August 10, 1932

To the Committee on Graduate Study:

I submit herewith a thesis by Miss Beatrice L. Garrett, "The Confederate Government and the Unionists of East Tennessee," and recommend that it be accepted for nine quarter hours credit in fulfillment of the requirements for the degree of Master of Arts.

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P. M. Hamer
Major Professor

At the request of the Committee on Graduate Study, I have read this thesis and recommend its acceptance.

W. Neil Franklin

S. J. Folmsbee

Accepted by the Committee

P. M. Hamer
Chairman

THE CONFEDERATE GOVERNMENT AND THE UNIONISTS OF EAST TENNESSEE

A THESIS

Submitted to the Graduate Committee
of
The University of Tennessee
in
Partial Fulfillment of the Requirements
for the Degree of
Master of Arts

by

BEATRICE L. GARRETT

August 1932

PREFACE

The events with which this thesis deals left behind them a heritage of hatred, bitterness, and prejudice. In the years immediately following the Civil War, those persons who were by birth or by nature "Northern" in sentiment stubbornly believed that the Confederate government overstepped the bounds of civilized warfare — that it was unnecessarily and maliciously cruel to the Unionists of East Tennessee. On the other hand, those of "Southern" sentiment despised the East Tennessee Unionists as traitors to their state and friends — as persons wholly untrustworthy and treacherous.

I have not sought either to condemn or justify the Unionist or the Confederate officials. Both believed they were right; both were fighting for their principles. Neither was free from the barbarities attendant upon war.

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Chapter I

THE BACKGROUND

The reasons for Unionism in the eastern part of Tennessee are to be found in the events of the years and months preceding the state's entrance into the Confederacy. East Tennessee was from the beginning set apart from the rest of the state by the Cumberland Mountains. In soil, climate, and topography it differed from the other two divisions. Cotton could not be grown profitably and, therefore, what little was cultivated was for domestic use.[1] Without cotton culture, there was little need for slaves. In 1860 the ratio of slaves to free persons in East Tennessee was only one to twelve, as compared with one to three in Middle Tennessee, and three to five in West Tennessee. In two-thirds of the counties of East Tennessee the ratio ranged from one to twenty, to one to sixty. This lack of uniformity in the ownership of slaves no doubt caused in a great measure the division of opinion on the slavery question in Tennessee. In East Tennessee the first anti-slavery newspaper in America was published.[2] Thus, many years before 1861, East Tennessee had within it elements which were unfavorable to slavery.

The slave controversy, which had been steadily growing for several years, reached its peak in the Presidential campaign of 1860. Four candidates were put forward, three of whom were sectional. Only John Bell's platform, "The constitution, the Union and the Enforcement of the Laws," was national. It was supported in Tennessee by the old line Whigs and those who thought nothing could be gained by leaving

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1. Humes, The Loyal Mountaineers of Tennessee, p. 78; Smith, Review of East Tennessee, p. 2.
2. Fertig, The Secession and Reconstruction of Tennessee, p. 28.

the Union. On election day the Union party carried the state, Bell receiving 69,710 votes, Breckinridge, 65,053, and Douglas, 11,384. A majority of the East Tennessee voters supported Bell, especially in Blount, Jefferson, Knox, and Sevier counties. The counties of Washington, Sullivan, and Greene in East Tennessee supported Breckinridge, probably because Andrew Johnson was his advocate at that time. Breckinridge, the ultra-southern candidate, received a majority of the Middle Tennessee votes. Bell won a plurality in West Tennessee. Douglas, on a platform of squatter sovereignty carried Tipton county and ran second in six other counties within a hundred mile radius of Memphis, where he had newspaper support.[3] East Tennessee, then, more than the other two sections, upheld the Union in the Presidential campaign of 1860. It might be interesting to note that But Abraham Lincoln, the Black Republican who had not received one vote in Tennessee, was elected President.

South Carolina, feeling that there was no longer hope for the protection of the "peculiar institution" by Congress, seceded on December 20, 1860. By the end of January, 1861, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas had also left the Union.[4] Tennessee had a decision to make. The majority of the people still believed in neutrality, but Governor Harris bent his energies toward secession. At his call, an extra session of the legislature met on

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3. Hamer, "The Presidential Campaign of 1860 in Tennessee," in East Tennessee Historical Society's Publications, No. 3, p. 21.
4. Garrett and Goodpasture, History of Tennessee, pp. 202-3.

January 7, 1861, and appointed February 9 the day upon which Tennesseeans should vote for a convention to decide what action to take. Delegates to this convention were to be selected at the same time. East Tennessee at once began its fight for the Union. Strong Union men were selected as candidates in each county. William G. Brownlow's Knoxville Whig carried editorial after editorial reeking with Union sentiment. John Baxter, O. P. Temple, and Conly F. Trigg took the stump against secession. On election day Tennessee refused to declare her independence by a majority of about 11,877. In the selection of delegates, the Union majority in the state as a whole was estimated at 64,114. Of this number of votes 25,532, or almost half, was the majority cast for Union delegates in East Tennessee.[5]

The matter, however, was not to be ended by this decision. The national situation had grown steadily worse until on April 12, 1861, Fort Sumpter was fired upon. Three days later President Lincoln called for 75,000 troops. The realization that the national government was going to use coercion brought a decided change of sentiment in Tennessee. Realizing this, Governor Harris called another extra session of the legislature to meet on April 25. On May 1 a pro-Southern legislature authorized him to enter into a military league with the Confederate States. On the 7th "The League" was concluded. On the preceding day a "Declaration of Independence" was passed, to be submitted to the people on June 8.[6]

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5. Temple, East Tennessee and the Civil War, pp. 170-178.
6. Garrett and Goodpasture, op.cit., p. 203.

The Union leaders of East Tennessee had seen the danger of a new attempt to withdraw from the Union, and a vigorous campaign was in full progress. T. A. R. Nelson, Andrew Johnson, Horace Maynard, C. F. Trigg, John Baxter, George W. Bridges, and O. P. Temple addressed large crowds all through the mountain section in behalf of the national government.[7] On May 30, 1861, a Union convention of delegates from East Tennessee counties met at Knoxville. It lasted for two days, during which time resolutions were adopted protesting against the military league and the raising of the army of 55,000 men, favoring a policy of neutrality, and appealing to the people of the state to vote down the "Declaration of Independence." It adjourned to meet at Greeneville on June 17. On June 8 Tennessee formally withdrew from the Union by a majority of 57,675 votes.* But in East Tennessee there was a 20,000 majority against withdrawal.[8] Thus Tennessee entered the life and death struggle of the Civil War handicapped by a divided opinion and by bitter animosities aroused by the recent struggles through which she had passed.

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7. Temple, op. cit., pp. 179-198.
8. Garrett and Goodpasture, op. cit., pp. 204-5.

Chapter II

THE CONFEDERATE POLICY OF CONCILIATION*

The first policy of the Confederate government in relation to Unionism in East Tennessee was one of conciliation.* One evidence of this was the fact that the Greeneville convention was allowed to assemble unhindered. Two hundred ninety-six Union men from thirty East Tennessee counties met at Greeneville on June 17 to consider what could be done to preserve their position in the Union. On the first day, T. A. R. Nelson submitted to the convention a long paper called "A Declaration of Grievances,"* which bitterly denounced the secession party in Tennessee. To it were attached several violent resolutions.* The first of these stated that East Tennessee would not become a part of the Confederate States or subscribe to the "Declaration of Independence." *The second declared that East Tennessee and those counties of Middle Tennessee which wished to, would continue to be in the Union as the State of Tennessee. *The third expressed the wish of East Tennessee to remain neutral and stated that the railroads and the organization of volunteer Confederate companies in East Tennessee would not be interfered with, on condition that no coercion was used to enforce "oppressive or unconstitutional laws, or to collect unlawful taxes." *The fourth resolution threatened to call on the United States for aid and to use all possible means for self defense, if the state or the Confederate government should attempt to station or quarter troops in East Tennessee. The fifth resolution advised retaliation by the Unionists, if any member of the convention were killed or arrested because of his Union sentiments. The only other

important resolution recommended the organization of military companies in each county and civil district.

A substitute for these indiscreet resolutions was offered by O. P. Temple. It embodied declarations to the effect that it was the earnest wish of East Tennessee to avoid civil war, that the actions of the legislature which brought about separation were not legal and therefore not binding on loyal citizens, that a committee should be appointed to memorialize the legislature for permission to erect a separate state, and that an election should be held in East Tennessee and adjacent Middle Tennessee counties for delegates to a convention to be held later in Kingston. A spirited debate on the two sets of resolutions took place during which many violent things were said, in spite of the fact that the sessions were open and that spies were known to be in attendance. At first Nelson's resolutions were favored by the majority, but finally the tide of sentiment turned toward moderation and the convention adopted the set of milder resolutions and a very much toned down "Declaration of Grievances." Before the convention adjourned a committee composed of C. F. Trigg, John Williams, Abner G. Jackson, John M. Fleming, and O. P. Temple was secretly appointed to act in all emergencies which should arise before the next meeting.

Why was this Union convention not disturbed? There were less than six semi-military Union companies in East Tennessee and these, which had scarcely been drilled, were without arms and ammunition. A considerable Confederate force was stationed at

Knoxville and other points in East Tennessee. In two or three days the Confederate government could have placed between five and ten thousand troops in the disaffected section. Trains carried soldiers from the south and west to Richmond through East Tennessee nearly every day. Regiments frequently passed within sight of the buildings in which the meetings were held. But no Confederate interference resulted. Temple accounts for this fact by saying that the secessionists of East Tennessee were in greater fear at this time of the Unionists than the latter were of them.[1] There are three other possible reasons for this lack of interference: first, a true spirit of toleration in the hope of reconciling the people of East Tennessee; second, indifference; and third, lack of knowledge. If spies were present, and it seems that they were, it could not have been indifference or a lack of knowledge of what was happening. Apparently then, it was due to tolerance. The time had hot yet arrived when any other policy was necessary or feasible.

The Confederate authorities were neither ignorant nor indifferent toward the general situation in East Tennessee. Several Confederates took it upon themselves to inform their government of the conditions which existed. On June 28, 1861, Samuel Tate wrote that the Unionists were drilling with the purpose to resist, if they were not allowed to form a separate state. He said they expected aid from the United States government and southeastern Kentucky. To avoid trouble, Nelson, Brownlow, and Maynard would have to be got out

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1. O. P. Temple, East Tennessee and the Civil War, pp. 343-58.

of the way, he asserted.[2] Senator Landon C. Haynes warned the Confederate Secretary of War, L. P. Walker, on July 6, that civil war was imminent in East Tennessee. He said that arms for Unionists had been brought within thirty-three miles of Cumberland Gap by a Dr. Scriver who had left Knoxville soon after June 8. He stated that Brownlow's paper had informed its readers that civil war was inevitable and that 10,000 Union men were armed and drilled. He reported that in a speech made a few days prior to July 6, at the Carter county circuit court, Nelson had incited a crowd to resist and had promised aid from the Federal government. The Unionists, according to Haynes, had been urged by the New York Times* to seize Knoxville and hold it till aid should come. To that newspaper the possession of East Tennessee by the Federal government seemed necessary. He had learned from the Louisville Courier that large quantities of arms were being sent through Kentucky to East Tennessee. Haynes thought that although there were probably ten Union regiments organized, six Confederate regiments under a calm man could quiet the Unionists. He urged that more troops be sent, for he believed that a small inadequate force would do more harm than none, since it would only irritate and invite aggression. "I am looking every moment also," warned the senator, "to hear that the bridges have been burned and the East Tennessee and Virginia Railroad torn up."* He named T. A. R. Nelson, W. G. Brownlow, Conly F. Trigg, and William B. Carter as leaders. Haynes concluded

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2. Samuel Tate to Robert Toombs, June 28, 1861, The War of the Rebellion, a Compilation of the Official Records of the Union and Confederate Armies, hereafter referred to as O. R., I, 52, pt. ii, p. 116.

by recommending that a marshall be appointed for East Tennessee.[3]

Not content to make their representations by letter alone, several East Tennessee Confederates sought personal interviews. In the early part of July, W. G. Swan and several other gentlemen from East Tennessee went to Richmond to impress upon President Davis the absolute necessity for prompt and effective action to repress a rebellion in East Tennessee. One of them, W. G. Swan, went to Bradley county upon his return and remained there until after July 7. On that date an alarm was circulated that some Confederate troops had entered the county with the purpose of disarming the Union men. Within twelve hours, almost 1,000 completely organized, armed men appeared at different places. They dispersed on finding that the alarm had been merely a jest.[4] Swan wrote Davis that more troops were a necessity, because this was an example of the feeling existing from the Georgia line to Cumberland Gap. He declared that "no moral influence of any kind whatever" would remedy the situation and that "physical power, when exhibited" in sufficient force might prevent it.[5]

The Secretary of War also received a communication from a Mississippian who had passed through East Tennessee. He testified that he had observed there a very hostile and bitter feeling toward the Confederate government. He said that the masses, who were actively organized, had been incited to rebellion by Union agents and that

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3. Landon C. Haynes to L. P. Walker, July 6, 1861, ibid., 4, pp. 364-5.
4. J. S. Hurlburt, History of the Rebellion in Bradley County, pp. 61-3.
5. W. G. Swan to Jefferson Davis, July 11, 1861, in O. R., I, 4, pp. 366-7.

they would rebel at the first opportunity. He asserted that at Chattanooga guns were being made, for whom no one knew. He believed that they could easily be seized by the Unionists, as could also the East Tennessee and Georgia Railroad by the occupation of either the point at the foot of Lookout Mountain, the tunnel just above Chattanooga, or a certain defile beyond Loudon. The Mississippian estimated that from 2,500 to 3,000 soldiers should be stationed at each of these places and suggested that the inhabitants of East Tennessee be disarmed and suppressed by an imposing military force.[6]

Major-General Leonidas Polk, who was in command of Department Number I of which Tennessee was a part, also saw the necessity of definite action in East Tennessee. Whereas only 2,000 men were there, he believed that 10,000 were imperatively needed. He suggested that a separate department be created out of East Tennessee, and parts of North Carolina and Georgia, with F. K. Zollicoffer in charge. Polk stated that Governor Harris earnestly concurred in this suggestion.[7]

These letters had their effect. On July 9 the Confederate Secretary of War requested Governor Harris to send three Tennessee regiments either to Jonesborough or Hayneaville in East Tennessee. This request was complied with three days after it was made.[8] Again on July 18 Walker requested Harris to send even more troops into the

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6. Walker to I. G. Harris, July 18, 1861, ibid., pp. 369-70.
7. L. Polk to J. Davis, July 9, 1861, ibid., p. 365.
8. Walker to I. G. Harris, July 9, 11, 1861; Harris to Walker, July 11, 1861, ibid., p. 366.

eastern part of the state, to secure the guns at Chattanooga, and to investigate the points on the railroad mentioned by the Mississippian.[9] Accordingly, General S. R. Anderson of the Tennessee Provisional Army left Nashville for Haynesville on the evening of July 18, taking two regiments of infantry, and one ranger company. Another regiment from Middle Tennessee was ordered to Knoxville.[10] The general belief was widespread among the Unionists that the large concentration of troops at Haynesville was for the purpose of "intimidating" so-called "loyal citizens." The Athens Post denied this by saying: "We speak by authority in declaring that they [the Confederate troops] are not here to intimidate our people" but that they "will protect and defend each and every citizen in his rights." It declared further that the sword would be used only in case of "self-defense or the direst necessity."[11] *

In accordance with Major-General Polk's suggestion, the District of East Tennessee was formed and Brigadier-General F. K. Zollicoffer was directed by President Davis on July 26 to assume command. Zollicoffer, a Tennesseean, was chosen because the appointment of a Whig was a "political necessity" and because his conservatism fitted him to undertake the reconciliation of the East Tennessee Unionists. The main features of the Confederate policy of conciliation were outlined in the instructions sent him, when Adjutant-General S. Cooper wrote:

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9. Walker to I. G. Harris, July 18, 1861, ibid., p. 369.
10. W. C. Whitthorne to Walker, July 18, 1861, ibid., p. 370.
11. Athens Post, July 26, 1861.

> You will know so well the state of things in East Tennessee that nothing more can be said in that regard than to point out to you the importance of preventing organization for resistance to the Government and of attracting by every possible means the people to support the Government, both State and Confederate.

Further instructions were that he should preserve the peace, carefully guard the railroads, watch the movements of the enemy, repel invasion, and render the sending of arms into East Tennessee practically impossible. Zollicoffer was also to render any necessary support to the civil authorities.[12]

While the Confederates were busy impressing the government with the necessity for prompt action in East Tennessee, the Unionists were not idle.[13] Although Governor Harris had proclaimed that on August 1, representatives would be selected to the Confederate Congress, the Union leaders prepared a ticket of candidates for the United States Congress. On July 10 and 11 T. A. R. Nelson and Horace Maynard announced their candidatures for the first and second Congressional Districts, respectively.[13] The Memphis Weekly Appeal stated at first that these "two leading parasites of Andrew Johnson" were candidates for the Confederate Congress, but soon corrected the mistake. "We notice," the article stated, "from the Knoxville Whig that this brace of traitors have had the cool audacity to so far defy the will of the people and the sovereignty of the State as to announce themselves candidates for the Rump congress at Washington." The editor expressed

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12. Harris to Davis, July 13, 1861; S. Cooper to Zollicoffer, July 26, 31, 1861, in O. R., I, 4, pp. 474-5, 374, 377.
13. Knoxville, The Tri-Weekly Whig, July 11, 1861, in Nelson's Scrap Book, vol. 13, p. 160; Memphis, Weekly Appeal, July 13, 1861, in Nelson's Scrap Book, vol. 13, p. 167.

the fervent hope that they would be adequately punished for treason, as an example for the "honest masses." Otherwise, there might be set up another "bogus government" similar to that of West Virginia.

On July 13 Brownlow's Whig, the mouth-piece of Unionism, carried[14] the following:

> By the Constitution of Tennessee, the first day of August next, is designed for a general election. By the law of Tennessee in full force, unrepealed (Code, sec. 825) the people on that day are to choose Representatives to the Congress of the United States. By the proclamation of Isham G. Harris, the Governor, they are at the same time to choose representatives to the Congress of the Confederate States. Between the two Tennessee will be represented.... Of course, the Union men will vote for candidates to represent them in the Congress of the United States.

A formal Union ticket was announced on July 16, nominating William H. Polk[15] for Governor and Horace Maynard, T. A. R. Nelson, George W. Bridges,[16] and Andrew J. Clements for Federal Congressmen. All true Unionists were urged to make a great demonstration by voting for representatives[17] to the United States rather than the Confederate Congress.

