



## *The 28th Virginia*

PATRICK M. HILL

Private Marshall Sherman with  
the Twenty-Eighth Virginia battle  
flag he captured at the Battle of  
Gettysburg in July 1863

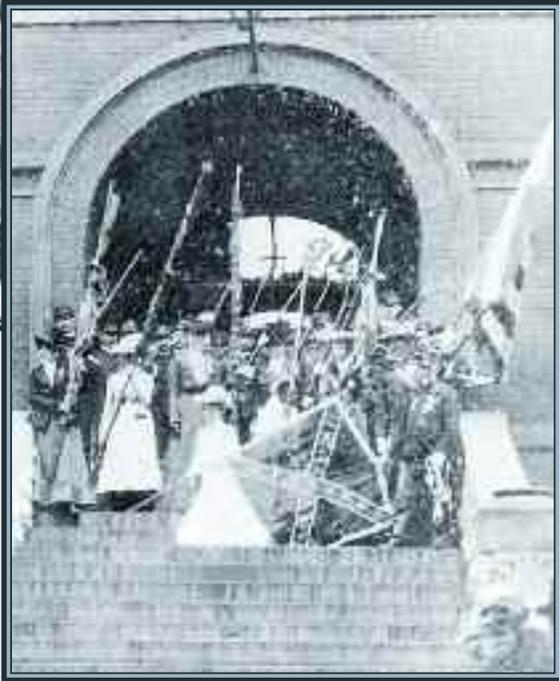
# COLORS OF VALOR

## *ia Regiment's Flag in Minnesota*

NINETEEN-YEAR-OLD JULIA BEVANS wanted everything to be just perfect. She was keenly aware that she and the other Daughters of Union Veterans were participating in a momentous occasion this June afternoon in 1902. It was the thirty-fifth reunion of the renowned First Minnesota Volunteer Regiment's veterans association, and for many of the ailing and aging Civil War veterans from around the state, it would be their last. To honor them and her father, Milton Bevans, himself a veteran of the First Minnesota, Julia wanted the ceremonies to go smoothly.<sup>1</sup>

The Daughters' role in the event was to be distinguished and simple. They were dressed in their finest gowns and wide-brimmed hats. Displaying the grace and dignity expected of well-educated women of the day, they were to exit the old red-brick state capitol at Wabasha and Exchange Streets and take up positions on the south portal's descending stairway. Before them on the tree-lined grounds had gathered a crowd of 200 of Minnesota's Civil War veterans and several hundred more family members and friends.





**Daughters of Union Veterans, including Julia Bevans, displaying the First Minnesota Volunteer Regiment's battle colors and a Confederate battle flag at the second state capitol in 1902**

Each of the Daughters carried a treasured relic—a battle flag of the First Minnesota. While some were recognizable, others were battle-torn remnants, shreds really, barely clinging to their shafts. The soldiers in the crowd knew them instantly. Many would have given their lives to protect them; years ago, their comrades had done just that. That day the excitement increased as one by one, from the darkened capitol entry, the colors were marched into the bright daylight. As the last of the Union flags had taken its place of honor, all fell quiet. A few in the crowd had begun to salute when suddenly a murmur arose from near the entry. Like distant thunder, the sound rolled across the courtyard, building to a crescendo. Julia Bevans's moment had arrived.

She stepped into the sunlight, pausing at the top of the stairs, apart from the other flags. The relic she bore was different. It was neither the royal blue of the Minnesota state flag nor the familiar stars and stripes of the federal flag. It was a large, square, red flag with a blue, X-shaped St. Andrew's cross and 13 white stars, an emblem well known to those assembled. This banner had been carried in War of the Rebellion by those seeking to dismember the Union, but now it had come to represent the bravery and sacrifice of Minnesotans. It was

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the Confederate battle flag of the Twenty-Eighth Virginia Regiment that had been captured 39 years earlier in the Battle of Gettysburg by a St. Paul resident, Marshall Sherman of the First Minnesota. Col. William Colvill watched the ceremony from the comfort of a carriage in the street. He had led the First Minnesota into its famous charge at Gettysburg and never fully recovered from the wounds he received. After the band played "The Star Spangled Banner," veterans association president Richard L. Gorman, son of Willis A. Gorman, the first colonel of the regiment, called to the gathered veterans, "Salute the flags, comrades!" As the band launched into a stirring rendition of "Rally Round the Flag, Boys!" hats flew into the air, and cheers echoed across the grounds.

THE TWENTY-EIGHTH VIRGINIA had advanced into Pennsylvania in June 1863 as part of Robert E. Lee's Army of Northern Virginia. As an army of invasion moving onto Union soil, it gathered supplies to sustain itself from farms and towns. Sometimes acquisitions were exchanged for virtually worthless Confederate currency; other times Confederate generals simply required town officials to deliver supplies or cash. Northern civilians, unable to resist or defend themselves against the invaders, did their best to placate them.<sup>2</sup>

The Confederates were within striking distance of Philadelphia, one of the largest cities in the North. Orders issued on June 28 to seize Harrisburg, the Pennsylvania capitol, were only one day from being carried out when, instead, Lee ordered the consolidation of his army west of Gettysburg. Some historians have theorized that it was Lee's goal to strike at the vital anthracite coal fields just north of Harrisburg in hopes of crippling the industrial power of the North and thereby convincing northerners that attempts to suppress the South's independence would entail great economic peril.<sup>3</sup> This was not an army on the defensive, harried by a stronger foe. At that moment, the Army of Northern Virginia was the most successful fighting force ever assembled in the Western Hemisphere, and it was intent on delivering the decisive blow.

Charged to defend against this formidable foe was the Union Army of the Potomac. The First Minnesota served in the Second Division of its Second Corps. By forced marches, the tired federal soldiers were being rushed north. Weighing on their minds was the recognition that their opponents had defeated them, badly, in three of the last four major engagements in the South. Many felt that defeat in the coming battle would mean loss of the war. They knew there was much at stake.

At Gettysburg on July 1–3, 1863, the armies collided in three days of battle. On July 2 the First Minnesota absorbed a horrible loss in a desperate attempt to close a gap in the Union fighting line. The line was held, but of the 262 men in the eight companies of the regiment committed, only 47 remained available for duty. Marshall Sherman and the rest of Company C, recruited mainly from St. Paul, were on detached duty as division provost guard this day and thus were spared. The next day they would not be so fortunate.<sup>4</sup>

Sherman, a house painter by trade, had moved to Minnesota Territory from his native Vermont in 1849. He was a gentleman by most accounts, a small, quiet, soft-spoken man. But it may have crossed his mind as he ran over the ridge at Gettysburg on the hot afternoon of July 3 that being a gentleman was not going to help him. If the thought had occurred to him, he would have had little time to dwell on it. Spread out before him was a scene of complete pandemonium, an image from hell. Men by the hundreds were dying before his eyes, thousands more lay injured and bleeding. Cannons thundered. Smoke floated so thickly in the air that the taste filled his mouth. Marshall Sherman ran forward into the moment that would be known to history as the high tide of the Confederacy.

