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## Rebel Salvation: The Story of Confederate Pardons

Kathleen Rosa Zebley  
*University of Tennessee, Knoxville*

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I am submitting herewith a dissertation written by Kathleen Rosa Zebley entitled "Rebel Salvation: The Story of Confederate Pardons." I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in History.

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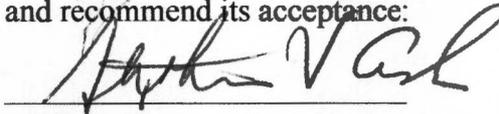
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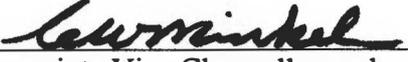
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Paul H. Bergeron, Major Professor

We have read this dissertation  
and recommend its acceptance:


Accepted for the Council:

  
Associate Vice Chancellor and  
Dean of The Graduate School

**REBEL SALVATION:  
THE STORY OF CONFEDERATE PARDONS**

**A Dissertation  
Presented for the  
Doctor of Philosophy  
Degree  
The University of Tennessee, Knoxville**

**Kathleen Rosa Zebley  
December 1998**

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DEDICATION

**This dissertation is dedicated to my parents**

**Mr. and Mrs. Charles J. Zebley**

**whose love and encouragement enabled**

**me to achieve my goals.**

## ACKNOWLEDGMENTS

While at the University of Tennessee, I have had the great fortune to meet wonderful people that I now consider to be dear friends. All have given me encouragement during these graduate school years, and their humor and counsel have been of inestimable value. I cannot imagine enduring this rigorous process of researching and writing a dissertation without the steadfast friendship of Jonathan and Jennifer Bass, Clint and Lisa Clifft, Jenny Heyl, Dr. Vejas G. Liulevicius, Susan R. McMillan, Andrew S. Moore, and Mark and Jane Williams.

During my first year at UT, I had the honor and privilege to work as a research assistant for Dr. Milton M. Klein in the Office of the University Historian. Dr. Klein taught me a great deal about researching and writing history and continues to be a mentor and an example of a dedicated teacher and historian. The folks at the Office of Admission and Records helped to make this past year of graduate school an enjoyable one. The Registrar, Mr. Alfred Crews, and my supervisor, Mrs. Tammy Murphy, were kind enough to give me a graduate assistantship which allowed me the time to write the dissertation. I would also like to thank the History department for giving me valuable opportunities to teach and work with students, first as a graduate teaching assistant and later as a teaching associate. When I started to travel the highways in search of manuscript collections at various libraries, the History department awarded me a Bernadotte Schmitt Research Award which greatly helped to defray my expenses. I would also like to thank the North Caroliniana Society for the award of an Archie K. Davis Research Fellowship which allowed me to mine the extensive collections at various libraries in North Carolina.

The staff at the University of Tennessee's Special Collections offered many ideas and much assistance when I began my research on Civil War and Reconstruction in Tennessee. Their knowledge and helpfulness made my tasks much easier and enjoyable. I would also like to thank the staffs of the Southern Historical Collection at the University of North Carolina, Chapel Hill, the Special Collections Library at Duke University, and the North Carolina State Archives in Raleigh. All of these people were very friendly, professional, and took pleasure in sharing the richness of their collections with me.

Much of my time was spent with the kind people who work in the Andrew Johnson Papers Project. Marion O. Smith (who meticulously cataloged every ex-Rebel who filed a pardon application), Patricia Cable, Glenna Schroeder-Lein, and Richard Zuczek were gracious enough to share their knowledge about various sources with me and took an interest in my progress.

From the moment I stepped foot in the History department, Dr. Paul H. Bergeron has been an integral part of my graduate school experience at the university. He has imparted much wisdom, humor, and direction as we plotted my coursework and later, throughout the stages of the dissertation. He has always had great interest and faith in the topic and in my capabilities. Furthermore, he granted me the independence to venture out into the "wilderness" and gently redirected me when I wandered off track. Dr. Steven V. Ash, Dr. John Muldowny, and Dr. W. Bruce Wheeler generously devoted their time and expertise to reading this manuscript. In addition to their duties as committee members, each one offered suggestions and advice on teaching and researching which did much to influence my own views.

The greatest debt is owed to my family. My sisters Angele and Julie Ann have been supportive and always believed I could accomplish my goals. My grandparents, Mr. and Mrs. Paul Hoffpauir, took great interest in my education and offered many encouraging words and prayers. Truly, I have been blessed to have such a wonderful family. I could not have achieved any of this without the love of my parents, Mr. and Mrs. Charles J. Zebley. They were patient, understanding, and never wavered in their belief in me. Their emotional and financial support helped me to earn my doctorate. The dedication of this dissertation to them is meant as a gesture of love and thanks for all they have done for me.

**ABSTRACT**

On May 29, 1865, President Andrew Johnson issued a Proclamation of Pardon and Amnesty and outlined the manner in which the provisional government of North Carolina would be organized. While the President's proclamation of amnesty absolved the majority of Confederates for their activities against the United States, fourteen classes, such as minor Confederate office holders, high-ranking Confederate civil and military officials, men indicted for treason and those owning more than \$20,000 worth of property in 1860, had to compose a pardon petition, swear an oath of allegiance, and forward the documents to their respective state governors who sent the documents to Washington.

This study is the first to mine and analyze the 850 pardon petitions filed by men in Tennessee and Western North Carolina in order to understand the factors which motivated men of varying social, educational, and economic backgrounds to link their futures with the Confederacy. Furthermore, these pardon petitions offer an immediate commentary on the mood of defeated Southerners and their anxieties as they waited for the terms of peace from the North.

An analysis of the pardon documents explores the process of Reconstruction on a state and local level and emphasizes the role state governors played in executing the President's policy. In addition, the dissertation offers a corrective to those historians who have concentrated on the wealthy and elite southerners who applied for pardon, while ignoring a substantial number of number of men who aided the Confederacy by holding office, donating goods to the Rebel army, or who required a pardon to escape a trial for treason.

President Johnson pardoned the overwhelming majority of ex-Confederates who applied, much to the chagrin of Congress. As Southerners exercised their right to vote and hold office, many elected ex-Rebels to local, state, and national offices. Alarmed at the defiance and recalcitrance, Congress decided that the President's plan was a failure and that a different program had to be instituted.

**PREFACE**

While previous historians have occupied themselves with the study of Andrew Johnson's presidency or the competing visions of Presidential and Congressional Reconstruction, the subject of pardon and amnesty after the Civil War has remained uncharted territory. The only book on the topic, *Pardon and Amnesty under Lincoln and Johnson*, was written by Jonathan T. Dorris in 1953. In it, Dorris confined his study to the principal civil and military leaders of the Confederacy, without systematically analyzing the thousands of pardon petitions filed by those Rebels who had served the Confederacy as postmasters, tax collectors, or as privates in the army. Since a body of secondary literature on this subject does not exist, the principal source for this dissertation is the Amnesty Papers of the National Archives. After examining 850 pardon petitions from Tennessee and Western North Carolina, one can begin to grasp the motivations that prompted many to support the effort for southern independence and the anxieties that gripped the late Rebels as they awaited the terms of reconciliation from the North.

This dissertation seeks to fill the yawning gap in the history of Reconstruction by mining hundreds of pardon applications from a cross-section of Rebels. These petitions written to the President recall the chaotic times before and after secession, the violence and inhumanity that characterized the war and relations on the homefront, and the poverty and destruction that paralyzed the South in the summer and fall of 1865. Furthermore, the documents provide commentary on the mood and mindset of the defeated ex-Rebels embraced in the various exceptions enumerated in President Johnson's May 29, 1865, Proclamation of pardon and amnesty.

Inherent in this study is the justification Southerners offered to explain their rebellious course. Few recognized, much less admitted, that they had committed treason against the United States. Instead, they minimized their involvement or tried to portray their participation as innocuous. Many accepted a postmastership to avoid military duty or to provide a service to their Union neighbors. Others "only" donated money to the Rebel troops, voted in elections, and made speeches in favor of secession. Legislators "merely" followed the "will of the people." Phrases such as these divulged many ex-Confederates' unwillingness to accept responsibility for the late war even as they pleaded for an executive pardon.

The decision to compare Tennessee and North Carolina, specifically East Tennessee and Western North Carolina, proved fruitful for several reasons. Both regions shared striking similarities during the antebellum era. Both experienced neglect by their respective state capitals, neither area was dominated by large-scale plantation agriculture nor the widespread use of slave labor, and both localities possessed dynamic, two-party political systems. In the decades before the Civil War, Whigs and Democrats competed for the allegiance of these mountain voters.

As the South lunged towards secession, North Carolina and Tennessee resisted the initial temptation to join South Carolina and the other deep South states in withdrawing from the Union. The citizens believed a peaceful solution could be found to avoid the crisis which threatened to disrupt the nation. In fact, a majority of voters in Western North Carolina (55 percent) and East Tennessee (58 percent) had cast their ballots in favor John Bell, candidate of the Constitutional Union party in the November 1860 election.

In the months leading up to secession, a majority of East Tennesseans maintained their allegiance to the United States and denounced the cozy relationship between the state's governor and the Confederate government. Meanwhile, Western North Carolinians looked askance at proceedings in the lower South, but failed to muster the indignation that was characteristic of East Tennessee. After the firing on Fort Sumter, President Lincoln's summons for 75,000 troops to crush the rebellion, and Virginia's decision to ally with the Confederacy, North Carolina and Tennessee added their names to the roster of Confederate states.

However, Richmond would soon learn the volatility of both East Tennessee and Western North Carolina. Throughout the war, Unionists in East Tennessee tried to hamstring the Rebels and hostility erupted between Unionists and Confederates. The region remained divided, and after the war, Unionists sought revenge against their tormentors. On the other hand, Western North Carolina threw its support behind the Confederacy once the state seceded. Only gradually, did the great wave of enthusiasm in North Carolina recede. Western North Carolinians were pinched by the various Confederate laws such as expanded conscription acts, the tax-in-kind, and the impressment law. Citizens of the Old North State registered their disapproval by electing Zebulon Vance governor and by organizing meetings calling for peace. Western North Carolina was a particularly dangerous area since it harbored army deserters and guerrillas. Both areas remained a thorn in the side of Jefferson Davis throughout the war.

"Rebel Salvation: The Story of Confederate Pardons," offers a corrective to those monographs which have focused on Reconstruction largely as a battle waged between Congress and the President without paying attention to the role of governors and southern citizens in the process, and those books which confine their study to aristocratic ex-Rebels ignoring the greater number of ex-Confederates whose actions during the war required a presidential pardon.

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## Chapter 1

### Antebellum Tennessee and Western North Carolina

In the years before the Civil War, Tennesseans and North Carolinians devoted their time and energies to planting and harvesting crops, herding livestock, and participating in politics. Issues such as representation in the general assembly, development of internal improvements, and taxation of slaves surfaced as principal concerns. However, as events on the national political stage increasingly commanded the attention of both the North and the South, Tennesseans and North Carolinians had to grapple with more complex matters such as nationalism versus sectionalism, the preservation of slavery, and the future of their economies. Voters in both states resisted the initial temptation to secede, until after a series of factors compelled them to unite with their sister southern states. After the four-year war concluded, southerners requesting pardon from President Andrew Johnson recalled the considerations and pressures which had prodded them to rebel against the United States. Only by examining antebellum life in these two states can one understand the chaos and passion that characterized the months before the final secession of eleven states and the justifications that southern petitioners offered to justify their traitorous activities.

The disparate attitudes of East Tennesseans and Western North Carolinians towards the war and Reconstruction can be attributed to their antebellum ways of life. In the decades prior to the war, the economy, percentage of slaves, and political leanings in East Tennessee resembled that of Western North Carolina. Most residents in both regions farmed for a living and grew crops other than those staples cultivated in plantation regions. While many of these goods remained in the region, producers in both states sold their goods to people in Georgia, South Carolina, and

other southern markets. The soil and climate of East Tennessee and Western North Carolina did not favor large-scale agricultural pursuits. Thus, the areas did not have large concentrations of slaves. Instead, most people used small numbers of slaves to assist in farming, manufacturing, or mining ventures. In the political realm, Whigs dominated both mountain areas, until the 1850s when the party splintered.

Afterwards, Democrats benefited and began to win mountain votes, yet former Whigs still challenged Democratic candidates under the auspices of the Know-Nothing and Opposition parties. In fact, in the presidential election of 1860, John Bell of the Constitutional Union party succeeded in winning approximately two-thirds of the mountain counties in Tennessee and North Carolina. In East Tennessee, Bell beat John Breckinridge of the Southern Democratic party with a 58 percent majority, while registering a 55 percent majority against Breckinridge in Western North Carolina.<sup>1</sup>

East Tennesseans and Western North Carolinians had experienced decades of neglect at the hands of their respective state capitals, which were controlled by the interests of wealthy slaveholders. Both areas had gained few internal improvements, while the more prosperous sections had reaped the benefits of turnpikes, railroads, and improved waterways. This discrimination and alienation angered residents in both sections, and yet, the two regions reacted differently when their respective states chose to ally with the Confederacy. Western North Carolinians believed in a state's right to set its own course without the interference of the federal government, buried their grievances, and eagerly joined with the other sections of the state upon learning

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<sup>1</sup> John C. Inscoe, "Mountain Unionism, Secession, and Regional Self-Image: The Contrasting Cases of Western North Carolina and East Tennessee," in *Looking South: Chapters in The Story of An American Region*, eds. Winfred B. Moore, Jr. and Joseph F. Tripp, (Westport, Conn., 1989), 116-17.

that the General Assembly had voted to sever ties with Washington. Part of this pro-secessionist attitude stemmed from the speeches and prompting of Thomas L. Clingman and other politicians such as W.W. Avery, William Holland Thomas, and Marcus Erwin, who extolled the financial and military benefits of a southern confederacy. Unlike East Tennesseans, the residents in the mountains of Western North Carolina lacked a solid cadre of Unionists able to counter the war of words unleashed by the pro-Rebel forces. Furthermore, Western North Carolinians envisioned themselves as having bright economic futures and eventually gaining greater political power. Western North Carolina did not consider the large slaveholders in their midst to be enemies. Instead, the people entrusted these men to represent their interests in the General Assembly and to continue to push for development of the west's resources.<sup>2</sup>

East Tennesseans attended the speeches of Senator Andrew Johnson, T.A.R. Nelson, and Horace Maynard and read the blistering editorials in William G. Brownlow's newspaper, the *Knoxville Whig*. These influential men convinced many that the motives of secessionists were suspect and that East Tennessee's interests were better served in the United States. A Unionist convention met in Knoxville and later Greeneville to outline a contingency plan, if Tennessee seceded. East Tennessee had witnessed its declining political hegemony as the Middle and Western sections of the state attracted more people, accumulated more wealth, and assumed political prominence. Unionists in East Tennessee stressed the differences between

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<sup>2</sup> Ibid., 118, 121-22; Ora Blackmun, *Western North Carolina: Its Mountains and Its People to 1880* (Boone, N.C., 1977), 336.

the yeoman farmers and the aristocratic slaveholders and threatened that these slaveholders would exercise authority not only over slaves, but also free whites.<sup>3</sup>

East Tennesseans disapproved greatly of the Volunteer State's secession and believed they could choose their own path. After all, East Tennessee claimed a heritage of sectionalism with its failed attempts in the 1840s to separate from the Middle and West. Perhaps this time an independent East Tennessee would develop its own resources and improve its economy and construct internal improvements without the help of the rest of the state. Of course, the General Assembly rejected this appeal, and East Tennessee remained a part of the state, subject to the authority of the Confederate government. A study of the decades preceding the Civil War in Western North Carolina and East Tennessee explains the differing attitudes both regions had towards secession, the war, and Reconstruction.

North Carolina had a proud heritage and its residents in the east, the first settled area of the state, enjoyed political, social, and economic dominance over the rest of the state. The plight of Western North Carolinians rarely concerned the power brokers in the east or at the state capital in Raleigh. For example, planters in the east utilized a railroad line which linked them to markets and vehemently opposed further internal improvements, especially those designated for the western part of the state, for fear these projects would result in increased taxes. In addition to economic hegemony, Eastern North Carolinians flexed their political muscle. Once the 1835 constitution was ratified, westerners tabulated a few gains such as popular election for the governor; yet some inequalities persisted. For instance, only those who owned a specific number of acres, one hundred for state representatives and three

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<sup>3</sup> Inscoe, "Mountain Unionism, Secession," 118, 123, 125.

hundred for state senators, could serve in the General Assembly. In addition, tax receipts dictated the composition of senatorial boundaries, guaranteeing that high slaveowning counties enjoyed a greater number of senators than those areas which possessed few slaves.<sup>4</sup>

Coincident with the revised constitution was the emergence of the Whig and Democratic parties. Whigs and Democrats competed with one another for control over North Carolina for three decades before the Civil War. The Whigs enjoyed victories from 1836 until 1850, when the Democrats enticed voters to their party. Still, the Whigs continued to exist and challenged the Democrats in the Old North State, even after the national Whig party disintegrated. Both parties relied on the combination of eastern and western interests to ensure victory at the polls.<sup>5</sup>

Leaders in the Whig and Democratic camps recognized the dangers of focusing on divisive state issues which threatened to split a party geographically, pitting the easterners against the westerners; therefore the politicians concentrated on national policies which provided many points of disagreement. In the years before 1848 this strategy proved successful and preserved an uneasy coalition of wealthy, eastern planters and poorer, western farmers. The proposal of "free suffrage" in 1848 by Democratic gubernatorial candidate David S. Reid, disturbed the shaky alliance, since westerners seized the issue and added internal improvements and constitutional

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<sup>4</sup> Marc W. Kruman, *Parties and Politics in North Carolina, 1836-1865* (Baton Rouge, 1983), 7-8, 11-12, 49-50; Thomas E. Jeffrey, *State Parties and National Politics: North Carolina, 1815-1861* (Athens, 1989), 51.