On August 1 the result of the voting in the first Congressional District[18] was a majority of about five thousand for Nelson. As he

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14. Brownlow's Whig, July 13, 1861, quoted in Williams, The Life of Horace Maynard, p. 27.
15. In a letter to O. P. Temple from Athens, Tennessee, July 16, 1861, George W. Bridges said: "We will all vote for an East Tennesseean if we have a man of our views, but if we have no man would it not be better to go for Col. Polk in order that we may beat 'King' Harris - strengthen our Representative ticket and get into possession, if possible, the Railroads and the Banks at Athens, Knoxville, Rogersville, etc." Temple Correspondence.
16. Knoxville Whig, July 16, 1861, quoted in Williams, The Life Horace Maynard, p. 28.
17. Weekly Appeal, Memphis, July 17, 1861, Nelson's Scrap Book, vol. 13, p. 171.
18. Daily Register, Knoxville, Aug. 15, 1861, in Nelson's Scrap Book, vol. 13, p. 180; The Express, Jonesborough, Tenn., Aug. 16, 1861; Nelson's Scrap Book, vol. 13, p. 178. These accounts do not agree as to Nelson's majority, but both give him over 5,000.

had heard from reliable authority that an order for his arrest had been issued to take effect on or directly after election day, he, his son, and guides left home on August 1 with the intention of remaining in Barboursville, Kentucky, until he should hear the results of the election. If he were victorious, it was his plan to go on to Washington; otherwise he would return home. As he passed through Hancock county some persons became suspicious of him and sent a warning to the Home Guard of Lee county, Virginia. The result was that thirty Home Guards arrested him and his party on the night of August 4. They took him to Cumberland Gap from where he was sent through Abingdon to Richmond.[19] Because of his arrest, Nelson's adherents became excited and used menacing language. Several thousand Unionists in Kentucky threatened to force a passage into East Tennessee. Concerning the situation, Zollicoffer wrote Cooper: "My impression is that a large number of Union men are opposed to it [an incursion from Kentucky], but there are very many Lincoln men here who will be restrained from co-operating only by consideration of policy or apprehensions of the consequences."[20] On August 6 he warned the editors of the Virginian at Abingdon that Nelson's friends might attempt his release.[21] Zollicoffer gave Baxter permission to act as Nelson's friend and lawyer. But on August 6, the Unionist was arrested at Lynchburg, Virginia. His arrest was unfortunate, for he had

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19. Brownlow's Whig, Knoxville, Aug. 24, 1861, in Nelson's Scrap Book, vol. 13, p. 177.
20. Zollicoffer to Cooper, Aug. 6, 1861, in O. R., I, 4, pp. 381-2.
21. Zollicoffer to Cooper, Aug. 6, 1861, ibid., II, 1, p. 825.

promised Zollicoffer to use his influence for conciliation.[22] During the trip to Richmond, Nelson was treated with unusual kindness. Several Confederate Congressmen joined the party. Dr. Jeptha Fowlkes, who was acting as peace commissioner to East Tennessee, had a short conversation with Nelson in which he expressed the desire for peace within the state and his wish that Nelson should be honorably discharged.[23] Of his treatment on his journey Nelson said: the Confederates were "as careful to protect me against violence and insult as to prevent my rescue or escape."[24]

The newspaper comments are interesting. A report, which Nelson later denied, asserted that accurate maps of all the mountain passes of East Tennessee from Chattanooga to Bristol were found on him when he was arrested. "His arrest does seem like a timely interposition of Divine Providence" was the conclusion of one newspaper.[25] When it was suggested that Nelson be released after giving a pledge to submit to the Confederate government, the Richmond Whig, understanding that he would keep his word, proposed this course of action: "If he will give that pledge let him go; if not, and his treason is overt and incontestible, hang him; if doubtful, send him with a flag of truce, and make a present of him to Old Abe."[26] The government should

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22. Zollicoffer to Cooper, Aug. 10, 1861, ibid., p. 830.
23. Brownlow's Whig, Knoxville, Aug. 24, 1861.
24. Ibid., Nelson's Scrap Book, vol. 13, p. 177; Daily Register, Knoxville, Aug. 16, 1861, Nelson's Scrap Book, vol. 13, p. 177.
25. Chattanooga Gazette, Aug. 10, quoted by Weekly Appeal, Memphis, Aug. 16, 1861, Nelson's Scrap Book, vol. 13, p. 175.
26. Richmond Whig, Aug. 10, quoted in Weekly Appeal, Aug. 16, Nelson's Scrap Book, vol. 13, p. 175.

make an example of this "brawling traitor," was the assertion of the Memphis Weekly Appeal. It went on to say that the crime of "taking a commission from or under the authority of the enemies of the State or Confederate States" was punishable by not less than ten years imprisonment and that ten years in the Nashville "work-house" would help humble Nelson's political aspirations and clarify his misguided judgment.[27] According to the Richmond Dispatch the "demagogue, tory, and traitor, T. A. R. Nelson," who was intending to "misrepresent Tennessee in the Rump Congress," should be taken to a first class tobacco factory to be with his "companions in iniquity."[28]

The Confederate government was fortunately not guided by the worst feelings expressed through the newspapers. From the first it made every effort to win Nelson to its support by means of kindness and flattery. Upon reaching Richmond, he was placed on his parole of honor and men of high-standing visited him frequently.[29] Nevertheless, W.H. Humphreys, judge of the Confederate States district court, received a letter on August 13, from P. H. Aylett, district attorney at Richmond, and J. P. Benjamin, attorney-general, containing these commands: "Have an afidavit made that he [Nelson] has committed treason and send it on at once (to Richmond) to the Judge of this district with a requisition for the prisoner." The writer added, "He will be sent in charge of the _____ [sic] of this district to Nashville."[30] Humphreys sent this letter to General

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27. Weekly Appeal, Memphis, Aug. 16, Nelson's Scrap Book, vol. 13, p. 174.
28. Richmond Dispatch, quoted by Weekly Gazette, Aug. 21, Nelson's Scrap Book, vol. 13, p. 173.
29. Temple, Notable Men of Tennessee, p. 174.
30. Zollicoffer to J. C. Ramsey, Aug. 13, 1861, Nelson Letters.

Zollicoffer in East Tennessee with the request that he get the affidavits from Ramsey. The letter was then sent by the latter to Ramsey with the following comment: "[You] will please find a letter above, this day [August 15] received from Judge Humphreys. He will see the propriety of being silent in the movement." Apparently the matter was dropped here. In the meantime, letters were exchanged between the former ardent Unionist and the Confederate President on August 12 and 13 with the result that Nelson was discharged from custody upon his promise "as a citizen of Tennessee" to "submit to her late action, and religiously abstain from any further words or acts of condemnation whatever, or opposition to her government."[31] In an address to the East Tennesseeans on August 17, 1861, Nelson reviewed frankly the whole incident closing with these words: "Our beloved Union is gone forever, and it is our policy and duty to submit to a result which, however we may deplore it, seems to be inevitable."[32]

Horace Maynard and Andrew J. Clements were more fortunate than their erst-while colleague, for both escaped to Kentucky. On the day of the election, Maynard was in Scott county on the border of that state. Upon hearing the results, he got upon his horse and rode out of Tennessee. On December 2, 1861, he was admitted to a seat in the United States Congress.[33] Clements was given permission to represent the fourth district of Tennessee in the United States Congress on January 13, 1862.[34]

George W. Bridges, the Union candidate in the third district, escaped after the election through the Cumberland Mountains

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31. Temple, Notable Men of Tennessee, p. 173.
32. Brownlow's Whig, Aug. 24, Nelson's Scrap Book, vol. 13, p. 177.
33. Congressional Globe, 37 Congress, 2 Sess., p. 2.
34. Ibid., p. 297.

into Kentucky, leaving his wife and children to follow. They were detained by a Confederate border commander, who sent him word that his wife was ill. Upon his return, he was arrested and taken to Knoxville,[35] where he was promptly released upon honorable terms. On the 31st of October, he was given his unconditional release by General Zollicoffer and furnished safe conduct to Kentucky, according to one newspaper, which further stated that Bridges had acknowledged his allegiance to the Confederate government.[36] On February 26, 1863, he took his seat in the United States House of Representatives.[37]

Three days after Nelson's capture and while Governor Harris was planning to go to Richmond to confer with Walker about the adoption of an energetic policy,[38] General Zollicoffer issued a conciliatory proclamation to the people of East Tennessee. He made an earnest appeal to the Unionists to abide by the decision of the ballot-box. The military was in East Tennessee to assure peace, he said. Although treason could not be tolerated, he pledged that "no man's rights, property or priviledges" would "be disturbed." "All who desire peace, can have peace," he continued, "by quietly and harmlessly pursuing their lawful avocation," and by not giving aid to the enemy. He made an appeal to the Unionists' love for their state thus: "Though differing upon the late political question, we are all Tennesseeans."[39]

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35. Himes, The Loyal Mountaineers of Tennessee, pp. 128-29; Knoxville Daily Register, Dec. 20, 1861.
36. Knoxville Register, Oct. 31, quoted in Republican Banner, Dec. 3, 1861.
37. Congressional Globe, 37 Cong. 3 Sess., pp. 1295-6.
38. O. R., II, 1, p. 830.
39. Knoxville Daily Register, Aug. 7, 1861.

While an effort was being made to attract the Unionists to the Confederate government, steps were taken to place a sufficient force in East Tennessee to secure that section. On August 16 Governor Harris asked that more troops be placed in East Tennessee. He suggested that camps of instruction be established at different places and troops from further South ordered to them. He observed that the force then in East Tennessee only served to irritate without subduing or awing. Twelve or "14,000 men in East Tennessee," he asserted, "would crush out rebellion there without firing a gun, while a smaller force may involve us in scenes of blood that will take long years to heal. We can temporize with the rebellious spirit of that people no longer.... A sufficient number of troops..., the adoption of a decided and energetic policy..., the arrest and indictment for treason of the ringleaders, will give perfect peace and quiet to that division of our State in the course of two months."[40] This letter was answered on August 20. After saying that two Mississippi and one Alabama regiments had been ordered to East Tennessee, Secretary Walker declared:[41]

> The importance of the present attitude of East Tennessee is not unknown to this Department, and the necessity of providing promptly the means of supporting our friends in that section is by no means disregarded. * * * The Department fully concurs in your views of the necessity of adopting a decided policy to insure the public safety, and only regrets that it is not in the power of the Government to the extent that may be necessary.

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40. Harris to Walker, Aug. 16, 1861, in O. R., I, 4, p. 389.
41. Walker to Harris, Aug. 20, 1861, ibid., p. 390.

That General Zollicoffer was making an honest effort to reconcile the people of East Tennessee was shown by the general orders number three issued to all officers under his command on August 18. They were probably calculated to have a good effect on public opinion, too, because it was customary to publish such orders in the papers. Although hard to enforce, the following orders probably did some good:[42]

> The general in command gratified at the preservation of peace and the rapidly increasing evidencies of confidence and goodwill among the people of East Tennessee strictly enjoins upon those under his command the most scrupulous regard for the personal and property rights of all the inhabitants. No act or word will be tolerated calculated to alarm or irritate those who though heretofore advocating the National Union now acquiesce in the decision of the State and submit to the authority of the Government of the Confederate States. Such of the people as have fled from their homes under an apprehension of danger will be encouraged to return with an assurance of entire security to all who wish to pursue their respective avocations peacefully at home. The Confederate Government seeks not to enter into questions of difference of political opinions heretofore existing but to maintain the independence it has asserted by the United feeling and action of all its citizens. Colonels of regiments and captains of companies will be held responsible for a strict observance of this injunction within their respective commands, and each officer commanding a separate detachment or post will have this order read to his command.

The policy of conciliation seemed to be succeeding. Brigadier-General William H. Carroll, who had been raising troops in East Tennessee for the Confederate service under a special commission, told the Memphis Weekly Appeal on August 19 that there was a "perfect stampede" from Unionism to Secessionism. George W. Bridges had informed him that he

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42. Orders, No. 3, Aug. 18, 1861, ibid., II, 1, p. 831.

would raise a regiment of volunteers, and the Knoxville Whig was going to comment favorably on an address by him to the East Tennesseans. Carroll estimated that he could raise at least 4,000 men from among the Unionists of East Tennessee in thirty days.[43]

Another letter in the same vein was written on August 26 by A. M. Lea, who said that he had been endeavoring to "allay the spirit of disaffection." After a conversation with T. A. R. Nelson, he was certain that this former Unionist would come out openly for the Confederate cause as soon as his standing with his party would permit. He had already given aid in raising volunteers. Lee, himself, had persuaded the Union leaders to come to Knoxville from the different counties on the night of August 26 to prepare an address to the Unionists, adopting Nelson's card and advising their friends in Kentucky to return to their homes and submit to "the powers that be." He proposed to publish a handbill containing a short appeal by him, Nelson's card, this address, and General Zollicoffer's order "holding out the Olive branch." It was Lea's belief that the two factions could be brought together.[44]

The address of the Union leaders, which Lea had said was to have been written on the night of August 26, appeared under the date of September 13. It contained a letter to General Zollicoffer in which surprise was expressed that anyone entertained the opinion that East Tennessee might at any moment rebel. "We should deplore a civil war in our midst and we believe that we but reflect the feelings

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43. Weekly Appeal, Aug. 20, 1861, in Nelson's Scrap Book, vol. 13, p. 176.

44. A. M. Lea to A. T. Bledsoe, Aug. 26, 1861, in O. R., II, 1, p. 827.

of the Union party in East Tennessee in avowing that sentiment," the leaders declared. They asserted that their influence had been and would be for peace and expressed the belief that if the Confederate troops were required elsewhere, there would be no danger of an outbreak. This communication was signed by F. S. Heiskell, D. K. Young, Samuel Milligan, C. F. Trigg, John Baxter, John M. Fleming, William P. Crippen, Samuel Pickens, M. Thornburg, R. H. Hodsden, O. P. Temple, William Rodgers, W. G. Brownlow, S. R. Rodgers, J. H. Gaut, W. C. Pickens, and G. M. Hazen. Zollicoffer's reply of the next day was also printed in the address. He said that he was gratified by the letter he had received, for he knew that the influence of the signers would greatly promote peace. "I will most cheerfully hereafter, as heretofore," declared the General, "retain no more military force, and exercise no more military authority, in East Tennessee, than I may deem due to the peace and safety of the community....." He expressed the hope that all misunderstandings, and with them all military forces, would disappear. He requested the "Lincolnites" to remain peacefully at their avocations and not to talk or act violently and he also warned them that destruction would follow resistance.[45]

The situation in East Tennessee was not as promising from the Confederate viewpoint, as the last two accounts would lead one to believe. Hiding by day, and silently working their way through the mountains by night, many Unionists succeeded in reaching Kentucky,

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45. The Jonesborough Express, Sept. 27, 1861, in Nelson's Scrap Book, vol. 13, p. 188.

despite the careful patrolling by the Confederates of every gap in the mountains.[46] But in some places where there were not soldiers to aid them, the Confederate sympathizers were the ones who sought safety in flight. On August 26 Colonel W. E. Baldwin was sent to Carter and Johnson counties because of this situation. His orders were to be as conciliatory as possible, to restrain his men, disarm and disperse all bodies of men in open hostility, to capture, and if resistance was offered and it was necessary, to kill the leaders.[47] On September 1 Captain McClellan's cavalry company was sent to aid him.[48] The inhabitants of Sneedville were kept in constant fear of an "invasion" of Unionists from Hancock and Hawkins counties.[49] Captain James Fry was sent to capture Captain David Fry who had been drilling a company of Unionists in Greene county. He failed to capture the leader but captured several others.[50] Colonel Baldwin could not move on to Cumberland Ford until disturbances were quieted in that county.[51]

Disquiet was also present in Hamilton, Rhea, and Meigs counties. In the early part of September a curious incident known as the "First Clift War" took place. William Clift was an outstanding Union man who lived in Hamilton county, Tennessee. During the summer and fall of 1861 his home became a way-station for refugees from north Georgia and East Tennessee. Taking possession of a Cumberland Presbyterian camp ground, not far from his home, he quartered the refugees

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46. Temple, op. cit., pp. 368-70.
47. P. P. Lee to W. E. Baldwin, Aug. 26, 1861, in O. R., II, 1, p. 832.
48. Zollicoffer to W. E. Baldwin, Sept. 1, 1861, ibid., p. 833.
49. F. M. Turner et al. to Zollicoffer, Sept. 9, 1861, ibid., I, 4, p. 404.
50. Athens Post, Sept. 13, 1861.
51. General Orders, No. 13, Sept. 12, 1861, in O. R., I, 4, p. 406.

there while organizing them into companies. Rumors of what was taking place came to the ears of the Confederate authorities and Captain Snow of Hamilton, Captains Crawford and Guess of Rhea, and Captain Rogers of Meigs with about 300 or 400 men were ordered to capture or disperse Clift and his men. For some reason they halted at "The Cross Roads", six or eight miles from Clift's headquarters. This halt gave some cautious Union men a chance to go to Clift and induce him not to fight. He was guided by their counsel and broke up his camp. Before the Confederate force arrived on the scene and after the breaking up of the camp, the assistant inspector general of the state, James W. Gillispie, appeared. In an interview with Clift and several Union leaders he tried to get them to promise that they would discourage all Unionq men from leaving their homes. He endeavored to secure a promise from Clift, in particular, not to allow his premises to be used by Union refugees and not to organize any more camps. The Unionists replied that they were being oppressed and that many were being forced into the Confederate army against their will and conscience. The result of the parley was the signing of the following treaty:

> Whereas the State of Tennessee has separated from the United States, by a vote of a large majority of the citizens of the State, and adopted the permanent Constitution of the Confederate States of America; and we, as members of the Union party, believing that it becomes necessary for us to make an election between the North and the South, and that our interests and sympathies and feelings are with our countrymen of the South, that any further divisions and dissentions among us, the citizens of East Tennessee, is only calculated to produce war and strife among our homes and families, and desolation of the land, without any material influence upon the contest between the North and the South.
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> We hereby agree, That we will in future conduct ourselves as peaceable and loyal citizens of the State of Tennessee, that we will oppose resistance or rebellion against the Constitution and laws

> of the State of Tennessee, and will use our influence to prevail upon our neighbors and acquaintances to co-operate with us in this behalf; We having been assured by the military authorities of the State, that no act of oppression will be allowed toward us or our families, whilst we continue in the peaceable pursuits of our several domestic occupations. September 19th, 1861.

Thus the first "Clift War" was ended, without the firing of a gun, by the "Cross Roads Treaty" between General Gillispie and Colonel Clift.[52]

While Unionism was being combated in East Tennessee by reassuring words and force of arms, the Confederate Congress on August 30, 1861, passed an act for the "sequestration of the estates, property and effects of alien enemies." Everyone knowing of or having in his custody any kind of property of an alien enemy was to report it.[53] Landon C. Haynes, who was appointed receiver for the Eastern District of Tennessee, published this act in the newspapers. He interpreted it as including all those persons who had gone, or might in the future go to Kentucky or other states of the United States, or had joined, or might join the enemy, or had helped, or might help the United States in any way. Their property was to be reported.[54] Notices of sequestration sales decreed by the Confederate States District courts began to appear in the various newspapers.

Another act which incidentally applied to East Tennessee was an act respecting alien enemies approved on August 8, 1861. It provided that "all natives, citizens, denizens, or subjects" of a

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52. Hurlburt, op. cit., pp. 66-71; Temple, Notable Men of Tennessee, pp. 95-6.
53. O. R., IV, 1, pp. 586-92.
54. Knoxville Weekly Register, Oct. 17, 1861.

hostile nation who were over fourteen years of age and within the Confederate States should be "liable to be apprehended, restrained or secured and removed as alien enemies." The President was authorized to provide by proclamation for the removal of those who refused to go willingly. It further provided that those persons acknowledging the authority of the United States government were to be allowed forty days in which to leave the Confederate States. If they failed to do so, they were to be treated as alien enemies. On August 14 President Davis issued the necessary proclamation with four rules appended. The first provided that after the end of the forty days, the District Attorneys and other officers were to make complaint against alien enemies who had not left, so that the court could have them removed or arrested. The second and third directed that alien enemies be prevented from getting information useful to the enemy while held upon complaints and while being removed. The fourth ordered that any aliens who were to return after having once left, should be arrested as spies or prisoners of war.[55]

The Confederates used the oath of allegiance to the Confederate government to secure the passive submission of known Unionists. It was also used to point out the irreconcilables. On the other hand, many Unionists, who did not wish to be disturbed, took it as a means to security. Thus, although several of the representatives of East Tennessee in the Tennessee legislature were Unionists, they all swallowed the following oath which was imposed:[56]

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55. O. R., II, 2, pp. 1368-70.
56. Knoxville Weekly Register, Oct. 17, 1861.

> You do solemnly swear to support the Constitution of the Confederate States and the State of Tennessee, and that, as a member of this General Assembly, you will in all appointments, vote without favor, affection, partiality or prejudice; and that you will not propose or assent to any bill, vote or resolution, which shall appear to you injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of the State.

At the opening of the Confederate court in September, by far the larger portion of the Knoxville bar took the oath of allegiance to the Confederate government. Among the persons taking it were John Baxter, John Brownlow, and W. A. G. Reed. These men had been in the custody of the military, but had been surrendered to the Marshal. The District Attorney had no charge against Brownlow or Baxter, so he fully discharged them. The following oath which was given W. A. G. Reed was probably typical of the oaths administered to many Unionists:[57]

> I, _____, solemnly and sincerely swear, that I will truly and faithfully demean myself as a good and true citizen of the State of Tennessee and of the Confederate States of America, and that I will be subject to the powers and authorities that are now established for the good government thereof; and that I will not abet or join the enemies of said State or of the Confederate States by any means in any conspiracy or rebellion whatever against the authority thereof, and I will disclose and make known to the Legislative, Executive, or Judicial authorities of said State or of the Confederate States all treasonable plots or conspiracies which I shall know to be made or intended against the same, so help me God.