In the angle of a stone wall in front of him, the shattered remnants of Pettigrew's and Pickett's Confederate 13,000-man strike force struggled with the Union defenders from Sherman's Second Corps. For a time, it seemed that the battle hung in the balance. Each side held the other at bay from a distance of 50 yards or less. Many observers sensed that whichever body next advanced would carry the day. It was to be the men in federal blue.<sup>5</sup>

The claim of being first to advance was made by men from Pennsylvania, Michigan, Minnesota, Massachusetts, and New York. The record is inconclusive, but most likely they all were right—and wrong. The units surged ahead in a mass. A confused, tangled, excited, deadly mass. One of the most graphic explanations of the moment was left to us by William Harmon, a Minnesota participant: "If men ever become devils that was one of the times. We were crazy with the excitement of the fight. We just rushed in like wild beasts. Men swore and cursed and struggled and fought, grappled in hand-to-hand fight, threw stones, clubbed their muskets, kicked, yelled, and hurrahd."<sup>6</sup>

At least one account said the first man to advance was Henry D. O'Brien, holding the colors of the First Minnesota on a staff that had been nearly broken by a direct hit from a bullet. Lt. Ball, Company K, saw O'Brien suddenly drive toward the Confederate position.



Clover insignia pin of the Second Army Corps's Second Division, probably issued after the war as a keepsake

“O’Brien, come back here!” he shouted. Later O’Brien would admit he had heard the order but confessed with a grin, “I didn’t come.” The astonished Minnesotans—their colors being propelled forward by a runaway vehicle named O’Brien—reacted instinctively with common purpose. Forward they surged after the rapidly advancing color bearer.<sup>7</sup>

Of the many uncertainties about the repulse of the Pickett-Pettigrew charge, one fact was never in question: Marshall Sherman emerged from the chaos possessing the flag of the Twenty-Eighth Virginia. It was to be the beginning of a curious journey for that flag, with elements of mystery remaining to this day.

THE OFFICIAL RECORD leaves little doubt. The July 6 memorandum of the Second Corps headquarters states that one of 25 flags captured by the corps on July 3, 1863, was the flag of the Twenty-Eighth Virginia and that it was taken by the First Minnesota. Its receipt had been confirmed at headquarters of the Army of the Potomac on July 5, and on July 10, 1863, the War Department acknowledged the flag’s arrival in Washington. In a July 21 report to division headquarters, Col. Edward Heath (then commanding the brigade in which the First Minnesota was assigned) listed the same flag as captured by the First Minnesota at Gettysburg. The banner was now indisputably the property of the government of the United States.<sup>8</sup>

The flag, like all captured flags, was stored at the War Department building on Seventeenth Street under very informal conditions. The banners were mostly kept in an attic storeroom, and then they were moved to the basement office of the building superintendent. Occasionally various officials would stop by to obtain one for unrecorded purposes. Some were returned, others not.<sup>9</sup> With the war still raging and the outcome in doubt, official time could not be spared to consider appropriate disposition of the flags.

In December 1863 the War Department determined to inventory the accumulated captured flags. The adjutant general began keeping a “Register of Captured Flags” in which was handwritten the date of

capture, the name of the unit from which it was taken, the unit or person who had captured it, and the place of capture. These entries were recorded in a bound book and therefore could not easily be changed or reordered without leaving evidence. At this time the decision was also made to stencil numbers on the flags (many of which were similar in appearance) to help preserve their identity. The flag of the Twenty-Eighth Virginia was stenciled with its capture number, 58, in one-and-one-half-inch black numerals along the upper-left edge. Since this flag was recorded and stenciled, there is no doubt that it was in the possession of the War Department in December 1863.<sup>10</sup>

After the war, ravaged southern states struggled to secure the necessities of life and rebuild their civil institutions. With the assassination of President Abraham Lincoln, the South lost its most influential protector. Lincoln had envisioned a fairly lenient path to restoration of the Union, and only he possessed the leverage to counter the more strident voices in Congress calling for the South to be punished for its armed rebellion. Without Lincoln, reconstruction would be drawn out for more than ten years.

During this time of retribution, little thought was given to the return of the captured flags. Many were disintegrating in poor storage conditions. Finally, in 1887, during the administration of President Grover Cleveland, Brig. Gen. Richard C. Drum, adjutant general of the army, suggested to William Endicott, secretary of war, that all captured Civil War flags be returned to their states of origin. Secretary Endicott brought the suggestion to the president who at first approved it.<sup>11</sup>

When word of the proposal got out, voices were raised in the North against it. Those flags had been purchased with the blood of many dead and living Union veterans and, even after 20 years, memories were too fresh to permit such wholesale return. Cleveland revoked his approval and directed that any decision on disposition should be left to Congress.<sup>12</sup>

Congress then called for an accounting of all flags in possession of the War Department. In his letter of February 16, 1888, to the speaker of the House of Representatives, Secretary Endicott reported:

Twenty-one Confederate flags were also given up *prior to May, 1867*, [*emphasis added*] a list of which is annexed. Ten of these were taken from the custody of the War Department and delivered to individuals, associations, or States upon the written order of Mr. Stanton, Secretary of War; two were given up on an order signed by Assistant Adjutant-General Nichols, and nine were disposed of under instructions not



A detail from “The Repulse of Pickett’s Division” section of the 400-foot St. Paul cyclorama of the Battle of Gettysburg. Behind the foreground’s dirt berm and real gun is the painting, which includes a Union soldier carrying a Confederate flag (midground, center)—possibly Sherman, who was painted into the scene.

now ascertainable, but probably originating with Mr. Stanton. Some of these were given up on promises that they would be returned, which appear not to have been kept.

The flag of the Twenty-Eighth Virginia was included in the latter group, described in the appended list as “supposed to have been loaned and never returned.” Endicott’s letter concluded: “Since the date last mentioned [January 1887] no Confederate or recaptured Union flag has been issued or lent by this Department.”<sup>13</sup>

This accounting holds two important facts about the Twenty-Eighth Virginia flag. First, by February 1888

it was no longer in the custody of the War Department. Second, it had not been in department custody since at least May of 1867, some 19 years earlier.