<sup>5</sup> Kruman, *Parties and Politics*, 20; Robin E. Baker, "Class Conflict and Political Upheaval: The Transformation of North Carolina Politics during the Civil War," *North Carolina Historical Review* 69 (1992): 149; Jeffrey, *State Parties*, 1, 3, 40-42, 45.

reform to their list of demands. This renewal of state sectionalism meant that both parties would have to grapple with these issues in their state platforms and announce their positions, satisfying one area of the state and alienating the other.<sup>6</sup>

Whig victories at the state polls resulted from the party's shrewd decision to forge national and state issues. Whigs tapped into the desire of Western North Carolinians to have turnpikes and railroads in order to facilitate the transportation of farm goods to markets in Georgia and South Carolina. Rather than relying on increased taxes to fund the construction of improvements, Whigs chose to capitalize on the revenue earned from federal land sales. In 1836, the Democrats offered no plan on how to fund internal improvements.<sup>7</sup>

When the Whigs proposed their scheme of building and financing internal improvements, the Western North Carolinians eagerly embraced the party and expected it to make good on its proposals. However, the powerful eastern politicians, who commanded authority disproportionate to their population, thwarted western attempts to construct new roads and crushed any design to establish new counties in the burgeoning west. Dismayed at the inability of the Whig party to effect any change, western Whig politicians, especially Thomas Clingman, and their constituents switched to the Democratic party, which began touting free suffrage in 1848. And yet, at the close of the 1850s, the Democrats failed to gain any achievements since they encountered the same opposition that frustrated Whig

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<sup>6</sup> Jeffrey, *State Parties*, 3-5; Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill, 1985), 27.

<sup>7</sup> Jeffrey, *State Parties*, 68, 76; Kruman, *Parties and Politics*, 10.

endeavors on behalf of westerners. Neither party commanded the complete loyalty of the west or the state.<sup>8</sup>

In 1860, entrepreneurs, slaveowners, yeoman farmers, poor whites, and some artisans populated the fifteen counties designated as Western North Carolina.<sup>9</sup> Since this region was the most recently settled area of the state, it also bore the distinction of being the least developed. Most families in the mountains earned their livelihood in agriculture, growing grain crops, making cheese and butter, and herding and trading livestock. Western North Carolina's affinity for the South was strengthened by its commercial ties with other southern states. In fact, wealthy slaveowning farmers and businessmen assumed not only political but economic leadership in the mountain region of North Carolina. These men brokered trade agreements between Western North Carolina and areas farther South.<sup>10</sup>

As in the rest of the South, slavery existed in the mountain country; yet, slaves accounted for only 10 percent of a total population of 119,000. The institution of slavery did not dominate life in the mountains, since the terrain was not conducive to large-scale plantation agriculture. Instead, those families who owned slaves usually employed them as household servants, in manufacturing positions, or leased

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<sup>8</sup> Jeffrey, *State Parties*, 192, 210, 242, 277, 279.

<sup>9</sup> The fifteen counties of Western North Carolina are: Alleghany, Ashe, Buncombe, Burke, Caldwell, Cherokee, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Watauga, Wilkes, and Yancey.

<sup>10</sup> John C. Inscoe, *Mountain Masters, Slavery, and the Sectional Crisis in Western North Carolina* (Knoxville, 1989), 6, 14, 45, 52; Joseph C. Sitterson, *The Secession Movement in North Carolina* (Chapel Hill, 1939), 19-20; Martin Crawford, "Political Society in a Southern Mountain Community: Ashe County, North Carolina, 1850-1861," *Journal of Southern History* 55 (1989): 380-81.

the services of the slave to others. Despite the scarcity of the "peculiar institution," the most influential citizens and businessmen in the mountains owned slaves and represented the people in the state legislature. Ironically, Western North Carolina's delegation of state representatives consisted of a higher percentage of slaveholders than the other regions of the state.<sup>11</sup>

Even though 90 percent of the people in Western North Carolina did not own slaves, they still recognized a common bond with the slaveowners. In the immediate decades prior to the war, the number of men who entered the ranks of slaveholders rose sharply. Often, yeoman farmers achieved the status of a small slaveholder and hoped to increase their holdings of slaves over time, thereby continuing to rise in society. Most white families had a financial and ideological stake in the continuation of the "peculiar institution," either because their money was invested in slaves or because they dreamed of entering the world of the aristocratic planter. Fear also served to unite all whites. In the aftermath of John Brown's raid on Harper's Ferry in October 1859, residents of Western North Carolina responded like citizens in other parts of their state. The mountain counties organized five volunteer militia companies to crush any potential slave insurgency. Besides, all whites, even the poorest farmers, understood their position of superiority over the slaves and feared the abolition of slavery might erode the whites' sense of superiority. In addition, emancipation implied free blacks living among whites.<sup>12</sup>

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<sup>11</sup> Inscoc, *Mountain Masters*, 9, 76, 124.

<sup>12</sup> Sitterson, *Secession Movement*, 105; Inscoc, *Mountain Masters*, 9, 114; Crawford, "Political Society," 382; Martin Crawford, "Confederate Volunteering and Enlistment in Ashe County, North Carolina, 1861-1862," *Civil War History* 37 (1991): 33; James Oakes, *The Ruling Race: A History of American Slaveholders* (New York, 1982), 41, 52, 67.

Despite Western North Carolina's political and geographical isolation from Raleigh and its poor system of infrastructure, its residents understood the vital, current issues of the day such as debates over the extension of slavery into territories and the gag rule prohibiting abolitionist petitions from reaching Congress. What is more remarkable is the vested interest these western, yeoman farmers had in the preservation of slavery and southern rights. Evidence of the westerners' preoccupation with slavery and southern rights can be found in the career of its Congressman Thomas Lanier Clingman, who represented the district for fifteen years, 1843-58, with the exception of a two-year hiatus from 1845-47. Like most of his constituents, Clingman was a Whig and understood the residents' frustration over paying high taxes and receiving no funds for improvement projects.<sup>13</sup>

Clingman reiterated the critical role played by mountain voters in securing Whig victories and highlighted the absence of political plums parceled among the faithful in the west. Western demands for transportation routes and other reforms fell on deaf ears. Disgusted with the state Whig party's inability to deliver on its political promises, many westerners, including Clingman, embraced the Democratic party. In the pivotal years between 1849 and the early 1850s, a narrow Whig majority in the mountains shifted to a lean Democratic majority.<sup>14</sup>

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<sup>13</sup> Marc W. Kruman, "Thomas L. Clingman and the Whig Party: A Reconsideration," *North Carolina Historical Review* 64 (1987): 1, 6-7; John C. Insoe, "Thomas Clingman, Mountain Whiggery, and the Southern Cause," *Civil War History* 33 (1987): 42-43.

<sup>14</sup> Thomas E. Jeffrey, "'Thunder from the Mountains': Thomas Lanier Clingman and the End of Whig Supremacy in North Carolina," *North Carolina Historical Review* 56 (1979): 381, 383-84.

Even though residents in the mountain counties owned few slaves, they heartily endorsed Clingman's defense of slavery, the doctrine of states rights, and a closer alliance with states farther South. Clingman linked these various issues to the vital interests of his constituents such as expanded southern markets for their goods, without the levying of a tariff. He prophesied that a "new" South isolated from the industrial North would harness natural resources and increase commercial activity. These ideas of greater financial opportunities, especially the chance to increase trade between Western North Carolina and parts of South Carolina and Georgia, resonated throughout the mountain communities and assured Clingman of voter support.<sup>15</sup>

North Carolina voters in 1860 saw only three names on the ballot: John Bell of the Constitutional Union Party, John C. Breckinridge representing the Southern Democrats, and Stephen Douglas running on the Northern Democratic ticket. The Republican nominee, Abraham Lincoln, did not appear as an option. The presidential contest was a tight one in North Carolina, with John Breckinridge garnering a narrow majority of the votes. Still, John Bell made a strong showing in Western North Carolina, carrying two-thirds of the mountain counties. Once news of the Republican victory filtered across the South and into remote communities, people expressed shock at the "unexpected" result. Suddenly, southerners grasped their political weakness and shuddered to contemplate that free state votes chose the occupant of the White House.<sup>16</sup>

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<sup>15</sup> Inscoe, "Mountain Unionism, Secession," 118; Baker, "Class Conflict," 157; Inscoe, "Thomas Clingman," 42, 44 51-2, 60.

<sup>16</sup> Daniel Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill, 1989), 86-87, 193; Jeffrey, *State Parties*, 301; Inscoe, *Mountain Masters*, 220.

Despite concerns over Lincoln's future policies, numerous southern statesmen and influential businessmen tried to calm residents and to convince them that a Republican victory did not signify a declaration of war on the South or its way of life. Only if the Republican president violated southern rights, they said, should the states consider secession.<sup>17</sup> The highly competitive political party system in North Carolina helped prevent that state from rushing into the Confederacy. Political leaders and citizens considered Lincoln's presidential victory as an unfortunate turn of events that could be corrected at the next presidential election. Southern states without a dynamic party system found Lincoln's election shocking and feared future Republican triumphs.<sup>18</sup>

While North Carolina viewed South Carolina's hasty decision to withdraw from the Union with a degree of skepticism, the Old North State upheld the belief that Washington could not compel the Palmetto state to return its allegiance. During December and January, North Carolina Unionists organized meetings in the western and central parts of the state, and Holden praised the virtues of Unionism in his paper, the *North Carolina Standard*. Zebulon Baird Vance, a native of Western North Carolina, sent a speech to his fellow mountaineers asserting that secession would prove detrimental to the border states and would cause an increase in taxes to support a new government. Vance believed he could do his ". . . duty to the South and the *Union*."<sup>19</sup> These loyalists believed that withdrawal from the United States

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<sup>17</sup> Sitterson, *Secession Movement*, 173, 180, 184; Crofts, *Reluctant Confederates*, 109.

<sup>18</sup> Kruman, *Parties and Politics*, 181; Crofts, *Reluctant Confederates*, 130.

<sup>19</sup> Zebulon B. Vance to wife, December 7, 1860, Zebulon B. Vance Papers, Southern Historical Collection, University of North Carolina, Chapel Hill. (Hereafter cited as SHC.)

would plunge the country into war and cause the demise of slavery. A low percentage of slaveowners and a strong Whig party, which countered the pro-secession Democratic organization, further strengthened the chances of North Carolina remaining in the Union. Not surprisingly, Whigs formed the core of Unionist support in the state.<sup>20</sup>

On the opposite side, Democratic governor John Ellis mustered forces in favor of secession. In late January 1861 the General Assembly scheduled an election of delegates and a vote on whether to organize a state convention for February 28. Not only did voters select a majority of Unionist delegates, but also the citizens narrowly repudiated the idea of a convention. The cause of the Union found its greatest support in the Piedmont and in the middle counties of the state. The western counties split, with some favoring the Union and others urging secession. Jackson, Haywood, Burke, and Buncombe counties had active and vocal secessionists, while Unionists predominated in Henderson, Yancey, Madison, Watauga, Ashe, and Alleghany counties. A common argument cited by secessionists in the western counties was the area's vulnerability, if Tennessee and Virginia joined the Confederacy and North Carolina continued in the Union.<sup>21</sup>

Secessionists and Unionists continued to engage in debates throughout Western North Carolina, attempting to rally the voters behind their viewpoints. A common argument presented by secessionists proposed that withdrawal from the

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<sup>20</sup> Kruman, *Parties and Politics*, 208; Sitterson, *Secession Movement*, 196-97, 212; Crofts, *Reluctant Confederates*, 130.

<sup>21</sup> Sitterson, *Secession Movement*, 208, 218-20; Baker, "Class Conflict," 157, 159; Blackmun, *Western North Carolina*, 336-37.

Union would spur the development of local manufacturers to supply the residents with goods. Unionists urged the people to monitor Lincoln's actions and be on guard for any coercive measures. If Lincoln and the North threatened the existence of slavery, then the time would be right to secede. The prime consideration for both secessionists and Unionists was to protect southern institutions.<sup>22</sup>

The slim Unionist majority in North Carolina evaporated after the April 12 firing on Ft. Sumter, Lincoln's proclamation soliciting 75,000 troops three days later, and the Virginia convention's decision to pass a secession ordinance. Staunch defenders of the Union, such as Zebulon Vance and William Woods Holden, suddenly fell silent and shifted their zeal towards repelling northern aggression. Lincoln's directive forced states in the Upper South to choose between furnishing soldiers to put down a rebellion or joining the seceded states in a demonstration of southern independence. Monitoring these events in Montgomery, Alabama, the new Confederate government comprehended the gravity of the Upper South's abrupt embrace of secession and thus decided to relocate its capital to Richmond, Virginia.<sup>23</sup>

In Raleigh, Governor Ellis scheduled a special session of the General Assembly to meet on May 1 to consider the state's future. In addition to providing funds to manufacture weapons, the state legislature directed the Governor to enlist 10,000 state troops and outfit 20,000 men for a one year stint. The General Assembly also approved the allocation of five million dollars for public defense. Before adjourning, the state legislators designated May 13 as the election for

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<sup>22</sup> Inscoc, *Mountain Masters*, 227-28, 240.

<sup>23</sup> *Ibid.*, 253; Sitterson, *Secession Movement*, 241; Crofts, *Reluctant Confederates*, 315, 333, 340.

convention delegates to meet in Raleigh one week later for the purpose of considering North Carolina's relationship to the federal government. Not surprisingly, the convention delegates unanimously decided to sever the state's ties to the Union without yielding the decision to a popular vote.<sup>24</sup>

The residents in Western North Carolina identified themselves first with their towns or local areas, secondly as citizens of the state and the South, and lastly as citizens of the United States. These strong local bonds and regional pride, in addition to the influence of other factors, meant that when faced with a momentous decision, the community would follow the will of the local leaders and majority. As soon as word of North Carolina's alliance with the Confederacy reached the communities of Western North Carolina, the inhabitants responded favorably, as evidenced by the rush of young men to enlist in the army. North Carolina's men immediately revealed their dedication to the Confederacy by enrolling in the armies in great numbers. Of the 111,000 Confederate troops from the Old North State, only 19,000 were conscripts. In addition, other men enlisted in reserve and home guard units, propelling the total number of North Carolina troops to 125,000.<sup>25</sup>

In fact, the fervor for war can be gauged by the rapidity with which Western North Carolinians fulfilled the volunteer quotas established by Governor Ellis, beating out other regions of the state. This initial euphoria dimmed, however, as the soldiers engaged in intense battles, witnessed carnage, and grew weary of the war.

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<sup>24</sup> Sitterson, *Secession Movement*, 243-45; Crofts, *Reluctant Confederates*, 340.

<sup>25</sup> John G. Barrett, *The Civil War in North Carolina* (Chapel Hill, 1963), 28-9; Inscoc, *Mountain Masters*, 6; Crawford, "Confederate Volunteering," 32.

Troops yearned for home, bristled under edicts from Richmond, and questioned the objectives and stability of the Confederate government.<sup>26</sup>

North Carolinians exhibited an independent streak when they began to criticize the civil and military policies of the Confederate government. In March 1862, President Jefferson Davis urged the Confederate Congress to pass a conscription law stipulating that men between the ages of 18-35 would serve the military for a term of three years. President Davis realized that the thousands of soldiers who had enlisted for one-year terms in April 1861 would soon be released from the service and that the continuation of the war necessitated fresh troops. This edict disturbed North Carolinians, since they had volunteered in such numbers as to exceed their quotas. Furthermore, some interpreted Davis's act as a growing sign of military despotism since the Confederate government, rather than the state government, directed recruitment. By October 1862, Richmond had promulgated another conscription law increasing the applicable age from 35 to 45.<sup>27</sup>

The policy of conscription greatly irritated Western North Carolinians. To avoid enlisting, men hid in the mountains and hills. Others who had already served a year decided to desert from the army and return home to their families. The reverse side to the great enthusiasm that characterized North Carolina's troops at the commencement of the war was the high number of desertions, which exceeded all southern states. More than 23,000 soldiers and 428 officers from the Old North State abandoned the Confederate army.<sup>28</sup>

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<sup>26</sup> Inscoe, *Mountain Masters*, 234, 255, 260.

<sup>27</sup> Marc W. Kruman, "Dissent in the Confederacy: The North Carolina Experience," *Civil War History* 27 (1981): 294, 299, 300-1; Barrett, *Civil War*, 183.