The Confederate Court was kept busy with Unionists arrested on every pretext. Perez Dickinson, for thirty years a successful merchant in Knoxville, had obtained a permit from Harris to go North on

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57. Athens Post, Sept. 13, 1861, in Nelson's Scrap Book, vol. 13, p. 190.

business. When he returned he was arrested on a warrant based on an affidavit, filed by Attorney Ramsey, stating that he had been born in the North and had recently held intercourse with the Northern people. At his trial Judge Humphreys proposed that he take the oath. Dickinson refused to do so under the circumstances of compulsion, declaring that he had not held intercourse with the Northern people in violation of his parole to Harris. Then Judge Humphreys released him on a $10,000 bond and gave him less than a week in which to leave the state. Of course, all his fortune was confiscated upon his departure.[58]

After only eight or ten Unionists out of sixty or seventy who had been arrested during the week ending September 21, were found to have committed any offense against the state or the Confederate government, Judge Humphreys rebuked "small men" for causing "indiscriminate arrests" without sufficient causes.[59] Nevertheless, in the next few days twenty-five citizens of McMinn county were brought before Humphreys. Because there was nothing against them, about twenty of these were released, after paying a small fine to cover the costs and taking the oath. The five retained were sent to a military camp for the night. One of them, an old man named Duggan, who was charged by Ramsey with having prayed for the United States, was released later without taking the oath or giving a bond. As a result of such arrests a special order was issued on September 23. It said that since "strong assurances" had been given by the Unionists from every section of East

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58. Brownlow's Whig, Sept. 21, 1861, in Nelson's Scrap Book, vol. 13, p. 187.
59. Ibid.

Tennessee that they would abide by the existing laws, no citizens were to be arrested by the East Tennessee brigade without special orders from headquarters except in cases of actual violence.[60]

Robertson Topp wrote a letter describing these arrests which was turned over to President Davis. He said that he had worked all summer and fall trying to conciliate the East Tennesseeans and it had seemed that he had succeeded until these arrests had begun. If tolerated, he believed that the government would lose its last friend in East Tennessee. He accused W. G. Swan, William Churchwell, John Crozier, J. Crozier Ramsey, and the Knoxville post-master of maliciously causing them. Topp believed that things would quiet down if the president would make it known that he disapproved of indiscriminate arrests.* In his indorsement of the letter Davis ordered action to be taken to correct the abuses mentioned.[61]

General Zollicoffer marched to the ford of the Cumberland River in Kentucky a few days before September 18, leaving the Confederate military force in East Tennessee considerably depleted. The sixteenth Alabama regiment under Colonel W. B. Wood was at Knoxville and only 300 men were left to guard the magazine there. One regiment, the East Tennessee brigade under Colonel Lillard, was to guard the railroads and bridges. There was one other unorganized regiment. Two squadrons of cavalry were reconnoitering in the mountains and there was an unarmed body of cavalry not on duty.[62] In the latter part

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60. Ibid., Sept. 28, 1861, p. 188.
61. Robertson Topp to Robert Josselyn, Oct. 26, 1861, in O. R., I, 4, pp. 476-7.
62. W. R. Caswell to W. W. Mackall, Sept. 18, 1861, ibid., p. 412.

of October Zollicoffer was repulsed. The Unionists, who had become bolder, were plainly elated, and a slight fight occurred between some of them and eight or ten of Wood's men in Knoxville. The "Lincolnites" escaped without being captured. J. Swan reported to Wood that he had heard a Unionist say that Captain White's cavalry could ride through the streets then, but in less than ten days the Union army would run it off.[63] By the morning of the 29th the town was quiet. On October 30 Zollicoffer answered Wood's account of this affair with the following instructions:[64]

> Watch the movements of the Lincoln men in East Tennessee. Restrain our ultra friends from acts of indiscretion. Promptly meet and put down any attempted open hostility. But I have observed heretofore that a few of our friends about Knoxville are unnecessarily nervous; give their expressions of apprehension only their due weight.

On November 1, 1861, John Park, the Mayor of Memphis, and the Memphis Safety Committee addressed Davis on the subject of the policy of conciliation in East Tennessee. They said that a large number of the disaffected in that section had taken the oath. Others had returned from Kentucky and joined the army of Tennessee after having been assured that their property and former positions would be restored to them. They thought that this policy would undoubtedly bring all of them to the support of the Confederate government, but such had been the "exasperation and vituperation of political parties and the prejudices of and against the present officers" that the

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63. W. B. Wood to Zollicoffer, Oct. 28, 1861, ibid., p. 482.
64. Zollicoffer to Wood, Oct. 30, 1861, ibid., p. 490.

proclamations had not had the due conciliatory effect. Their opinion was that this situation could be remedied if the president would give them the direct authority to invite the disaffected to "lay down their arms, return to their homes, and become good and loyal citizens," with the assurance that they would be "protected in the enjoyment of all their rights," alike with every one "who submitted to the Confederate Government." Governor I. G. Harris, H. F. Cummins, and J. E. R. Ray, Secretary of State, concurred in these suggestions.[65]

The Tennessee legislature, which had met in October, had redistricted the state and provided for another election for Confederate Congressmen during the first week in November. The Union men seemed to have almost entirely abstained from voting at this election.[66] John B. Rodgers, a Unionist, opposed E. F. Gardenshire in the Fifth District.[67] Few Union men dared to vote for him because of the threats of Confederate soldiers. Lives of returning officers were menaced in case they gave Rodgers certificates of election. After the contest was over, Rodgers heard that he was to be arrested and sent to Richmond or Tuscaloosa as a prisoner of war. Accordingly he left East Tennessee and presented himself to the United States lower House. He was refused a seat as Representative from Tennessee.[68]

By November 4 general apprehension of a Unionist revolt was felt by the Confederates. Many persons believed that the policy of

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65. John Park et al. to Davis, Nov. 1, 1861, ibid., pp. 497-8.
66. Union and American, quoted by Christian Advocate, Nov. 13, 1861.
67. Athens Post, Jan. 17, 1862.
68. Reports of Committees of the House of Representatives and Court of Claims, 37 Cong., 3 Sess., Report No. 32.

conciliation had failed. C. Wallace wrote Governor Harris on October 29: "I am constrained by the circumstances about me to believe Zollicoffer and the railroads of East Tennessee are in a dangerous condition at present. There is no giving way in the hostile feeling in East Tennessee." This was transmitted on November 4 to J. P. Benjamin, acting Secretary of War, by General A. S. Johnston, who said he had ordered two regiments and seven cavalry companies to join Zollicoffer. In addition Walker's Brigade was sent to Knoxville.[69] Samuel Tate agreed with Wallace. He said that "feelings of decided hostility" were "again being exhibited by the citizens," and that there was "danger of aid being given to Lincoln---at an unexpected moment and seizure of the railroad."[70] As a result of these letters Davis ordered more regiments to be sent to East Tennessee. On the same day, November 4, General W. B. Wood appraised both Benjamin and Cooper of the danger of a rebellion. He attested that a great many Unionists had been passing into Kentucky; parties of from twenty to 100 were joining the enemy every day. He asserted that the Southern men were living in "constant apprehension that a general uprising and rebellion" might take place at any day." "I do not believe that the Unionists are in the least reconciled to the Government," he wrote. "Unionists are talking exultingly of the approach of the Lincoln Army," Wood added, "and their intention to join it." He believed that conditions were worse than ever before. His force at Knoxville consisted

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69. A. S. Johnston to J. P. Benjamin, Nov. 4, 1861, in O. R., I, 4, pp. 509-10.
70. Rueben Davis to Davis, Nov. 4, 1861, ibid., pp. 510-11.

of 200 infantry, three companies of unarmed cavalry, and one company of armed cavalry, most of which were on special duty. He said the railroads, the commissary, and the quartermaster's stores were liable to seizure at any moment. One regiment at least was required at once, Wood declared.[71]

On November 8 another appeal was made for troops by Landon C. Haynes. He warned President Davis: ".....the railroads will be destroyed, the bridges burned, and other calamities not necessary to mention will follow."[72] That very night his prophecy came true!

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71. Wood to Cooper, Nov. 4, 1861; Wood to Benjamin, Nov. 4, 1861, ibid., p. 515; II, 1, pp. 836-7.
72. Landon C. Haynes to Davis, Nov. 8, 1861, ibid., II, 1, pp. 837-8.

Chapter III

THE BRIDGE BURNING AND ITS AFTERMATH

The Confederate policy up until November 8 had been a lenient one, although it had become hard for many Unionists to endure the situation in which they found themselves. East Tennessee was patrolled by Confederate troops, and local politicians caused frequent arrests to be made for no apparent reason except that the victims were Union in their sympathies. To feel continually insecure, to be despised, ridiculed, and oppressed was not easy for free men.

W. B. Carter, feeling that aid could be given the United States and that East Tennessee could be freed, left his home about the first of July, 1861, to procure relief in the North for the loyal men of East Tennessee. Sometime in September he laid before George H. Thomas, the commander at Camp Dick Robinson in Kentucky, a plan to destroy the grand trunk line through East Tennessee. By his plan nine bridges were to be destroyed, including all the important bridges of the line of railroads between Bridgeport, Alabama, and Bristol, Tennessee (a distance of 270 miles). These roads, connecting Memphis and Nashville with Richmond, were the main routes over which the Confederate army in Virginia received its supplies and reenforcements.[1] Over the East Tennessee and Virginia and the East Tennessee

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1. Temple, op. cit., p. 370.

and Georgia Railways thousands of troops were being rushed to reach Richmond in time to defend it from McClellan's advance. Traversing the whole eastern part of the state, the extent of the railway system was so great that it could not be patrolled and could, therefore, be easily destroyed.[2] Carter suggested that a Unionist uprising be planned in conjunction with a military expedition to be sent to take Knoxville and the railroads.[3] He told Thomas he could carry out this plan if the government would give him a small sum of money.[4]

Later Carter was admitted to a conference with President Lincoln, Secretary of State Seward, and General McClellan. He presented his plan to them and they approved. An expedition into East Tennessee had long been Lincoln's idea, for soon after the battle of Bull Run, he made a memorandum suggesting a military expedition from Cincinnati into that section.[5] Also, he left a quasi-order at the War Department in the latter part of September which contained this: "On or about the 5th of October (the exact date to be determined hereafter) I wish a movement made to seize and hold a point on the railroad connecting Virginia and Tennessee, near the mountain pass called 'Cumberland Gap.'"[6] Carter received from Seward $2,500 with which to carry out his scheme. McClellan assured him that he would send an army for the expedition and meanwhile keep the Confederate army in Virginia too busy to send troops into

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2. Neal, Disunion and Restoration, p. 21.
3. Temple, op. cit., pp. 370, 372; Temple, Notable Men of Tennessee, p. 310.
4. George H. Thomas to Maj. Gen. McClellan, Sept. 30, 1861, in O. R., II, 1, p. 889.
5. Temple, op. cit., p. 371.
6. Ibid., p. 372.

East Tennessee. He said he would also see to it that the Federal army in Louisville would hold the attention of the Confederate army in Middle Tennessee.[7]

Carter went from Washington back to Kentucky where he and General Thomas discussed ways and means. The general had been interested in an expedition into East Tennessee for some time. He had begun making preparations for an advance upon Knoxville soon after taking over the command of southeast Kentucky in September.[8] On October 4 he asked General Robert Anderson for "four good regiments with transportation and ammunition." He said that if he could march, within ten days he could seize the railroad at Knoxville.[9] When Anderson resigned because of ill-health, Thomas made the same request to his successor on November 5.[10] Although in October the situation was critical in Kentucky for the small Union force, a plan was agreed upon whereby General Thomas was to place his army near the Kentucky-Tennessee border and lead it on to Knoxville at the critical moment. He was to leave his camp for this purpose on or about October 22 or 23. Meanwhile Carter was to go to East Tennessee to arrange for the burning of the bridges and the uprising of the Unionists.[11]

In company with Captain W. M. Cross and Captain David Fry of Greene county, Tennessee, Carter left Camp Dick Robinson on October the

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7. Ibid., p. 371.
8. Ibid., p. 375. (Report to House of Rep., Jan. 30, 1861.)
9. Ibid., p. 377.
10. Ibid., p. 373.
11. Ibid., p. 377.

18th or 19th.[12] One of the first places at which he stopped was that of a Mr. Crow at Emory Road, two or three miles from Kingston.[13] He decided to select six assistants from the known Union men of the section through which the railroad ran, who would be the leaders on the night of November 8.[14] They were to select their own followers. As arms were needed in East Tennessee, men started on October 22 from Montgomery/ in Morgan county, Tennessee, to Kentucky for the purpose of bringing back lead, rifle powder, and caps for Scott and Morgan counties. However, they did not reach General Thomas's camp until November 2.[15] Therefore, they could not have returned before November 8.

In the meantime, the plan was going awry in Kentucky. Thomas had set out with his army three or four days earlier than was called for in the agreement. At the same time, General Zollicoffer made an advance from Cumberland Ford in the direction of Wild Cat, about forty-five miles south of Camp Dick Robinson. The two opposing generals met at Wild Cat where a sharp fight resulted. After driving back the Confederates, Thomas moved on to Loudon on his way to Knoxville. Here he received an order from General Sherman to retrace his steps.[16] Thus, when it was too late to change the time set for the uprising in East Tennessee or prevent the destruction of the bridges, General Sherman ordered Thomas to give up the expedition.[17]

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12. Ibid., pp. 374, 377; cf Temple, Notable Men of Tennessee, p. 310.
13. Temple, op. cit., p. 377.
14. Ibid., p. 389.
15. W. B. Carter to Thomas, Oct. 22, 1861, in O. R., II, 1, p. 889.
16. Temple, op. cit., p. 377; cf. Thomas to Sherman, Nov. 12, 1861; Thomas to A. Schorpf, Nov. 12, 1861, in O. R., I, 4, pp. 354, 355.
17. Temple, Notable Men of Tennessee, p. 310.

In East Tennessee, Carter, unaware of any change of plan on the part of Thomas, was selecting his leaders and informing the people that if they would rebel, the Union army would march into East Tennessee and deliver them from the Confederates. On October 27 he sent a dispatch to General Thomas from near Kingston in Roane county, Tennessee, in which he said that East Tennessee was in a wretched condition. "If I can get enough men," he promised, "we will whip them [the Confederates] and save the railroad. If I cannot we will destroy the bridges."[18] This note was received by General Thomas on November 4, and on November 5 he sent two communications from W. B. Carter to Brigadier General W. T. Sherman. He stated that with sufficient arms and four regiments of disciplined troops he could seize the railroad. Thomas concluded his dispatch with the question: "Cannot General McClellan be induced to send me the regiments?"[19] Two days later, on November 7, he wrote Governor Andrew Johnson, who was then in London, Kentucky, that he and General Sherman had done all in their power to get troops and means to advance into Tennessee but had been unsuccessful. He then dismissed the matter with the comment: "If the Tennesseeans are not content and must go then the risk of disaster will remain with them."[20]

The reason General McClellan had not sent the regiments Thomas had requested was that he was depending upon Brigadier General D. C. Buell to go to the aid of the East Tennesseeans. He practically commanded him to throw the mass of his forces by rapid marches through

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18. Carter to Thomas, Oct. 27, 1861, in O. R., II, 1, p. 890.
19. Thomas to Sherman, Nov. 5, 1861, ibid., p. 891.
20. Thomas to Johnson, Nov. 7, 1861, ibid.,

Cumberland Gap on to Knoxville in order to occupy the railroad at that point, thus cutting off the communication between east Virginia and the Mississippi River, and enabling the East Tennesseeans to rebel.[21] Buell did not see fit to comply with this quasi-order or several other similar ones received by him from time to time.[22] As far as evidence goes, one must conclude that he was the one more responsible than any other for the failure of the Union army to enter East Tennessee during 1861.

Two efforts to send troops into Tennessee had failed. Not knowing this, the Unionists proceeded to carry out their part of the plan by burning the bridges on the night of November 8. Of the nine bridges which they intended to destroy, only the following five were burned: the bridges over the Holston, at Union Depot, over Lick Creek, west of Greeneville, over the Hiwassee at Charleston, and two over Chickamauga Creek, not far from Chattanooga.[23]

The destruction of the bridges in lower East Tennessee between the Hiwassee River and Bridgeport was left to Alfred M. Cate, of Bradley county. There were four bridges to be destroyed under his direction. He entrusted the burning of the long and costly bridge on the Nashville and Chattanooga Railroad at Bridgeport to R. B. Rogan and James D. Keener. Arriving at the bridge, they found it so heavily guarded that they could do nothing but return home. W. I. Cate, a brother of A. M. Cate, and W. H. Crowder alone burned the two bridges over

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21. McClellan to Buell, Nov. 7, 1861, in O. R., II, 1, p. 891.
22. Nicolay and Hay, Abraham Lincoln, vol. 5, pp. 66-74.
23. Temple, Notable Men of Tennessee, p. 309.

Chickamauga Creek. These were very close together, one being on the East Tennessee and Georgia Railroad and the other on the Western and Atlantic.

A. M. Cate reserved the most hazardous undertaking for himself — that of destroying the bridge over the Hiwassee. This bridge connected two villages situated on opposite sides of the river, thereby making it hard for him to escape detection. Cate's party consisted of Adam Thomas, Jesse F. Cleveland, and his son Eli, and Thomas L. Cate, another brother of A. M. Cate. The bridge was successfully burned without a clue being left behind by which the burners could be identified. A. M. Cate carried out his work so well that not even his best Union friends suspected him. For thirty-five years the identity of these bridge burners remained a complete mystery.[24] On November 14, 1861, Cate and a group of about twenty well-armed men attempted to make their way to Kentucky in order to escape the wrath which the bridge-burning had aroused. At twelve o'clock that night they were informed that 1400 Confederate soldiers were approaching from different directions. Immediately the party disbanded and hid in the mountains. Although the weather was bitter cold, Cate remained there, hiding in caves for eight days. Then he returned home and made his escape into Kentucky where he joined the Union army.[25]

No one seems to know anything about any attempt to burn the long bridge at Loudon, Tennessee. People were selected but, who they

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24. Temple, op. cit., pp. 379-381; Notable Men of Tennessee, pp. 85-86.
25. Temple, Notable Men of Tennessee, p. 87.

were or why the bridge was not burned is not known. O. P. Temple thought it probable that Captain W. M. Cross was to have been the leader, but Captain Cross would not give any information. He did tell his family, however,[26] that he was connected with the bridge burning.

The most exciting incident of the night of November 8 occurred at the Strawberry Plains bridge over the Holston River, fifteen miles east of Knoxville. William C. Pickens of Sevier county, bold, dashing, reckless, good-natured, was the leader, while Daniel M. Ray, James Montgomery, Abe Smith, B. F. Franklin, White Underdown, William Montgomery, Elizah Gamble, and an unidentified father and son made up the party of would-be bridge-burners. True to his nature, Pickens made no careful examination of the bridge. Leaving their horses with two of the party, he and the others approached the eastern end of the bridge — the end which was guarded by James Keelin. Having scrambled up onto the bridge, Pickens struck a light and was immediately shot down, wounded in the thigh. The guardsman seized him and a desperate struggle ensued. One of the Montgomeries rushed to the rescue of his friend with his huge home-made knife which was about fifteen inches long. The night was so dark that he struck Pickens instead of Keelin, cutting his arm almost off. Keelin, supposed to be badly wounded, was thrown, or rolled, down the embankment and made his escape in spite of the shots fired after him. The Unionists now took complete possession of the bridge and were ready to set it afire, when they realized that their matches were gone. Pickens, who had brought the only box of matches in the crowd, had lost

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26. Temple, op. cit., p. 381.

them in his struggle with Keelin. A diligent search failed to bring the matches to light; so the lack of a match saved the Strawberry Plains bridge.

Notwithstanding the fact that Pickens was wounded in two or more places, he was mounted behind a companion and taken by the party to Daniel Keener's where the next day was spent. Here Dr. James H. Ellis of Trundle's Cross Roads dressed Pickens' wounds. On November 10 he was placed on a sled, concealed with corn fodder, and hauled into the mountains where he remained in hiding until the next January when he and his associates were piloted across the mountains into Kentucky. Parson Brownlow and the Reverand James Cummings, who had been compelled to flee from their homes on account of their Union sentiments, joined the bridge-burners in the mountains. The fugitives would have starved if it had not been for the Union mountaineers. Daniel M. Ray said:

> Every member of this little band of fugitives should ever remember with feelings of gratitude the loyal citizens of Weir's Cove. Every man, woman and child there was true to their country's flag, and during the dark hours of danger when they were in hiding, carried them provisions and kept them supplied with everything they needed.