WHEN ENDICOTT SURVEYED the government’s holdings in 1888, the location of the flag of the Twenty-Eighth Virginia was no mystery. The banner was in St. Paul where it had been on public display for a year and a half at the St. Paul Cyclorama. In the days preceding motion pictures, teams of artists created panoramas and cycloramas, the latter large-scale, circular paintings depicting dramatic, larger-than-life events. Many, including the 50-by-400-foot St. Paul painting, used props

such as howitzers and cannons or even landscapes with real earth, grass, and trees to enhance the illusion. For a small fee, visitors could hear a recital of the event while viewing the painting. On December 20, 1886, in a specially constructed building at Sixth and St. Peter Streets, the cyclorama of the Battle of Gettysburg opened in St. Paul. It operated until July 1888. For those years the flag of the Twenty-Eighth Virginia, on loan from Marshall Sherman, was displayed as part of the show. In likely consideration of the loan, the artists included a likeness of Sherman in the cyclorama. For the price of 50¢ for adults or 25¢ children, anyone could stroll about this depiction of the Gettysburg battlefield and see the very flag that Sherman had taken from the rebels at the high tide of the Confederacy. Any Minnesota official working in Washington could have provided immediate information on the flag's whereabouts, had the secretary of war inquired. There is no evidence that he did, no doubt adhering to President Cleveland's decision to leave the matter to Congress.<sup>14</sup>

Endicott's letter and the 1888 discussion in Congress, however, had ignited a spark. More than 20 years after the end of the war, the South was on the mend. People now had the energy to pursue the return of their flags. Finally, after another 17 years and a number of hearings and failed motions—and, significantly, the Spanish-American War, in which southerners fought under the stars and stripes—Congress passed an act on February 28, 1905, regarding disposition of Civil War flags then in possession of the War Department. It read:

*Resolved by the Senate and House of Representatives of the United States of America in conference assembled, That the Secretary of War be, and he is hereby, authorized to deliver to the proper authorities of the respective States in which the regiments which bore these colors were organized certain Union and Confederate battle flags now [emphasis added] in the custody of the War Department, for such final disposition as the aforesaid proper authorities may determine.*<sup>15</sup>

The War Department began the process of return with the publication of General Order No. 48 on March 20, 1905. The word "now" in the act is pivotal to understanding its intent. Congress was aware of other captured flags in collections around the country but by its precise language signaled its decision to exclude them from this act. In fact, the report of the House Committee on Military Affairs accompanying its unanimous recommendation of the resolution to the whole House stated, "Previous to 1887 . . . 22 Confederate

flags had been delivered, mostly to the organizations in the Northern States who had captured them during the war." The committee further noted that before 1887, secretaries of war had disposed of 44 Union and Confederate flags. The word "now" in the resolution acknowledged that these previous dispositions removed those flags from consideration under the 1905 act. They were not in the possession of the War Department in 1905, and Congress would not revisit those issues.<sup>16</sup>

Among the group of 22 that had been sent to the North was #58, the flag of the Twenty-Eighth Virginia. In the language of Congress, it had been "delivered" before 1887 to Minnesota. Had Congress desired to return this flag to Virginia, it could have, for in 1905 its location in the old state capitol was well known, at least to Minnesotans.

ON JUNE 14, 1905, a few months after Congress passed the act, a Flag Day ceremony was held to mark the opening of Minnesota's new state capitol. In a procession viewed by 10,000 spectators, veterans escorted the state's Civil War and Spanish-American War flags out of the cramped brick capitol and up the hill to the new white-marble edifice. The night before, Col. William Colvill, the commander who had led the First Minnesota in its heroic charge at Gettysburg on July 2, 1863, died in his sleep. His body would lie in state in the rotunda of the new capitol, the first to do so.<sup>17</sup>

Beginning a tradition that continues today, veterans gathered on the capitol steps and addressed their governor, John A. Johnson. Speaking for the veterans, Archbishop John Ireland, who had been a chaplain in the Fifth Minnesota, relinquished custody of their treasured flags to the everlasting care of the state. Accepting the responsibility, the governor had the flags placed in new bronze display cases, where they remain to this day.<sup>18</sup>

However, captured rebel flags were not among them. The *Minneapolis Tribune* reported "a strong sentiment against putting the Confederate flags . . . in the cases provided at the new capitol. It is likely that they will all be donated to the state historical society." Spearheaded by objections from the survivors of the Fourth Minnesota, a four-year dispute had been simmering between the state and veterans over ownership of captured Confederate flags. There was no disagreement regarding the Union flags, for they had been dispensed or given to regiments and, thus, were the possessions of the government. But Confederate flags were another matter. Following a legal opinion that found in their favor, the veterans of the Society of the Fourth Regiment voted to leave their rebel flags—captured from the Thirty-Fifth and Thirty-Ninth Mississippi during the Battle of



**Veterans of the First Minnesota leaving the second capitol with their tattered battle flags and parading up Cedar Street to the present capitol building, June 1905**

Altoona in 1864—in the care of the Minnesota Historical Society (see page 71). By 1923 the Twenty-Eighth Virginia banner would also be officially transferred to the Society by the capitol superintendent. In the meantime, the flag was presumably somewhere in the capitol but not on display. While its general location, then, was no mystery, its exact means of arrival in Minnesota has, until now, not been documented.<sup>19</sup>

SEVERAL TANTALIZING QUESTIONS present themselves: Precisely how did the flag first come to Minnesota, and when? Where was it kept before and after the cyclorama of 1886–88 until Julia Bevans displayed it at the second capitol in 1902? While all of the details of the flag’s whereabouts may never be known, the historical record yields some clues.

In a now famous but undated image, Marshall Sherman was photographed in uniform with the flag of the Twenty-Eighth Virginia in St. Paul by Joel E. Whitney, the city’s first major photographer. A copy of this photo is now displayed in the Gettysburg National Military Park Museum. It depicts Sherman with his arms folded, standing in front of the flag, which hangs on the wall behind him. Sherman’s photo was one of more than 400 images of Minnesota Civil War soldiers Whitney made in his Third Street studio. The identical props



and flooring shown in many of the photos reveal the same studio setting. While the precise dates of these pictures are not known, some inferences can be made from what the pictures portray and from the photographs as artifacts. One piece of evidence comes from the photos' "repackaging." In the early twentieth century, Minneapolis photographer and historian Edward A. Bromley used Whitney's negatives to compile a bound album titled "Photographs of Minnesota Volunteers 1861 to 1866" that includes the portrait of Sherman. Thus, we can assume that the flag of the Twenty-Eighth Virginia had to have been in St. Paul at least as early as 1866.<sup>20</sup>

Other clues to narrow the date emerge from the picture itself. In it, although Sherman proudly displays the banner he captured, he is not wearing the award he received for this feat, the Congressional Medal of Honor. This was the army's highest decoration, and if Private Sherman, the civilian house painter, was proud enough of his deed to be photographed with the flag, one can assume that he would have also displayed the medal—if he had had it when the picture was taken. Sherman was issued the Medal of Honor on December 1, 1864, although he probably received it some time later. Nor is he wearing the veteran's diagonal half-chevron, a special uniform insignia granted to men who re-enlisted, as Sherman did. His second tour of duty began in May 1864.<sup>21</sup> Most likely, then, the picture was taken before the end of May 1864.

