I have both his

letter and my answer. Gen. Hood and I had talked this matter over at length at the Allegheny Springs, Va., in the summer of 1872, differing, however, about not remaining at Cassville and the defensive strength of the lines.

8. Without endeavoring to recall to mind pictures of scenes through the mist of thirty years in the past, or to revive recollections of words used in the long, long ago, I will refer to my diary, and what was written day by day therein.

After we had formed a line of battle east of Cassville, and maneuvered with Hood with a view to attacking the enemy, our troops began in the afternoon to fall back to a line of hills south of Cassville. Cockrell's Brigade, that was in reserve, had been ordered to a hill there early. The diary says: "I received orders at 4 P.M. to fall back from the line east of Cassville and form behind the division of Gen. Canty and Cockrell's Brigade, which I did. As there was an interval between Hood's line (Hindman) and Canty, I placed there, in position, Hoskins's Battery and the half of Ector's Brigade. This left Sears's Brigade and the half of Ector's in reserve, Cockrell being on Canty's left in line.

"About 5 P.M. our pickets from the extreme front were driven in toward the second line by the enemy's cavalry. Hoskins's Battery opened on them and checked the advance. About 5:30 P.M. the enemy got their batteries in position and opened fire on my line. One battery on my right enfiladed a part of my line." The diary then refers to my going to dinner, meeting Gen. Hood and riding with him over to Gen. Polk's, leaving the conference, believing we would fight, etc.

9. We are now, Mr. Editor, getting beyond the hypothetical, for we have determined certain facts pretty accurately—viz.:

The hour I received the order to fall back from east of Cassville, the time our skirmishers were driven in, and when the firing commenced; also the hour that Capt. Morris arrived.

Capt. Morris declares that he arrived between 3:30 and 4 P.M. If he be correct, I was at that time with my troops east of Cassville, and it is certain no report could have been made by me until after the enemy's artillery commenced firing. Now mark what is declared to have taken place after the alleged report was said to have been received by Gen. Polk.

It would take an officer certainly fifteen minutes to ride from

Polk's headquarters to Hoskins's Battery—a mile and a half distant—examine the lines, the position of the enemy, the effects of the fire, and discuss the situation; then the same length of time to return to Gen. Polk and confer with him. Then it would require the same length of time to go in quest of Gen. Johnston, report to him and explain the situation of affairs minutely; then to return to Gen. Polk and report it to him; then to come to my line a second time, and return to Gen. Polk. These two trips to my line and one to Gen. Johnston would have occupied one hour and a half. Next Maj. West received instructions to go and examine the line, and as there was no firing, he could form no opinion, but only talk with me. Then he went back to Gen. Polk and made his report; thence he too was ordered to go in quest of Gen. Johnston, and found him somewhere, reported to him, and returned. This would have required about one hour. So the line from Polk's to my extreme right was ridden over six times, examined and discussed, and four times from Gen. Polk's to where Gen. Johnston was, consuming not less than two hours and a half. Capt. Morris was not yet at Gen. Polk's quarters when Maj. West went in quest of Gen. Johnston, but he found he had arrived when he returned from Gen. Johnston's.

Now, it is plain that, if my alleged report to Gen. Polk put all this in motion, it must have been received by him at 1:30 p.m., because we know that it terminated soon after the arrival of Capt. Morris at Polk's quarters at 4 p.m. Soon after this Capt. Morris was ordered down to examine the line, which he did, and we have his report.

The question of time may be determined in another way: If I sent a report to Gen. Polk, it was carried a mile and a half to him by courier. Next, consider Col. Sevier and Maj. West in the light of one person. That person must have traveled about thirteen miles, received seven separate sets of instructions from Gens. Polk and Johnston, made five carefully matured reports on the situation, and what was said by me and Gen. Johnston, and made at least two careful examinations of our line, noted the position of the enemy, watched the firing and noted the effect of the same, and it could not physically have been performed under two hours and a half; and yet your published article says that it was all performed during the interval between receiving my re-

port and the departure of Morris to make his survey, which was about 4 p.m.

If I made a report, as stated, it was done after the firing commenced, and hence it must have been dark when Maj. West returned from his interview with Gen. Johnston.

The conclusion, therefore, must be that from the length of time the writer's, or relator's, memory has failed to recall events as they were thirty years ago.

There was only a small part of my line enfiladed, and that was caused by its curving to the left near the ravine, where Hoskins's Battery was.