When Kentucky was reached, Pickens with the aid of others raised the Third Tennessee Cavalry, and he became its first colonel. D. M. Ray became colonel of the Second Tennessee Cavalry; W. M. Montgomery, J. A. Montgomery, and one other became captains. White Underdown and Elijah Gamble became lieutenants, and another became a sergeant.[27]

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27. Ibid., pp. 381-84.

Another story of the attempted burning of the Strawberry Plains bridge made James Keelin a great hero throughout the Southland. Pollard's version of the incident is typical of the one believed by the Confederates. He said the Strawberry Plains bridge was "saved by the heroic and self-sacrificing act of an humble individual, named Edward Keelan, at that time the sole guard of the place." His account has it that Keelan fought off more than a dozen Union men, forcing them to retire with one killed and several badly wounded. The hero, himself, was nearly killed in the struggle and when his friends arrived exclaimed: "They have killed me, but I saved the bridge."[28]

The burning of the bridge over Lick Creek in Greene county, fifteen miles west of Greeneville, was the most tragic occurrence of that fateful night, for five of the persons taking part in it were later hanged. The leader of this group was Captain David Fry, a bold, brave, daring soldier of the Second Tennessee Infantry. His ill-starred followers were Jacob Harmon, and his son Thomas, Jacob M. Hensie, Henry Fry, Hugh A. Self, A. C. Hawn, and Harrison Self.[29]

Daniel Stoner, a son-in-law of Andrew Johnson, was entrusted with the destruction of two bridges. Because the bridge over the Watauga River at Carter's Depot, six miles from Elizabethton, was guarded by Captain David McClellan's company, he failed to destroy it.[30] The other bridge at Union Depot (now Bluff City), over the Holston River, was guarded by two men who were captured and whose lives were spared

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28. Pollard, First Year of the War, p. 199.
29. Temple, op.cit., p. 384.
30. Ellis, Adventures of Daniel Ellis, pp. 26, 28; cf. Temple, op. cit., p. 384.

on the promise that they would not at any time reveal the members of the bridge-burning party. However, as soon as they felt that they were safe, they named all they had recognized and guessed shrewdly the identity of others.[31] Daniel Ellis, a citizen of Carter county, was a member of this party. He states that he and the others were convinced that if the bridges were destroyed there would be nothing to prevent the Union troops from coming to East Tennessee to stay.[32]

Believing that the Federal army was coming, an unknown number of Union men (estimated by Colonel Wood as 1,000) assembled immediately after the bridge-burning and marched to Strawberry Plains. They went as far as Underdown's Ferry on the French Broad River, where they kept at bay a Confederate force for several hours. Finally they fell back and scattered to their homes. In the meantime, some were arrested. There was another camp of about three hundred in Sevier county to which men came from Blount, Roane, Johnson, Greene, and other counties.[33] Advance scouts from still another Unionist camp at Carter's Depot encountered the advance of the enemy. After a little firing the Confederates retreated, but that night they returned to make an attack and were repulsed.[34] The Unionists of the lower East Tennessee counties also assumed a threatening attitude.[35]

On November 9 all the telegraph wires which were still in working order were kept busy by messages sent to and from the Confederate

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31. Temple, op. cit., p. 384.
32. Ellis, op. cit., p. 27.
33. W. B. Wood to Cooper, Nov. 11, 1861; John R. Branner to Benjamin, Nov. 13, 1861, O. R., II, 1, pp. 840, 843; Temple, op. cit., pp. 386-7.
34. Ellis, op. cit., p. 58; Temple, op. cit., p. 385; Robert L. Owen to Benjamin, Nov. 11, 1861, in O. R., II, 1, p. 839.
35. W. B. Wood to Cooper, Nov. 11, 1861, in O. R., II, 1, p. 840.

officers. Affairs had taken on a frightening aspect. The transportation of army supplies was impossible;[36] communication by railroad and telegraph was cut off between Chattanooga and Richmond;[37] all means of communication with Nashville were broken down; and the emboldened Unionists were gathering in camps. Troops were rushed to East Tennessee. One thousand and two hundred infantry and one half-section of artillery were sent to Jamestown and Tompkinsville to be augmented later by soldiers under Colonel Terry. Colonel Powell was ordered to make a forced march to Knoxville, and General A. S. Johnston wired Harris to ascertain the extent, power, and organization of the insurrection and to arm his levies.[38]

On November 10 General Carroll was ordered from Memphis to reenforce the Confederate troops in East Tennessee,[39] but he could not move for lack of arms.[40] Colonel Daniel Leadbetter, who was ordered to take charge of the railroads in East Tennessee, was instructed to levy upon the owners and the surrounding communities for aid and materials and to give the usual certificates for them. He was, also, to reestablish the telegraph communications. Stovall's battery was ordered to report to him at Bristol and Wood's Alabama regiment, at Chattanooga.[41] On the same day R. L. Owen, president of the Virginia and Tennessee Railroad, notified Davis that he was starting to Tennessee from Lynchburg with materials to rebuild the bridge over the

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36. Branner to Benjamin, Nov. 9, 1861, in O. R., I, 4, p. 231.
37. W. H. Mackall to Gen. Polk, Nov. 9, 1861, ibid., pp. 531-2.
38. Mackall to Brigadier-General Hardee, W. F. Moore to John Letcher, Zollicoffer to W. B. Wood, Johnston to Harris, Nov. 9, 1861, ibid., pp. 230-32, 531.
39. Benjamin to Carroll, Nov. 10, 1861; Carroll to Benjamin, Nov. 12, 1861, ibid., pp. 234, 238.
40. Ibid., p. 238.
41. Cooper to Leadbetter, Nov. 10, 1861, ibid., p. 234.

Holston.[42] The Loudon bridge was being well guarded, for a company was stationed at each end and extra pickets and sentinels were placed around it. Despite the fact that no demonstration was made, there was constant fear that it might be attacked.[43] On November 10 the Watauga bridge was attacked but without success. On the same day six of the men who had burned the Lick Creek Bridge were arrested.[44]

The burning of the bridges and the subsequent revolt of the Unionists convinced the Confederates that conciliation could not be effected and that the only way to secure the safety of the railroads was to adopt a severe policy. On November 11 Wood wrote Cooper: "A mild or conciliating policy will do no good; they [the Unionists] must be punished; and some of the leaders ought to be punished to the extent of the law. Nothing short of this will give quiet to the country." As there were a great many people in Knoxville sympathizing with the revolters, Wood placed the city under martial law.[45] Zollicoffer, however, who was stationed at Jacksborough, wrote the Secretary of War that he believed the reports he had received were greatly exaggerated.[46] Undoubtedly, great excitement and terror was prevalent among both the Confederates and Unionists.[47]

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42. R. L. Owen to Davis, Nov. 10, 1861, ibid., p. 233.
43. R. L. Owen to Benjamin, Nov. 11, 1861, ibid., p. 234.
44. W. B. Wood to Cooper, Nov. 11, 1861, ibid., II, 1, pp. 840-1.
45. Ibid., I, 4, p. 236.
46. Zollicoffer to Cooper, Nov. 11, 1861, ibid., p. 237.
47. J. H. Lewis to Davis, Nov. 11, 1861, ibid., II, 1, p. 839.

By November 12 Zollicoffer came to view the situation more seriously. He rejoiced that six bridge-burners had been caught and ordered the simultaneous disarming of all the Union inhabitants. His new attitude is shown by the following: "Their [the Unionists] leaders should be seized and held as prisoners. The leniency shown them has been unavailing. They have acted with base duplicity and should no longer be trusted."[48] Governor Harris, too, felt that rigorous methods should be adopted for he wrote Davis: "The burning of the railroad bridges in East Tennessee shows a deep-seated spirit of rebellion in that section. Union men are organizing. This rebellion must be crushed out instantly, the leaders arrested, and summarily punished."[49]

A. G. Graham had a definite policy to suggest. He declared of the Unionists: "They look confidently for the reestablishment of the Federal authority in the South, with as much confidence as the Jews look for the coming of the Messiah, and I feel quite sure when I assert it that no event can change or modify their hopes.---We will crush out the rebellion here in a week or ten days, but to prevent its recurrence should be a matter of anxious consideration." He proposed that the method used to prevent its recurrence should be to force the disaffected men to dispose of their effects and leave East Tennessee with their families. He asserted that this policy would secure peace and enable Southern men to enter the army.[50]

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48. Zollicoffer to W. B. Wood, Nov. 12, 1861, ibid., II, 1, pp. 842-3.
49. Harris to Davis, Nov. 12, 1861, ibid., I, 4, p. 240.
50. A. G. Graham to Davis, Nov. 12, 1861, ibid., p. 239.

An incident showing the change of policy on the part of the Confederate officers was the "second Clift War" which took place at this time. Long before the bridge-burning both parties had violated the "Cross Roads Treaty." The Confederates had again begun to oppress the Unionists, and Colonel Clift once more had organized troops. After the Union revolt broke out, Zollicoffer arranged to crush the "tories" of Rhea, Hamilton, and Sevier counties.[51] He arranged for three different expeditions to move from different points upon Clift's men, although he was sure that they would succeed in dispersing and escaping into the mountains.[52] Meanwhile Harris, without calling on Zollicoffer, had issued orders for all the state militia in the surrounding counties to attempt to capture Clift and his men, dead or alive.[53] The bodies of home guards marching toward the camp delayed so much that when they and Colonel S. A. M. Wood arrived, Clift and his followers were gone.[54] The night before the Clift men had voted on the question of fighting. Four had voted in favor of it and 296 had voted in opposition. Sixty-five voted to go to Kentucky and the rest voted to disperse. Therefore, they had dispersed and taken refuge in the mountains. Large numbers of citizens and mounted soldiers began to scour the mountains in search of them. As a result, several were taken prisoners, a few were killed and wounded, and several hundred guns were captured. By November 22 the "second Clift War" was over.

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51. Zollicoffer to Cooper, Nov. 14, 1861, ibid., p. 243.
52. Zollicoffer to Mackall, Nov. 17, 1861, ibid., p. 244.
53. An order by Harris, Nov. 14, 1861, ibid., p. 243.
54. Hurlburt, Rebellion in Bradley County, pp. 72-77.

General S. A. M. Wood wired the Secretary of War: "Tories now quiet, but not convinced. Executions needed."[55]

The next event in the revolt of the Unionists was the breaking up of the camp at Doe River. Learning that heavy Confederate forces were arriving, the Unionists had retreated by way of Big Springs to Elizabethton where they had gone into camp for several days. Later they had moved their camp to Doe River Cove. Colonel Leadbetter, "whom a more bloodthirsty and infamous scoundrel never set foot upon the soil of East Tennessee," according to Daniel Ellis, the great Union guide, arrived at Johnston's Depot, November 17, on his way to Doe River Cove intending to capture them. The pickets gave the news that he was coming and it was decided that every man should shift for himself. The next morning, the Confederates arrived at the late camp only to find it empty. Some few stragglers and guns were captured, however. The soldiers robbed the Union families, drove off the cattle, and destroyed what they could.[56] A group of them, returning to their camp, captured Daniel Ellis who had mistaken them for his friends. They talked as if they were going to hang him for a bridge-burner, but he, not so well pleased with the idea, on pretense of getting a drink of water ran into a cedar thicket and escaped.[57] Thirty prisoners in all were captured

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55. S. A. M. Wood to Benjamin, Nov. 17, 1861, S. A. M. Wood to Braxton Bragg, Nov. 17, 1861, in O. R., I, 4, pp. 247, 248-9; Zollicoffer to Cooper, Nov. 22, 1361, ibid., II, 1, pp. 847-8; S. A. M. Wood to Benjamin, Nov. 21, 1861, ibid., I, 7, p. 689.
56. R. L. Owen to Benjamin, Nov. 11, 1861; Leadbetter to Benjamin, Nov. 19, 1861, ibid., pp. 839, 844; Daniel Ellis, op. cit., p. 28.
57. Ellis, op. cit., pp. 30-31.

at Doe River Cove. In accordance with instructions from the Confederate Secretary of War, those who were known to be criminals or to have taken up arms against the government were sent to Nashville to be tried for high treason. The others were discharged, after taking the oath of allegiance.[58]

The dispersion of the Unionist camp at Doe River Cove marked the end of attempts by the Unionists to meet the Confederates in battle. They escaped into Kentucky or scattered into the mountain fastnesses where they could be reached only by cavalry.

Leadbetter described in this way the conditions around Parrotsville and Newport: "Nearly the whole male population of the country [were] lurking in the hills on account of disaffection or fear. The women in some cases were greatly alarmed, throwing themselves on the ground and wailing like savages. Indeed, the population is savage." The Unionists who were not known to have been in arms took the oath of allegiance in fairly large numbers. Horses and provisions were impressed by the Confederates with the understanding that they would be paid for only in case the owner remained loyal to the Confederate government.[59]

A semblance of quiet and order was gradually restored to East Tennessee. The Confederates began to feel that the rebellion had been put down. On November 20 Colonel W. B. Wood, the commander of the Knoxville post, announced to Benjamin that it had been suppressed

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58. Benjamin to Leadbetter, Nov. 19, 1861, in O. R., II, 1, p. 845.
59. Leadbetter to Cooper, Dec. 8, 1861, ibid., I, 7, pp. 747-8.

in most of the counties and would be in all within two weeks.[60] From Greeneville Leadbetter wrote: "I think that we have effected something — done some good; but whenever a foreign force enters this country be it soon or late three-fourths of this people will rise in arms to join them."[61] J. G. M. Ramsey was of the same opinion as Leadbetter, for he said: "The rebellion in East Tennessee is nearly smothered, but is far from being extinguished."[62]

The problem which now presented itself was the treatment to be accorded the prisoners. W. B. Wood advocated a severe policy. He protested that to turn them over to the courts would be a mere farce. He asserted that it did no good to give them the oath of allegiance, because they took it with no intention to observe it. Among the prisoners were Judge Patterson, son-in-law of Andrew Johnson, Colonel Samuel Pickens, senator from Sevier and adjacent counties, and several members of the legislature. Of them Wood said:

> These men have encouraged this rebellion, but have so managed as not to be found in arms;... they are the parties most to blame for the troubles in East Tennessee. They really deserve the gallows, and if consistent with the laws ought speedily to receive their deserts; but there is such a gentle spirit of conciliation in the South, and especially here, that I have no idea that one of them will receive such a sentence at the hands of any jury impaneled to try them.

Declaring that six months in jail would have a good effect on them, Wood requested that the prisoners be held without trial as prisoners of war, if not as traitors.[63]

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60. W. B. Wood to Benjamin, Nov. 20, 1861, ibid., I, 4, pp. 250-1.
61. Leadbetter to Cooper, Nov. 28, 1861, ibid., II, 1, p. 849.
62. J. G. M. Ramsey to Benjamin, Nov. 29, 1861, ibid., I, 7, pp. 721-2.
63. W. B. Wood to Benjamin, Nov. 20, 1861, ibid., I, 4, pp. 250-1.

Madison T. Peoples was even more radical than Wood in his suggestions. He thought the military commanders should be given the power to give certain Union men the alternative of joining the Confederate army or being tried for treason. He also believed that martial law should be declared in every East Tennessee county, for it was evident that the Unionists were merely waiting for an invasion to imprison the Southerners or murder them "in the night time."[64]

In marked contrast to the spirit of these suggestions was Zollicoffer's belief that the bridge burning had brought a crisis which had demonstrated that but a small portion of the population would advocate hostile acts against the Confederate government. "Leniency and forbearance," he declared, "have gradually won many thousands over who would have been driven to the enemy had our policy been severe two months ago but those that are yet hostile can only be cured of their folly by severity. They should be made to feel in their person and their property that their hostile attitude promises to them nothing but destruction."[65]

Brigadier-General W. H. Carroll, who had just arrived at Chattanooga still only partially armed, was ordered on the 17th to Knoxville where he was to succeed W. B. Wood in command. While at Chattanooga he had released on oath and bond the prisoners that had been captured before his arrival.[66] The following forms were used:

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64. Madison T. Peoples to Benjamin, Nov. 20, 1861, ibid., II, 1, pp. 846-7.
65. Zollicoffer to Mackall, Nov. 20, 1861, ibid., p. 847.
66. Carroll to Benjamin, Nov. 17, 1861, ibid., I, 4, pp. 245-6.

We,-----and -----, acknowledge ourselves indebted to the Confederate States of America, jointly and severally, in the sum of $10,000, but to be void if -----shall faithfully and honestly support the Constitution and laws of the Confederate States of America, and if he shall faithfully and honestly render his allegiance to said Confederate States in all things; and if he shall not directly or indirectly by writing, talking, or otherwise, seditiously or rebelliously attempt to excite prejudice in the mind of any person or persons against the existance, perpetuity, or prosperity of said Confederate States; and if he shall not in any manner, directly or indirectly, aid, assist, encourage, or advise the United States, or any officer, agent, or adherent thereof, in the present war against the Confederate States.

Witness our hands and seals this --- Nov., 1861

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I do solemnly swear that I will faithfully and honestly support the Constitution and laws of the Confederate States of America, and I will faithfully and honestly render true allegiance to said Confederate States in all things and in every particular; and I further swear that I will not directly or indirectly, by talking writing, or otherwise, seditiously or rebelliously attempt to excite prejudice in the mind of any person or persons against the existence, perpetuity, or prosperity of said Confederate States; nor will I in any manner directly or indirectly, aid,assist, encourage, or advise the United States, or any officer, agent, or adherent thereof, in the present war against the Confederate States.

Upon assuming command of Knoxville on November 24, Carroll placed the city under military rule and gave orders for the dispersion of all Union gatherings and the arrest of the leaders. He seized Brownlow's printing press and sent men to scour the surrounding country with instructions to arrest all persons inciting rebellion or resisting the Confederate authority. Where there was no proof of their guilt, he ordered the prisoners discharged after taking an oath of allegiance

similar to the one used at Chattanooga. On November 26 Carroll had seventy in custody whom he believed to be implicated in the bridge burning. Wood was planning to set up a court martial to try his prisoners when he was succeeded at Knoxville. As a result of a discussion with him, Carroll ordered a court martial trial for the 28th. The members of the court he described as "intelligent and discreet officers."[67] In answer to a query made by J. C. Ramsey as to this action, Benjamin declared: "I am very glad to hear of the action of the military authorities, and hope to hear they have hung [sic] every bridge-burner at the end of the burned bridge."[68]

That the setting up of a court martial was in accord with the policy of the War Department was also shown by the instructions sent to Wood, Zollicoffer, Leadbetter, and Carroll on November 25. They were that all persons identified as having helped burn the bridges were to be tried by drum-head court-martial. Those found to be guilty were to be hanged and their bodies left hanging near the bridges, and those not found guilty were to be sent to Tuscaloosa as prisoners of war. Only those who were not implicated in the bridge burning and who should come in voluntarily, take the oath, and give up their arms were to escape imprisonment. Benjamin commanded the officers to seize all arms and ordered Wood to send Patterson, Pickens, and the other leaders to Tuscaloosa.[69]

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67. Carroll to Benjamin, Nov. 26, 1861, ibid., I, 7, p. 704.
68. Ramsey to Benjamin, Nov. 25, 1861; Benjamin to Ramsey, Nov. 25, 1861, ibid., pp. 700, 701.
69. Benjamin to Wood, Nov. 25, 1861, ibid., p. 701.