Additional evidence supports this conjecture. From August 1, 1864, until August 1, 1866, federal tax law mandated that photographers attach revenue stamps to all "photographs, ambrotypes, daguerreotypes, or any such pictures" they sold, the tax based on the cost of the image. Original prints of Sherman's photo in private collections have neither the stamps nor glue residue indicating that they were affixed, although it is possible that the stamps were applied to one print from an order of several. Furthermore, the back mark, or printed advertisement for his services that Whitney used on the photograph's reverse side, also dates the photograph to the years 1863–1866.<sup>22</sup>

Combining this information with the date that the flag was stenciled #58 and the timelines explained in Endicott's letter to Congress, we are left with a window of five or six months between December 1863 and May 1864 when the flag had to have left custody of the War Department in Washington and come to St. Paul. But what might have brought it to Minnesota?

The First Minnesota always claimed to be the first three-year state regiment offered for Union service. By December 1863 it had but a few months of service

time remaining. With the Army of the Potomac in winter quarters and active infantry operations not likely to resume until after the remnant of the First Minnesota mustered out, that regiment, which General Winfield S. Hancock had called "so grand a body of men," was sent home. On its journey, the Minnesota congressional delegation hosted a grand celebration for the regiment in Washington's National Hotel on February 6, 1864. The men were treated to a banquet and reception with well-wishers who addressed them appreciatively. The event lasted into the early hours of the morning. Among the group of dignitaries was Secretary of War Edwin Stanton, who gave a speech.<sup>23</sup>

Stanton was a worried and busy man. Following Union military victories at Gettysburg and Vicksburg in July 1863, hopes in the North had soared that the end of hostilities might be at hand. Now those hopes had faded. In the East, the Army of the Potomac had fallen into a stalemate against the forces of Robert E. Lee. In the West, inept Confederate commanders had gained, but then lost, advantages following autumn successes at Chickamauga and Chattanooga, allowing the Federals to regroup under Ulysses S. Grant. Hopeful that Grant could regain the initiative in the East and continue his advances in the West, Lincoln and Stanton had brought him to Washington to take control of all Union armies. Grant's plans would require that his forces maintain their superior numbers against the smaller Confederate army. Recruiting must be renewed and successful.

Stanton supported every effort. Federal and state governments paid liberal cash bounties to enlistees. An unpopular draft had been initiated, and whatever honors were available, including creation of a Veteran Volunteer Corps and special uniform decorations, were extended to re-enlistees. One entire regiment, the Twenty-Seventh Maine Volunteer Infantry, was even awarded Congressional Medals of Honor to re-enlist. (These awards were rescinded in 1917.)<sup>24</sup>

Now the First Minnesota was going home to muster out and refill its ranks with new recruits and re-enlisting veterans. If recruitment failed, the distinguished regiment would be dissolved, an occurrence to be avoided, if at all possible, according to Minnesota Governor Stephen Miller, a former member of the regiment. Minnesota senators and congressmen pressured federal authorities to prevent discharge of the regiment. All of the usual incentives would be offered, including the veteran's volunteer stripe.<sup>25</sup>

At the regiment's going-home banquet in Washington, Stanton was loudly cheered by the men when he rose to speak and again for some minutes when he

wished them a safe return home and expressed the hope that the First would return recruited to full strength.<sup>26</sup> Had the men been moved by Stanton's words alone, or had the secretary done something more to stir their admiration and promote successful recruitment efforts? A gesture or a gift perhaps?

Around the Union great enlistment fairs and patriotic appeals for donations to aid the comfort of soldiers were held by the U.S. Sanitary Commission. At these events—and for units returning home to recruit—it was common for Stanton to approve loans or grants of the trophies of war, including captured Confederate flags, to increase patriotic fervor and display military accomplishment. Stanton's authority to dispose of the flags was not in dispute and was subject only to the decision of the president or act of Congress. There are at least 71 documented cases of Confederate flags being delivered or loaned under Stanton's personal authority. For example, the Sixth Wisconsin received such a bequest in January 1864. The regiment returned home to recruit with the flag of the Second Mississippi that it had captured at the Gettysburg railroad cut on July 1, 1863.<sup>27</sup>

In this climate, and based on precedent he had established, Secretary of War Stanton probably brought to the reception for the First Minnesota the flag of the Twenty-Eighth Virginia. This was the gesture that likely inspired the men to such boisterous appreciation for the secretary that night.

After the banquet, Stanton likely entrusted the flag to Col. Colvill who, due to his wounds, returned home by other means than the regiment. In order for the trophy to travel with the regiment, Colvill probably turned it over to Lt. Col. Charles Adams.

St. Paul had spent days preparing a great feast for the returning heroes. Upon their arrival on February 15, 1864, all businesses closed. The veterans marched in a great parade to the Atheneum Hall where, according to an eyewitness account, the "battle flag *and trophies of the regiment* [*emphasis added*] were borne through the hall and placed at the front centre of the stage."<sup>28</sup>

Following the return of the regiment, the men had little to do until their scheduled muster-out in April. They were billeted at Fort Snelling and given liberal leave from camp. Marshall Sherman may have taken this opportunity to request loan of the Twenty-Eighth Virginia flag to have his photo taken in Whitney's downtown St. Paul studio. With some regimental officers mustering out and others busy with recruiting trips around the state and preparing to return to the war, did anyone think about getting the flag back from Sherman?<sup>29</sup> Most likely he never returned it.