<sup>28</sup> Blackmun, *Western North Carolina*, 345; Ella Lonn, *Desertion during the Civil*

The Richmond government strengthened its grip over the Confederate states when Congress permitted President Davis to suspend the writ of *habeas corpus*. Increasingly, the Confederate government made greater demands on the people which shattered their devotion to the cause and prompted them to question the government's aspirations. Particularly harsh was the tax-in-kind which collected one-tenth of all the produce for redistribution to other Confederate areas and armies. In fact, approximately two-thirds of the total produce gathered under the tax-in-kind regulation emanated from North Carolina and two other states.<sup>29</sup>

In Washington, President Lincoln vigilantly monitored events in the southern states, watching for any opportunity to encourage reconciliation between the Rebel states and the federal government. That moment occurred in February and March 1862 when Union General Ambrose E. Burnside and his troops took possession of Roanoke Island and the North Carolina coast stretching from Fort Macon to the Virginia border. Now, Lincoln and his advisors seized the chance to persuade the North Carolinians of the advantages of returning to the Union and chose Edward Stanly as the instrument. A native of North Carolina, Stanly was a devout Unionist and a familiar name to both political chieftains and voters. The White House envisioned Stanly maintaining peace and order in the state while simultaneously preparing it for return to the Union.<sup>30</sup> North Carolina's political status mirrored that of Tennessee's; namely, Governor Stanly, like Governor Andrew Johnson in

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*War* (Washington, 1928; reprint, Gloucester, Massachusetts, 1966), 231.

<sup>29</sup> Kruman, "Dissent," 300, 302; Kruman, *Parties and Politics*, 267.

<sup>30</sup> Norman D. Brown, *Edward Stanly: Whiggery's Tarheel "Conqueror"* (University, Alabama, 1974), 201-04.

Tennessee, controlled only part of the state while Confederates reigned over the remainder.

Those areas in North Carolina still under Confederate sway participated in the gubernatorial campaign of 1862. The results of the state's election indicated the degree of dissatisfaction among North Carolinians. The Conservative party, an amalgam of ex-Whigs and conditional Unionists, endorsed a Western North Carolinian, Zebulon Vance, for governor. Vance's defense of North Carolina's rights and his condemnation of various Confederate policies endeared him to voters, and he succeeded in defeating the Democratic challenger. The citizens expected Governor Vance to assert and protect their state's rights, thereby thwarting any menacing policies by Davis and the Confederate Congress. After all, North Carolina's disgust at the northerners' "aggression" at Ft. Sumter and Lincoln's beckoning for troops to suppress the rebellion had prompted her to associate with the Confederacy in the first place. Now, the government in Richmond saddled the southern states with taxes and military obligations and discontinued basic rights. Naturally, people speculated whether they had merely exchanged one despotism for another.<sup>31</sup>

Cognizant of the voters' anxieties, Vance labored to mitigate some of the Confederacy's acts while simultaneously obeying the laws. For instance, the governor sanctioned the conscription act, yet succeeded in persuading Davis to permit some conscripts to exercise a choice in affiliating with a regiment. In addition, in January 1863, Vance encouraged deserters to reunite with their units by guaranteeing amnesty. Both military and civil considerations dictated this policy. Aside from the obvious fact that desertions weakened morale and crippled the army's

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<sup>31</sup> Kruman, "Dissent," 297, 299; Kruman, *Parties and Politics*, 240.

effectiveness, stragglers had infested the western counties and wreaked havoc. From the start of the war, Madison County had a curious combination of deserters, guerrillas, and Unionists. As the fighting continued, Henderson and Cherokee counties experienced such a surge of army deserters that these men exercised power over the residents.<sup>32</sup> Thus, Western North Carolinians cowered under the unpredictable control wielded by extralegal groups while Richmond continued to promulgate restrictive laws.

All property and goods belonging to southerners were subject to impressment under an act of March 26, 1863 which empowered various committees to confiscate and reimburse owners for livestock, slaves, food, and other materials to be used by the southern army. Even before the Confederate Congress enacted this law, North Carolinians had suffered as troops and deserters had foraged for food and snatched provisions from civilians. No area was immune from this depredation. People living along transportation routes and near battlefields fell prey to scavengers as well as residents in remote areas where troops were ordered to gather their own subsistence. In addition, the Rebel army grazed its horses in Wilkes, Ashe, Watauga, Caldwell, and McDowell counties. To add further insult, the soldiers demanded that civilians sell their corn at half the market price.<sup>33</sup>

A variety of factors such as the paucity of slaves, the inability to purchase farm implements, and the great numbers of white men in service to the army compromised the ability of residents to grow enough food and led to shortages.

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<sup>32</sup> Baker, "Class Conflict," 172; Barrett, *Civil War*, 191, 197.

<sup>33</sup> Barrett, *Civil War*, 183; David D. Scarboro, "North Carolina and the Confederacy: The Weakness of States' Rights during the Civil War," *North Carolina Historical Review* 56 (1979): 144-45.

Women, children, and elderly men strained to cultivate crops and fashion necessities only to witness soldiers, stragglers, and outlaws appropriate these products without payment. Mountain residents felt the pinch as did others in the central counties and other areas of North Carolina. To alleviate the hardship, Governor Vance and the state legislature instituted a state sponsored program to sell food at cost to the families of enlisted soldiers. Even though one of the features of the Confederate impressment law specified that citizens be reimbursed for their goods, the process was complex and seldom worked.<sup>34</sup>

The election of Vance to the governorship marked only phase one of a campaign designed to curb the Confederate government's power. Next, citizens held approximately 100 meetings in the summer of 1863 to register their complaints and disapproval of the Confederate government and to express a desire for peace. In the mountains, Confederate civil and military officials proved incapable of supplying the material needs of civilians and protecting them from deserters and bushwhackers. Tired of Richmond's neglect, some men began enlisting in the Union army. North Carolinians added greater force to their dissatisfaction when they chose Conservative men to occupy nine of their ten Congressional posts. Still, the Confederate government continued to ignore the signs of discontent and to pass unpopular laws.<sup>35</sup>

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<sup>34</sup> Scarboro, "North Carolina and the Confederacy," 144-45.

<sup>35</sup> Kruman, *Parties and Politics*, 240; Kruman, "Dissent," 303; Martin Crawford, "The Dynamics of Mountain Unionism: Federal Volunteers of Ashe County, North Carolina," in *The Civil War in Appalachia: Collected Essays*, eds. Kenneth W. Noe and Shannon H. Wilson (Knoxville, 1997), 60.

By December 1863, the Rebel army was in desperate straits and the Confederate Congress revoked the substitute law. Two months later, the Congress altered the ages for conscription from 18 to 17 on the lower end and from 45 to 50 on the opposite. February 1864 was the time when the Congress again suspended the writ of *habeas corpus*. North Carolinians bristled at Richmond's edicts which demanded more men leave their homes to levy war against the United States. The Old North State was primarily a yeoman state where the white men performed most of the labor and tended the crops. Thus, the women, children, and elderly acutely felt the absence of these men. Poverty and hunger drained any enthusiasm the citizens on the homefront expressed towards the Confederacy. Privation and unfair laws emanating from Richmond only fortified the dedication of those organizing peace meetings and motivated William Holden and others to urge that the state bargain for its own peace with the Union. This peace movement gained momentum through the creation of a group called the Heroes of America, which opposed the continuation of the war. In March 1864, Holden threw his hat into the race for governor, but Vance triumphed at the polls.<sup>36</sup>

Western North Carolina's discontent with Confederate policies and the conduct of the war only escalated under the duress of raids originating across the mountains in East Tennessee. Leaders in Richmond perceived the volatility of the situation in this region, since the Federal army controlled the area of East Tennessee by 1864 and might actually cultivate the sprouts of Unionism and dissatisfaction with the Confederacy in Western North Carolina. Naturally, Union forces took advantage of their position in East Tennessee and used it as a launching point for raids into

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<sup>36</sup> Kruman, "Dissent," 303-4; Baker, "Class Conflict," 174-75; Escott, *Many Excellent People*, 52-3, 58.

North Carolina. In his gubernatorial address to the 1864-65 legislative session, Vance reported the chaos in the mountains. According to the Governor, men claiming affiliation with the Federal forces fanned throughout the mountain counties impressing horses, livestock, and other goods, ravaging property, and killing.<sup>37</sup>

From his base in Greeneville, Tennessee, Colonel George W. Kirk led the Third North Carolina and Tennessee Federal Volunteers on raids into Western North Carolina. In an effort to break the rebellious spirit of the people, Kirk and his soldiers targeted offices and structures used to support Rebel operations, and seized property. In the spring of 1864, some of Kirk's subordinates invaded Watauga and Alleghany counties commandeering horses. Residents in Madison, Yancey, Watauga, Ashe, and Alleghany counties suffered invasions not only from Kirk's army, but also from Rebel brigands. Most likely, these lawless bands were composed of the thousands of North Carolina Confederate troops who had deserted the army, straggled back home, and engaged in stealing and terrorizing civilians. In fact, even Federal-occupied East Tennessee was not immune from an occasional raid by Rebels.<sup>38</sup>

While the citizens in Western North Carolina fell prey to a curious combination of Federal soldiers, Rebel troops, deserters, and guerrillas, the residents were mostly spared the vicious, internecine struggle which plagued East Tennessee and pitted family members and neighbors against one another. Even though Tennessee and North Carolina possessed similarities in their political sentiments and

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<sup>37</sup> Barrett, *Civil War*, 232; Blackmun, *Western North Carolina*, 344, 347.

<sup>38</sup> Blackmun, *Western North Carolina*, 349-50; Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865* (Chapel Hill, 1995), 48.

economies, their experiences during the Civil War and Reconstruction differed in degree.

During the antebellum period, Tennessee, like North Carolina, engaged in political reform and experimented with internal improvements legislation. At the same time North Carolinians experienced a revision in their constitution, Tennesseans also ratified an 1835 constitution which updated and democratized their original document of 1796. The new constitution terminated property requirements for holding office and augmented the rolls of the General Assembly to reflect the increased population. The voters received the authority to select local officials, while the General Assembly continued to appoint judges and state attorneys. Furthermore, the new constitution altered the system of property taxation from *ad item* to *ad valorem*.<sup>39</sup>

It was also during this period that East Tennesseans agitated for internal improvements and monitored legislative acts. In the late 1830s, Middle Tennessee lawmakers worked to prevent the passage of laws to construct railroads and other projects in West and East Tennessee. However, a coalition of East and West Tennessee legislators succeeded in passing internal improvement bills in spite of Middle Tennessee's opposition. Unfortunately, an economic crisis nullified the majority of internal improvement projects except for the creation of turnpikes in Middle and West Tennessee. Closer examination of these projects revealed that Nashville had greatly benefited from the construction of turnpikes, augmenting the commercial and financial importance of the city. Naturally, this exacerbated

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<sup>39</sup> Jonathan M. Atkins, *Parties, Politics, and the Sectional Conflict in Tennessee, 1832-1861* (Knoxville, 1997), 4; Paul H. Bergeron, *Antebellum Politics in Tennessee* (Lexington, 1982), 38-39.

sectional tensions since East and West Tennessee had not prospered similarly. Unequal distribution of funds, in addition to other concerns, motivated separate statehood movements in both East and West Tennessee.<sup>40</sup>

At an internal improvements convention in Knoxville in late November 1841, some East Tennesseans expressed support for separation. State senator Andrew Johnson returned to Nashville and sponsored a resolution to grant separate statehood to East Tennessee. Even his political foe, William G. Brownlow, praised this plan in his paper the *Jonesborough Whig*, declaring that East Tennessee had nothing in common with the other two sections. However, this measure failed; in 1843, East Tennessee politicians tried to revive it again, but it languished.<sup>41</sup>

Politicians in Middle Tennessee took the hint and attempted to correct the previous inequalities when they granted \$200,000 from the state treasury to East and West Tennessee to improve rivers. Still, the three divisions of Tennessee continued to develop independently of one another. Even the construction of railroads reflected the divisions of the state. In the stretch of a decade, 1850-1860, Tennessee went from not having one mile of railroad track to 1,268.62 miles. And yet, these various tracks did not unite the three regions of the Volunteer State, but linked each area with commercial markets in other states. For example, the East Tennessee and Virginia Railroad transported the products of East Tennessee farmers from Knoxville

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<sup>40</sup> Stanley J. Folmsbee, *Sectionalism and Internal Improvements in Tennessee, 1796-1845* (Knoxville, 1939), 128, 137, 195-96.

<sup>41</sup> *Ibid.*, 220, 223, 229; Noel C. Fisher, *War at Every Door: Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill, 1997), 15-16; Eric Russell Lacy, *Vanquished Volunteers: East Tennessee Sectionalism from Statehood to Secession* (Johnson City, Tenn., 1965), 121-22;

to Bristol, and the East Tennessee and Georgia Railroad ran from Knoxville to Chattanooga and Dalton, Georgia.<sup>42</sup>

The antebellum political landscape in Tennessee resembled that of North Carolina in that Tennessee had a dynamic two-party system which allowed voters to express their ideas and concerns by affiliating with a particular party and voting for its candidate. Within the three regions of Tennessee, Whigs and Democrats found receptive audiences. Democrats relied on eleven counties in the East, Whigs counted twelve favorable counties, and the remaining six were up for grabs. Whigs dominated the counties close to Knoxville and Chattanooga, since these cities functioned as commercial centers. It was these Whig counties clustered around Knoxville which formed the core support for Unionism which saturated the East Tennessee region. The Democratic party found support in the counties in upper East Tennessee and in the southeastern section of the region where the people lived a distance from trading hubs. Similarly, voters in Middle and West Tennessee who resided near markets embraced the Whig platform, which trumpeted the advantages of a state currency. The Democrat's defense of slavery and abhorrence of banks scored points with West Tennesseans whose welfare depended on slave labor and a weak national government.<sup>43</sup>

This pattern continued until the national Whig party's demise in the 1850s. Former Whigs gravitated towards a succession of short-lived organizations such as

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<sup>42</sup> Robert Tracy McKenzie, *One South or Many? Plantation Belt and Upcountry in Civil War-Era Tennessee* (New York, 1994), 4; Mary Emily Robertson Campbell, *The Attitude of Tennesseans toward The Union, 1847-1861*, (New York, 1961), 30-31.

<sup>43</sup> Atkins, *Parties, Politics*, 81-82, 87-88; Crofts, *Reluctant Confederates*, 131.

the American or Know-Nothing party, the Opposition, and the Constitutional Union parties. After all, the mentality of having a two-party system had existed since the 1830s when some disgruntled Tennesseans waged a political battle against President Andrew Jackson and drafted Hugh Lawson White as a Whig presidential candidate for the election of 1836. The nascent two-party structure matured during the 1840s and capitalized on the voter interest kindled by the revised state constitution.<sup>44</sup>

During the tumultuous decade of the 1850s, Whigs and Democrats vied for the allegiance of voters, and each party claimed to defend the voters against the wiles of political opportunists. Both parties framed their state platforms in terms of national issues. Democrats warned against the insidious plots of abolitionists and linked the Whigs with the Republicans. Meanwhile the Whig and later Opposition party championed liberty, defended the Union, and characterized the Democrats as allies of the South Carolina nullifiers. After more than a decade of hearing about slavery and abolition, Union and states' rights, Tennesseans understood the salient issues.<sup>45</sup>

In the presidential election of 1860, a plurality of Tennesseans threw their support behind native son John Bell of the Constitutional Union party, who pledged to uphold the Constitution and support the Union. Even though the Republican ticket had not appeared on the ballot, most Tennesseans regarded Abraham Lincoln's election to the presidency as valid.<sup>46</sup>

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<sup>44</sup> Fisher, *War at Every Door*, 11; Bergeron, *Antebellum Politics*, x, 6.

<sup>45</sup> Atkins, *Parties, Politics*, 178; Bergeron, *Antebellum Politics*, 85, 131-32, 145.

<sup>46</sup> Campbell, *Attitude of Tennesseans*, 130, 178; Crofts, *Reluctant Confederates*, 119.