Carroll's court-martial met on November 28 and tried several unlucky prisoners. But the military court was much annoyed by Judge Humphreys, of the civil court, who issued writs of habeas corpus for several that Carroll thought were "beyond doubt guilty of burning the railroad bridges." Baxter and other lawyers made trouble by insisting that the civil authorities had jurisdiction over persons charged with bridge burning and carrying arms against the government.[70] H. F. Looney, the president of the court-martial, wrote Benjamin for instructions saying that writs of habeas corpus had been and would continue to be issued.[71] Benjamin replied that courts of justice could not take prisoners of war out of the hands of the military. He said that the mere statement that the prisoner had been captured in arms was sufficient answer to a writ of habeas corpus. After requesting that this note be sent to Carroll with instructions to send all but the bridge-burners to Tuscaloosa, he exclaimed: "Let not one of these treacherous murderers escape."[72]

At this time Carroll issued the following orders under date of November 29, 1861:[73]

> The Government of the Confederate States has not nor will it interfere with individuals on account of their political opinions. The President of the Confederate States issued a proclamation stating that all those who did not fully recognize their allegiance to the Government should dispose of or remove from its

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70. Carroll to Benjamin, Nov. 29, 1861, ibid., I, 7, p. 720.
71. R. F. Looney to Benjamin, Nov. 29, 1861, ibid., II, 1, p. 850.
72. Benjamin to Looney, Nov. 30, 1861, ibid., p. 851.
73. General Orders, No. 4, ibid., I, 7, p. 720.

> limits with their effects before October, 1861. Those persons who remained tacitly recognized the Government and are amenable to the laws.
>
> The commanding general at this post will endeavor to fully carry out the policy of the Government. While he will afford ample protection to all citizens who peaceably pursue their ordinary occupations he will order the arrest of all who may take up arms against the government or who in any manner may aid or abet its enemies or incite rebellion in order that they may be tried by military law.

While the court martial was in session at Knoxville, Leadbetter in the northern part of Greene county picked up Henry Fry, Jacob M. Hensie, and Hugh Self. They confessed to burning the Lick Creek bridge and gave the names of others in the party. In accordance with the instructions of Benjamin, a drum-head court-martial was immediately set up at Greeneville. They were tried, found guilty, and Fry and Hensie were hanged, on November 30, from a limb of a tree north of the railroad, where their bodies were left swinging for twenty-four hours. Self was not executed because he was only sixteen and "not intelligent but lead away by his brother and father" who had been recently captured by Carroll. At the request of Leadbetter his punishment was commuted to imprisonment. Leadbetter made the following report on the results of the hangings: "The execution of the bridge-burners is producing the happiest effect. This coupled with great kindness towards the inhabitants generally, inclines them to quietude. Insurgents will continue for yet awhile in the mountains, but I trust that we have secured the outward obedience of the people."[74]

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74. Leadbetter to Benjamin, Nov. 30, 1861, Leadbetter to Cooper, Dec. 8, 1861, ibid., pp. 726, 747; Temple, op. cit., p. 393; Goodspeed, History of Tennessee, p. 487.

On the day of the hanging Leadbetter issued the following proclamation to the "Citizens of East Tennessee":[75]

> So long as the question of Union or disunion was debatable so long you did well to debate it and vote on it. You had a clear right to vote for the Union but when secession was established by the voice of the people you did ill to distract the country by angry words and insurrectionary tumult. In doing this you commit the highest crime known to the laws.
>
> Out of the Southern Confederacy no people possess such elements of prosperity and happiness as those of East Tennessee. The Southern market which you have hitherto enjoyed only in competition with a host of eager Northern rivals will now be shared with a few States of the Confederacy equally fortunate politically and geographically. Every product of your agriculture and workshops will now find a prompt sale at high prices and so long as cotton is grown on Confederate soil so long will the money which it brings flow from the South through all your channels of trade.
>
> At this moment you might be at war with the United States or any foreign nation and yet not suffer a tenth part of the evils which pursue you in this domestic strife. No man's life or property is safe, no woman or child can sleep in quiet. You are deluded by selfish demagogues who take care for their own personal safety. You are citizens of Tennessee and your State is one of the Confederate States.
>
> So long as you are up in arms against these States cannot you look for anything but the invasion of your homes and the wasting of your substance. This condition of things must be ended. The Governor commands the peace and sends troops to enforce the order. I proclaim that every man who comes in promptly and delivers up his arms will be pardoned on taking the oath of allegiance. All men taken in arms against the Government will be transported to the military prison at Tuscaloosa and be confined there during the war.
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> Bridgeburners and destroyers of railroad tracks are excepted from among those pardonable. They will be tried by drumhead court-martial and be hung [sic] on the spot.

Not until December the 10th did Carroll's court-martial

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75. O. R., II, 1, pp. 851-2.

at Knoxville sentence a bridge burner to be hanged. On that date A. C. Haun was ordered to be hanged at 12 o'clock the next day. Carroll sustained the sentence and wired Benjamin for the President's approval.[76] The Secretary of War replied on the same day that it was not necessary, "but," he added, "he [the President] entirely approves my order to hang every bridge-burner you can catch and convict."[77] Therefore, the sentence was promptly executed. The court martial, which had already sent forty-eight men to Tuscaloosa, continued in session for there were 150 others charged with bridge burning, inciting rebellion, or bearing arms against the government. The attempts of the civil authorities to take these prisoners out of the hands of the military annoyed Carroll so much that on December 11 he placed the city of Knoxville under martial law. More men were brought in for trial by small detachments which were sent out everywhere to arrest all who had been in arms. Carroll felt that the court martial was having an excellent effect[78] for he wrote Benjamin on December 11:

> "The traitorous conspiracy recently so extensive and formidable in East Tennessee is, I think, well-nigh broken up, as there is at present but little or no indication of another outbreak---. I am daily receiving the most encouraging evidences that the people are beginning to return to a sense of duty and patriotism, as many of those who were heretofore unfriendly towards us are coming forward and giving every assurance of future fealty.

The punishment of the bridge burners went on. Jacob Harmon and his son Thomas were tried by court martial, found guilty, and

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76. Ibid., p. 754.
77. Benjamin to Carroll, Dec. 10, 1861, ibid., p. 754.
78. Carroll to Benjamin, Dec. 11, 1861, ibid., pp. 759-60.

sentenced to be hanged for having taken part in the Lick Creek bridge burning. On December 17 they were executed on a gallows erected a short distance north of the railway track in north Knoxville. Two others, Daniel Smith and Jacob Meyers, found guilty of having something to do with the burning of Lick Creek bridge, were sent to Tuscaloosa,[79] as was the leader, Captain Fry.

Another of the Lick Creek bridge burners to be tried and convicted was Harrison Self, who was to be hanged on December 26, 1861, at 4:00 P. M. Petitions were sent to Richmond for his pardon by Colonel James W. Gillispie, Colonel R. F. Looney, and Lieutenant-Colonel Reuben Arnold (all of the Tennessee Confederate regiments) and twenty-five other officers and citizens. All appeals were in vain until Self's daughter, upon learning that he was to be hanged at 4:00 o'clock, sent the following message to Jefferson Davis:

> My father, Harrison Self, is sentenced to hang at 4 o'clock this evening on a charge of bridge burning. As he remains my earthly all, and all my hopes of happiness center on him, I implore you to pardon him.

About two o'clock in the afternoon an answer came to General Carroll telling him not to allow Self to be hanged but to hold him as a prisoner of war.[80]

A protest against the rigorous policy pursued by the Confederate officers was voiced on December 19 by H. C. Young, who said he had been requested to do so by a number of leading citizens and officers in the army. He asserted that the liberal policy formerly

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79. Temple, op. cit., p. 399.
80. Ibid., p. 398.

followed had brought excellent results and that not over 500 persons had known of the bridge burning prior to its occurrence. After its occurrence, he said, scouting parties arrested hundreds merely suspected of disloyalty, until almost every jail was filled with "poor, ignorant, and for the most part harmless men who had been guilty of no crime save that of lending a too credulous ear to the corrupt demagogues." He pointed out that five bridge burners were executed and that four hundred or more men were sent to Tuscaloosa, leaving helpless and destitute families. Another abuse mentioned was that horses and property had been seized, destroyed, or used personally by the soldiers. In addition, Young declared that small politicians had taken advantage of the situation to revenge themselves on their enemies. If the proper course was pursued, Young believed that East Tennessee could yet be united. He said that appeals had been made to Carroll to release the prisoners at Knoxville and at Tuscaloosa, but that he could do nothing until his orders were changed.[81]

Colonel H. R. Austin and Landon C. Haynes went to Richmond to impress upon the President the viewpoint set forth by Young. Upon his arrival, Austin wrote Davis on December 28 that he had come to Richmond to inform the President that it was the opinion of the best informed men in East Tennessee that all Confederate troops except one regiment could be sent elsewhere. He thought it obvious that a policy which would bring back innocent men who had been carried or frightened away

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81. H. C. Young to D. M. Currin, Dec. 19, 1861, in O. R., I, 7, p. 777.

would cause a sense of security and end disloyalty.[82] Governor Harris was also encouraged by the situation in East Tennessee. On December 21 he wrote Johnston: "I am pleased to state that these divisions and dissentions are rapidly disappearing, and I hope soon to see a united people in Tennessee, when we may reasonably expect reenforcements from that section."[83]

Leadbetter, who succeeded Carroll in command at Knoxville on January 7, did not share the optimistic views expressed by Young, Austin, and Harris. He felt that East Tennessee was held by slight tenure and that a large force should be kept there to overawe the Unionists.[84] Disturbances, he said, were frequent in Scott, Morgan, and Campbell counties. It had been reported to him that three of Byrd's men were near Loudon on detailed duty to burn the bridges when their commander should appear 50,000 strong in two weeks. He was informed that they told the Unionists "to be of good cheer and take the oath as often as required of them."[85] He reported that although the country was outwardly quiet, it was filled with Unionists talking sedition. Several fragmentary companies in different counties recruiting ostensibly for the Confederate service had suddenly disappeared — gone to Kentucky.[86]

Leadbetter abolished the court martial at Knoxville because it could not keep up a fast enough pace and because it was too expensive.

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82. H. R. Austin to Davis, received Dec. 28, 1861, ibid., II, 1, p. 869.
83. Harris to A. S. Johnston, Dec. 13, 1861, ibid., I, 7, pp. 811-2.
84. Leadbetter to Cooper, Dec. 24, 1861, ibid., II, 1, p. 859.
85. Ibid., I, 7, p. 791.
86. Leadbetter to Cooper, Jan. 21, 1862, ibid., II, 1, p. 877.

There were still 130 prisoners to be tried and others were being brought in. He did not turn the prisoners over to the civil authorities, however, but tried them himself.[87] He, as well as Carroll, had trouble with the civil authorities. When he arrested Unionists they were taken over by the civil authorities by writs of habeas corpus and released on bond to keep the peace. Leadbetter said this was theoretically all right but that practically it was fatal to the influence of the military and to peace. Writs of habeas corpus were issued by Judge Brown, a true Confederate, in the case of Daniel Smith, charged with bridge-burning. The general said that they did not apply, because Smith was a prisoner of war, but Brown replied that the validity of his statement had to be ascertained by the court. Since the continued interference of the civil authorities would bring the military into contempt, Leadbetter suggested that local martial law be proclaimed as a way out of the quandary.[88] This probably was not done until General Smith assumed command of the Department of East Tennessee.

During the period after the destruction of the bridges, many men suspected of being Unionists were taken prisoners, thrown in jail, and then rushed on to Tuscaloosa without any kind of trial. This had happened in the case of James Bradford, Levi Trewhitt, and others. In January their friends and neighbors sent to Davis and some officers of the Confederate army petitions for their release which were signed by Confederate officers and sympathizers as well as by Unionists. They

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87. Leadbetter to Cooper, Jan. 7, 1862, ibid., I, 7, p. 869.
88. Leadbetter to Benjamin, Jan. 11, 1862, ibid., II, 1, p. 870.

must have had some effect, for Brigadier-General Withers was directed on January 28 to release political prisoners upon their taking the oath of allegiance.[89]

A group of East Tennessee prisoners addressed a petition to Benjamin in February asking to be released. They denied that they had taken up arms against the government or been hostile to it. The Secretary of War sent this petition to the members of the Tennessee Congressional delegation and asked for their recommendations. They replied that, much to their dismay, they had found that all but six of the petitioners had been released. They branded such a practice as an extremely bad policy, because the return of the prisoners to East Tennessee was injurious to order and peace there.[90]

During the period of "persecution" the Confederates felt scarcely more secure than did the Unionists. They conceded that at least two-thirds of the masses were either hostile or neutral.[91] Every setback to the Confederate army made them apprehensive. The routing of General Crittenden's army of the Cumberland caused them much anxiety. They were especially afraid that the two East Tennessee regiments in the Union army would enter the Northern counties, destroy the bridges, and inaugurate a civil war.[92]

One must conclude that the burning of the five bridges in East Tennessee did very little real harm to the Confederates, but that it injured greatly the Union people in Tennessee. Five were hanged,

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89. Ibid., pp. 870-76, 879.
90. Benjamin to Tennessee Delegation, Feb. 24, 1862; Tennessee Delegation to Benjamin, Feb. 24, 1862, ibid., pp. 879-80. The Congressmen were: E. T. Gardenshire, W. H. Tibbs, H. S. Foote, G. W. Jones, J. B. Heiskell, G. A. Henry, and W. G. Swan.
91. J. G. M. Ramsey to Davis, Feb. 10, 1862; J. W. Garrett to W. P. Chilton, F. S. Lyon, J. L. M. Curry, March 1, 1862, ibid., I, 52, pt. ii, pp. 268-8; 10, pt. 2, p. 315.
92. Leadbetter to Cooper, Jan. 26, 1861; Haynes to Davis, Jan. 27, 1861, ibid., I, 7, pp. 848, 849.

hundreds were sent to prisons in Tuscaloosa, Mobile, Madison, and Macon, and thousands were exiled. Those who were allowed to remain in East Tennessee always felt insecure and suffered untold hardships. The burning of the bridges was a daring but unwise act.

Chapter IV

THE BROWNLOW CASE

Of all the Union leaders, the one who perhaps goaded the secessionists of East Tennessee to the greatest fury was William G. Brownlow. His newspaper, the Knoxville Whig, which had a circulation of 14,000 in 1860, was the instrument he used to infuriate Southern men. On April 20, 1861, before Tennessee withdrew from the Union, he said in his paper: "We shall rejoice in the success of American arms over these seceding rebels as sincerely as we did in the triumph over the Spanish rebels on the bloody plains of Mexico."[1] On May 25 the Whig carried his famous "Murder Will Out" editorial which was so-called because it uncovered a plot against the Union leaders in East Tennessee. Brownlow said he had learned from a reliable source that Nelson, Johnson, Temple, Baxter, Maynard, Trigg, Bridges, and Brownlow were to be arrested after June 8, and taken to Montgomery to be punished for treason or held as hostages for the quiet submission of the Union element in East Tennessee. He urged his friends not to do anything until such a purpose was carried out, but to "hold themselves in readiness for action, action, action." As to what the action was to be, he urged: "Let the railroad on which Union citizens of East Tennessee are conveyed to Montgomery in irons be eternally and hopelessly destroyed. Let the property of the men concerned be consumed and let their lives pay the forfeit....."[2]

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1. Temple, Notable Men of Tennessee, pp. 290-1.
2. O. R., II, 1, 911-12.

The fact that Tennessee became a member of the Southern Confederacy did not deter Brownlow. The following is an example of the type of taunts which he flung at his Southern neighbors:[3]

"TO ARMS! TO ARMS! YE BRAVES!

> "Come Tennesseeans! Ye who are the advocates of Southern Rights, for Separation and for Disunion, — ye who have lost your rights, and feel willing to uphold the glorious flag of the South in opposition to the Hessians arrayed under the despot Lincoln, — come to your country's rescue! * * * not a few of you have sought to sell the army supplies; and thousands of you are willing to stoop to fill the offices for the salaries they pay, and you have been so patriotic as to try to get your sons and other relatives into offices. Some of you have hired yourselves as spies, under-strappers, and tools in the glorious cause, at two to four dollars per day! Come, now, enter the ranks, as there is more honor in serving as a private. * * * * Let these Union traitors submit to the draft, but let us who are true Southern men volunteer."

But this could not go on forever. At last it became impossible to continue the publication of Brownlow's Whig. The last issue, which appeared on October 26, 1861, carried a farewell editorial. Saying that his arrest had been decided upon by the Confederate authorities because of "some treasonable articles," Brownlow defied the Confederate authorities by reprinting on the first page of the one above quoted and another in the same vein entitled, "Who Will Volunteer?" He said he supposed that by taking the oath of allegiance to the Confederacy or giving bonds, he could go free, but this he would not do.[4] He continued:

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3. W. G. Brownlow, Sketches of the Rise, Progress, and Decline of Secession, pp. 245-7. Oct. 12, 1861.
4. O. R., II, 1, pp. 912-14.

> I expect to go to jail and I am ready to start upon one moments' warning. Not only so but there I am prepared to lie in solitary confinement until I waste away because of imprisonment or die from old age. Stimulated by a consciousness of innocent uprightness I will submit to imprisonment for life or die at the end of a rope before I will make any humiliating concession to any power on earth.
>
> I have committed no offense. I have not shouldered arms against the Confederate government or the State or encouraged others to do so. I have discouraged rebellion publicly and privately. I have not assumed a hostile attitude toward the civil or military authorities of this new government. But I have committed grave and I really fear unpardonable offenses. I have refused to make war upon the Government of the United States; I have refused to publish to the world false and exaggerated accounts of the several engagements had between the contending armies: I have refused to write out and publish false versions of the origin of the war and of the breaking up of the best government the world ever knew; and all this I will continue to do.....

He accused the Confederate government, which boasted of a free press, of causing his arrest for the purpose of muzzling the Whig, and declared that to go to jail for his principles was a thing of which he would be proud. Brownlow predicted a revolt against the Confederate government whose oppressive policies he thus bitterly denounced: "Citizens cast into dungions without charges of crime against them and without the formalities of a trial by jury; private property confiscated at the beck of those in power; the press humbled, muzzled, and suppressed or prostituted to serve the ends of tyranny." He closed this editorial - the last that he was to write for many months - with the declaration that he would exchange "with proud satisfaction the editorial chair and the sweet endearments of home for a cell in

the prison or the lot of an exile."

But Brownlow did not wait to be arrested, for two or three nights after the discontinuance of his newspaper he rode off on horseback toward Kentucky. John Williams, Andrew Knott, and James H. Morris accompanied him. Their intention was to ride by night through a gap in the mountains and on to the Federal lines at Camp Dick Robinson in Kentucky. Receiving news that it would be almost impossible to cross the carefully guarded mountains, the party returned after only one night's journey. Few knew of the attempt to escape. To seek shelter in the Smoky Mountains seemed the next best move; so the "Parson" left home again on November 4.[5] He preached at Sevierville on November 8, the day of the bridge burning. It is not at all strange that the Confederates should have fastened upon him as the man most likely to have been responsible for that destruction. A squad of Confederate soldiers left Knoxville on November 9 or 10 to apprehend him. Hearing of this, Mrs. Brownlow sent William Rule and another to warn her husband. After nightfall they succeeded in crossing the Tennessee in a canoe and slipping by the sentinels, for Knoxville was under martial law. Horses were procured on the other side from a wealthy and ardent Union man, Caleb Baker. They rode ahead of the soldiers and found Brownlow forty or fifty miles back in the mountains. At once he withdrew fifteen miles further back, where he was effectually concealed by Union sympathizers.

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5. Temple has November 5, but this is incorrect.

Twenty days later, after a great deal of the excitement had calmed down, the hunted man returned at night to within six miles of Knoxville where he continued in hiding in company with James Cummings and W. T. Dowell.[6] Here he began to make an effort to secure a passport from the state. On November 22 he wrote General W. H. Carroll denying that he had been in any way concerned in forming an armed force and that he had known of the bridge burning prior to its occurrence. He had signed the communication to General Zollicoffer proposing to counsel peace, he said, and he had kept his promise. "I am ready and willing," he asserted, "to stand a trial upon these or other points before any civil tribunal; but I protest against being turned over to any infuriated mob of armed men filled with prejudice by my bitterest enemies."[7] This letter was to be handed Carroll by Colonel John Williams.

Upon receiving this letter, Carroll forwarded a copy of it to the Confederate Secretary of War, but did not wait for a reply from Benjamin before writing Brownlow: "You may be fully assured that you will meet with no personal violence by returning to your home and if you can establish what you say in your letter of the 22d instant you shall have every opportunity to do so before the civil tribunal if necessary provided you have committed no act that will make it necessary for the military law to take cognizance. I desire that every loyal citizen regardless of former political opinions shall be fully

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6. Temple, Notable Men of Tennessee, pp. 308-11.
7. Brownlow, op. cit., p. 283.

protected in all his rights and privileges....."[8] This letter was received on December 1 and on the 4th Brownlow replied with an arraingement of the Confederate government for seizing his printing establishment, and an assertion that though he was a Union man, he had not taken up arms against the Confederacy. He also denounced, as only he could, John H. Crozier, J. C. Ramsey, and W. H. Sneed.