On March 24, 1864, Sherman re-enlisted, entitling him to wear the veteran's stripe. It may not have been available when he signed up, but it certainly would have been presented to him by May 8, when the battalion returned to the front. Since the now famous Whitney photograph shows Sherman without this decoration, the image must have been taken between February 15, 1864, when the First Minnesota returned to St. Paul with the flag, and May 8, 1864, when the 185 men of the new First Minnesota Battalion, including Sherman, boarded steamers at St. Paul's lower landing at the foot of Jackson Street to return to the war. In the battalion's first hostile action near Petersburg, Virginia, in August 1864, at a place called Deep Bottom, Sherman was severely wounded in the left leg. It was amputated at the knee. For Marshall Sherman the war was over.<sup>30</sup>

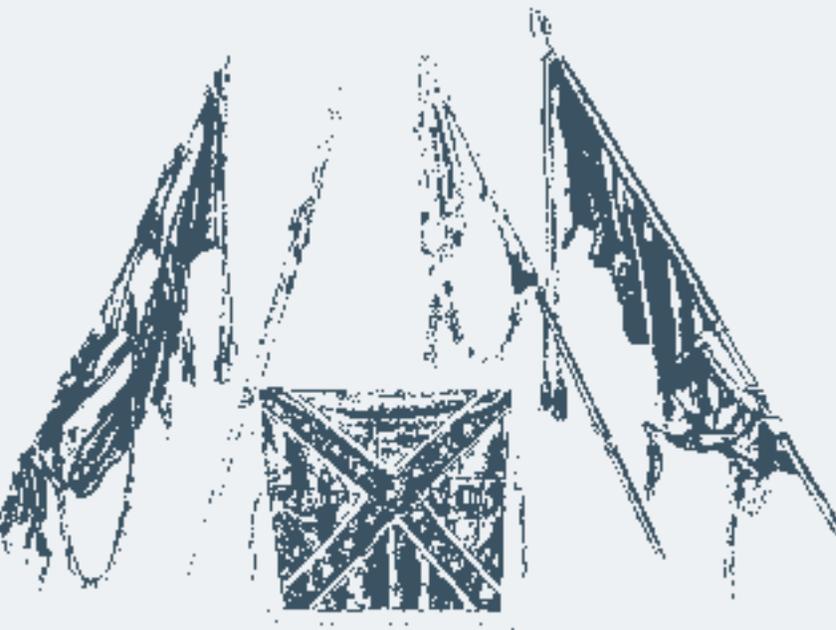
**An unusual photograph of Marshall Sherman, who re-enlisted in March 1864 and lost his left leg in August in a hostile action near Petersburg, Virginia**



When Sherman departed St. Paul with the First Minnesota Battalion, he most likely left the banner behind in safekeeping. Consequently, it is likely that the flag of the Twenty-Eighth Virginia, which that regiment had only carried for 18 days, has been in St. Paul since it left Washington in February 1864, some 41 years before the 1905 act of Congress mandated return of all flags still in government possession.

TRACES OF THE FLAG'S whereabouts continued to surface in St. Paul throughout the late nineteenth century. We know that Sherman loaned it to the cyclorama from 1886 to 1888. In the late 1880s a drawing of the banner was part of a poster of famous Civil War Union generals that also included depictions of Minnesota's Civil War era flags. The poster is entitled "Horton's States Chart & History." While photographs of portions of this chart are in the collection of the Minnesota Historical Society, the original poster cannot be located.<sup>31</sup>

On July 21, 1895, the *St. Paul Pioneer Press* mentioned that the Twenty-Eighth Virginia flag was on display with other Civil War flags in the magnificent wood-and-glass display cases located at the intersection of the four main corridors under the center dome of the second state capitol. The lengthy article recounted the flag's capture as told by friends of Sherman, unfortunately not by Sherman himself. According to this story,



Detail of "Horton's States Chart & History" poster from the late 1880s that included the First Regiment's war-torn flags with the captured Twenty-Eighth Virginia flag

after taking the flag Sherman had possessed it continuously, bearing it back to Minnesota with him. (Of course, the official record, well documented, contradicts this statement.) The article continued that Sherman had loaned the flag to the cyclorama; otherwise, "It is personal property and has been in the collection at the capitol only since the present disposition has been made of the flags. . . . They were put in their present abiding place [*the display cases*] six years ago." This account thus places the flag in the capitol in about 1889, around the time that the St. Paul cyclorama went out of business.<sup>32</sup>

The article also described what the writer saw in one display case: the Virginia flag "is folded into a little square and serves to bind together the staffs of the three of the First regiment's standards, and there it will remain until time shall have done its work and the colors borne by the Minnesotans in the civil war shall have crumbled into dust." The story is accompanied by a drawing of the flags, including the Twenty-Eighth Virginia banner.

This passage is significant for it implies that Sherman, still a bachelor and 74 years old, had made and acted on a decision regarding long-term disposition of the Twenty-Eighth Virginia flag in his possession. This could explain why the flag is not in the 1896 probate record of Sherman's estate.<sup>33</sup>

On April 19, 1896, Marshall Sherman died intestate in St. Paul. According to a newspaper account, the flag of the Twenty-Eighth Virginia Regiment, along with the regimental flag of the First Minnesota, was brought by surviving colleagues to Sherman's funeral at the home of his friend George Morton at 656 Lincoln Avenue in St. Paul. It had been obtained from the second state capitol building by W. A. Hoyt, a First Minnesota veteran, through the cooperation of C. A. Rose, capitol superintendent, who had been a color bearer in the Fifth Minnesota. Following Sherman's burial at Oakland Cemetery in St. Paul, both flags were reportedly returned to the capitol.<sup>34</sup>

Less than a month after Sherman's death, an article in the *St. Paul Globe* recounted the 1895 efforts of John Weide, a St. Paul artist, to paint portraits of each Civil War flag then in the state capitol. He recognized the progressive deterioration of the relics and, fearing their eventual loss, sought to provide a lasting record. In all, Weide produced 26 paintings, among them one of the flag of the Twenty-Eighth Virginia.<sup>35</sup>

The article stated that this banner was kept in the capitol but not in the case with the others. Sometime within the ten months between this 1896 article and the earlier *Pioneer Press* story that included a sketch of

the flag in the capitol display case, this flag—of all the Civil War flags then inside the old capitol—had been moved elsewhere within the building. Why? By whom? The prominently situated display case had been designed specifically for the flags' safekeeping. Why would the adjutant general, the official responsible for all the other Civil War flags in the state's care, decide on special treatment for this one? What place could be more suitable or safe?