Initially, Tennessee adopted a cautious attitude in the wake of Lincoln's election and the secession of lower South states to form the Confederacy. Economic and political considerations oriented the Volunteer State towards other border states rather than the cotton states. While many residents in Middle and West Tennessee depended upon slave labor, the majority of East Tennesseans managed without the institution. The widespread dedication to the Union, and the interests of businessmen and planters emboldened Tennesseans to sustain their affiliation with the United States. Upper South entrepreneurs envied the success of northern states in developing diversified agricultural, industrial, and commercial pursuits. Men in the Upper South worried that their economic concerns would be superseded by the cotton growing deep South states. Even those who owned slaves believed secession was the wrong course of action and might even encourage more slaves to run away to the North. Whereas Western North Carolina lacked prominent Union leaders, East Tennessee was home to such outspoken Unionists as Senator Andrew Johnson, Congressmen T.A.R. Nelson and Horace Maynard, and newspaper editor William G. Brownlow, who stoked the fires of loyalty to the federal government.<sup>47</sup>

After Lincoln's election, Unionists and secessionists plotted strategies to cultivate voters' support. Unionists in the Volunteer State and in the rest of the Upper South presented a common set of arguments grounded on economic, social, and political considerations. Appealing to Southerners' pocketbooks, Unionists explained that a healthy economy would continue as long as the Upper South remained in the Union. An uncertain financial future awaited those states choosing

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<sup>47</sup> J. Milton Henry, "The Revolution in Tennessee, February, 1861, to June 1861," *Tennessee Historical Quarterly* 18 (1959): 99-100, 105; Crofts, *Reluctant Confederates*, 106, 109.

to secede. A more concrete argument concerned the continued existence of slavery. Unionists reminded southerners of the Constitution's protection of slavery and warned that seceding from the Union might expedite the institution's demise. If Tennessee joined the Confederacy, the state would forfeit the benefit of the fugitive slave law and lose the right to maintain slaves in United States territories. Lastly, the Unionists, mainly erstwhile Whigs, tried to discredit the secessionists by linking them with demagogues, usually Democrats, wedded to preserving the rule of the elite. Some Unionists perceived the secession of the Deep South states as the culmination of decades of work by fire-eaters eager to establish a landed oligarchy. To buttress this line of reasoning, Unionists pointed at the ringleader of the Confederacy, South Carolina. Loyalists accentuated the undemocratic features of the Palmetto state's political system. No outlets existed in South Carolina to enable the people to express their views. For example, the state did not have political parties, and the citizens did not vote for the governor or presidential electors. Unionists hoped to demonstrate that South Carolina did not believe in equality and offer a glimpse of who orchestrated the drive for southern independence.<sup>48</sup>

Furthermore, Unionists reminded Tennesseans that the government had natural checks and balances such as the Constitution, the Congress, and the Supreme Court to prevent Lincoln or any chief executive from wielding too much power. However, if the President issued belligerent orders, Tennessee would not hesitate to join the other southern states in the Confederacy. Like his counterpart John Ellis in North Carolina, Governor Isham Harris assumed an active role in priming the state

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<sup>48</sup> Crofts, *Reluctant Confederates*, 106, 109, 112, 134; Atkins, *Parties, Politics*, 230; William C. Harris, "The Southern Unionist Critique of the Civil War," *Civil War History* 31 (1985): 41-43.

for its secession. Harris summoned the legislators and spoke to them on January 7, 1861, about the state's future at this critical juncture. While he believed the legislature had the power to schedule a state convention, he suggested the state representatives and senators allow the people to decide whether to hold a convention. The legislators followed the governor's advice and designated February 9, 1861, as the day for the referendum. On that day, Tennesseans went to the polls to decide whether to have a convention and to select Unionist or secessionist delegates to represent the people at the convention. The measure was defeated in part because Tennessee had fewer slaveholders than other Upper South states and because many of these slaveholders professed their allegiance to Whig party principles. Thus, a combination of Whig voters and Democrats who refused to support secession meant that Tennessee would continue its affiliation with the Union for the immediate future.<sup>49</sup>

Both Unionists and secessionists recognized the stakes in this contest over the voters' loyalties and continued to travel the state and speak to audiences. Unionists realized they must work assiduously to maintain the delicate allegiance of fellow Southerners. While the Unionists trumpeted Southern rights, they vehemently denied the doctrine of secession, believing that withdrawing from the United States would only lead to war. Having learned a valuable lesson from the nullification debacle in 1832, secessionists carefully chose their words and spoke about the dangers of "coercion" by the government. The benefits of a separate nation included protection of slavery, the absence of competition for southern farmers, and the impetus for increased southern manufacturing. Secessionists used newspaper articles to agitate

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<sup>49</sup> Atkins, *Parties, Politics*, 230, 240-1, Crofts, *Reluctant Confederates*, 183, 192.

the public and create hostility towards the North. After Lincoln presented his inaugural address, disunionists analyzed the speech and warned that the new president's words signaled a belligerent spirit towards the South.<sup>50</sup> Thus, Unionists and secessionists understood the fickleness of voters and the shifting sands of loyalty as each side tried to sway public opinion. And yet, both sides knew that an aggressive overture by the Federal government would propel Upper South states out of the Union.

Two months after the first vote against holding a convention, circumstances forced Tennesseans to reevaluate their allegiance to the Union. The firing on Ft. Sumter, Lincoln's order requesting 75,000 troops, Virginia's secession, and John Bell's impassioned speech in Nashville, which lashed out against Northern domination, swayed voters to shift their loyalties and shattered any vestiges of Unionism in Middle and West Tennessee. Governor Isham G. Harris called the General Assembly to meet on April 25, and this body adopted a "Declaration of Independence" which would be submitted to the voters for a "yes" or "no" vote. At this referendum, voters would also choose whether to send representatives to the provisional Confederate Congress. In the meantime, the General Assembly prepared for war by allowing the Governor to select three commissioners to discuss a military alliance with the Confederacy. In order to bolster the defenses of the state, the legislature empowered Harris to choose officers and issue bonds in the amount of five million dollars to subsidize an army. Yet another symbol of the Governor's eagerness to unite with the Confederacy was the treaty of the commissioners giving President Jefferson Davis control over Tennessee's defense.<sup>51</sup>

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<sup>50</sup> Atkins, *Parties, Politics*, 233-34; Campbell, *Attitude of Tennesseans*, 182-84.

<sup>51</sup> James Walter Fertig, *The Secession and Reconstruction of Tennessee* (Chicago,

East Tennessee's innate distrust of Nashville and Governor Harris only escalated during the months of April and May, as Unionists monitored Harris's transactions with the Confederacy. The secret meetings of the General Assembly and its willingness to authorize Harris's negotiations with the Confederacy after the voters had rejected joining the Confederacy in the February 1861 election enraged East Tennesseans and provoked a response.<sup>52</sup>

Approximately fifteen prominent Unionists including William G. Brownlow, Oliver P. Temple, and others committed themselves to organizing a convention in Knoxville to rally Union supporters throughout East Tennessee. Counties selected delegates to attend, and when the convention opened on May 30, more than 450 men from twenty-nine counties were present to listen to the various speakers and formulate plans to prevent the state's withdrawal. These men hoped to register their opposition to the prevailing secession tendencies of the state and to encourage loyalists in Middle and West Tennessee to continue to press for the Union. After passing a series of resolutions denouncing secessionists, criticizing alliances between the state and the Confederacy, and exhorting citizens to vote against separation, the delegates agreed to assemble after the June 8 referendum.<sup>53</sup>

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1898), 21; John Inscoe, "Mountain Unionism, Secession, and Regional Self-Image: The Contrasting Cases of Western North Carolina and East Tennessee," in *Looking South: Chapters in the Story of An American Region*, eds. Winfred B. Moore Jr. and Joseph F. Tripp (Westport, Conn., 1989), 119; Atkins, *Parties, Politics*, 246-47; Henry, "The Revolution," 113, 115-16.

<sup>52</sup> Atkins, *Parties, Politics*, 252.

<sup>53</sup> Charles Faulkner Bryan, Jr. "The Civil War in East Tennessee: A Social, Political, and Economic Study" (Ph.D. diss., University of Tennessee, 1978), 39, 43, 48, 50-51.

East Tennessee Unionists fostered and revived the regional creed of inferiority and isolation. Unionists warned that the objectives of the Confederacy endangered the liberties of white men to the point where white men might be treated as slaves or second-class citizens under the new government. Furthermore, East Tennesseans did not wish to live under the rule of large slaveholders. For proof of tyranny, Unionists only had to point to Governor Harris's machinations to link the state with the Confederacy after voters had defeated the measure in February. Loyalists feared South Carolina would saddle the other Confederate states with her undemocratic political system, denying nonslaveholders the right to vote or hold office.<sup>54</sup>

Again, Tennesseans returned to the polls on June 8, 1861, registering 105,000 votes for secession and 47,000 in opposition. Thus Tennessee was the last state to join the Confederacy. While the vast majority of voters in Middle and West Tennessee cheered southern independence, pockets of Unionism existed in the midst of this Confederate "territory." Carroll, Decatur, Hardin, Henderson, and Weakley counties in West Tennessee refused to shift their loyalties to the Confederacy, while only two counties in Middle Tennessee, Fentress, and Macon did likewise. East Tennessee was not a monolith. East Tennesseans cast fewer than 15,000 votes for secession and approximately 33,000 against it. Yet, voters in Meigs, Monroe, Polk, Rhea, Sequatchie, and Sullivan counties assented to secession. The appeal of the Confederacy also attracted more than 40 percent of the votes in Hamilton, Marion, and McMinn counties, and a substantial turnout in Washington County.<sup>55</sup>

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<sup>54</sup> Fisher, *War at Every Door*, 30-32.

<sup>55</sup> Inscoc, "Mountain Unionism, Secession" 120; Atkins, *Parties, Politics*, 248, 252.

When their worst fears were confirmed and Tennessee joined the Confederacy, East Tennessee Unionists, albeit a reduced group from the first convocation, met again on June 17 in Greeneville to plot their next course of action. After four days of discussion, the convention declared its hope that East Tennessee not participate in the civil war and branded the legislature's "declaration of independence" unconstitutional. Lastly, the Greeneville convention sent three delegates to the General Assembly to petition that body to permit East Tennessee counties and those counties in Middle Tennessee desirous of maintaining ties with the Union, to create a distinct state loyal to the federal government. Naturally, the legislators rejected this idea. While East Tennessee failed in its quest to form a new state, it attempted to isolate itself from the rest of the state and unite its residents to resist outside aggression.<sup>56</sup>

Even though East Tennessee foundered in its quest for independence from the rest of the state, thousands of men refused to enlist in Confederate units and instead rushed to join the Union ranks. Approximately 31,000 Tennesseans, more than 27,000 from East Tennessee, fought in Federal units. Yet, East Tennessee still harbored a sympathetic Rebel constituency as approximately 25,000 men joined the Confederate army.<sup>57</sup>

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<sup>56</sup> Atkins, *Parties, Politics*, 253; Lacy, *Vanquished Volunteers*, 181; Crofts, *Reluctant Confederates*, 345; Bryan, "Civil War in East Tennessee," 60, 63.

<sup>57</sup> Like the men in North Carolina, Tennesseans eagerly volunteered to fight in the war. However, as the Rebel armies suffered reverses and men longed for home, 153 officers and 12,155 men from the ranks of Tennessee soldiers deserted, making the Volunteer State's desertion rate second only to North Carolina's. Peter Wallenstein, "Which Side Are You On? The Social Origins of White Union Troops from Civil War Tennessee," *Journal of East Tennessee History* 63 (1991): 86; Lonn, *Desertion*, 231; W. Todd Groce, "Mountain Rebels: East Tennessee Confederates and the Civil War, 1860-1870" (Ph.D. diss., University of Tennessee, 1992), 101.

More than half of all the farm workers in East Tennessee enlisted in the service, leaving a greatly depleted labor force to plant and harvest crops. Unlike the other two regions of the Volunteer State, the East lacked a large slave labor force ready to cultivate food crops. During the four-year war, more than 80 percent of Tennessee's white adult males volunteered or were conscripted into the Union or Confederate army.<sup>58</sup>

Aware of East Tennessee's dynamic Unionist sympathies, the Confederate government in Richmond agonized over how to stifle loyalist sentiment. Richmond feared that Unionists might ignite an uprising in the area. Thus, the Confederate government established military camps in East Tennessee to guard against subversive enterprises. The Rebel government strengthened its hand when in August 1861 it passed the Alien Enemies Act and the Sequestration Act. The Alien Enemies Act targeted people who maintained loyalty to the United States and did not declare allegiance to the Confederate government. The law included a grace period of forty days allowing citizens to profess loyalty to the Confederacy or move. The Sequestration Act empowered the government to confiscate the property of alien enemies and sell it at public auction. Over the next two years, Confederate courts settled sequestration cases, and numerous Unionists forfeited their dwellings and land. These laws only increased the resentment of East Tennesseans who bided their time and prepared for an opportunity to punish their enemies.<sup>59</sup>

In the hopes of facilitating a Federal invasion into East Tennessee, Unionists conceived a plot to demolish nine bridges. On November 8, 1861, Unionists

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<sup>58</sup> McKenzie, *One South or Many*, 102, 105.

<sup>59</sup> Fisher, *War at Every Door*, 50; Bryan, "The Civil War in East Tennessee," 75..

succeeded in wrecking five bridges while other loyalists cut telegraph lines. Word spread about the bridge burnings, a rumor started that the Union army had invaded East Tennessee, and the people rebelled. As a result of the uprising, the Rebels decided to employ tougher tactics, declared martial law, and searched the homes of residents for weapons. The Confederate government executed some men without a trial and sent more than two hundred other loyalists suspected of complicity in the bridge burnings to military prisons further South. Throughout the Civil War, East Tennessee continued to be a thorn in the side of the government in Richmond. The Confederate Conscription law of 1862 sent Unionists fleeing into remote areas of East Tennessee and North Carolina. The suspension of the writ of *habeas corpus* in April 1862 in East Tennessee further enflamed passions. Now, the Confederate military commander presided over the judicial functions in East Tennessee.<sup>60</sup>

Unlike Western North Carolina, which experienced only two small skirmishes between Confederate and Union troops during the entire war, East Tennessee experienced battles, sieges, and raids both from armies and partisan guerrillas. For three years, Confederate and Federal troops competed for mastery over the Valley of East Tennessee, marching approximately the entire length of the region four different times. Some of the most intense skirmishes occurred in 1863-64 once the Army of the Ohio marched into East Tennessee and gained control over two-thirds of the region. Confederate General James Longstreet, undaunted by the Federal invasion, attempted to capture Knoxville in late 1863 but failed. Nevertheless, Longstreet and his troops remained near Knoxville until May 1864,

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<sup>60</sup> Fisher, *War at Every Door*, 54, 57-58, 107; William C. Harris, "East Tennessee's Civil War Refugees and the Impact of the War on Civilians," *Journal of East Tennessee History* 64 (1992): 5.

seizing grain, livestock, and other provisions from the destitute inhabitants. After Confederate troops evacuated the region, guerrillas preyed upon the locals, snatching foodstuffs, materials, and anything of value. Deserters from both armies, as well as men dodging conscription, composed the membership of these bands. The Confederate army experienced a high rate of desertion, and its erstwhile soldiers gravitated towards the remote regions of the Confederacy, such as East Tennessee and Western North Carolina. In fact, after the Federals conquered East Tennessee, guerrillas devised a new plan for raiding. They established headquarters in North Carolina and Georgia and conducted raids into East Tennessee under the cover of night. Federals also understood this strategy and created a base in East Tennessee to launch raids into Western North Carolina.<sup>61</sup>

Ironically, the area of strongest Rebel allegiance, Middle and West Tennessee, was overrun by Federal troops between February and June 1862, less than a year after seceding from the Union, while Unionist East Tennessee remained in Rebel hands until late 1863.<sup>62</sup> Eager to make the best of the Union victory in Middle and West Tennessee, Lincoln appointed Andrew Johnson military governor. While Johnson struggled to revive civil government and order, some Confederates despaired of a Rebel victory and repledged their loyalty to the Union. Meanwhile, in the eastern portion of the state, Unionists seethed under Rebel domination and did not receive relief until Union General Ambrose E. Burnside invaded and seized Knoxville. Federal troops surveyed the countryside and encountered impoverished civilians who had been forced to give food and supplies to soldiers and guerrillas. In

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<sup>61</sup> McKenzie, *One South or Many*, 89; Harris, "East Tennessee's Civil War Refugees," 5, 7-8; Fisher, *War at Every Door*, 78, 81, 83-84.

<sup>62</sup> Fertig, *Secession and Reconstruction*, 30, 32.

response to the great suffering in the area, Unionist leaders established the East Tennessee Relief Association in February 1864. Two months later, the organization doled out stores to the needy, but only if they were Unionists.<sup>63</sup>

After three years of suffering under the rule of the Confederacy and its partisans, East Tennesseans, heartened by the occupation of Federal troops, lashed out against their former tormentors. Recalling the indignities sustained under the Alien Enemies and Sequestration Acts, Unionists initiated lawsuits against Rebels starting in 1864. These cases involved civil and criminal suits as well as charges of treason.<sup>64</sup>

While the War of the Rebellion ended in April of 1865, terror and apprehension continued to reign in East Tennessee and Western North Carolina for several months. Some opportunists took advantage of the power vacuum created by the collapse of the Confederate government to institute their own brand of extralegal justice. In East Tennessee, Unionists warned returning Rebel soldiers to leave the area permanently, while Western North Carolinians threatened returning Federal soldiers with lawsuits. Both areas had expressed divided sympathies before and during the war. In addition, the residents of both regions seethed under the various laws and penalties enunciated from Richmond, and lastly, both sections had suffered from raids, food shortages, and appalling violence. The wartime experiences of East Tennessee and Western North Carolina were similar, but the adjustment each region made during Reconstruction was not.<sup>65</sup>

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<sup>63</sup> Ibid., 39; Gordon B. McKinney, *Southern Mountain Republicans, 1865-1900: Politics and the Appalachian Community* (Chapel Hill, 1978), 22-23.

<sup>64</sup> Groce, "Mountain Rebels," 193.

<sup>65</sup> Ibid., 181-86; Blackmun, *Western North Carolina*, 358-59.