Brownlow inclosed in this letter a sworn statement by James Cumming, W. T. Dowell, and himself in which they denied having read a letter in Maryville on the fourth or fifth of November telling of the coming of the United States army. They swore that they had read no such letter from anywhere and that they had not known of the intended bridge burning.[9] This communication and its evidence were not delivered, however, because the friend to whom they had been entrusted received a letter for Brownlow from General Crittenden who had succeeded Zollicoffer in command of the Department of East Tennessee.[10] Before discussing this letter, it is best to see how it came to be written.

After Brownlow fled into the mountains, Mrs. Brownlow asked John Baxter, a Union man who had taken the Confederate oath, to procure a passport for her husband to leave the state. Baxter went to Richmond, ostensibly on other business, where he procurred an interview with President Davis, J. P. Benjamin, and General Braxton Bragg.

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8. General Carroll to W. G. Brownlow, Nov. 28, 1861, in O. R., II, 1, pp. 903-04.
9. Brownlow, op. cit., p. 285.
10. Ibid., pp. 284-93.

On November 29, according to his own report, Baxter, after a forty minute conversation on the political situation in East Tennessee, remarked that Mrs. Brownlow had asked him to obtain a passport for her husband and added that it would be good policy to let him go. Benjamin assented but President Davis objected that it seemed to be conferring on Brownlow a privilege that had been denied to others. To this the Secretary of War replied that "he was willing to make a proclamation offering free exit to every disaffected man in East Tennessee, except bridge burners and such as had actually taken up arms against the government, with a distinct understanding that all who remained would be required, by a rigid policy, to support the Confederate Government." After some further discussion the interview ended.[11] The next day Baxter wrote Secretary Benjamin recalling the conversation which had occurred. He asserted the necessity of a just treatment of all men regardless of their former political opinion. Stating that he would be glad to carry back to East Tennessee a passport for Brownlow and a copy of instructions for the military and civil authorities, Baxter proposed to call at the war office at 2 o'clock that afternoon.[12] He did so and was given a letter dated November 30,[13] addressed to General Crittenden. Benjamin stated in this letter that he had been asked to give Brownlow a passport, but he went on to say: "I cannot give him a formal passport, though I would greatly prefer seeing him on the other side of our lines as an avowed enemy. I wish, however,

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11. Athens Post, Jan. 24, 1862.
12. John Baxter to J. P. Benjamin, Nov. 30, 1861, in O. R., II, 1, p. 904.
13. In O. R., II, 1, p. 921 and in Brownlow, op. cit., p. 293, it is dated Nov. 20, but in a letter from Baxter printed in the Athens Post, Jan. 24, 1862, the date is Nov. 30. From indisputable evidence I have concluded the latter to be correct.

to say that I would be glad to learn that he has left Tennessee and have no objection to interpose to his leaving, if you are willing to let him pass." Crittenden, after reading this, requested J. B. Brownlow to call in an hour for permission for his father to leave.[14] When he appeared the General handed him this:

Headquarters, Knoxville, Tenn.
Dec. 4th, 1861

W. G. Brownlow, Esq.:

Sir: The Major General Commanding directs me to say that, upon calling at his headquarters, within twenty-four hours, you can get a passport to go to Kentucky, accompanied by a military escort, the route to be designated by General Crittenden.

I am, sir, very respectfully,
Your obedient servant,
A. S. Cunningham,
Assistant Adjutant-General

This was the letter which Brownlow's friend received before he could deliver Brownlow's letter of December 4 to Carroll.

Before the twenty-four hours had expired, Brownlow accompanied by Baxter, presented himself to Crittenden. Arrangements were made for Captain Gillespie's cavalry company to take the "Parson" through to the Federal lines on December 7. But on December 6, he was arrested upon a warrant for treason issued by Robert B. Reynolds, the Confederate commissioner, whom Brownlow later described as "a third rate county-court lawyer, a drunken and corrupt sot." The warrant was issued on an oath by J. C. Ramsey that Brownlow,

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14. Athens Post, Jan. 24, 1862.

"being moved and seduced by the instigation of the devil, and not having the fear of God before his eyes, did willfully, knowingly, and with malice aforethought, and feloniously, commit the crime of TREASON against the Confederate States, by then and there, ... and since the 10th day of June last, publishing a weekly and tri-weekly paper, known as 'Brownlow's Knoxville Whig'" in which "treasonable" editorials frequently appeared.[15] On the day of Brownlow's arrest, John Williams and O. P. Temple hunted up J. C. Ramsey and offered to make an $100,000 bond as security for him, if he was not sent to jail. This offer was refused and Brownlow was sent to the county jail.[16] Ramsey wired Benjamin of the arrest on the day it occurred, asking him to reserve his decision until he could write him the particulars.[17]

Brownlow wrote Crittenden of his arrest and claimed his protection because he was there upon his "invitation." To this the General replied on December 7, informing Brownlow that he was not there upon an "invitation in such manner as to claim his protection from an investigation by the civil authorities....."[18] Crittenden explained this note to Benjamin on the 13th of December, by saying that in several interviews with Brownlow's son, he had told him that his father "must submit to the civil authorities." Therefore, he did not feel that he was honor-bound to protect the Unionist from

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15. Brownlow, op. cit., pp. 294-6.
16. Temple, Notable Men of Tennessee, p. 313.
17. J. C. Ramsey to J. P. Benjamin, Dec. 6, 1861, in O. R., I, 7, p. 740.
18. Brownlow, op. cit., pp. 297-8.

proving the innocence he had asserted.[19]

On December 7, an account of Brownlow's arrest was printed in the Knoxville Register. The article said that a rumor of an order from the War Department for his release had caused great excitement, "especially among those who have friends and relatives now languishing in prison on account of his teachings."[20] On the same day William G. Swan, Congressman elect from the Second District, wrote President Davis expressing his surprise that Benjamin should have ordered that Brownlow be permitted to leave.[21] J. G. M. Ramsey and William H. Tibbs also voiced a protest to the President. "Insignificant dupes" of Brownlow's teachings had been arrested, convicted and punished throughout the fall and summer, they said, but when the instigator of revolt and probably of the bridge burning was in their hands it was proposed that he be released. They concluded: "Let the civil or military law take its course against the criminal leader in this atrocious rebellion as it has already done to his deluded and ignorant followers."[22]

J. G. Ramsey laid his case before the Secretary of War on December 7. Plans had been made, with Crittenden's consent, he said, to arrest Brownlow in November during the last regular court session at Knoxville, but they had not been carried out because of his absence and that of Judge Humphreys. Ramsey charged that on his way to the

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19. G. B. Crittenden to J. P. Benjamin, Dec. 13, 1861, in O. R., II, 1, pp. 908-9.
20. Ibid., p. 924.
21. W. G. Swan, to J. Davis, Dec. 7, 1861, ibid., pp. 905-6.
22. J. G. M. Ramsey and W. H. Tibbs to J. Davis, Dec. 7, 1861, ibid., pp. 906-7.

mountains Brownlow said things that showed he knew of the proposed bridge burning, and he stated that it was the opinion of the military and all the people that Brownlow deserved to be sent to Tuscaloosa or at least to stand trial. Brownlow had known of President Davis' proclamation giving all who desired to leave forty days to do so, and he had not availed himself of the opportunity. Benjamin asked for further information about Brownlow's arrest.[23] In reply, Ramsey reiterated his position and inclosed copies of the "Murder Will Out" and "Farewell" editorials which have already been examined. He also sent a letter from James M. Toole, dated December 17, declaring that Brownlow had stated on the first Monday in November, at Little River in Blount county, that the Federals would soon be in possession of Nashville and Clarksville and that "Knoxville would be destroyed."[24]

Brownlow wrote a letter to Benjamin on December 16, stating the circumstances of his arrest in which he said: "I am anxious to learn which is your highest authority - the Secretary of War, a Major General or a dirty little drunken attorney such as J. C. Ramsey is?" He added: "Just give me my passports and I will do for your Confederacy more than the devil has ever done - I will quit the country."[25] He wrote Jefferson Davis a letter inclosing copies of all messages relating to his case. It was not received until January 2, 1862.[26] On the 19th Ramsey sent the War Department what he considered

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23. J. C. Ramsey to J. P. Benjamin, Dec. 7, 1861; J. P. Benjamin to J. C. Ramsey, Dec. 10, 1861, ibid., pp. 907-8.
24. J. C. Ramsey to J. P. Benjamin, Dec. 17, 1861, ibid., pp. 910-14.
25. W. G. Brownlow to J. P. Benjamin, Dec. 16, 1861, ibid., p. 910.
26. W. G. Brownlow to J. Davis, received Jan. 2, 1862, ibid., pp. 919-23.

an incriminating letter from Jesse G. Wallace. The latter related that on the Monday preceding the bridge burning from 300 to 500 persons, mostly Union men, were in Maryville. As a usual thing not over twenty-two persons attended court and there was seemingly nothing to draw a larger crowd. He said that around 11 o'clock Brownlow and Cummings went to Dowell's house where different Union men soon began going for caucuses and private conferences. During the day, according to Wallace, Cummings told a friend that the Federalists would be in Knoxville the last of the week, that Brownlow had left until their arrival,and that he was going back then to publish his paper. The Union men impressed him as being "in very good spirits, and more confident and defiant than they had been for months." The next morning Brownlow, Cummings, and Mainis left for the mountains. Wallace narrated, also, that after the destruction of the bridges was accomplished, a Mr. Sesler was telling his family of it. A servant girl heard and exclaimed that she had not believed it when she had been told on the Wednesday before its occurance that it was going to happen. She said that Phoebe Smith, Dowell's servant, had told her that Brownlow, Cummings, and Dowell had asked her to leave the room and had locked the door. Fired by curiosity, she had listened through the keyhole and heard Dowell reading that the Federal army was coming and that the bridges would be burned Friday night. Wallace said that Sesler had broadcast these facts and that soon Dowell had come down the street declaring that Phoebe denied having said any such things. He left town within an hour or two. Both girls stuck to their stories and,as far as Wallace knew, both were of equally good character. That no legal evidence could be made out

of the story, was his conclusion.[27]

Benjamin answered these communications on the 22nd. He said that he had authorized Crittenden to allow Brownlow to pass the lines because Baxter had made it appear that Brownlow was out of the reach of the Confederates. He stated his only objection to Brownlow's arrest in this way: "color is given to the suspicion that Brownlow has been entrapped and has given himself up under promise of protection which has not been firmly kept." He continued:[28]

> Better that the most dangerous enemy however criminal should escape than that the honor and good faith of the Government should be impugned or even suspected. * * *
>
> Under all the circumstances therefore if Brownlow is exposed to harm from his arrest I shall deem the honor of the Government so far compromised as to consider it my duty to urge on the President a pardon for any offense of which he may be found guilty and I repeat the expression of my regret that he was prosecuted however evident may be his guilt.

Soon after the receipt of Benjamin's letter of the 22nd, the District Attorney arose at a session of Judge Reynolds' court, read it, and then entered a nolle prosequi upon the grounds that the faith of the Confederate States should be kept. After Ramsey had made a few remarks, Reynolds ordered Brownlow discharged, upon which Colonel Monsarrat arrested him for his own (Brownlow's) safety.[29] Monsarrat asked Benjamin for instructions as to what to do with Brownlow. On January 3 he was ordered to take Brownlow out of the country

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27. J. C. Ramsey to J. P. Benjamin, Dec. 19, 1861, ibid., I, 7, pp. 774-6.
28. J. P. Benjamin to J. C. Ramsey, Dec. 22, 1861, ibid., II, 1, pp. 916-17.
29. Christian Advocate, Jan. 2, 1862.

by a "military force sufficient to protect him from violence."[30]

After his rearrest, because of illness, Brownlow was transferred on the orders of Captain Monsarrat from the jail to his home where he was constantly guarded by soldiers. Brownlow attributed this kindness to a certificate issued by one of his family doctors, but Temple believed it was due to the medical director of the Confederate army at Knoxville, Dr. Frank A. Ramsey.[31] Brownlow remained at his home from December 30 until March 3. In February plans were matured for his escape, but it was not necessary to carry them through because in response to a letter from Brownlow dated February 27, Benjamin ordered Monsarrat to send him out of Tennessee by the "Cumberland Mountains or any safe road."[32] Monsarrat received this order on March 2, and the next day sent Brownlow in charge of Colonel Young with a guard of ten men to Nashville.[33] But things did not go as smoothly as was expected. General Hardee, in command at Wartrace, Middle Tennessee, refused to give the party a flag of truce, without which it could not proceed. Two men, O'Brien and Rodgers, were sent to Huntsville, Alabama, to get the needed authority from General A. S. Johnston, but he ordered Lieutenant O'Brien either to return Brownlow to his home or to release him where he was, as Brownlow should desire. Then the party appealed to General Crittenden who granted the desired flag of truce. Riding toward the Federal lines Brownlow

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30. G. H. Monsarrat to J. P. Benjamin, Dec. 27, 1861; A. T. Bledsoe to G. H. Monsarrat, Jan. 3, 1862, in O. R., II, 1, pp. 917, 923.
31. Brownlow, op. cit., pp. 337-8; Temple, Notable Men of Tennessee, p. 313.
32. W. G. Brownlow to J. P. Benjamin, Feb. 27, 1862; J. P. Benjamin to G. H. Monsarrat, March 1, 1862, in O. R., II, 1, p. 928.
33. G. H. Monsarrat to J. P. Benjamin, March 3, 1862, ibid.

had seemed scarcely able to travel. When they were reached he straightened up, jumped to the ground, and exclaimed, "Glory to God in the highest, and on earth peace good will toward all men, except a few hell-born and hell-bound rebels in Knoxville."[34] Although beyond the confines of the Southern Confederacy, the secessionists were not rid of him. Echoes from his numerous speeches continued to make them furious.

In one of his speeches in the North, Brownlow said that his wife and children were held as hostages for his good behavior. On April 21, 1862, W. M. Churchwell, the Provost-Marshall of East Tennessee, informed Mrs. Brownlow that such was not the case and gave her thirty-six hours in which to remove herself and family beyond the Confederate lines.[35] Mrs. Brownlow replied the same day asking for an extension of time, in which to attend to her private interests.[36] This was granted.[37] On April 25, Mrs. Eliza Brownlow and three children, Miss Mary Brownlow, Mrs. Sue C. Sawyers and child, and John B. Brownlow, were sent to Norfolk in charge of Lieutenant Joseph H. Speed whose instructions were to "show them all proper attention on the way thither and protect them against offensive intrusion." Before leaving Norfolk, where they arrived on April 28, a careful examination of their luggage and persons was made for any treasonable letters or papers. John B. Brownlow would

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34. Temple, Notable Men of Tennessee, p. 315.
35. W. M. Churchwell to Mrs. W. G. Brownlow, April 21, 1862, in O. R., II, 1, p. 929.
36. Mrs. W. G. Brownlow to W. M. Churchwell, ibid.
37. W. M. Churchwell to Mrs. W. G. Brownlow, ibid., p. 930.

have been sent back to Knoxville in case any had been found. From Norfolk the group was sent to Fortress Monroe within the Federal lines.[38]

Undoubtedly many Confederates heaved a sigh of contentment and relief when they reflected that Southern soil was no longer polluted with the Brownlows. But their triumph was to be brief, for with the entrance of the Union army into Knoxville in October of 1863, Brownlow returned, with his family, to publish his Knoxville Whig and Rebel Ventilator.[39]

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38. H. L. Clay to J. H. Speed, April 24, 1862, in O. R., II, 1, pp. 930-31.
39. Temple, Notable Men of Tennessee, p. 319.

Chapter V

CONSCRIPTION AND ATTEMPTED RECONCILIATION

The severe policy pursued by the Confederate government in East Tennessee after the Bridge burning did not cause more than outward submission. Major General E. Kirby Smith, who assumed command of the District of East Tennessee on March 8, 1862, found it an "enemy's country, and the people, where removed from the immediate presence and fear of the Confederate troops, in open rebellion." He thought martial law was necessary. "The people," he said, "are against us, and ready to rise whenever an enemy's column makes its appearance. The very troops raised here cannot always be depended upon. They have gone into service, many of them to escape suspicion, prepared to give information to the enemy, and ready to pass over to him when an opportunity offers." He said that two regiments could be raised in East Tennessee, but that they would have to be removed to some other theatre of war. As an example of the untrustworthiness of East Tennessee soldiers he pointed out that on March 16, without the firing of a gun, the Federalists captured near Jacksborough a large number of two companies of the First East Tennessee Regiment. General Smith did not doubt that this was the result of treachery. He asserted that the pickets could not be trusted and that the officers were not above suspicion. He insisted that East Tennessee troops be removed to a "purer political atmosphere."[1] Not only

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1. Smith to Cooper, March 13, 1862, in O. R., I, 10, pt. 2, pp. 320-1; Report of Smith, March 15, 1862, ibid., pt. 1, pp. 20-21; Smith to Mackall, March 14, 1862, ibid., pt. 2, p. 325.

were the soldiers recruited in East Tennessee untrustworthy, but the militia could not be relied upon. It even refused to assemble. General Smith estimated that since only six out of the thirty-two counties were friendly to the Confederacy, 20,000 recruits would be available to the Federal army if it should gain control of East Tennessee.[2]

By April 2, Smith had evolved a definite policy to be pursued.[3] He proposed it to Cooper in these words:

> The arrest of the leading men in every county and their incarceration South may bring these people right. They are an ignorant, primitive people, completely in the hands of andunder the guidance of their leaders, whose misrepresentations and distortions of facts prevent them viewing matters through an impartial medium. Remove these men, and a draft might soon be made to which the population would respond. Organized and sent South, they would soon become loyal and effective soldiers.

General Smith also believed in dealing firmly with the hostile "masses." His policy in this respect is shown in his instructions to Leadbetter just before that general started on an expedition to Scott county. He ordered him to deal "summarily" with "all self-constituted Tory organizations,"[4] seize all arms, and destroy all supplies.

General Smith also believed in the use of the oath of allegiance. The county officers chosen in the spring election were generally open advocates of the Federal government. They were to be installed on April 7. Smith detailed an officer of "discretion, coolness, and nerve" with twenty-five "reliable" men to arrive at each place where

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2. Smith to Cooper, March 23, 1862, ibid., I, 10, pt. 2, p. 355.
3. Smith to Cooper, April 2, 1862, ibid., pp. 385-6.
4. Smith to Leadbetter, March 27, 1862, ibid., p. 369.

they were to be installed just before the ceremony was to begin. This order was to be executed with the utmost secrecy. The military officer at each place was to see that the Confederate oath was taken by each officer installed. Those who refused to take the oath were to be sent to Knoxville.[5]

General R. E. Lee, realizing that Smith was in danger with only 7,000 effective troops, ordered more enforcements to be sent him.[6] He also ordered that the two East Tennessee regiments be accepted. He called the President's attention to the inadequacy of Smith's force, the people's hostility, and the necessity for martial law in East Tennessee.[7] After receiving another communication from Smith in which he insisted that martial law should be declared,[8] Lee informed him that it would be done. Furthermore, he commanded the transfer of the East Tennessee troops to General Heths' command.[9] Accordingly, on April 8, President Davis declared martial law in the Department of East Tennessee, suspending the civil jurisdiction except "that enabling courts to take cognizance of probate of wills, the administration of estate of deceased persons, the qualification of guardians, to enter decrees and orders for the partition and sale of property, to make orders concerning roads and bridges, to assess county levies, and to order the payment of county dues." Of course, the writ of habeas corpus was suspended, and

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5. Circular issued by Smith, April 2, 1862, ibid., p. 386.
6. Indorsement by R. E. Lee, March 21, 1862, ibid., I, 10, pt. 2, pp. 320-1.
7. T. A. Washington to Smith, March 31, 1862, ibid., p. 376.
8. Smith to Washington, April 3, 1862, ibid., pp. 389-90.
9. Lee to Smith, April 7, 1862, ibid., p. 397.