If Hood's line was enfiladed, I did not discover it, and Capt. Morris's plan, published in the War Records (plate 62), would be faulty, for the enemy's line is nearly parallel with his. To conclude, I have shown that if all this passing to and fro of officers took place between me and Gen. Polk, and between Polk and Johnston, it must have commenced about 1:30 p.m., to have ended at 4 p.m., which could not be, for I was then east of Cassville. On the other hand, if a report was carried to Gen. Polk about my line being enfiladed, it must have been done after 5:30 p.m.; and this going to and fro, with examinations and discussions, could not have been accomplished before 8 p.m., whereas it is stated to have been done before Capt. Morris left Polk's headquarters, at 4:30 p.m., either of which is incredible.

Very respectfully,

S. G. FRENCH.

P. S.—The result of the two hours' shelling of my line in casualties was one officer and nine men wounded—none killed. Horses, three killed. A small matter to create any apprehension, as described in your article. The order placing me in command of *Canty's Division* has no hour date.

Your readers will perceive that it was not I who influenced Gen. Polk in this affair. In fact, I was in reserve and had no troops in line of battle except Cockrell's Brigade—and that was about the center of the line—until I was ordered to take command of *Canty's Division*. How absurd, then, all this rigmale about my saying I could not hold my line, and my testimony influencing Gen. Polk.

S. G. F.

From the foregoing papers it is evident that I was left alone east of the village of Cassville. After Gen. Johnston had placed

the troops of his right wing in position, an order was sent, and received by me at 4 P.M., directing me to fall back and form my troops in the rear of Cockrell's Brigade and Canty's Division. This put my division in *reserve*, except Cockrell's Brigade, which was on Canty's left. Thus I found myself in *reserve* in rear of the line of battle. This could not have been done before 4:30 P.M. Now, could I report that I could not hold my line when I had none, or only one brigade, and that in the center of a line of battle several miles in length? However, soon an order was received (without an hour date) for me to take command of Canty's Division, and to put or leave Cockrell's Brigade in Loring's Division. I was now in command of two divisions, less one brigade.

On going to the right of Canty's Division, I found a gap, a dry water gully, and its approaches unoccupied. From necessity I had to take a part of a brigade (Ector's), so as to connect with Hood's left. Then Hoskins's Battery was put in position about fifty yards in advance on an eminence in front of a gap. Soon the enemy's cavalry appeared in front of the gap, and were dispersed by the fire of Hoskins's guns. The enemy now began to establish their batteries on the ridge in front of Hood's line, especially near his right, and soon they opened fire on Hoskins's Battery. About sunset the fire slackened, when Maj. Shingleur, of my staff, and I went to our wagon in the rear to get our dinner. Up to this time I heard never a word about not holding the line. I knew nothing about horsemen or couriers or aids dashing about hunting Gens. Johnston and Polk and me on the line, and I never heard it mentioned until I read it in the newspaper sent to me one month after it was published, and thirty years after we left Cassville.

It was perhaps 2 P.M. when Gen. Johnston lost all hope that Hood, with the two corps as his command, would engage the detached forces of the enemy marching to our right, and crush them before Sherman could aid them. So no alternative was left him but to form a line of battle on selected ground, and act on the defensive. What followed after this has been already sketched.

I am sorry this article, so replete with errors, was ever published on account of Gen. Polk—a noble, kind-hearted man, ever practicing the amenities of life—for it makes him appear rather

contumacious in joining Gen. Hood, and making arrangements to invite their commander to meet them at their "rendezvous" to listen to their complaints, and almost dictating what should be done after the failure of the contemplated morning attack. The writer was evidently aware that both Hood and Polk were almost disobedient in their acts at Cassville.

Thirty years had rolled by, and the incidents were almost forgotten, when this writer, to smooth the matter over, maladroitly seizes the fact that I went with Hood to Polk's headquarters, and tries to make it appear that I had influenced Gen. Polk by representations to change his opinion, and join Hood in the statement that their lines were untenable. I never saw Gen. Polk after he left the position east of Cassville until I met him at his quarters where I went to supper, and I do not remember ever sending a message or report to him that day.

He says: "Gen. Polk was too noble and patriotic to care for his personal fame, and made no effort during his life to put himself properly on record for his connection with the abandonment of the line at Cassville, for he was always ready to give battle or take any responsibilities of his position. He fought for his cause, and not for his reputation."

The writer did not even know that I was present at the council of the commanders, and heard both Hood and Polk give their opinions on their side, and Johnston on the other. Therefore, as I differed from both Hood and Polk, I could not have influenced Gen. Polk to "sustain Gen. Hood." Furthermore, in justice to myself and for the truth of history, I desire to correct the many erroneous statements made in the article published. Because a line is enfiladed it does not follow that it cannot be held. During the battle of Atlanta twice I was obliged to hold enfiladed lines nearly an entire day. Gen. Polk did not examine his line of battle after my division arrived. It is the duty of a soldier to obey an order, and not to discuss it, and any soldier who before a battle commences reports that he cannot hold a position when a whole army is drawn up should be relieved from command.