While both East Tennessee and Western North Carolina had reacted differently to the secession crisis, by 1865 both areas longed for relief from the violence, hunger, and the abject poverty which haunted them. No one knew what price the victors would exact from the conquered, thus people in the North and the South turned to Washington for guidance. By the end of May 1865, all had a glimpse of the Reconstruction policy that would rehabilitate erstwhile Confederates and shepherd the southern states to reunion.

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## Chapter 2

### **Pardon and Amnesty: An Executive Privilege of Presidents and Governors**

While rebellions and civil wars dot the landscape of European history, the United States has largely remained immune to these cataclysmic struggles. The one exception, of course, is the Civil War, which lasted from 1861 to 1865. In the wake of this upheaval, four million slaves were freed, more than half a million men forfeited their lives in service to the United States and the Confederate states (at least as Northerners and Southern Unionists saw it), and a disrupted federal union had to be restored. One of the concerns was how to treat the men and women of the South who had lately waged war against the national government. This challenge, and others, absorbed the energy of presidents, Congress, and state governors. Since treason had been pervasive throughout the eleven Confederate states, policies had to be created to restore the states and the citizens to fundamental rights. Presidents Abraham Lincoln and Andrew Johnson devised their own policies and issued amnesty proclamations to reintegrate southerners into national life.

"Amnesty" derives from the Greek word "amnestia" denoting oblivion or forgetfulness. The United States Constitution and state constitutions contain provisions governing the use of the pardon power. Typically, a pardon is bestowed on an individual, while a proclamation of amnesty embraces a group of people and forgives the offenses before legal action occurs. The concept of pardon and amnesty was a part of the English heritage that the colonists maintained and incorporated into their state governments after the American Revolution. During the Constitutional Convention of 1787, the most vocal enthusiasts of the pardoning power included Alexander Hamilton, Charles Pinckney, and John Rutledge. These men succeeded, as Article II, Section 2 of the U.S. Constitution grants power to the president to

dispense pardons for offenses against the United States, barring matters of impeachment. State governors operate under more circumscribed provisions.<sup>1</sup>

The advent of the Civil War presented a new problem, since the populations of eleven southern states engaged in war against the United States. Suddenly, the number of traitors to the federal government reached into the hundreds of thousands and Congress had to create new laws to punish the insurgents. Since April 30, 1790, Congress had stipulated that a person or persons found guilty of treason against the United States shall be put to death. This severe sentence was reaffirmed on July 17, 1862, when Congress passed the second Confiscation Act. However, the magnitude of the Civil War and the vast number of people affected by this law prohibited such draconian retribution; therefore, Congress allowed an alternative penalty.<sup>2</sup>

If the court did not enforce the death penalty, the other option mandated imprisonment for at least five years and a fine not less than \$10,000. Furthermore, the convicted traitor (as in a death penalty sentence) forfeited all his slaves, who ". . . shall be declared and made free; . . ." In addition, a Rebel risked seizure of all of his property. The second part of the law addressed persons who would thereafter encourage, assist, or provide aid and comfort to the existing rebellion. If convicted, these offenders would endure imprisonment for no longer than ten years or by a fine not more than \$10,000, and the release of all slaves. Of course, the court could

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<sup>1</sup> Norman Weisman, "A History and Discussion of Amnesty," *Columbia Human Rights Law Review* 4 (1972): 529-30; William F. Duker, "The President's Power to Pardon: A Constitutional History," *William and Mary Law Review* 18 (1977): 501; "Comments," *Fordham Law Review* 6 (1937): 257-58; Allan L. Damon, "Amnesty," *American Heritage* 24 (1973): 9, 78-79.

<sup>2</sup> "An Act for the Punishment of Certain Crimes against the United States," *Statutes at Large*, Statute II, Chap. 9, 112 (1789-March 3, 1845); Duker, "President's Power," 509.

decide to impose both jail time and the fine. These judgments did not conclude the sentence, as Congress also specified, "That every person guilty of either of the offenses described in this act shall be forever incapable and disqualified to hold any office under the United States."<sup>3</sup>

In section thirteen of this same act, Congress reiterated the president's constitutionally guaranteed right to pardon. Congress noted that the president could issue a proclamation granting pardon and amnesty to persons involved in the rebellion with exceptions and conditions which the chief executive might find necessary.<sup>4</sup> The fairness and mildness of the federal government's course can be demonstrated by the fact that the government did not hang anyone for treason during the war, and that Congress took special care to cite the pardoning power of the president in its Confiscation Act of 1862. This revealed the government's intention of bringing Confederates back into the fold.<sup>5</sup>

On December 8, 1863, Abraham Lincoln, exercising his pardon power, promulgated his initial amnesty policy encompassing the majority of southerners who had actively or passively engaged in the revolt. Lincoln obliged the ex-Rebels to swear an oath to obey and defend the Constitution and the Union. A person desiring to swear the oath had to appear before a U.S. commissioned officer or a loyal state officer certified to administer oaths. Then, the officer would send one copy of the

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<sup>3</sup> "An Act to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate the Property of Rebels, and for other Purposes," *Statutes at Large*, Sess.II, Ch. 195, 589-90 (December 5, 1859 to March 3, 1863).

<sup>4</sup> *Ibid.*, 592.

<sup>5</sup> Jonathan Truman Dorris, *Pardon and Amnesty under Lincoln and Johnson: The Restoration of the Confederates to Their Rights and Privileges, 1861-1898* (Chapel Hill, 1953), 7, 87.

oath to the Department of State and the person would keep the other copy. Furthermore, the petitioner had to pledge obedience to the laws of Congress and presidential proclamations issued during the war and referring to slaves. Persons excluded from the blanket amnesty included civil and diplomatic officials of the Confederacy, army and navy officers above a certain rank, those who had vacated judicial posts and seats in Congress to serve the Rebel government, men who had resigned commissions in the U.S. army or navy to fight for the South, and those who had in any manner abused blacks or whites under their supervision in violation of the laws governing prisoners of war.<sup>6</sup> The president's munificence was extended even to these six excepted classes, since these men could forward a special application for pardon directly to Lincoln. The president enjoyed immense authority, since he could confer a pardon before, during, or after the legal process. In other words, once an individual had perpetrated the offense, the president could issue a pardon at any time. Furthermore, the president had the authority to release the applicant from the whole penalty or only a part and also to attach a limitation as long as it satisfied legal requirements and did not prove impossible to satisfy.<sup>7</sup>

The significance of a pardon rested in the fact that it forgave the crime and returned the previously forfeited civil rights to the supplicant. Requesting a pardon and having the president accord the request concluded part one of the process. In order to partake of the benefits, one had to accept the pardon. If a person refused the

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<sup>6</sup> Herman Belz, *Reconstructing the Union: Theory and Policy during the Civil War* (Ithaca, New York, 1969), 156-57, 159; Duker, "President's Power," 511-12. In March of 1864, President Lincoln increased the number of excepted classes to seven.

<sup>7</sup> "Comments," 262; Hugh A. Fisher, "The Pardoning Power of the President," *Georgetown Law Journal* 12 (1924): 89.

pardon it was void, and no court could force the acceptance. Since the pardon was a deed, the individual had to accept it in order to validate the document. By accepting a pardon, the individual implicitly acknowledged that a crime had been committed.<sup>8</sup>

By offering amnesty, President Lincoln hoped to entice southerners to return to their loyalty to the United States. His proclamation's objective was to assuage southern fears and convince the Confederates that they would not endure cruel penalties. Amnesty functioned as the initial plank of the Reconstruction platform. Once people had been pardoned, the next phase of readmitting the state could proceed. Lincoln directed that after ten percent of those who had voted in the presidential election of 1860 had sworn an oath of allegiance and accepted the emancipation of slaves, then these citizens could organize a loyal state government. Naturally, Lincoln excluded the elite southerners and leaders of secession from the general amnesty, but allowed these men to make a special application to him for presidential pardon.<sup>9</sup>

More than 22,000 people subscribed to the amnesty oath between December 8, 1863 and May 29, 1865, when President Johnson issued his own amnesty proclamation. Citizens of Arkansas, North Carolina, and Tennessee comprised the greatest numbers of southerners who accepted Lincoln's peace offering.<sup>10</sup>

Great confusion existed as to the proper manner to negotiate with the defeated Confederates. Lincoln's death occurred just a few days prior to the meeting between Generals William T. Sherman and Joseph E. Johnston. On April 18, 1865,

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<sup>8</sup> Fisher, "Pardoning Power," 90; "Comments," 264.

<sup>9</sup> Dorris, *Pardon and Amnesty*, 5, 28, 32, 37, 50.

<sup>10</sup> *Ibid.*, 57, 71.

their second day of meetings, the two generals reached an agreement vastly different from the one approved at Appomattox by Generals Ulysses S. Grant and Robert E. Lee. Basically, the conditions stipulated a peaceful disbanding of the Confederate army, an acknowledgment by the President of the existing state governments, a decision by the U.S. Supreme Court as to the legality of unionist state governments where they existed, an assurance by the President of political, personal, and property rights as stated in the U.S. Constitution and those of the states, and lastly, universal amnesty. In a position of weakness and desperation, Jefferson Davis accepted the terms of the peace. In the North, however, President Johnson, his cabinet, and the northern press vilified the agreement, and some politicians even questioned Sherman's sanity!<sup>11</sup>

The peace that Sherman negotiated was the complete antithesis of any of Lincoln's proposals. For instance, the Sherman agreement ignored the slavery question. Repeatedly, Lincoln had stated that he would not reverse his order of emancipation. Also, this accord left open the chance that the Confederate war debt might be paid. President Johnson and his cabinet rejected this peace agreement, and General Johnston's army was disbanded under the terms Grant and Lee had used.<sup>12</sup> Sherman proved adept at leading troops and executing strategies, but he was not a lawyer or a politician, and drawing up terms for the cessation of hostilities was

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<sup>11</sup> Raoul S. Naroll, "Lincoln and the Sherman Peace Fiasco--Another Fable?" *Journal of Southern History* 20 (1954): 460-61.

<sup>12</sup> On April 9, 1865, Generals Grant and Lee met at Appomattox Court House and agreed to the following terms: 1) officers and regular soldiers were permitted to return home without interference from the U.S. Army, provided the ex-Confederates obeyed the law, and 2) Southern troops who owned horses could return home with them for use in planting crops. James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, 1988), 848-49.

beyond his capabilities.<sup>13</sup> Federal officials and politicians easily recognized a bad reconstruction policy. The challenge was to formulate a plan that would satisfy the North, yet not further cripple the South.

Once the initial shock of Lincoln's assassination subsided, Johnson issued his own proclamation of pardon and amnesty on May 29, 1865. The new president wished to attract many who had not responded to his predecessor's invitation. The most obvious deviations from Lincoln's plan included the addition of seven more excepted classes and the exclusion from general amnesty of those whose taxable property exceeded \$20,000 in 1860.<sup>14</sup> Johnson conferred amnesty and pardon, with the return of property, save slaves, and except in cases where property had already been confiscated and legal proceedings initiated, to all participants in the rebellion except for those included in the fourteen classes.

The vast number of southerners had to pledge and uphold the following oath:

I, \_\_\_\_\_, do solemnly swear, (or affirm,) in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by, and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God.<sup>15</sup>

Persons encompassed in the fourteen exceptions had to compose a pardon application and transmit it to the president, who promised that ". . . clemency will be liberally

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<sup>13</sup> Ibid., 468, 470-71, 474.

<sup>14</sup> Dorris, *Pardon and Amnesty*, iii.

<sup>15</sup> Amnesty Proclamation, May 29, 1865, in LeRoy P. Graf, et al., eds., *The Papers of Andrew Johnson* (15 vols. to date, Knoxville, 1967- ), 8: 129.

extended as may be consistent with the facts of the case and the peace and dignity of the United States."<sup>16</sup>

The first exception encompassed civil and diplomatic officers and foreign agents of the Confederacy, while the second encompassed judges who abandoned the bench to assist the South. The third required Confederate army officers above the rank of colonel and navy officers higher than lieutenant to request pardon. United States Congressmen who vacated their posts to aid the Confederacy were covered in the fourth clause, while military men who resigned their commissions to fight with the Rebels were embraced in the fifth exception. The sixth referred to those who had mistreated prisoners of war, and the seventh was directed at those who had retreated from loyal states to travel South. The President also specified that graduates of the military service academies (eighth clause) and men who had occupied the "pretended offices" of governors of Rebel states (ninth clause) had to draft a pardon application. Southerners who deserted their homes for areas farther south after Federal troops had conquered their region had to solicit a pardon, as stated in the tenth exception. The eleventh embraced those who had interfered with or destroyed the commerce of the United States, in addition to those who had participated in raids from Canada to the United States. All individuals presently in jail or under bond as prisoners of war had to seek a pardon as provided in the twelfth exception. The thirteenth was directed at wealthy Southerners (those who possessed taxable property of \$20,000 or more in 1860, the vast majority of whom were slaveholders) and the final exception concerned those who had taken but later violated the December 8, 1863, oath.<sup>17</sup>

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<sup>16</sup> Ibid., 130.

<sup>17</sup> Ibid., 129-30.

On the same day, Secretary of State William H. Seward published the procedure for oath taking.<sup>18</sup> Following Lincoln's precedent, the oath Johnson mentioned in the proclamation could be taken in the presence of any commissioned civil or military officer of the U.S., a loyal state, or a territory. Most ex-Rebels scrambled to vow their future loyalty in the hope of escaping from a possible confiscation proceeding or treason indictment, while others hastened away from the South fearing unsparing punishment.<sup>19</sup>

Most Northerners cheered Johnson's accession to the presidency, since they expected him to rebuke the late Rebels. Johnson's public statements censuring Rebel leaders convinced the northern public and Republican leaders that he would enforce harsh discipline on the disobedient South. However, Johnson proved to be complex and preoccupied with other vital affairs, such as the reconciliation between the North and South, the future of former Confederate leaders, the timetable for state and national elections, and his own political aspirations.<sup>20</sup>

During the frenzied months of late 1860 and early 1861, Johnson had maintained his loyalty to the United States and achieved distinction by being the only senator from a seceding state to continue in the Senate after the Ft. Sumter incident. Johnson's courageous stand cost him the support of many Democrats, but endeared him to many of the Whigs in his state. On December 18-19, 1860, Johnson declared that the disagreements between the North and the South now severing the nation

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<sup>18</sup> Johnson also appointed William W. Holden provisional governor of North Carolina. Proclamation Establishing Government for North Carolina, May 29, 1865, *ibid.*, 136.

<sup>19</sup> Dorris, *Pardon and Amnesty*, 114, 117, 313.

<sup>20</sup> *Ibid.*, 316.

should be resolved within the Union, using the Constitution as the guide. As for himself, he vowed, "I am unwilling, of my own volition, to walk outside of the Union which has been the result of a Constitution made by the patriots of the Revolution."<sup>21</sup> Speaking as one of the two senators representing the Volunteer State, Johnson claimed that, "We [in Tennessee] deny the doctrine of secession; we deny that a State has the power, of its own volition, to withdraw from the Confederacy [i.e., federal union]."<sup>22</sup> During another Senate speech, on February 5, 1861, Johnson asserted that the secession movement intended to exchange a government by the people for one controlled by aristocrats.<sup>23</sup>

This expression of disdain and ones similar to it have colored historians' assessments of Johnson's motives and his amnesty proclamations. The predominant trend has been to interpret the thirteenth exception of Johnson's amnesty proclamation as the president's technique to humble the planter society he simultaneously loathed and respected. Many politicians in the North had blamed the Southern aristocrats for initiating and perpetuating the rebellion. Naturally, Northerners wondered how Johnson would treat these erstwhile traitors. Congress monitored the number of pardons Johnson dispensed and became alarmed at the scores of wealthy Southerners and ex-Confederate civil leaders receiving presidential clemency. In fact, by January 1867, Congress repealed the legislation passed on July

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<sup>21</sup> Speech on Secession, December 18-19, 1860 in Graf, et al., eds., *Papers of Johnson*, 4: 4-5; George C. Rable, "Anatomy of a Unionist: Andrew Johnson in the Secession Crisis," *Tennessee Historical Quarterly* 32 (1973): 332, 344, 346.

<sup>22</sup> Speech on Secession, December 18-19, 1860 in Graf, et al., eds., *Papers of Johnson*, 4: 6.

<sup>23</sup> Speech on the Seceding States, February 5-6, 1861, *ibid.*, 217.