Most likely, the decision about the flag's care and placement was not left to the adjutant general because, as became clear in the struggle with the veterans of the Fourth Minnesota, the state did not own the captured Confederate banners. Significantly, the Grand Army of the Republic (GAR), a postwar veterans organization to which Sherman had belonged, maintained space in the capitol, where it may have kept war relics. Also housed in the capitol basement were the offices, library, and museum collections of the Minnesota Historical Society. Linking the two organizations was Josiah B. Chaney, a former sharpshooter in the First Minnesota. He had probably known Sherman during the war and certainly knew him later when both men joined the newly established Acker Post 21 of the GAR in 1870. Chaney went on to become post commander and secretary as well as assistant librarian of the Minnesota Historical Society in 1887. Lacking hard evidence, the most logical scenario is that the flag of the Twenty-Eighth Virginia was quietly kept in the GAR's capitol space, which by late 1905 had expanded to second-floor "apartments," until the banner was officially transferred to the Minnesota Historical Society years after most of the old veterans had passed away.<sup>36</sup>

In 1902 came the last-known specific public mention of the flag for many years. The occasion was the thirty-fifth reunion of the First Minnesota veterans association attended by Julia Bevans. Following the event, she and the other Daughters of Union Veterans returned the flags to the care of the capitol custodian. The federal flags, in their tattered condition, required



Reenactors from the First Minnesota and Twenty-Eighth Virginia Infantry Regiments at the 135th anniversary of the Battle of Gettysburg, 1998

tender handling and were restored to their places of honor in the second state capitol. The placement of the Twenty-Eighth Virginia flag—full and sturdy, suitable for display on a wall or hanging normally on its staff in a stand—was not reported.<sup>37</sup>

THERE ARE A NUMBER of more recent Minnesota events involving this treasured flag. In an April 20, 1996, centennial ceremony at Oakland Cemetery, commemorating the death of Marshall Sherman and sponsored by the St. Croix Valley Civil War Round Table and American Legion Post 474, the flag was again present at Sherman's grave. This was its first ceremonial use in the 94 years since the 1902 reunion.<sup>38</sup>

In 1998 controversy swirled around the flag after a request for its return by members of the Twenty-Eighth Virginia Infantry Regiment reenactors group based in Roanoke. The Minnesota Historical Society sought advice from the state attorney general's office. Assistant attorney general Peter J. Berrie's subsequent report

stated that the claim should be denied. In part, he found on the basis that the six-year statute of limitations for reclaiming “lost goods” in Minnesota had expired. The claim was 128 years too late.<sup>39</sup>

Undeterred, the Virginians rallied in 2000 to renew their efforts for return of the flag. By March both houses of the Virginia state legislature had passed a resolution requesting return of the flag. The official response of the Minnesota Historical Society, again, was to decline the request. Nina M. Archabal, director of the MHS, commented, “The flag’s story clearly transcends state boundaries. Legally and ethically, the bond between this flag and the people of Minnesota should not be taken lightly.” Minnesota Governor Jesse Ventura also indicated his disinclination to grant the request. “Absolutely not!” he noted. “Why? We won.”<sup>40</sup>

In an interesting sidelight to this controversy, the flag of the Twenty-Eighth Virginia had almost been returned voluntarily in 1965. Robert Wheeler, then assistant director of the Minnesota Historical Society, had decided to conclude the state’s four-year Civil War centennial festivities with a gesture of reconciliation. He conceived the idea to invite Professor Bell I. Wiley to Minnesota to receive the flag and return it to the South. Wiley, a nationally renowned Civil War author and professor of American history at Emory University in Atlanta, was the most prominent southerner to serve on the National Centennial Celebration Commission.<sup>41</sup>

Possibly in the interests of meeting the deadlines imposed by the centennial calendar, Wheeler had not proceeded through normal channels for such an action. When word of this decision, then well along in planning, reached Alan Woolworth, curator of the military collection for the historical society, he reacted strongly, keenly aware of the significance of this relic both in Minnesota and Civil War history. But Wheeler, who had already publicized the event, did not feel he could recant the offer.

In a face-saving gesture, Woolworth produced a “non-descript remnant of a Confederate

flag without pedigree” and proposed to Wheeler that he offer this to Wiley in place of the flag of the Twenty-Eighth Virginia. At the ceremony on April 28, 1965, held in the chambers of the Minnesota House of Representatives beneath the portrait of President Lincoln, Wiley expressed gratitude for the gesture. Of course, he recognized immediately that the gift had been significantly downsized, but he accepted it with dignity and grace.

Resulting from the heightened interest in the flag in 1998, when the reenactors first requested its return, the Minnesota Historical Society placed it on display at the History Center for several months, where it drew a steady stream of viewers. The fragile cotton-and-wool banner has since been returned to special storage in order to preserve it for future generations.

IN JULY 1913 on the fiftieth anniversary of the Battle of Gettysburg, a reunion was held on the historic battlefield to mark the national reconciliation that had occurred since the war ended. Some 40,000 Union and Confederate veterans attended.<sup>42</sup>

Separate Confederate and Union tent camps had been established for the aging veterans who, nonetheless, mingled freely. One of these spontaneous visits resulted in an unexpected meeting. According to a published account:

“When one old Virginian got lost in the Union section of the tent camp, he met some of the veterans of the First Minnesota, which had helped push back Pickett’s men on July 3. He told them he had served in the Twenty-Eighth Virginia. . . . The Northerner asked with a gleam in his eye, ‘Comrade what became of your flag that day up yonder?’ ‘You Yanks got it, that’s all I know,’ he replied. ‘Right! We got it then and we got it right now,’ the Minnesotan said. ‘It’s in St. Paul, you old son-of-a-gun, did you know that?’ The Virginian stayed with them that night, and before he left the next morning, he admitted, ‘As long as some of you Yanks had to get that flag, I’m mighty glad it was you-all. You-all are pretty good people.’” □



First Minnesota reunion ribbon, with celluloid medallion depicting the monument erected to the regiment at Gettysburg in the same year, 1897

## THE FOURTH MINNESOTA AND ITS CAPTURED FLAGS

**THE FOURTH MINNESOTA** had taken the flags of the Thirty-Fifth and Thirty-Ninth Mississippi in spirited actions at Altoona, Georgia, in 1864. General William Tecumseh Sherman, with the authority of the U.S. government, had allowed the regiment to keep them.

In 1901 Mississippi veterans requested the flags' return, and this request was taken up at a reunion of the Society of the Fourth Regiment Veterans in St. Paul in September 1902. Officers of the regiment, including General John B. Sanborn, supported by political officials like Governor Samuel R. Van Sant, appealed to the men to respond favorably to the request. Even Rev. J. S. Bean called for conciliation. "Let us kill the veterans of the South with kindness," he encouraged. "They didn't kill us that way!" growled a veteran in the center of the room. Rank-and-file members led by Ezra Towne of Hector carried the day. "Those flags are ours. We bought those flags and we paid a price for them," beseeched Towne. "I would rather burn them than return them!" The request for return was denied.

But Van Sant was not done. He engineered another vote in 1903, promising state funds for an elaborate return ceremony to be held in the South that winter. The Fourth Minnesota veterans would be guests of the state, Van Sant proposed, probably reasoning that the inducement of a paid winter vacation in a warmer clime would be too much for the tired veterans of many harsh Minnesota winters to resist. But the governor found the now grizzled soldiers to be made of sterner stuff. The new motion was tabled.

Even the election of a new governor in 1905 did not remove the pressure. Governor John A. Johnson, taking another tack, declared that the flags belonged to the state, not the veterans, so that the state could make the decision

about their return. This led to angry denunciations by the veterans of the Fourth, who claimed the state had no business returning something purchased with the blood of their comrades, let alone items it did not own.