JACKSON, MISS., January 15, 1894.

Gen. S. G. French, Winter Park, Fla.

My Dear General: I have read carefully your letter of the 8th instant; also the newspaper article, "*Vox Populi*," and find your statement in this

article perfectly correct. I was the staff officer who accompanied you to Gen. Polk's headquarters. . . . Hood said that he would ride with you to Polk's headquarters, as he was to meet Gen. Johnston there. . . . We rode along leisurely, you and Hood in front, myself and one or two of Hood's staff in the rear. This was possibly an hour after dark. Arriving at Gen. Polk's, we found there, besides Gen. Polk, Gens. Johnston and Hardee. [This is an error. Neither was there when we arrived.—S. G. F.]

Of what happened at the consultation room of course I know nothing. I am sure that you came from the room between 10 and 11 o'clock, followed by Gen. Johnston, who, standing on the steps, told you when you went back to your command to have the word passed through your division that we would fight in the morning, and prepare for it. . . .

About 1 A.M. I was waked up by some one inquiring for Gen. French's headquarters. . . . A courier said that he had an order for you, which we read by making a light. It was the order for us to move, with instructions to leave a few men at the *breastworks* to hammer and make a noise to conceal our retreat. I am sure this order fell upon us like a bombshell.

If you uttered a word about having a position that you could not hold, I never heard of it; and if you had thought so, I am sure that you would have mentioned it to me. On the other hand, I remember clearly that we discussed the situation, and both concluded that we held a very strong position, and could hold it against all odds. . . .

Now all this Cassville affair is as clear to my mind as on the night that it happened. There is no doubt upon my mind that Gen. Hood, and he alone, was responsible for our retreat from Cassville. It is all a mistake about French and all staff officers being sent beyond earshot. . . . When we left Gen. Polk's headquarters you and I went alone. Hood remained. I hope you will be able to put this matter right, and let the responsibility rest where it properly belongs.

Very glad to hear from you. With best wishes, etc.
Yours very truly,

J. A. SHINGLEUR.

SAVANNAH, August 8, 1874.

Gen. S. G. French.

Dear General: Long absence prevented my receiving and acknowledging your very clear and satisfactory reply to my question on the subject of small arms. It is all that I could desire. I wish only to meet such of Hood's assertions as impugn the *truth* of my statements. If he goes on, and I understand that he intends to do so, I shall avail myself of your kind offer.

Can you not sometimes take Savannah in your way from Mississippi to New York, and *vice versa*? It would be very pleasant to me to see you in my house, where there is always ample room for you and cordial welcome.

Yours truly,

J. E. JOHNSTON.

SAVANNAH, June 13, 1874.

Gen. S. G. French.

Dear General: You may have observed that Gen. Hood has renewed his attacks on me in his report of 1865. His last shot is in the form of a letter signed by poor old Oladowski, the ordnance officer, in which it is asserted that the army lost 19,000 small arms in the part of the campaign in which I commanded. As I have no ordnance returns, I can only refute this calumny by the testimony of the most prominent officers, and in that connection beg you to write me (for publication) about the number of muskets your division lost in the campaign, if any. Certainly the enemy took none, for you never failed to hold the ground intrusted to you. You probably have some idea of the probable losses of arms by your corps, or if it had any losses. And can you say, perhaps, if those losses could have been great enough to correspond with Col. Oladowski's statement? You will oblige me very much by giving me whatever information you can in relation to this matter.

Very truly yours,

J. E. JOHNSTON.

Slavery Proclamation and Confiscation Act.

The act of confiscation, and the President's proclamation setting free the slaves in the Confederacy, could not abolish slavery, because it existed under the laws of the *States*. It altered no State law, but it did affect slavery in this way: it caused many slaves to leave their owners, and thus diminished their property and their wealth, but they could buy others under the law.

The President has no legislative power; he cannot declare martial law, for it overthrows the constitution, and his will would become the law; how can the President, an executive officer, nullify laws and condemn and punish at his pleasure?

The great latent power in the constitution is, in Art. I., Sec. 8, to provide for the common defense and general welfare. Under this section almost all the outrages of the war were committed, restrained only by international rules of war; but these were utterly ignored under the plea that this war is only a rebellion, a family affair. Under this article resides the power to impose *taxes* to any amount for the common defense and public welfare.

The confiscation act of Congress was declared by the United States Supreme Court to be unconstitutional, and, in truth, it was passed as a punishment against the "rebels," without an indictment, trial, or conviction. The constitution declares that the