17, 1862, that had permitted the president the right to grant pardons by proclamation. Johnson, secure in the authority granted him by the Constitution, refused to sign the repeal bill. Johnson's leniency so enraged the Congress, especially the northern Radical Republican members, that mention of the president's "corrupt" use of the pardoning power was listed in the January 7, 1867, charges made against the President by Representative James M. Ashley of Ohio. Even though this faint spark did not ignite a mass movement demanding Johnson's impeachment, the charges relating to the president's pardon policy and his restoration of confiscated property resurfaced in subsequent Judiciary Committee findings on June 26 and November 25 of that year. While the Judiciary committee leveled other charges against Johnson a common theme persisted, namely the president's policies regarding Reconstruction. Northern politicians charged that Johnson obstructed and thwarted their own designs for Reconstruction.<sup>24</sup>

While the focus of this study is Johnson's initial declaration of amnesty, the subsequent three proclamations exhibit the evolution of his policy and are worthy of mention here. By September 1867, enough time had elapsed since the conclusion of the war for Johnson to issue another proclamation. He noted that there was no longer armed resistance in the ex-Confederate states and that laws could be enforced in these areas, and asserted that a vengeful policy accompanied by various penalties would not expedite national unity. Thus, he pardoned all who directly or indirectly engaged in the rebellion. However, every person who wanted to take advantage of this offer had to swear an oath very similar to the one published on May 29, 1865. Like Johnson's initial proclamation, this one also had classes excepted from the

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<sup>24</sup> Hans L. Trefousse, *Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction* (Knoxville, 1975), 45, 55-56, 74, 107, 140.

general proclamation, but this time there were only three, instead of the previous fourteen. The top leaders of the Confederate government, the "pretended" governors of states, military men above the rank of brigadier-general or naval rank above captain, and agents of the C.S.A. in foreign lands were not embraced in this declaration. Secondly, people who had abused U.S. prisoners of war were not covered by this blanket pardon. And finally, people detained in civil, military, or naval confinement and those who participated in the assassination of Lincoln were barred from the benefits of this general amnesty.<sup>25</sup>

Less than a year later, on July 4, 1868, President Johnson promulgated his third declaration of amnesty. This time he announced unconditional pardon and amnesty to every person who aided the rebellion, except those currently under indictment for a charge of treason or other felony.<sup>26</sup> By December 25, 1868, the president had altered the proclamation to encompass every person who participated in the Civil War, granting " . . . a full pardon and amnesty for the offences of treason against the United States, or of adhering to their enemies during the late civil war. . . ."<sup>27</sup> President Johnson succeeded in shaping the policies which restored previous Rebels to the good graces of the federal government.

Clifton Hall has asserted that all of Johnson's public acts worked towards raising the power, wealth, and liberty of the common people while divesting the patricians of the duties entrusted to them. Historian E. Merton Coulter has

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<sup>25</sup> Second Amnesty Proclamation, September 7, 1867, in Graf, et al., eds., *Papers of Johnson*, 13: 40-42.

<sup>26</sup> Third Amnesty Proclamation, July 4, 1868, *ibid.*, 14: 317-18.

<sup>27</sup> *Statutes At Large*, December 1867 to March 1869, 15, Appendix No. 15, 712.

supplemented this characterization by contending that Johnson's early, hard-scrabble existence in the midst of wealthy whites had contributed to the tailor's bitterness towards his social betters. Eric McKittrick has contended that Johnson relished the role of political nonconformist. According to McKittrick, Johnson never forgot the gulf that had separated him from the elites in society, and the President probably enjoyed parceling out pardon certificates to the humbled planters. Another Reconstruction scholar, Avery Craven, has endorsed this characterization by describing Johnson's reconstruction plan as a battle for and with the general public against the pretentious blue bloods. Albert Castel has echoed the analyses of earlier scholars. He argues that Johnson's goal of shifting authority from the planters to the masses guided his amnesty policy. According to Castel, not only did Johnson desire a change in southern leadership, but also he wished to punish the elite by disfranchising them in his May 29 proclamation. More recently, Hans Trefousse has noted that Johnson's leniency in granting pardons was evident during his time as governor of Tennessee, since Johnson pardoned more felons than his predecessor. Of course, Johnson's liberality would be questioned once he was president. However, Trefousse admits that one cannot discern whether Johnson delighted in pardoning the elite southerners. Rather, Johnson guarded and prized the authority to issue pardons, since he recognized it as an executive function that did not detract from the rights of states.<sup>28</sup>

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<sup>28</sup> Clifton R. Hall, *Andrew Johnson: Military Governor of Tennessee* (Princeton, 1916), 22; E. Merton Coulter, *William G. Brownlow: Fighting Parson of the Southern Highlands* (Chapel Hill, 1937), 92; Eric L. McKittrick, *Andrew Johnson and Reconstruction* (Chicago: 1960), 85-87, 92; Avery Craven, *Reconstruction: The Ending of the Civil War* (New York, 1969), 82; Albert Castel, *The Presidency of Andrew Johnson* (Lawrence, 1979), 28-29; Hans L. Trefousse, *Andrew Johnson: A Biography* (New York, 1989), 93, 227-28.

Johnson's relationship with the southern upper classes has been misconstrued. If the President despised this well-born group as much as has been claimed, why did he pardon so many and in such a short span of time? The answer lies in Johnson's philosophy of Reconstruction. The President believed that kindness, magnanimity, and trust in the southern people (by which he meant white southerners exclusively) would renew the bonds of the Union. While the multiple exceptions appeared rigorous, a petitioner only had to request a pardon, thereby acknowledging the crime, and promise future loyalty to the government and the Constitution of the United States. Furthermore, as a component of reconstruction, the President expected southern states to repudiate the Confederate war debt, repeal the acts of secession, and abolish slavery.<sup>29</sup>

The key to understanding Johnson's penchant for oaths of allegiance and pardons is his theory about secession. He claimed that the states had not actually seceded from the Union, but that the citizens had committed treason by raising their hand against the government of the United States. Therefore, the offenders would have to swear an oath and receive a presidential pardon. Johnson's faith in the value of individual pardons was displayed in 1864 when he counseled Lincoln to avoid issuing general grants of amnesty and continue the program of private application. Johnson regarded the pardon procedure as a strictly executive duty and had previously exercised this prerogative as governor.<sup>30</sup>

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<sup>29</sup> Howard K. Beale, *The Critical Year: A Study of Andrew Johnson and Reconstruction* (New York, 1930; reprint, New York, 1958), 27, 30-31.

<sup>30</sup> Craven, *Reconstruction*, 89; James E. Sefton, *Andrew Johnson and the Uses of Constitutional Power* (Boston, 1980), 109.

Previous historians have concentrated solely on President Johnson's motivations in the granting of pardons without examining the political considerations of the various Southern governors. State governors played a role in the Reconstruction process by reviewing pardon applications originating in their states. The governors' endorsement for or against an application guided the decision of the White House. Soon after Jonathan Worth assumed the governor's office in North Carolina, he telegraphed the President inquiring whether the pardon applications forwarded through the governor's office should include his opinion as to the merits or demerits of a petitioner.<sup>31</sup> President Johnson replied that "Your knowledge of the parties is of great worth to us here in issuing of pardons."<sup>32</sup> Thus, the perspectives and Civil War careers of William G. Brownlow, William W. Holden, and Jonathan Worth were another factor in the complex pardon process.

Tennessee had been the last state to secede. Eager to restore this state, President Lincoln in 1862 appointed then U.S. Senator Andrew Johnson as military governor of the state. Three years later Johnson traveled to Washington to assume the office of vice president. However, before Johnson left, he laid the groundwork for the resumption of civil government in the Volunteer State. In January of 1865, with Johnson's sanction, a Nashville convention of Union men had revised the state constitution and selected a slate of candidates for the general assembly and governor's office. William G. Brownlow, the convention's unanimous nominee for governor, did not face any challengers in the March election and took office in April

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<sup>31</sup> Worth to Johnson, December 28, 1865, Andrew Johnson Papers, Library of Congress.

<sup>32</sup> Johnson to Worth, December 29, 1865 in Graf, et al., eds., *Papers of Johnson*, 9: 551.

of 1865.<sup>33</sup> Thus began the "radical rule" of Tennessee by one of the most colorful and reviled men ever to occupy the state's highest post. Even today, the mere mention of the name "Brownlow" triggers in many minds the image of a ruthless, vengeful man determined to crush any opposition, especially ex-Rebels, with violent means if necessary.

On the eve of the Civil War, Brownlow dreaded the specter of war and spoke out for the preservation of the Union. He endorsed the institution of slavery, however, and had even traveled north to debate an abolitionist and defend the southern labor system. He believed that the best way to preserve slavery was to stay in the Union. His efforts to convince Tennessee's voters proved futile, but he would not be silenced after the state's secession. In fact, he proved to be such a nuisance and a threat in his editorials that Confederate authorities jailed the Parson in late 1861 in Knoxville. They seized his office and prohibited him from collecting the monies due him. Upon release from jail, Brownlow trekked north, speaking in various cities and collecting speaker's fees in the hopes of purchasing another press and type. Brownlow remarked to a friend that once the Federal troops gained control of the Knoxville area, ". . . I desire to return and fight the vile traitors as heretofore."<sup>34</sup> On November 11, 1863, back in Knoxville, a courageous Brownlow published the first issue of the *Knoxville Whig and Rebel Ventilator*. Two years' exile had only increased the vitriolic tone of his editorials. He warned his readers,

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<sup>33</sup> Thomas B. Alexander, *Political Reconstruction in Tennessee* (Nashville, 1950), 28; Eugene G. Feistman, "Radical Disfranchisement and the Restoration of Tennessee, 1855-1866," *Tennessee Historical Quarterly* 12 (1953): 136-37.

<sup>34</sup> Brownlow to H.D. Burlingame, April 23, 1862, William Gannaway Brownlow Letters, Perkins Library, Duke University.

"The *vindication* we shall advocate, is that of the *cannon* and the *sword*; and our motto is--no armistice on land or sea, until *all* ALL the rebels, both front and rear, in arms, and in ambush, are subjugated or exterminated!"<sup>35</sup>

After decades of heaping insults on rivals and urging retribution, Brownlow seemed destined to execute previous threats. Many feared his power and policies. His brand of strict Unionism alienated the majority of the state; and if he wished to preserve his authority, he had to construct an alternative political base. The governor and the general assembly passed laws in 1865 and 1866 which restricted the franchise to the white Unionist minority. Men who had aided, sympathized with, or fought with the Confederacy in minor capacities were disfranchised for five years while the leaders sustained a prohibition of fifteen years. These measures proved highly controversial and encountered stiff opposition from former Confederates and even from the more conservative Unionists. In order to sustain his political career and guarantee a cooperative general assembly, the former editor eventually recommended black suffrage, and in 1867 it became a reality.<sup>36</sup>

Brownlow's policies enraged ex-Confederates in Tennessee and heartened the Unionists. Even though Brownlow relinquished control of his newspaper to his son, John Bell Brownlow, he continued to submit columns which rallied the state's Radical Unionists. He chronicled atrocities inflicted by Rebels and strongly urged ex-Confederates to leave the state.<sup>37</sup>

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<sup>35</sup> Coulter, *William G. Brownlow*, 134, 137, 152, 190, 251-52; *Brownlow's Knoxville Whig and Rebel Ventilator*, November 11, 1863.

<sup>36</sup> Alexander, *Political Reconstruction*, 74; Coulter, *William G. Brownlow*, 263.

<sup>37</sup> Coulter, *William G. Brownlow*, 271, 273.

Logic dictates that Brownlow would vehemently disapprove of any and every application for pardon. Yet, ironically, Brownlow endorsed hundreds of petitions that crossed his desk. Most likely, the "Parson" realized that there was no harm in having pardons granted to the majority of former Rebels. Brownlow would guarantee that these men would be excluded from the political process and have one of their most cherished rights, the right to vote, denied. He wanted to deprive them of political influence and worked with the legislature to achieve that goal. Furthermore, Brownlow knew that men desperately needed pardons to avoid expensive court proceedings and to gain the return of their land. Many innocent people, such as women, children, and the elderly would suffer from hunger if their husbands, brothers, and sons were deprived of land to farm. And lastly, as Brownlow often noted on pardon petitions, Unionists in East Tennessee meted out their own brand of punishment on the former Confederates which usually exceeded that handed down by a court of law.

Like Tennessee, North Carolina also had a military governor appointed by Lincoln. In April of 1862, Lincoln selected Edward Stanly, a Whig and former Congressman from North Carolina, to fill the position and govern the small area of eastern North Carolina then controlled by the federal forces. Unlike Andrew Johnson, Stanly declined a military commission. At the outset, Stanly and Lincoln concurred that the objective of the war was to save the Union, not to interfere with slavery. North Carolina had a unique set of circumstances. During the middle of 1862, the Confederate portion of the state elected Zebulon B. Vance, a former Union Whig, governor. Encouraged by the election of a conservative, Lincoln urged Stanly to confer with Vance. However, the newly-elected Confederate governor refused to meet with Stanly. Relations between Lincoln and Stanly deteriorated after the president's Emancipation Proclamation. This disagreement with the President, along

with the criticism of northern newspapers, prompted Stanly's resignation in January 1863. After this failed experiment, the federal military governed limited parts of eastern North Carolina, while the Confederates continued to rule the remainder of the state.<sup>38</sup>

Not until after the war would the entire state of North Carolina be governed by one man. Unlike Tennessee, North Carolina had a provisional governor, William Woods Holden, appointed by President Johnson. Interestingly enough, Holden shared a few similarities with Brownlow. Both men had established careers as newspaper editors, both excoriated enemies in their columns, and both men owned slaves. But, here the resemblance ended. After all, Holden had supported the Democratic party and had reluctantly capitulated to the Confederacy.

As the country lunged towards war, Holden distanced himself from Democratic leaders and modified his earlier views on secession. Previously, he had subscribed to the right of secession, finding it in the Articles of Confederation and also the Constitution. A state could withdraw from the Union, Holden reasoned, provided it had due provocation. Furthermore, he maintained that a state could threaten secession to achieve a desired end. As a slaveholder, Holden was further wedded to southern institutions. During the 1840s and 1850s, Holden defended the ideas of secession and states' rights, but this changed drastically in 1860. As the presidential election neared, Holden urged caution and insisted that Lincoln's

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<sup>38</sup> Norman D. Brown, *Edward Stanly: Whiggery's Tarheel "Conqueror"* (University, Alabama, 1974), 202, 230-31, 249; William C. Harris, "Lincoln and Wartime Reconstruction in North Carolina, 1861-1863," *North Carolina Historical Review* 63 (1986): 154-56, 165-68.

possible election did not warrant a break with the Union. He asserted that only force, as in troops sent to subdue the South, could necessitate secession.<sup>39</sup>

In March 1860, Holden served as a delegate-at-large to the national Democratic convention in Charleston, and also attended the convention in Baltimore. He did not join the men who walked out of the convention, but rather kept his trust in the Union. Even the firing on Ft. Sumter and Lincoln's call for troops did not sway Holden's fidelity. However, he did agree with Governor John Ellis's appeal for an election of delegates to hold a state convention. Holden served as a member of the convention and switched his allegiance. Swept along by the rising tide of southern nationalism, independence, and enthusiasm, Holden became an outspoken convert to the southern cause.<sup>40</sup>

His association with the Confederacy proved short-lived. Holden and others disapproved of the Confederate Conscription Act of 1862, and as the war dragged on, his dissatisfaction with the C.S.A. government mounted. He considered the Confederacy to be a tool of the wealthy and privileged. Therefore, in 1863 Holden initiated a peace movement and advocated the immediate end of the war.<sup>41</sup> Southerners, he said, had seceded to avoid an "alleged" despotic government led by Lincoln. Yet now, they suffered under a tyrannical government and recognized that the former union was not as harsh as they had once perceived.

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<sup>39</sup> Horace W. Raper, *William W. Holden: North Carolina's Political Enigma* (Chapel Hill, 1985), 18; Willlam C. Harris, *William Woods Holden: Firebrand of North Carolina Politics* (Baton Rouge, 1987) , 17, 44, 94.

<sup>40</sup> Raper, *Political Enigma*, 35, 39-40.

<sup>41</sup> *Ibid.*, 44; Harris, *Firebrand of North Carolina*, 104, 126-27.

Holden's appeals for peace and reconciliation with the federal government attracted the attention of northerners and Andrew Johnson. In early May, the President invited Holden to Washington and urged him to bring a few of his political allies. After the initial meeting with this group, Johnson expressed his interest in reconvening in the future. Meanwhile, political supporters of Zebulon Vance fretted about the possible alliance between Holden and the Chief Executive. These men traveled to the nation's capital, met with Johnson, and pressed him to permit the last Confederate legislature to lead the state's Reconstruction rather than a provisional governor. Of course, Johnson rejected that suggestion.<sup>42</sup>

On May 25, Johnson met with both North Carolina delegations, and the next day, Holden's allies sent a note urging the President to designate Holden the provisional governor. Johnson concurred and summoned Holden to the White House. There, both men read and agreed on a draft of the document establishing government in the Old North State. Holden seemed to many the perfect man to lead North Carolina on the road to recovery, and on June 8, 1865, he formally took control of the state's government with the understanding that he occupied the office at the pleasure of the President.<sup>43</sup> From the beginning of Reconstruction, North Carolina traveled a different path from Tennessee by virtue of having two governors, Holden and Jonathan Worth, who had participated in the rebellion.

One of Holden's first acts was to appoint justices of the peace to supervise the election of delegates to the state convention. This task proved most difficult, since the majority of men had aided the Confederacy and could not attest to steadfast

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<sup>42</sup> Harris, *Firebrand of North Carolina*, 161-62.