Expecting validation, Governor Johnson sought the legal opinion of the state attorney general, Edward Young. But the attorney general declared the flags the property of the survivors of the Fourth Minnesota. Displaying the political savvy that had helped to get him elected, Johnson gracefully accepted the decision.

In 1905, as the federal flags were finding a new home under state control in the new capitol, the Fourth Regiment veterans group voted to entrust its relics to the care of the Minnesota Historical Society. Later, in 1907, the Fourth accepted the invitation of the Morgan Grand Army of the Republic post to display the banners in Memorial Hall at Minneapolis City Hall. They remained there until that space was converted to another usage in the 1970s. No trace of them has been found since.

SOURCES: *St. Paul Dispatch*, Sept. 3, 1902, p. 7; *St. Paul Globe*, Sept. 4, 1902, p. 2; *St. Paul Pioneer Press*, Sept. 3, 1903, p. 2; *Minneapolis Tribune*, June 15, 1905, p. 7; *Minneapolis Journal*, Nov. 24, 1907, sec. 2, p. 1; personal communication, Stephen Osman, Apr. 13, 2000, whose search for the flags included research into records and interviews.



*The Fourth Minnesota Regiment Entering Vicksburg, July 4, 1863, by Francis D. Millet, a large painting now hanging in the governor's reception room, Minnesota State Capitol*

## NOTES

*The author thanks the staff of the Minnesota Historical Society Library and newspaper archives. This article could not have been produced without their labor. Critical assistance at a critical time was enthusiastically provided by Howard M. Madaus, Old Glory Flag Consultants in Cody, WY, a nationally recognized authority on Civil War flags for more than 25 years.*

1. Here and three paragraphs below, *St. Paul Pioneer Press*, June 21, 1902, p. 3; *St. Paul Globe*, June 21, 1902, p. 10, June 22, 1902, sec. 1, p. 2. Milton Bevans, Company F, had served as the orderly for Col. William Colvill on the regiment's march to the fateful field at Gettysburg. Company F was on detached skirmish duty during the famed charge that inflicted an 82 percent casualty rate on the regiment and effectively destroyed it as a fighting force. After the war Bevans worked as a printer for the *Pioneer Press* and operated a store at Snelling and Englewood Avenues in St. Paul. James Wright letter in First Minnesota Association Papers, Minnesota Historical Society (MHS), St. Paul; MHS Scrapbook, microfilm, vol. 36, p. 24.

2. Edwin B. Coddington, *The Gettysburg Campaign: A Study in Command* (New York: Charles Scribner's Sons, 1968), 153–56. The Twenty-Eighth Virginia Regiment was part of Garnett's Brigade, Pickett's Division, First Corps. On June 15, 1863, all regiments of Pickett's Division had retired their existing colors and received new battle flags bearing the St. Andrew's cross, which the Confederate Congress had designated as the official banner. Howard M. Madaus, assistant curator of history, Milwaukee Public Museum, to Katherine Georg, historian, Gettysburg National Military Park, June 13, 1986, in the park's collection. Author Mark V. Nesbitt also supports this view.

3. U.S. War Dept., *The War of the Rebellion: A Compilation of Official Records of the Union and Confederate Armies* (Washington, D.C.: GPO, 1889), series 1, vol. 27, part 2, "Reports of General Robert E. Lee," 297–98, 315–17; Coddington, *Gettysburg Campaign*, 187–88; Jacob Hoke, *The Great Invasion of 1863* (1866; reprint, Gettysburg: Stan Clark Military Books, 1992), 190; James A. Kegel, *North with Lee and Jackson: The Lost Story of Gettysburg* (Mechanicsburg, PA: Stackpole Books, 1996), 47–50. The ten Pennsylvania counties northeast of Gettysburg were the sole source of anthracite coal in the United States in 1860 when Pennsylvania accounted for 78 percent of the nation's coal.

4. Here and below, Anne Cowie, "Marshall Sherman and the Civil War: St. Paul's First Medal of Honor Winner," *Ramsey County History* 4 (Fall 1967): 4, 7.

5. *War of Rebellion*, series 1, vol. 27, part 1, "Reports of Col. Norman J. Hall, Seventh Michigan Infantry," 435–41; "Report of Col. Arthur F. Devereux, Nineteenth Massachusetts Infantry," 442–44.

6. Lt. William Harmon, "Co. C at Gettysburg," *Minneapolis Journal*, June 30, 1897, p. 7.

7. William Lochren, "Narrative of the First Regiment," in Board of Commissioners, *Minnesota in the Civil and Indian Wars, 1861–1865* (St. Paul: Pioneer Press Co., 1891), 1: 37; *St. Paul Globe*, May 17, 1896, p. 8.

8. War Records Office, Union Battle Reports, vol. 27, boxes 48–52, Record Group 94, National Archives and Records Service, Washington, D.C.

9. William C. Endicott, Letter from the Secretary of War, 50th Cong., 1st sess., *House Executive Documents*, 1887–88, serial 2558, document 163, p. 2–5, hereinafter cited as Endicott letter.

10. Endicott letter, 8–9; Madaus to author, Sept. 13, 1999. Madaus was recommended by the National Archives.

11. R. C. Drum to William C. Endicott, Apr. 30, 1887, R. C. Drum to Hon. Governor, June 7, 1887, Exhibits D and E, Endicott letter, 10.

12. Grover Cleveland to Endicott, June 16, 1887, Exhibit F, Endicott letter, 11.

13. Endicott letter, 4, 9.

14. *St. Paul Daily Globe*, Dec. 20, 1886, p. 2, Jan. 2, 1887, p. 8; Endicott letter, 11. Confederate Major General Fitzhugh Lee, nephew of Robert E. Lee, is reported to have visited the cyclorama in 1888 and expressed an interest in acquiring the Twenty-Eighth Virginia flag when discovering it there; *St. Paul Globe*, May 17, 1896, p. 8.

15. 58th Cong., 3d sess., *House Reports*, Feb. 18, 1905, serial 4762, report 4644, p. 7.

16. Here and below, report 4644, p. 1.

17. *St. Paul Pioneer Press*, June 14, 1905, p. 3.

18. *St. Paul Pioneer Press*, June 14, 1905, p. 3; *Minneapolis Tribune*, June 15, 1905, p. 7.

19. *Minneapolis Tribune*, June 15, 1905, p. 7; Minnesota Historical Society accession register, vol. 1, p. 177.