Smith was ordered to establish an efficient military police in East Tennessee.[10]

At this time a steady stream of Unionists were passing over the mountains. From April 10 to 16 between 4,000 and 6,000 men went from East Tennessee to Kentucky, leaving everything behind and saying they would return in two weeks.[11] They probably expected the Union army to enter East Tennessee at that time. The Confederate Cavalry companies were ordered to "attack and disperse these men" wherever found.[12] On April 17, 700 Unionists en route to Kentucky were attacked by Captain Ashby near Fincastle, Virginia. Four hundred and seventy-five were captured and sent on the 20th to Milledgeville, Georgia. Some wanted to join the army rather than be sent to prison, but were not allowed to because it was believed that they would not keep their oath. However, Smith authorized Julius M. Rhett on April 23 to enlist them for service in any place but East Tennessee.[13]

The passing, on April 16, of the Confederate conscription law which placed every citizen between eighteen and thirty-five years of age during the war at the disposal of the President, probably caused many Unionists to stampede.[14] East Tennessee was in a veritable uproar. The Confederate officials were ordered to arrest all Union leaders circulating "exaggerated" reports about the military draft and influencing

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10. Ibid., p. 402.
11. Smith to Lee, April 16, 1862, ibid., p. 424.
12. H. L. Clay to J. C. Vaughn, April 18, 1862, ibid., I, 10, pt. 2, p. 429.
13. Report of Smith, April 18, 1862; Smith to J. M. Rhett, April 23, 1862; Churchwell to J. F. Bolton, May 14, 1862, ibid., I, pt. 1, p. 649.
14. Alfriend, Life of Jefferson Davis, p. 367.

"ignorant" men to go to Kentucky.[15] It was estimated that 1,000 tried to cross the mountains on April 18 alone. Stevenson sent two cannon and a small force of infantry from Cumberland Gap to prevent them.[16]

Smith believed that the forced removal of some of the pronounced Union element would have a good effect. Therefore, on April 21, Churchwell sent notes to the wives of Andrew Johnson, Horace Maynard, W. G. Brownlow, and W. B. Carter, ordering them to leave the Confederacy with their families in thirty-six hours. Mrs. Maynard's physician, Dr. F. A. Ramsey, asked permission for her to delay her departure until she should be able to stand the fatigue of travel. It was granted and not until the 28th were she and her three children placed in charge of Joseph H. Speed to be conducted to Fort Monroe. Mrs. Eliza Brownlow and three children, Miss Mary Brownlow, Mrs. Sue C. Sawyers and child, and John B. Brownlow were taken to the Federal lines at the same time. Mrs. Johnson and Mrs. Carter were given further time also. The former said she would not leave East Tennessee, but Judge Patterson and her son assured A. J. Campbell that she would. Mrs. Carter was willing to go as soon as her sick child should get well. On April 30 Campbell wrote Churchwell that Mrs. Johnson, her two sons, Mrs. Carter and her two children were leaving for Norfolk on May 1, but on May 19 they were still in Tennessee. The reason for this delay was that Mrs. Johnson was consumptive and physicians said that her removal would cause her death.[17] Mrs. Carter wanted to go north but her children were ill.

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15. Clay to W. L. Eakin, April 19, 1862, O. R., I, 10, pt. 2, pp. 429-30.
16. George W. Morgan to O. D. Greene, April 19, 1862, ibid., p. 114.
17. Ibid., II, 1, pp. 883-9, 930-1.

They were probably never removed.

Something had to be done about the situation in East Tennessee. Force was being tried without success. General Smith decided to try words and assurances. On April 18 he issued the following proclamation:[18]

> The Major-general commanding this department charged with the enforcement of martial law believing that many of its citizens have been misled into the commission of treasonable acts through ignorance to their duties and obligations to their State and that many have actually fled across the mountains and joined our enemies under the persuasion and misguidance of supposed friends but designing enemies hereby proclaims:
> First. That no person so misled who comes forward, declares his error, and takes the oath to support the constitution of the State and of the Confederate States shall be molested or punished on account of past acts or words.
> Second. That no person so persuaded and misguided as to leave his home and join the enemy who shall return within thirty days of the date of this proclamation, acknowledge his error and take an oath to support the constitution of the State and of the Confederate States shall be molested or punished on account of past acts or words.
> After thus announcing his disposition to treat with the utmost clemency those who have been led away from the true path of patriotic duty the major-general commanding furthermore declares his determination henceforth to employ all the elements at his disposal for the protection of the lives and property of the citizens of East Tennessee whether from the incursion of the enemy or the irregularities of his own troops and for the suppression of all treasonable practices.
> He assures all citizens in cultivating their farms that he will protect them in their rights and that he will suspend the militia draft under the State laws that they may raise crops for consumption in the coming year. He invokes the zealous co-operation of the authorities and of all good people to aid him in his endeavors.

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18. Ibid., II, 1, p. 882.

> The Courts of criminal jurisdiction will continue to exercise their functions save the issuing of writs of habeas corpus. Their writs will be served and their decrees executed by the aid of the military when necessary. When the courts fail to preserve the peace or punish offenders against the laws these objects will be attained through the action of military tribunal and the exercise of the force of his command.

Again on April 23 the "Disaffected People of East Tennessee" were addressed. William Churchwell, the Provost Marshall of East Tennessee, threatened to treat all the wives and families of East Tennessee Union men in the North in the same manner as he had treated those of Maynard, and Brownlow.[19] His proclamation read as follows:

> The undersigned in executing martial law in this department assures those interested who have fled to the enemy's lines and who are actually in their army that he will welcome their return to their homes and families; they are offered amnesty and protection if they come to lay down their arms and act as loyal citizens within the 30 days given them by Maj. Gen. [sic] E. Kirby Smith to do so.
>
> At the end of that time those failing to return to their homes and accept the amnesty thus offered and provide for and protect their wives and children in East Tennessee will have them sent to their care in Kentucky or beyond the Confederate States lines at their own expense.
>
> All that leave after this date with a knowledge of the above facts will have their families sent immediately after them.
>
> The women and children must be taken care of by husbands and fathers either in East Tennessee or in the Lincoln Government.

General Smith believed that most of the 7,000 East Tennessee Unionists who had joined General Carter of the United States army between April 1 and 26[20] had left their homes because of conscription.

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19. Ibid., p. 884.
20. Smith to Washington, April 26, 1862, ibid., I, 10, pt. 2, pp. 453-4.

He, therefore, made an effort to obtain its suspension. Davis granted him permission to do so on May the 13th.[21] In proclaiming the suspension of the conscription bill in East Tennessee, Smith expressed the expectation that all good citizens would return to "cultivate their farms and take care of their families." He also promised that they would not be disturbed as long as they remained peaceful.[22]

Realizing that General Smith was in a precarious condition with the United States forces at Cumberland Gap and hostile Unionists all around him, Davis made every effort to strengthen him.[23] Further efforts were also made to entice back to their homes the East Tennesseeans in the Federal army. On June 23 G. W. Randolph, the Secretary of War, informed Smith that General James Wood wanted authorization to tell those who desired to return to their homes that upon taking the oath and sending their names into Smith's headquarters, they would be exempted from conscription. Their arms were to be paid for. The secretary instructed Smith to give Wood the desired authorization unless he thought obstacles made it impossible.[24] As a result, Smith issued the following proclamation on August 13.[25]

> To the East Tennesseeans in the U. S. [sic] Army:
> You must all now be convinced that you have been grossly deceived by the misrepresentations of those under whom you are serving. I therefore announce to you that a final opportunity is afforded you to return to your homes and your allegiance. I offer you a general amnesty for all past offenses, the only condition being that you take the oath of allegiance to the Government

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21. Davis to Smith, May 13, 1862, ibid., p. 521.
22. Ibid., II, i, p. 886.
23. Davis to W. G. Swan and J. G. M. Ramsey, June 2, 1862, ibid., I, 16, pt. 2, pp. 695-6.
24. Randolph to Smith, June 23, 1862, ibid., p. 703.
25. Ibid., p. 756.

and that you conduct yourselves as becomes good citizens. You will receive a fair price for any arms, ammunition and equipment you may bring with you.

Major General Smith claimed just before he relinquished the command of the District of East Tennessee that in accordance with his proclamations he had arrested only seven persons for political reasons and that all but one of them had been released. He said that of 664 citizens captured escaping to Kentucky with arms, all but sixty-six had been released. These were held as prisoners of war because they had previously voluntarily taken the oath of allegiance to the Confederacy. He said that because of an "earnest desire to allay the horrors of war" he had refrained from arresting many disloyal citizens who were in his power. He threatened, however, to arrest all the prominent Union men in each community, if General Morgan should not discontinue arresting Confederate men.[26]

On August 16 General Smith advanced into Kentucky,[27] leaving the command of the District of East Tennessee to Major General J. P. McCown with instruction to collect arms and ammunition from the people living around Knoxville and Clinton where at least five thousand were to be found.[28] On assuming command the latter wrote Randolph: "I am one of these people and think I know them. I shall pursue such policy as my knowledge of the people and the interests of the country dictate, unless otherwise instructed by General Smith or the War Department."[29] On the 24th the new commander was ordered to urge on the enforcement

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26. Smith to G. W. Morgan, Aug. 1, 1862, ibid., II, 4, p. 322.
27. Garrett and Goodpasture, op. cit., p. 216.
28. John Pegram to J. P. McCown (no date), in O. R., I, 16, pt. 2, p. 797.
29. McCown to Randolph, Sept. 1, 1862, ibid., p. 790.

of the conscript act if Morgan were forced away from the borders of the state. He was also instructed to make the leading citizens who were suspected of disloyalty define their position. McCown's orders were to send all of ~~them~~ who were Unionists out of the state.[30]

By September 3 McCown thought the time had come for the enforcement of the conscript law. The East Tennesseeans who had been paroled by the Federalists had returned home and were doing such great damage that he wrote the Secretary of War for more troops with which to hold them in check. He tried to remedy the situation by ordering that they be collected and sent north and that their property be sequestered.[31]

On September 5 General Bragg ordered the conscription of all eligible persons in Tennessee. The General's orders permitted any one liable to conscription to volunteer in such companies as he might decide upon within thirty days. The ranks of the old companies were to be filled, however, before new ones would be received.[32] This order threw the country into a "feverish state." Thousands of Unionists fled to the mountains and Kentucky.[33] McCown was in a state of bewilderment. He asked what he should do with them if they were caught and what do do with the leaders. Upon receipt of this communication, Randolph made a note for the President in which he said that McCown had no policy and that some one acquainted with the region should decide upon one. He

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30. John Pegram to McCown, Aug. 24, 1862, ibid., p. 776.
31. McCown to Randolph, Sept. 3, 1862, ibid., pp. 794-5.
32. Special Orders No. 1, issued by Bragg, Sept. 5, 1862, ibid., pp. 978-9.
33. McCown to Smith, Sept. 16, 1862, ibid., p. 836.

suggested that some "discreet person" be sent to confer with McCown and Governor Harris.[34]

This suggestion was acted upon when Samuel Jones was ordered on September 19 to take command of East Tennessee. His chief duty was to enforce conscription. "It will require great judgment," wrote Randolph, "and we rely upon your firmness and prudence to carry out the law without exciting revolt." Jones was to confer with Harris as to the best method to use. The secretary warned him not to be guided by "exasperated people."[35] Immediately after receiving this communication, Jones requested McCown to leave him a letter at Knoxville explaining the best way to enforce conscription.[36] He also requested Harris to write him on the subject.[37]

Before leaving Chattanooga, where he had been stationed, Jones ordered W. C. Cain to go with twenty men to Walden's Ridge, about fifteen miles from Chattanooga, and try to arrest all persons endeavoring to escape to the Federal lines. His instructions, which foreshadowed his attitude as commander of the Department of East Tennessee, were in part: "You will not molest persons known as Union men unless they are engaged in acts of hostility to our Government."[38]

On September 23 Jones arrived at Knoxville and took command.[39] He immediately began an attempt to bring about a favorable attitude on

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34. McCown to Randolph, Sept. 17, 1862, ibid., p. 841.
35. Randolph to Samuel Jones, Sept. 19, 1862, ibid., p. 851.
36. Jones to McCown, Sept. 20, 1862, ibid., pp. 857-8.
37. Jones to Harris, Sept. 21, 1862, ibid., p. 862.
38. Charles S. Stringfellow to W. C. Cain, Sept. 21, 1862, ibid., p. 858.
39. Jones to Cooper, Sept. 23, 1862, ibid., p. 866.

the part of the East Tennesseeans. Smith and McCown had, before the resumption of conscription, authorized certain persons to raise regiments. The Confederate government had decided that no troops except conscripts would be received after October 1. On September 24 Jones wrote Randolph for permission to receive these regiments. He said that prominent leaders such as Nelson were coming to support the Confederate government and that large numbers were preparing to volunteer. He warned the secretary that not to receive the regiments might cause a revulsion of feeling while to receive them would allay disloyalty and cause many others to volunteer. In addition, conscription of those who did not volunteer would be facilitated, he asserted. To illustrate the worthlessness of conscripted soldiers, Jones cited the fact that a regiment raised some time before with the alternative of volunteering or going to prison had been so worthless that it was finally allowed to disband. He stated that if those who wished to volunteer were forced in they would not be reliable. He attested that loyal persons of high standing believed all/desirable East Tennesseeans could be brought into the service as volunteers, if the right method were used.[40] Some time later, Jones again brought up the subject of the regiments. He argued that since they had not organized merely because of doubt as to whether they would be received, there was no obstacle to their being taken. After Secretary Randolph had recommended that Jones' request be complied with, Davis ordered that the regiments be received.[41]

Another way in which Jones sought to bring about a better feeling

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40. Jones to Randolph, Sept. 24, 1862, ibid., pp. 868-9.
41. Jones to Randolph (no date), ibid., pp. 954-7.

was by keeping his men from making depredations upon the Unionists. Under his command violations of the order that reports must be made of materials taken and fair receipts given for them were severely punished. Private property could not be taken except on written authority from the Assistant-Adjutant General, or the quartermaster, or officers attached to these departments.[42] The seizure of any kind of property of alien enemies by soldiers was not tolerated, and reports to the receiver for such property were required from the soldiers.[43]

On September 30 Jones issued a proclamation to the East Tennesseans declaring that he required a scrupulous respect for personal and property rights. His commands were that orders for impressment must be issued from headquarters and that reasonable payment must be made for all property impressed.[44] When seventy-five cavalry and 250 infantry were sent to Sevier county to capture a body of armed men, Jones expressly commanded that no harm be done to peaceable citizens even though they were known to be Unionists. He ordered the prisoners taken to Knoxville. The cavalry was left in Sevier county to keep peace.[45]

At another time Jones sent a company of cavalry into a nearby county to "kill, capture, or disperse" a group of two or three hundred armed men escaping into Kentucky. This action was in complete harmony with his policy which he expressed in this way: "While I shall endeavor by a conciliatory but firm course to bring the leaders of what is known

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42. General Orders, No. 2, Sept. 27, 1862, ibid., pp. 884-5.
43. General Orders, No. 6, Sept. 29, 1862, ibid., p. 890.
44. Charles S. Stringfellow to L. M. Allen, Sept. 30, 1862, ibid., p. 893.
45. Proclamation by Jones, Sept. 30, 1862, ibid., p. 894.

as the Union party and through them the mass of the party to the active support of the Government, I shall not fail by every means in my power to suppress everything like open hostility or secret treachery." He also wanted to remove from East Tennessee some of the "most obdurate and perverse Union men."[46]

In the meantime Jones was attempting to conciliate the leaders, and through them the masses. On September 25 he wrote to Nelson stating that he wanted to confer with men of influence, and asking for an interview. He inclosed a paper removing all restrictions of his movements.[47] After a long and private interview, Nelson wrote and gave to Jones, to use as he saw fit, an address to the people. Dated October 3, it appeared in the Knoxville Register on October 4. In his address Nelson said that in all his speeches he had expressed the determination to resist if he found that the North intended to subjugate the South and emancipate the slaves. That this was the intention of the North was now shown by President Lincoln's Emancipation Proclamation of September 22, 1862. Nelson declared: "Of all the acts of despotism--not one--in the slightest degree equals the atrocity and barbarism of Mr. Lincoln's proclamation. ----The Union men of East Tennessee are not now and never were abolitionists." Asserting many wrongs were committed in East Tennessee unknown to Richmond and the commanders, he admonished: "Let not then a sense of private and present wrongs blind you against the enormities already perpetrated and still more seriously contemplated by Mr.

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46. Jones to Randolph, Oct. 4, 1862, ibid., pp. 908-9.
47. Nelson Letters.

Lincoln's administration.------If, through fear or any other cause, Mr. Lincoln's infamous proclamation is sustained, then we have no Union to struggle for, no magnificient and unbroken heritage to maintain, no peace to expect, save such as with the blessing of Providence we may conquer." Saying that the Federal army sent to tantalize them had been withdrawn, and that Lincoln was an "unexampled tyrant," Nelson urged every man to join the Confederate army.[48]

According to Jones, Nelson would have made his address more in favor of the Confederacy if they both had not thought it would be more effective as it was.[49] The General made extensive use of this address. He had it printed on handbills[50] and distributed throughout East Tennessee. He also had it published in the newspapers. He requested the Athens Post to publish it with a complimentary editorial which would be "agreeable to Mr. Nelson and calculated to encourage others to follow his example." Jones warned the editor that party feeling could not be allowed to alienate those who would bring about "a more loyal and better feeling in East Tennessee."[51] He attempted to tone down the Knoxville Register, too, by telling the editor in "very decided tones" that his denunciatory articles were doing much harm.[52] Not long afterwards, this newspaper made a decided change in its policy. It declared that since there was a chance of consolidation of opinion in Tennessee, it would forget all past rivalries and work only for the public good.[53]

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48. O. R., I, 16, pt. 2, pp. 909-11.
49. Jones to Randolph, Oct. 4, 1862, ibid., pp. 908-9.
50. Copy in Nelson Letters.
51. Jones to editor of Athens Post, Oct. 4, 1862, in O. R., I, 16, pt. 2, pp. 907-8.
52. Jones to Randolph, Oct. 4, 1862, ibid., pp. 908-9.
53. Jones to Randolph, Oct. 14, 1862, ibid., pp. 945-7.