<sup>43</sup> *Ibid.*, 163; Seward to Holden, May 29, 1865, William Woods Holden Letters, Duke University.

devotion to the Union. However, some men distorted their wartime activities and obtained these minor offices. Former Rebels not only gained these offices but in some cases prevented Union men from sharing the authority.<sup>44</sup> The political affairs at the local level mirrored the ones at the state level. On June 10, Holden picked two former members of Zebulon B. Vance's war-time administration for his cabinet: Charles R. Thomas, who became the secretary of state, and Jonathan Worth, who continued as state treasurer.

Once Holden constructed the foundation of the state's government, his attention shifted to the pardon process. This aspect of his administration received the most criticism. Before the pardon application reached the White House, it first had to be sent to the governor. Holden examined each petition and recommended, rejected, or suspended the application. By the end of July 1865, Holden had forwarded to President Johnson more than 500 appeals. Of this number, only a few lacked Holden's approval. To assist him in this momentous task, Holden appointed Dr. Robert J. Powell, a native of North Carolina who worked in the patent office in Washington, as a special state agent. Periodically, Powell updated Holden on the number of petitions the president had approved. If Holden had not considered an applicant suitable for pardon, the petitioner could, and sometimes did, travel to the nation's capital to implore Johnson to disregard the governor's judgment.<sup>45</sup>

One incident in August 1865 illustrates both the importance placed on a governor's recommendation and the existence of corruption in obtaining presidential pardons. As a pardon agent for North Carolina, Powell often encountered citizens

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<sup>44</sup> Harris, *Firebrand of North Carolina*, 168, 171.

<sup>45</sup> Raper, *Political Enigma*, 63, 68; Harris, *Firebrand of North Carolina*, 181.

from his state visiting Washington, D.C., in hopes of meeting with the President. On a Saturday morning in August, Powell noticed the arrival of William Hawkins and George W. Mordecai at the East Room of the White House. Both men desired an introduction to the President, but Powell decided not to seek a private audience, since Holden had not recommended them. To appease the two men, however, Powell went upstairs to determine whether an informal meeting could be scheduled. When Powell returned to the East Room, he observed Hawkins and Mordecai chatting with a stranger. Powell informed the two men that a private audience was not possible but that at 2 p.m., the door would be opened and Powell would introduce them to Johnson. But at the designated hour, to Powell's amazement, neither man appeared. That very afternoon, Powell read in the papers that both men had been pardoned.<sup>46</sup>

Soon afterwards at a meeting with the President, Powell inquired about the pardons of Hawkins and Mordecai. Johnson replied that both men had asserted that they had not participated in the rebellion, and that they had been recommended by Holden, but that their papers had been lost in the Attorney General's office. Upon hearing this, Powell assured the President that those claims were false. Still, Powell wondered how Hawkins and Mordecai had so effortlessly received pardons. An acquaintance told Powell that he had met a man in the Attorney General's office who offered to obtain a pardon for \$150. When Powell and his friend entered the Attorney General's office and Powell's friend identified the man, Powell immediately recognized him as the stranger who had spoken with Mordecai and Hawkins. After questioning others, Powell learned that the stranger was a lawyer named Speed, a

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<sup>46</sup> Powell to Holden, August 15, 1865, Governor Holden's Papers, North Carolina State Archives, Raleigh (hereafter cited as NCSA).

cousin of the United States Attorney General James Speed.<sup>47</sup> Angered by the duplicitous manner in which Hawkins and Mordecai had received their pardons, Johnson telegraphed Holden and advised that he fine each man \$10,000 for their act. Holden disregarded Johnson's counsel, but asked the President not to pardon North Carolinians without accurate knowledge of the governor's recommendation.<sup>48</sup>

During the seven months Holden served as Provisional Governor, his office processed 1,555 applications. Of this number, the Governor recommended 1,451 supplicants for pardon, marked 100 others "suspended," and rejected only four, staunch ex-Confederates who Holden believed would never obey federal authority.<sup>49</sup>

Like Johnson and Brownlow, Holden desired a speedy restoration of his state and wanted as many people as possible to take the necessary oaths, compose pardon applications, and abide by the terms of the end of the war. In fact, he delayed announcing the election of delegates to a convention until enough time had elapsed to permit men to have their pardons in hand. He declared September 21, 1865, as the day to elect county delegates and scheduled the opening of the constitutional convention for October 2. The convention's duties included amending the state constitution and providing for the election by the people of a governor and members of the General Assembly. North Carolinians elected a few men to the convention who were unpardoned. In these cases, Johnson stated he would grant a pardon to the person if Holden approved, thereby authorizing the seating of the elected delegate.

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<sup>47</sup> Ibid.

<sup>48</sup> Jonathan Truman Dorris, "Pardoning North Carolinians," *North Carolina Historical Review* 23 (1946): 369.

<sup>49</sup> Raper, *Political Enigma*, 63, 68.

Most of the convention delegates had belonged to the Whig party and reluctantly consented to secession.<sup>50</sup> After all the turmoil and devastation of the Civil War plus the anxiety over the various proposals of a triumphant North, southerners craved a stable, familiar element; namely, experienced leadership.

The next phase involved the election for governor, which matched Holden against Jonathan Worth. Both men had initially opposed secession only to acquiesce in the state's withdrawal later. Furthermore, as the war raged, both had espoused peace. One of the factors that damaged Holden's election chances was the commonly-held perception that Holden might organize the common folk against the wealthier residents. Worth emerged the victor in November and took the oath of office on December 15, 1865. Holden must have experienced great disappointment at his loss in the election. Certainly, he was reluctant to cede authority. Secretary Seward sent a letter to Holden assuring the provisional governor of President Johnson's belief that North Carolina could now be administered by the newly-elected officials without posing danger to the peace and safety of the rest of the country. This letter further notified Holden of release from his duties as provisional governor and closed with praise for his efforts. Seward commented, "It gives me especial pleasure to convey to you the President's acknowledgment of the fidelity, the loyalty and the discretion which have marked your administration."<sup>51</sup> Once Holden transferred the state seal to his successor the provisional government expired. Less than a month later, Holden resumed the editorial duties of the *Standard*, only to resurface in state politics in subsequent years.<sup>52</sup>

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<sup>50</sup> Harris, *Firebrand of North Carolina*, 182; Raper, *Political Enigma*, 72-74.

<sup>51</sup> Seward to Holden, December 23, 1865, Governor Holden's Papers, NCSA.

<sup>52</sup> Raper, *Political Enigma*, 80-81, 84-86.

Jonathan Worth guided the state during one of its most unsettling periods, from late 1865 to early 1868. His professional training as a lawyer and his financial experience served him well as he endeavored to return a ravaged North Carolina to the Union. The term "reluctant Confederate" aptly describes Worth's Civil War career. During the first few months of 1861, Worth believed that secession sentiment was confined to the lower, southern states and that these states would recognize their folly and return. Furthermore, Worth pledged he would never support secession as a constitutional remedy.<sup>53</sup> By April 1861, Worth described the popular sentiment as madness and personally pursued a course of neutrality until he could understand all of the issues. Worth told his son, "I can look only with horror upon the spirit which seems to rule in both extremes of the country and rapidly taking possession of all classes."<sup>54</sup> As the time for the state convention approached, Worth accurately gauged the state's preference for the C.S.A. He predicted that secession would cause the end of slavery and war would ruin lives and property. In the midst of the turmoil, Worth remained calm and placed his hope in Providence for an alternative solution. As he confided in a letter to his son, "I am pained inexpressably [*sic*] at the responsibility of acting as a representative in the G. Assembly. I stand all alone--I don't hear of a voice which is not for war--which I regard as suicide."<sup>55</sup>

On May 20, 1861, a convention in Raleigh transferred North Carolina's allegiance to the Confederacy, and Worth, like thousands of others, resigned himself

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<sup>53</sup> Jonathan Worth to son [David Gaston Worth], March 16, 1861, Worth Family Correspondence, Duke University.

<sup>54</sup> Jonathan Worth to son [David], April 19, 1861, *ibid.*

<sup>55</sup> Jonathan Worth to son [David], April 26, 1861, *ibid.*

to the new state of affairs. Apparently, he reconciled his contending emotions, for he served in the House of Commons in 1862, encouraged the citizens to assist the soldiers, and lobbied for a peace settlement.<sup>56</sup> Members of the General Assembly appointed Worth Chairman of Committee in Finance, and later, in 1862, Conservative members of the legislature nominated him for Public Treasurer. Worth told his son that the honor of the nomination was preferable to the office which paid \$2,500.<sup>57</sup>

Worth won the election for state treasurer on December 3, 1862, and moved his family to Raleigh. Since his official position necessitated close contact with the government in Richmond, he had a prime spot from which to scrutinize the machinations of high-ranking Confederate leaders. Earlier, Worth had been wary of the C.S.A., and now his transactions with the Rebel government only confirmed his suspicions. While serving the Confederacy, Worth continued to advocate peace along with others such as Holden. Once the war ended, Worth figured prominently in the provisional government, serving as the state's treasurer and property agent. Of course, before he could execute these duties, Worth had to secure a presidential pardon. Provisional Governor William W. Holden favored Worth's application, and President Johnson bestowed a pardon on August 12, 1865.<sup>58</sup>

In less than six months, Worth had exchanged the state treasurer's office for the top job in North Carolina, the governor's post. Worth had defeated Holden at the

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<sup>56</sup> Richard L. Zuber, *Jonathan Worth: A Biography of a Southern Unionist* (Chapel Hill, 1965), 123, 136.

<sup>57</sup> Worth to son [David], November 22, 1862, Worth Family Correspondence, Duke University.

<sup>58</sup> Zuber, *Jonathan Worth*, 138, 146, 191-92.

polls and assumed control of the state in December 1865. In many regards, Worth encountered even tougher challenges than the ones Holden had faced. Chaos still persisted throughout the state, and Worth had to finish some of the projects launched by his predecessor while simultaneously formulating new policies. Perhaps the most complicated issue concerned pardons which Holden had not yet forwarded to the President. Even though Holden had reviewed and sent more than 1,500 pardon applications, approximately 800 greeted Worth once he assumed office.<sup>59</sup> Some of the petitioners had grown impatient and registered their complaints with Worth as soon as he took office.

Dr. S.X. Johnston wrote a letter to Governor Worth recounting the tale of his pardon application. In late July 1865, Johnston had filed an application but heard nothing. Three months later, he asked of Governor Holden about the status of his petition, only to be reassured that the governor had recommended Johnston's pardon. Two more months elapsed and Johnston still did not have a pardon and had received no explanation from Holden as to the delay. Once Worth assumed power, Johnston composed a letter and professed that he had not been a worse Rebel than those who had already been pardoned. The only strikes against him were his participation in the Convention of 1861, his holding of the office of postmaster, and his ownership of \$20,000 worth of property.<sup>60</sup>

Similarly, Ralph Sorrell had also applied for pardon in July 1865 and now complained to Governor Worth about the difficulty of obtaining a pardon. Sorrell had seen his name in a newspaper among a list of pardoned ex-Confederates

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<sup>59</sup> Ibid., 228.

<sup>60</sup> Johnston to Worth, January 16, 1866, Governor Worth's Papers, NCSA.

immediately before the late state elections. Although a number of people on the list had received their pardons, he still had not obtained his. Sorrell maintained that his application might be among the ones in the governor's office which had never been mailed to Washington. He told Worth that the rumor was that a bushel or a bushel and a half of pardon applications sat in the governor's office unprocessed.<sup>61</sup> Sorrell was correct. Of the 800 applications in the office, 300 had not been examined. Fortunately for the supplicants, Worth endorsed universal amnesty and recommended all 300 petitions. By the end of May 1866, most of the applications approved by Worth had been favorably acted upon by the president. Yet a large number, 500, remained unpardoned. These names, like Sorrell's, had been published in the newspapers before the 1865 election at Holden's prompting in order to allow these people to cast votes. Sorrell mused, "There is something misterious [*sic*] about this matter that I do not understand."<sup>62</sup> By the end of July 1866, most North Carolinians had their pardons.

The story of Reconstruction is more than the machinations or political wrangling of a president and Congress. It is also an account of a defeated people laboring under wretched conditions, fearing potential revenge from a vanquishing North, adjusting to the substantial alteration in race relations, and attempting to restore their lives in the midst of great turmoil. Perhaps the most vivid accounts of the post-war atmosphere are found in the letters of southerners to the President pleading for forgiveness. These documents reveal the urgency of obtaining a pardon and, in some cases, describe the factors which convinced the petitioner to join the

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<sup>61</sup> Sorrell to Worth, January 17, 1866, *ibid.*

<sup>62</sup> *Ibid.*; Zuber, *Jonathan Worth*, 229.

rebellion in the first place. Furthermore, these letters recount the trials endured and the state of affairs existing in the conquered region.

## Chapter 3

### Perpetrators and Sustainers of the Rebellion

On a fall evening in October 1865, Eliza Fain and her family relaxed and visited in their spacious, two-story frame house in Rogersville, Tennessee. A knock on the door and the entrance of a friend clutching an envelope heralded a moment Eliza had dreaded. Her husband, Richard Gammon Fain, a graduate of West Point and a brigade commissary major, opened the document addressed to him and read aloud his presidential pardon. Eliza admitted, "As he read from a sheet of paper whose dimensions were I think 16 x 20 inches I must confess my blood was not very cool [.] The best men of the country compelled to ask and receive a pardon and for what. Oh for what, for sustaining the only true principles of civil and religious liberty."<sup>1</sup>

Eliza Fain's sentiments expressed the shock, sorrow, and disappointment that gripped the former Confederates in the spring and fall of 1865. Her words also foreshadowed inherent difficulties with the pardon and amnesty process: namely, that men who had hoisted the "Stars and Bars" only a few months before, now had to swear an oath pledging loyalty to the "enemy" nation they had just attempted to defeat. Soon residents of the North and South questioned the sincerity of those taking the oath, and the wisdom of making it the foundation of Reconstruction.

The events of April and May 1865 forced the erstwhile Rebels to acknowledge the supremacy of the Federal government. Exhausted, defeated, and surrounded by desolate fields, charred remains of former homes, splintered fence

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<sup>1</sup>Eliza Rhea Anderson Fain Diary, October 10, 1865, John Fain Collection, McClung Historical Collection, Lawson McGhee Library, Knoxville, Tennessee. (Hereafter cited as Lawson McGhee library.)

rails, and other reminders of the four-year struggle, they anxiously waited for news from Washington. As a nation, both the North and the South entered a new phase of the republic. As a people, Americans did not understand what it meant to be conquered or to capitulate to a victor. This inexperience, shared by President Johnson, Northern members of Congress, and the Southern people, magnified the confusion, bitterness, and frustration that characterized Reconstruction.<sup>2</sup>

Even before the conclusion of the war, the federal government made overtures to the South in the hopes of enticing its citizens to repudiate their devotion to the Confederacy. In December of 1863, as noted earlier, President Lincoln extended the olive branch to southerners who desired to return to the good graces of the Union. The declaration allowed most to swear an oath, while Rebel leaders had to compose and send a letter requesting pardon to the chief executive. Few Confederates accepted this gracious offer, preferring instead to maintain their allegiance to the South. The resounding defeat of the South in 1865 modified southern attitudes. Immediately after Johnson's May 29 proclamation of pardon and amnesty, petitions flooded his office, swelling in number during the summer and fall months. As soon as Southerners learned which excepted class they were in, they penned pardon applications. An analysis of such petitions submitted by high-ranking officeholders (first exception) and military men (third), persons who resigned a commission in one of the branches of the United States military service (fifth), graduates of West Point or the Naval Academy (eighth), southerners who abandoned their property for safer areas in the South (tenth), and owners of taxable property worth more than \$20,000 in 1860 (thirteenth) offers a glimpse into the mindset of

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<sup>2</sup> Eric McKittrick, *Andrew Johnson and Reconstruction* (Chicago, 1960), 35.

these influential citizens in the post-war South. Furthermore, these letters shed light on considerations which led these citizens to unite their fortunes with the Confederacy and also detail their activities during the rebellion.

A thorough reading of pardon applications reveals distinct themes. For instance, a number of petitioners recalled their pre-war activities and efforts at promoting Unionism. These men were what historian Daniel Crofts has termed "reluctant Confederates."<sup>3</sup> Businessmen, political leaders, and other men of influence motivated by fear of persecution or a sense of resignation affiliated with the Confederacy once their state seceded. Some explained their Unionism by admitting that they believed slavery was safer in the Union and that the states had no right to secede. While these men abhorred secession, they found the Confederacy's position on slavery attractive and later acquiesced. Some petitioners illuminated the factors which convinced them to accept a civil or military position in the Confederacy. These men expressed a profound loyalty to their native state and their embattled southern sister states. Yet another group drafted letters confessing their fervid endorsement of the southern independence movement and attempted to justify their errant course while simultaneously seeking absolution. Distinct from the aforementioned groups were the refugees who absconded to the lower southern states for safety.