20. Two copies of the album, with different pagination, are in the MHS Library. Sherman's picture is in Reserve Album 37, p. 2, portrait 27, and Reserve Album 55, p. 23, portrait 27. On Whitney in St. Paul, see Bonnie C. Wilson, "Working the Light: Nineteenth-Century Professional Photographers in Minnesota," *Minnesota History* 52 (Summer 1990): 45–49.

21. Frederick H. Stafford, comp., *Medals of Honor Awarded for Distinguished Service During the War of the Rebellion* (Washington, D.C.: U.S. Adjutant General's Office, 1886), 28; Madaus to author, Sept. 13, 1999; Marshall Sherman, federal pension records, soldier certificate 56121, Can 821, Bu D1f, No 74, National Archives..

22. On revenue stamps, see [www.classyimage.com/picdate.htm#revenue](http://www.classyimage.com/picdate.htm#revenue). Whitney scholar Curt Dahlin, St. Paul, has painstakingly researched Whitney back marks as part of a larger project to date the photographer's cartes de visite. He has identified 25 marks used between 1860 and 1871, some of them overlapping in time; personal communication from Dahlin, April 19, 2000.

23. Hancock quote in Glenn Tucker, *Hancock the Superb* (Indianapolis: Bobbs-Merrill, 1960), 144–45; *Twenty-First Annual Reunion of the First Regiment Minnesota Veterans*, souvenir booklet, June 27, 1888, p. 3, 5–11, copy in the MHS Library. Also in attendance were Vice-President Hannibal Hamlin, all of Minnesota's congressmen, various midwestern senators and representatives, the secretary of the interior, and the commis-

sioner of agriculture. Letters were read from the secretaries of state and the treasury.

24. U.S. Senate Subcommittee on Veterans' Affairs, *Medal of Honor 1863-1968* (Washington, D.C.: GPO, 1968), 8-9.

25. *St. Paul Pioneer Press*, Feb. 10, p. 1, Feb. 14, p. 1, Feb. 23, p. 4, Feb. 26, p. 4, Mar. 29, p. 4, Apr. 30, p. 1—all 1864.

26. *Twenty-First Annual Reunion*, 7.

27. Endicott letter, 5; Madaus, e-mail to author, Sept. 29, 1999. The Mississippi flag was returned to Washington and later restored to the South under the 1905 act of Congress. Examples include the Albany Sanitary Fair, Feb. 22, 1864, Great Northwestern Sanitary Fair, Chicago, Oct.-Nov. 1863, Metropolitan Sanitary Fair, New York, Apr. 1864, and Great Central Sanitary Fair, Philadelphia, June 1864; Madaus to author, Sept. 13, 1999, and Madaus e-mail to author, Sept. 29, 1999. The Metropolitan Fair included an Arms and Trophy Room with Confederate flags; *A Record of the Metropolitan Fair . . . April, 1864* (New York: Hurd and Houghton, 1867), 41-43; see also *Catalogue of the Department of Arms and Trophies . . . Northwestern Sanitary Fair* (Chicago: Rounds and James, 1865), 13-15.

28. *St. Paul Pioneer Press*, Feb. 16, 1864, p. 1.

29. *St. Paul Pioneer Press*, Jan. 31, 1864, p. 1, Feb. 23, 1864, p. 4.

30. Sherman pension records, National Archives. The fact that Sherman appears to have both of his legs in the Whitney photograph is not, by itself, enough to date the photo. Sherman wore an artificial limb that would not be noticed in a photo such as this; see undated photo, p. 67, courtesy U.S. Army Military History Institute, Carlisle, PA.

31. Linda McShannock, MHS museum collections department curator, telephone conversation with author, Nov. 1999.

32. Here and below, *St. Paul Pioneer Press*, July 21, 1895, p. 5. On the cases in the second capitol, see *St. Paul Dispatch*, June 10, 1905, sec. 3, p. 3.

33. Marshall Sherman file 8369, Register 10, p. 462, Ramsey County probate court records, Ramsey County Courthouse, St. Paul.

34. MHS Scrapbook, microfilm, vol. 11, p. 24.

35. Here and below, *St. Paul Globe*, May 17, 1896, p. 8, 10.

36. *St. Paul Pioneer Press*, Mar. 14, 1905, p. 2, June 14, 1905, p. 3, 5; *Minneapolis Tribune*, June 15, 1905, p. 7; *Minneapolis Journal*, Sept. 23, 1905, p. 5. As early as 1891 the Acker post was storing items in the capitol; Grand Army of the Republic Post Records, Acker Post 21, Minnesota State Archives, MHS. The GAR maintained rooms 231, 232, and 233 in the second capitol into the 1920s; Capitol Building Inventory ca. 1920-1930, Public Property Dept., Capitol Custodian, Control Board Records, Minnesota State Archives. The MHS was located in the capitol from 1868 until 1918; Russell W. Fridley, "Critical Choices for the Minnesota Historical Society," *Minnesota History* 46 (Winter 1978): 133, 136. On Chaney, see Warren Upham and Rose B. Dunlap, comps., *Minnesota Biographies, 1655-1912*, Minnesota Historical Society Collections, vol. 14 (St. Paul, 1912), 117.

37. *St. Paul Pioneer Press*, June 21, 1902, p. 3; *St. Paul Globe*, June 21, 1902, p. 10, June 22, 1902, sec. 1, p. 2.

38. *Star Tribune* (Minneapolis), Apr. 19, 1996, p. 1B; *North End News* (St. Paul), May 4, 1996.

39. *St. Paul Pioneer Press*, July 11, 1998, p. 1A, 6A; Peter J. Berrie to Ian Stewart, deputy director, MHS, Report on Confederate Battle Flag of the Twenty-Eighth Virginia Infantry, July 9, 1998.

40. *Star Tribune*, Feb. 10, 2000, p. A5; Mar. 9, 2000, p. A4; *St. Paul Pioneer Press*, Feb. 29, 2000, p. 1A, Mar. 20, 2000, p. 6A.

41. Here and two paragraphs below, Alan Woolworth, conversation with author, Sept. 29, 1999; photos of the event in MHS collections.

42. Here and below, Walter H. Blake, *Hand Grips: The Story of the Great Gettysburg Reunion, July, 1913*, quoted in Carol Reardon, *Pickett's Charge in History and Memory* (Chapel Hill: University of North Carolina Press, 1997), 190.

*The photograph on p. 69 is by Marilyn Ela, courtesy Perry Tholl; p. 67, courtesy the U. S. Army Military History Institute, Carlisle, PA; p. 60, inset, courtesy the Ramsey County Historical Society, St. Paul. All others, including p. 58 from Album #37 of Minnesota Volunteers, p. 2, and p. 63 from St. Paul View Book (St. Paul: Northwestern Photo Co., 1888[?]) are in MHS collections.*





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