Jones invited other Union leaders to visit him with the hope that they would follow Nelson's example. He had to work against some "small Southern politicians" who did not desire that influential Unionists should change their course. He felt that his attempts were succeeding, however, for on October 4 he informed Randolph that he had hopes of bringing about a "better state of feeling toward the Government." He was "encouraged to believe that the most prominent men of the party" would "soon give public and cordial support to the Government." Jones was certain that John Netherland was prepared to do so and that he and Nelson would probably address the people in public meetings at various places on behalf of the government. Part of the basis for Jones' optimism is to be found in a letter from Judge Seth Lucky in which he said that he considered Lincoln's proclamation unconstitutional and that it was the duty of every citizen to "yield obedience to the constituted authority." In reply to a letter which Jones had caused F. E. Pitts to write, N. G. Taylor said: "I answer, in claiming me to be thoroughly Southern in heart and soul you do truly represent me and only do me simple justice."[54]

Jones tried to get Nelson to take the stump for the Confederacy. On October 14 he asked him to address the people in public meetings in company with some other influential gentlemen. He tried to induce him to do so by telling him that he could cause the withdrawal of the Confederate troops from East Tennessee. Jones addressed another letter to Nelson on the same day. The Unionists had not paid much attention

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54. Jones to Randolph, Oct. 14, 1862, ibid., pp. 945-7.

to Nelson's address because they believed it was the price paid for the release of his son. Jones emphatically denied this and gave Nelson permission to use his letter publicly.[55]

One of the greatest obstacles to conciliation in East Tennessee was conscription. Jones made many efforts to secure its suspension. He wrote Secretary of War Randolph that its enforcement was "impolitic and injurious." At the same time Harris wrote Davis expressing an exactly opposite viewpoint, for he said any relaxation in its enforcement would be "impolitic."[56] Jones' arguments in favor of its suspension were that unless the Unionists were induced to return to their homes the matured crops of corn would be lost, that since they were so adverse to serving, they would not make good soldiers anyway, that they would be much more useful in the fields and mines, and that the troops needed to enforce conscription could be used elsewhere. Secretary Randolph was not convinced by these arguments. He said that the suspension of the act under Smith had not conciliated the "Tories." If conscription were stopped there would be no enrollment and, therefore, no reason to volunteer, he asserted. Randolph wrote the President: "The issue must be made with these people whether they will submit to the laws or not, and I cannot see what we shall gain by further postponement." Davis agreed with him. He would not suspend the act, but he ordered Jones to consult the Governor as to the conscripts and to be discreet in the immediate placing of them in camps.[57]

Finding that he could not secure indefinite suspension of the

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55. Jones to Nelson, Oct. 17, 1862, ibid., pp. 957-8; Nelson Letters.
56. Harris to Davis, Sept. 29, 1862, ibid., IV, 2, p. 99.
57. Jones to Randolph (no date), ibid., I, 16, pt. 2, pp. 954-7.

conscript act, Jones next asked that it be suspended until November 1. "If this is done," he said, "I can, I am sure, have in the service before the end of the month nearly every man in East Tennessee now worth having." He asserted that if his request were complied with, his attempt to produce a loyal feeling would be aided, the Unionists in the mountains would return to raise crops, and the troops could be used somewhere else.[58] He also recommended that the writ of habeas corpus, which was again in force because of the expiration of the time limit, be suspended. Although he had continued to enforce martial law, the lawyers had caused trouble and confusion by "meddling."[59] William G. Swan, undoubtedly one of the "small Southern men," was very much opposed to the suspension of conscription even for a few days. He said that the "Tories" believed that it would not be enforced and therefore, suspension would "embolden" them so much that soon they would resist outright.[60]

President Davis again refused to suspend conscription. He said that the conscription question was a difficult one which could be decided only after it was considered from every point of view. His final decision, however, was made for him by circumstances. He said: "With every disposition to conciliate the people of that region [East Tennessee], still the pressure upon us by the enemy is such as compels us to call into the field all who are able to serve there. To exempt the unwilling would be to offer a premium to disaffection."[61]

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58. Jones to Randolph, Oct. 17, 1862, ibid., p. 953.
59. Jones to Cooper, Oct. 18, 1862, ibid., p. 961.
60. W. G. Swan to Davis, Oct. 21, 1862, ibid., Iv, 2, p. 138.
61. Davis to B. H. Hill, Oct. 23, 1862, ibid., pp. 140-1.

General E. K. Smith resumed command of the Department of East Tennessee in October, 1862.[62] On November 17 he wrote Nelson approving of his address and urging him to accept a position with the Confederate government.[63] He offered to get him a commission to raise troops. On the same day he wrote S. Cooper that since the conscript act could be enforced only with the use of his troops, owing to the disloyalty of the citizens, conscription should be under his command. Cooper ordered him to take control of conscription.[64]

The conscription policy was denounced by Robert Barton in a letter of January 23, 1863, which came to the President's attention. Conscription, he estimated, had resulted in sending 10,000 men to Kentucky, and in the withdrawal of two soldiers from the army to protect East Tennessee for every one conscripted. It seemed to him that the labor on the farms of those conscripted was more valuable than their unwilling service in the army. Besides, he pointed out, the families of the absent men had become public charges. Barton asked that Davis suspend conscription, invite the East Tennesseeans to return, and restore them to citizenship. The President upheld the government's course by saying that everything Barton had suggested had been tried for over a year with no valuable results. He asserted that it was better for the hostile men to be in the enemy's army than in East Tennessee. He said, however, that the commanding general should be as lenient as possible and not forget the need of cultivating the fields.[65]

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62. Ibid., I, 16, pt. 2, p. 973.
63. Smith to Nelson, Nov. 17, 1862, Nelson Letters.
64. Ibid., I, 20, pt. 2, pp.405-6; IV, 2, p. 246.
65. Robert M. Barton to Benjamin Hill, Jan. 23, 1863, ibid., IV, 2, pp. 267-71.

In February, 1863, General Smith's military court was ordered to report to D. S. Donelson who took command of the Department of East Tennessee.[66] On the tenth he outlined the policy he wished to pursue. Saying that the lenient course followed had not improved the spirit of disloyalty, he recommended the adoption of more "stringent measures." He recommended that all persons who could be, should be conscripted and sent to the extreme South, and that all prominent leaders should be put in prison as hostages.[67] The President, Secretary of War, and Governor Harris approved of the measures he suggested. He was given permission to conscript and send to distant points all the disaffected workmen in the iron and niter works.[68] On March 31, 1863, noncombatants and persons exempt from military duty residing within the Department of East Tennessee who wished to leave were ordered to apply for permits. The commander was to designate the route to be traveled.[69]

Buckner assumed command of East Tennessee on May 12, 1863.[70] He thought that conscription should be suspended for several thousand young men were in the Federal army because of conscription, and others who wished to avoid both armies and remain near their families, were lurking in the mountains, woods, and caves. This group was stealing, destroying, and waylaying the conscript officers. He said: "The

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66. Ibid., I, 23, pt. 2, p. 621.
67. D. S. Donelson to Colonel Emell, Feb. 10, 1863, ibid., I, 23, pt. 2, p. 631.
68. J. A. Seddon to Donelson, Feb. 27, 1863, ibid., pp. 651-2.
69. General Orders, No. 64, March 30, 1863, ibid., p. 731.
70. Cooper to S. B. Buckner, April 27, 1863, ibid., p. 833.

civil arm is paralyzed; the bitterness of faction is intense." Another reason that he gave for its suspension was that military control was necessarily severe and gave room for the charge of persecution. Buckner wished a policy adopted whereby those who would return to farming and a peaceful life within a certain period would be exempted from conscription for six or eight months. He advised that those who did not return should be considered as alien enemies and, if captured, as prisoners of war. He encouraged the formation of volunteer companies for local defense, and asked permission to issue to them squirrel guns and shotguns from the arsenal.[71] Later, Buckner suggested the removal of the North Carolina and East Tennessee regiments, because half of them could not be relied upon while in East Tennessee, but elsewhere might make good soldiers. On August 24 permission was given Buckner to make any transfer he thought proper.[72]

On August 4 W. D. Hennen was commissioned to make a full examination into the cases of all military prisoners in the Department of East Tennessee. He was authorized to require all documents, and hear all necessary witnesses. If there was no basis for the charge against the man, he could release him on oath or parole. Those coming under the jurisdiction of the civil authorities were to be turned over to them. General Buckner was instructed to give all orders necessary for Hennen to discharge his duties.[73]

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71. Buckner to Cooper, May 21, 1863, in O. R., IV, 2, pp. 563-4.
72. Buckner to Cooper, Aug. 4, 1863, ibid., I, 23, pt. 2, pp. 950-1.
73. J. A. Campbell to W. D. Hennen, Aug. 4, 1863, ibid., II, 6, p. 176.

As late as January 21, 1864, the Confederates were still trying to suppress the Unionists, for on that date Vance ordered Heth, who was at Knoxville, not to relax his efforts until the "tories" were crushed, but not to let the Southern people deal too harshly with "misguided men."[74] In the spring of 1864 the Confederate headquarters were moved into Virginia and only a corner of East Tennessee remained nominally in the control of the Confederates.[75] No policy could be enforced but conscription and it could not be enforced efficiently.

Statistics show that the Confederate policy in East Tennessee brought few favorable results. The number of conscripts who had been enrolled and assigned to the army from camps of instruction in East Tennessee since April 16, 1862, was 5,230. The approximate number of those entering the army without passing through the camps was 500. Five hundred and sixty deserters were returned to the army from East Tennessee after November, 1863.[76]

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74. "The Heth Papers" in Southern Historical Society Papers, No. IV.
75. Garrett and Goodpasture, op. cit., p. 224.
76. O. R., IV, 3, pp. 1101-2, 1109.

Chapter VI

RELEASE

Both the Confederates and the Unionists had at different times arrested non-combatants in East Tennessee for slight offenses. No doubt, as the numbers of these grew, they became burdensome to both armies. Especially must this have been true of the Confederate army, which could scarcely feed and clothe itself, much less a large group of useless prisoners. It also took men, who were badly needed elsewhere, to guard these people.

The Federals had gradually gained control of East Tennessee. After the battles of Chattanooga, Bragg had been forced to retreat South. On September 1, 1863, Colonel John W. Forrest rode into Knoxville. He was soon followed by General Burnside. Hearing of this, the Confederate General, Longstreet, laid seige to the city, but on December 4 he was forced to raize it and withdraw to Virginia. By the spring of 1864, the Confederates had relinquished control of all but the upper part of East Tennessee.[1]

On August 7, 1864, Brigadier General J. H. Morgan, Confederate commander of the Department of West Virginia and East Tennessee, announced to Brigadier General S. P. Carter, the United States Provost Marshall General of East Tennessee, that he was authorized to submit a proposition for the release of all non-combatants arrested in East Tennessee. In addition he proposed that arrests of non-combatants should not be made in the future except for crime committed within the

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1. Garrett and Goodpasture, History of Tennessee, pp. 223-24.

regular military lines of the two armies. To draw up articles of agreement, he requested that the United States appoint two commissioners to meet two Confederate commissioners at any time or place that should be agreed upon. Carter accepted this proposition on August 15, expressing the hope that "for the sake of humanity---the day of meeting" might "not be long deferred."[2] The Confederate agent of exchange, Robert Ould, said that the original proposition for the release or exchange of non-combatants came from General Carter and that his own advice to the Secretary of War to approve the proposition had been accepted.

According to the agreement, a commission of officers appointed by General Morgan met a similar United States commission. The latter declined to negotiate about those civilians who had been indicted for treason against the United States in East Tennessee, because they had been turned over to the civil authorities. As the majority of the Confederate adherents which had been imprisoned were embraced in this class, the Southern commissioners proposed a man for man exchange of the others. The meeting broke up without accomplishing anything, to seek further instructions and meet at a future date. The second meeting resulted just as had the first. The Confederate commissioners had been instructed to insist on the original proposition — the unconditional release of all political prisoners.[3] The instructions of the two commissions were at variance, and nothing could be accomplished.

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2. Carter to Morgan, Aug. 15, 1864, in O. R., II, 7, p. 597.
3. Robert Ould to James A. Seddon, Nov. 13, 1864, ibid., pp. 1125-6.

Another attempt was made to secure the complete exchange of all citizen prisoners. Brigadier General J. C. Vaughn was approached on the question by General Carter some time prior to October 26, 1864, because on that date the former wrote President Davis asking for authority to negotiate on the subject. A large number of the best citizens of Knoxville, he said, were held by the Unionists as hostages for political prisoners held by the Confederates. There was no doubt in his mind that the South would gain by an exchange. "Those held by the Confederate Government," he explained, "are a low-down, vagabond set, whilst those of ours held by them [the United States authorities] are of the wealthiest and most influential class of loyal citizens of East Tennessee."[4] On November 9, 1864, Major General J. C. Breckenridge was instructed to authorize Vaughn to negotiate on equitable terms for the exchange of political prisoners, with special reference to J. B. Heiskell, a Confederate Congressman. He was to make his reports to the Adjutant and Inspector General's Office.[5] Upon receiving these instructions, Vaughn informed General Carter and Major General Ammen that he had the authority to meet agents of the United States to agree on terms of exchange. As a result, General Carter met him at New Market, Tennessee, where the following articles were agreed to on December 1, 1864:[6]

> I. It is agreed that all Union citizens from East Tennessee who are held by the Confederate authorities shall be, with as little delay as possible, brought to the lines of the United States forces in East Tennessee and delivered

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4. J. C. Vaughn to Davis, Oct. 26, 1864, ibid., p. 1045.
5. Special Orders, No. 267, Nov. 9, 1864, ibid., p. 1114.
6. J. Ammen to Vaughn, Dec. 1, 1864, ibid., p. 1175.

to the United States authorities.

II. All citizens who have been arrested by the United States authorities as hostages for Union men held by the Confederate authorities shall be delivered at the Confederate lines in East Tennessee and released with as little delay as possible.

III. Brig.-Gen. Carter binds himself to use his best efforts to secure the release of Wm. H. Turley, as well as other parties against whom no charges are pending in the civil courts.

IV. Brig.-Gen. Vaughn binds himself to endeavor to procure the release of Capt. Shad. [sic] Harris, U. S. Army, and to deliver him at the Union lines in East Tennessee, and Gen. Carter binds himself to deliver Capt. Battle, U. S. Army, at the Confederate lines in East Tennessee, or if Capt. Rogers, late of Gen. Morgan's staff, is a prisoner in the hands of the U. S. authorities he will endeavor to secure his release and exchange for Capt. Harris.

V. All citizens who have left their homes shall be permitted to return and remain so long as they conduct themselves peaceably and conform to the requirements of the authorities.

On December 5, 1864, Vaughn transmitted the agreement to Secretary of War Seddon, saying that General Carter had agreed verbally to do his best to obtain the release of J. B. Heiskell and several others indicted for treason. Vaughn asked permission to arrest a number of prominent men of East Tennessee as hostages for these, if their release was not accomplished. He requested Seddon to send the Union prisoners at once, if he approved of the agreement.[7] The latter replied on the 15th that he could not possibly approve of the articles. They were unfair, he said, in that they provided for the

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7. Vaughn to Seddon, Dec. 5, 1864, ibid., p. 1192.

release of all Union citizens, but not all Confederate citizens. The Federals had agreed only to release those held as hostages, while the Confederates wished to release all non-combatants on both sides. Secretary Seddon objected to the fourth article because Shad. Harris was a deserter from the Confederate service. He declared that to give him up would strengthen the enemy in contesting the Confederate's right to try deserters. Furthermore, Captain Battle was unjustly held as a hostage. The fifth article would lead to difficulties. He asked, for instance, what was meant by "requirements of the authorities?" He approved of the suggestion that hostages should be arrested for Heiskell and others.[8]

In the meantime, Carter had sent a copy of the agreement on December 3 to Captain R. Morrow, Assistant Adjutant-General of the Department of the Ohio. He said that by a spoken agreement wives and families were allowed to pass to the lines where they belonged.[9] Seven days later he also sent a copy to Major General E. A. Hitchcock, United States Commission of Exchange, inclosing in addition a list of rebel sympathizers held as hostages. He requested that they be sent to Knoxville.[10] Hitchcock replied that he approved of the agreement if article five referred to East Tennessee only, and that he would send the prisoners as soon as he was assured of this.[11] The desired assurance was given on January 5, 1865. Carter wrote him that citizens returning

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8. Seddon to Vaughn, Dec. 15, 1864, ibid., p. 1229.
9. Carter to R. Morrow, Dec. 3, 1864, ibid., p. 1183.
10. Carter to E. A. Hitchcock, Dec. 10, 1864, ibid., p. 1208.
11. Hitchcock to Carter, Dec. 23, 1864, ibid., p. 1263.

to their homes under the terms of the 5th article would be required to take the amnesty oath of December 8, 1863. He evidently had not been informed by Vaughn of the refusal of the Confederate government to approve the agreement for he went on to ask whether he should send the prisoners straight to the rebel lines or not. Expressing the wish to keep to the letter of the agreement, he doubted that the Confederates would do so, because Vaughn had said that the citizens would reach the United States lines about the middle of December, and they had not yet been heard from. Carter, who had heard that Captain Harris was in irons at Columbia, South Carolina, suggested that Captain Battle be kept in irons until he should be released.[12] When Hitchcock, on January 14, 1865, gave orders for the sending of the prisoners to Vaughn, he ordered that this suggestion be carried out.[13]

Since Vaughn had not informed them of the rejection of the agreement by his government, the United States officials immediately began to carry out their part of it. L. S. Trowbridge, United States Provost Marshal General of East Tennessee, informed Vaughn on February 8 that fifteen hostages were being forwarded. He said that four had died at Johnson's Island, and that he was not sending A. C. Plumblee and William Hall because they were held by the civil authorities. Four other persons had already been released. The reason Ramsey and Montgomery were not forwarded was that Ramsey had given his parole as

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12. Carter to Hitchcock, Jan. 5, 1865, ibid., II, 8, pp. 25-6.
13. Hitchcock to H. W. Wessells, Jan. 14, 1865, ibid., pp. 70-71.

First Lieutenant and Montgomery had been a telegraph operator. Therefore, both were prisoners of war. Trowbridge stated that the others not sent were held on specific charges and not as hostages. He said that escaped prisoners from Salisbury, North Carolina, had reported that on January 4 Union citizens of East Tennessee had not yet been forwarded, and he expressed the hope that the Confederates would not fail to carry out their part of the agreement.[14]

Trowbridge forwarded more prisoners on February 14. A C. Plumblee, William Hall, and Wayne Wallace were the ones sent to the Confederate lines. Trowbridge said he had reason to suspect that the Confederates were not carrying out the agreement. He had heard that the East Tennessee citizens in prison at Salisbury had been told they would not be released unless they enlisted in the Confederate army. This was a violation of the agreement. He threatened that if Vaughn did not carry out his part of it in good faith, he would see that full retaliation was visited on the general officers of the Confederate army held by the United States.[15]

When Vaughn received this letter he sent it on to the Confederate authorities with a request that since seventeen Confederate prisoners had arrived from the United States lines, seventeen Union citizens should be sent to give for them. He had not yet received the last group forwarded by Trowbridge, for he requested that Seth Lea be sent in exchange for W. W. Wallace who was held at Knoxville. He insisted that

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14. L. S. Trowbridge to Vaughn, Feb. 8, 1865, ibid., pp. 196-7.
15. Trowbridge to Vaughn, Feb. 14, 1865, ibid., pp. 223-4.

his government should send all citizen prisoners to him to be exchanged. Vaughn had begun the arrest of Union citizens as hostages for all Confederate sympathizers arrested by Carter since the agreement of December 1.[16]

By February 20, Plumblee, Hall, and Wallace had not arrived at Vaughn's headquarters. On that date Vaughn wrote Trowbridge that they had been on Carter's list of prisoners to be exchanged and that the first two had been in a military prison for eighteen months. He was curious to know why Wallace, who had been sent to Knoxville, had not been forwarded to the Confederate lines. If he was held as a hostage for Seth Lea, Vaughn asserted it was in violation both of the spirit and the letter of the agreement which had provided for an unconditional release. Vaughn accused the Federalists of still having in prison some whom they had reported were dead and of violating the agreement by making further arrests. He gave the assurance that all the citizen prisoners held by the Confederates would soon be delivered at the Federal lines. He announced that he was going to arrest a man for every man arrested by the Federals after November 10.[17]

Vaughn had insisted that he should exchange a man for each one sent him in spite of the fact that his government had not approved of the agreement. On March 2, 1865, he was informed that it would not be necessary, because an arrangement for the release of all citizen prisoners had been effected. The Confederate government would deliver

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16. Vaughn to J. C. Breckinridge, Feb. 19, 1865, ibid., pp. 267-8.
17. Vaughn to Trowbridge, Feb. 20, 1865, ibid., pp. 272-74.

all East Tennesseeans at City Point or on the Wilmington lines at an early date. He was ordered to give assurance of this to the United States Provost Marshall of East Tennessee.[18] Vaughn failed to do this, for on March 10 Trowbridge instructed Morrow to report that although he had sent seventeen hostages to Vaughn, the Confederates had not carried out their part of the agreement. He ordered that the threat to fetaliate should be made good.[19] This was not necessary, however, for in a little over a month all civilian prisoners were released automatically by the ending of the war.

Thus, the secession war ended the last problem existing between the Confederate government and the Unionists of East Tennessee. During four years the Confederate government had alternately tried to conciliate and suppress the Unionists without a great amount of success. General Zollicoffer had tried conciliation only to have the Unionists rebel and burn the bridges. After that the Confederates adopted a rigorous policy which lasted until the spring of 1862. It did not quench Unionism in East Tennessee. General Smith, who took command at that time, exercised his power severely but justly. He was succeeded by Samuel Jones who bent his energies toward conciliation with only nominal success. The department changed hands several times after General Jones was relieved. At no time could it be said that the Unionists were won to the support of the Confederacy. Nor did conscription yield worthwhile results. By 1864 both the Confederate and the Union

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18. S. W. Melton to Vaughn, March 2, 1865, ibid., p. 335.
19. Trowbridge to R. Morrow, March 10, 1865, ibid., p. 377.

armies had in their possession many citizen prisoners which they sought to exchange. Even this attempt did not fully succeed. The problem of Unionism in East Tennessee continued as long as there was a Confederate government.

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