A predominant feature of the pardon requests was the supplicant's declaration that he had initially opposed secession and only succumbed after his state seceded. On July 29, 1865, Calvin Josiah Cowles of Wilkesboro, Wilkes County, North Carolina, like countless others, wrote a letter to the President seeking pardon for

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<sup>3</sup> Daniel Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill, 1989).

continuing to serve as postmaster in his town after his state seceded. To strengthen his case, he emphasized that he had refused to take the Confederate oath of office. Naturally, the Confederacy equated his refusal to take the oath with disloyalty and removed him from the office in 1863. Once Cowles completed his pardon petition, he sent the document to Governor Holden, who strongly recommended an immediate pardon since Cowles was and had been a devoted Union man and desired to run as a delegate for the state convention. Less than a month later, on August 18, Johnson pardoned Cowles, a leading businessman and citizen of Western North Carolina.<sup>4</sup>

A native of North Carolina, Cowles earned his fortune by owning a general merchandising store (1846-58) and collecting and shipping roots and herbs. Annually, Cowles journeyed to New York, Boston, Philadelphia, and other northern cities purchasing goods to sell to the mountain residents back home. In 1858, Cowles relinquished his store and the office of postmaster he had held for the last six years and moved to Wilkesboro, where he opened another store and served as postmaster. In the years immediately preceding the rebellion, he increasingly directed his attention to his real estate, more than six thousand acres in Wilkes County alone, in addition to land in other states, as well as mining ventures. As the South advanced towards war, Cowles labored to keep his state in the Union, believing that this was the safest course. Once the war began, however, Cowles realized that it was wise to remain a civil servant. Furthermore, he had an infected leg which prohibited him from serving in the army. Yet, word soon spread throughout the community that Cowles had refused to take the oath to the Confederacy. Not only did the local people shun him and his family, but also state

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<sup>4</sup> Cowles to Johnson, July 29, 1865, Amnesty Papers (M1003, Roll 38), N.C., Calvin J. Cowles, RG 94, National Archives. Hereafter cited as NA.

troops arrested and imprisoned him for a few hours. Only the intercession of North Carolina's Confederate Governor Zebulon B. Vance, an old friend from antebellum days, liberated Cowles and insulated him from future harassment by state troops.<sup>5</sup>

Cowles's transformation from Unionist to reluctant Confederate was not unique in Western North Carolina. In fact, many wealthy men who later applied to the President for pardon on the basis of the \$20,000 clause had initially opposed secession and considered themselves friends of the Union. Common reasons for transferring loyalties included not only the secession of North Carolina but also the secession of Virginia. After Virginia left the Union, one petitioner believed that the Old North State was isolated from the loyal states and presumed the only option was to aid the southern cause. This he did when his constituents sent him to the state's House of Commons in 1864-65, approving all the laws designed to buttress the southern army and propel it to victory.<sup>6</sup>

Another supplicant, also considering himself a friend of the Union, stated that he had traveled Burke County as a convention candidate in 1861 declaring that the state had no constitutional right to secede. However, the citizens ignored his words and chose to send his pro-secession opponent to the February 1861 convention. Even though this applicant detested his state's ordinance of secession, he declared that he had no choice but to cooperate. According to the petitioner, if he had maintained his Union sentiments, he and his family would have had to leave the area. Therefore, he

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<sup>5</sup> Calvin Duvall Cowles, *Genealogy of the Cowles Families in America* (2 vols., New Haven, 1929), 1: 738-39; William S. Powell, ed. *Dictionary of North Carolina Biography* (6 vols., Chapel Hill, 1979-1996).

<sup>6</sup> Erwin to Johnson, July 14, 1865, Amnesty Papers (M1003, Roll 38), N.C., Joseph J. Erwin, RG 94, NA. Erwin was granted a pardon on August 15, 1865.

contributed money and services to the Confederacy and served as assessor of taxes for Burke County.<sup>7</sup>

In West Tennessee, cheers for the Confederacy drowned out the few Unionist voices pleading for caution. One East Tennessee Unionist who relocated to Memphis discovered that his anti-secession resolve crumbled under the weight of that city's unbridled enthusiasm for the Confederacy. Similarly, a citizen of Shelby County who had worked to avert secession abandoned his minority position when he recognized that resistance was unsafe and pointless, especially after Tennessee joined the Confederacy.<sup>8</sup>

The enthusiasm at the prospects of forming a separate union designed to protect southern interests, especially slavery, appealed to men who had earlier defended the Union. Allen T. Davidson, a North Carolina Unionist who had represented Cherokee County at the state's February 1861 convention spent part of April in Georgia and Florida. He realized that secession enthusiasm was spreading and had the potential to attract other states, including North Carolina. As he remarked to his wife, "God save our glorious old state from the damination [*sic*] of such a lawless and desprate [*sic*] mob--for mob rules--here in all its peculiar force--I

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<sup>7</sup> Erwin to Johnson, July 14, 1865, Amnesty Papers (M1003, Roll 38), N.C., William C. Erwin, RG 94, NA. The president pardoned William Erwin on August 15, 1865.

<sup>8</sup> Thomas W. Humes to Johnson, June 17, 1867 on behalf of W.Y.C. Humes, Amnesty Papers (M1003, Roll 49), Tenn., RG 94, NA; Kerr to Johnson, August 12, 1865, Amnesty Papers (M1003, Roll 50), Tenn., A.H. Kerr, RG 94, NA; Graham to Johnson, June 25, 1866, Amnesty Papers (M1003, Roll 49), Tenn., Albert Graham, RG 94, NA; Graham was pardoned July 2, 1866. Dixon to Johnson, no date, Amnesty Papers (M1003, Roll 48), Tenn., Leonidas V. Dixon, RG 94, NA. On October 12, 1865 the president pardoned Dixon.

find your friends here—equally insayne [*sic*] with the rest."<sup>9</sup> While Davidson did not promote disloyalty, he did consider any belligerent act by President Lincoln as a catalyst for his state to unite with the South.<sup>10</sup> By May 1861, tensions had increased and North Carolina's neighbor, Virginia, had seceded. Once again, Davidson served as Cherokee County's delegate to the convention, which voted the state out of the Union. While he professed in his pardon request to have always opposed secession as a solution to the problems facing the South, he did admit that he was a delegate to the Provisional Congress and a member of the first Confederate Congress from February 1862 until February 1864. He concluded his petition by claiming he had always disliked secession and did not think that it was the antidote to the "evils" that worried the South. Then, in a personal note, he spoke of his exile since September 1863 and the loss of his material goods. Despite his pleas, however, Davidson did not receive a pardon until May 1867.<sup>11</sup>

Other men opposed secession because they considered it unconstitutional and presumed the slave labor system was safer in the Union. Initially, E. Cates of McMinn County, Tennessee, wrote letters favoring the Volunteer State's continued association with the Federal government and counseled others to support the Union. However, once Lincoln issued the order for 75,000 troops, Cates interpreted the measure as a declaration of war upon slavery. Cates's large slave interest prompted

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<sup>9</sup> Davidson to wife, April 4, 1861, Allen Turner Davidson Papers, Southern Historical Collection, University of North Carolina, Chapel Hill. (Hereafter cited as SHC.)

<sup>10</sup> Allen T. Davidson to Theo. (son), April 7, 1861, *ibid.*

<sup>11</sup> Davidson to Johnson, August 10, 1865, Amnesty Papers (M1003, Roll 38), N.C., Allen T. Davidson, RG 94, NA.

him to cast his ballot for disunion at the June referendum in the hopes of countering Lincoln's meddling. Cates did not actively participate in the rebellion until a curious incident in Georgia. There, he was arrested as a Union man and forced either to profess his pro-Confederate sentiment or to sit in prison. Cates thereafter intensified his energies defending the institution of slavery and the southern independence movement. He continued to reside in the lower South, collecting money due him from business associates, until Federal troops advanced. In the summer of 1865, he requested a pardon on the basis of the thirteenth exception and the impending confiscation of his lands.<sup>12</sup>

Other petitioners parroted Cates's rationale for sanctioning the Confederacy. For example, a seventy-five year old citizen of Sullivan County, Tennessee, covered by the thirteenth exception professed that he regarded secession as absurd and a southern confederacy as quixotic and unwelcome, but he sympathized with the Confederacy's stance on slavery.<sup>13</sup> A resident of Cocke County petitioned President Johnson for a pardon on the basis of the twelfth and thirteenth exceptions. He had voted for the withdrawal of Tennessee from the Union under the assumption that the presidential victory of Lincoln had jeopardized slave property. Pressured by both Unionists and Southern sympathizers, this supplicant acted from six to twelve months as a Rebel purchasing agent, obtaining pork, bacon, wheat, and other provisions for the army. To bolster his application, however, he claimed that he had never engaged in lawless violence, and in fact had assisted Union neighbors. In addition, he

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<sup>12</sup>Cates to Johnson, July 3, 1865, Amnesty Papers (M1003, Roll 48), Tenn., E. Cates, RG 94, NA. Cates was pardoned on August 29, 1865.

<sup>13</sup> King to Johnson, June 27, 1865, Amnesty Papers (M1003, Roll 50), Tenn., James King, RG 94, NA. King was pardoned on November 13, 1865.

estimated his losses of twenty slaves, twelve horses and mules, his entire herd of cattle, approximately one hundred hogs, and other assorted pieces of personal property at a minimum of \$30,000. Tennessee's Secretary of State, Andrew J. Fletcher, scribbled on this application that the petitioner had in reality persecuted his Union neighbors but that they had since punished him. Obviously this satisfied Governor Brownlow, since he endorsed the petition; President Johnson bestowed the pardon on October 31, 1865.<sup>14</sup>

One Nashville cotton planter informed Johnson that states possessed the right of secession, especially when the federal government threatened the continuation of slavery. This petitioner had owned 250 slaves and properties in Alabama and Arkansas, in addition to his holdings in Tennessee. In explaining his course of action to Johnson he declared,

I did not wish to sever the *Union* but thought it was the only remedy left to preserve and protect the Institution of slavery. That is; that the *Slave States*, must separate from the free states, until satisfactory guaranties were furnished by the *free states*, that the Institution would not be destroyed.<sup>15</sup>

This petitioner claimed to have even corresponded with Confederate Congressmen between 1863 and 1865 importuning them to sue for peace if slavery could be maintained.

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<sup>14</sup> Jack to Johnson, June 20, 1865, Amnesty Papers (M1003, Roll 49), Tenn., William Jack, RG 94, NA.

<sup>15</sup> Cockrill to Johnson, August 12, 1865, Amensty Papers (M1003, Roll 48), Tenn., Sterling R. Cockrill, RG 94, NA. The president pardoned Cockrill on October 18, 1865.

A pardon seeker in North Carolina echoed comparable reasons for allying with the Confederacy. First, he mentioned his birth in Washington County, Tennessee, and then noted his political affiliation, a "Democrat of the Constitutional Union" stripe. This slaveowner had withstood great trials and lost approximately \$100,000 during the war, through no fault of his own, he asserted. In his request for pardon, he had the temerity to question the legality of emancipation. He wrote,

Your Petitioner, however, cannot fully comprehend that when the Constitution of the United States, which he regards as the supreme Law of the land, guarantees to him protection of property, &c, how that can be taken from him without compensation, when he has done no act of his own forfeiting his rights of citizenship & his rights as a citizen of the United States under the Constitution.<sup>16</sup>

In addition to an abiding interest in the preservation of slavery, some men allied with the Confederacy to demonstrate unity with their neighboring states. Robert L. Caruthers, a former Tennessee state representative who had served with Johnson in 1835, wrote that he had always opposed secession and deplored the departure of the southern members of Congress. Only the summons to the border states to furnish troops swayed Caruthers to trumpet the South's cause. At that point, Caruthers resolved to ally himself with the side fighting for the same rights and institutions endorsed by the state's General Assembly.<sup>17</sup>

While Caruthers possessed more than \$20,000 worth of property prior to the war, he now declared that after paying debts he would no longer be worth that much

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<sup>16</sup> Love to Johnson, May 5, 1866, Amnesty Papers (M1003, Roll 40), N.C., Dillard Love, RG 94, NA. Love was pardoned on July 5, 1866.

<sup>17</sup> Caruthers to Johnson, September 28, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Robert L. Caruthers, RG 94, NA.

since the majority of his estate had been invested in slaves.<sup>18</sup> From the conclusion of the war to his death in 1882, Caruthers taught law at Cumberland University. Even though Caruthers's wealth, prior government experience, and traitorous activities classified him in the group that Brownlow and Johnson fulminated against, Brownlow favorably endorsed Caruthers's petition and the President granted the pardon on August 20, 1866, releasing Caruthers from a charge of treason and the first and thirteenth exceptions.

However, the pardon arrived later than Caruthers had desired. After all, he had filed his papers in late September of 1865. In December of that year, Caruthers, along with former Governor Neill S. Brown and other high-ranking Confederates, had presented themselves before the state supreme court to subscribe to an oath in order to practice law before that court. By early 1866, Caruthers had grown anxious about the status of his pardon. Unable to travel to Washington for a private audience with the President, Caruthers had enlisted J.O. Shackelford's help. Accordingly, in late March of 1866, Shackelford met with Johnson and pressed for Caruthers's pardon. Even though the President fondly reminisced about their work in the state legislature, he announced that he was not dispensing pardons at this time, and that the former Rebels must wait with patience.<sup>19</sup>

Other ex-Rebels detailed their property losses in their petitions. A West Tennessean who declared that he had quietly and honestly worked for more than forty years to amass holdings in land and slaves witnessed both armies destroy his

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<sup>18</sup> Ibid.

<sup>19</sup> *Biographical Dictionary of the U.S. Congress 1774-1989* (Washington, 1989); Sam Milligan to Johnson, December 23, 1865, in LeRoy P. Graf, et al., eds., *The Papers of Andrew Johnson* (15 vols. to date, Knoxville, 1967- ), 9: 537.

land and ruin his barns, fences, forests, and crops. The damage was so severe that he had to abandon his plantation in Fayette County and evacuate with a number of his slaves to an area farther south.<sup>20</sup> Samuel McClanahan of Jackson, Tennessee, expressed outrage that his lands were seized three days after he swore the oath of amnesty. In June of 1862, McClanahan subscribed to the oath of allegiance immediately after the Federal troops occupied Jackson. Union troops remained in the vicinity for a year and almost wrecked his farm. Part of the army camped on his land, appropriating timber, fences, horses, mules, corn, and fodder. Furthermore, when the soldiers departed, they confiscated the slaves, leaving only the children and the elderly. Obviously, McClanahan had commanded great wealth, yet he asserted that he was not included in any of the excepted classes and asked only for relief from the confiscation of his land.<sup>21</sup>

Certainly, the strained relationship between the United States and seceded states forced men who had been educated at West Point or the U.S. Naval Academy to make an agonizing decision: either be faithful to their oath to defend the United States or fight with their native region. Marshall T. Polk, nephew of the late president, had discharged his service obligation to the army by spending four years at the West Point military academy and almost four years in the field and garrisons. A few years prior to the rebellion, however, Polk resigned his commission and returned to private life in West Tennessee. When Tennessee presented the question of secession to its citizens, Polk opposed it and voted against it at the polls. Once his

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<sup>20</sup> Michie to Johnson, July 1, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Charles Michie, RG94, NA. No pardon could be found for Michie.

<sup>21</sup> McClanahan to Johnson, July 29, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Samuel McClanahan, RG94, NA. McClanahan was pardoned on August 19, 1865.

state seceded, however, he volunteered to defend Tennessee, later explaining to President Johnson, "I considered that my contract with the Government was fulfilled & myself free from all obligations on account of benefits received."<sup>22</sup> Polk attained the rank of lieutenant colonel in the Confederate army, lost a limb at the battle of Shiloh, and then left active duty in October 1864. Back in West Tennessee, Polk possessed only a small amount of land devoid of livestock and farm tools, and very little food for his family.<sup>23</sup>

Other men resigned their commissions in 1861 in order to serve their states. One petitioner residing in Memphis after the war informed Johnson that he cast his lot with his native state of Virginia, because he had been reared to have faith in states' rights. After assuring the President that during the war he never "intentionally" ill-treated any U.S. prisoners, he requested a pardon to permit him to transact business to support his family.<sup>24</sup> The inclusion of a statement proclaiming that the petitioner had not trespassed the rules of warfare emerged as a common theme. Yet another West Point graduate, who had received the appointment of major general from the government in Richmond, assured Johnson that he had demonstrated kindness to people and property, even releasing prisoners, and emphasized that he had never owned slaves. Furthermore, he communicated that, "I

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<sup>22</sup> Polk to Johnson, June 1865, Amnesty Papers (M1003, Roll 50), Tenn., Marshall T. Polk, RG 94, NA. No pardon could be found for Polk.

<sup>23</sup> Ibid.

<sup>24</sup> Anderson to Johnson, July 1, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Samuel S. Anderson, RG 94, NA. Not until January 2, 1867, was Anderson pardoned.

accepted none of these positions for place, power or profit, but from a conception of duty."<sup>25</sup>

One of the more curious pardon applications was from the renowned Confederate Lieutenant General Nathan Bedford Forrest, composed in early July 1865. Forrest was a prewar planter and slaveholder who had never occupied a political office, but he figured prominently in politics, touting the States' Rights Democratic party and voting for presidential candidate John Breckinridge. Forrest informed the President that he owed his first allegiance to his state and had entered the Confederate Army in June of 1861. Forrest structured his petition on three points: he characterized his Confederate military career as honorable ". . . and always in accordance with the usages of civilized & Christian warfare"; he declared that he had not spearheaded the southern independence movement but had only enlisted as a private soldier in the month of June 1861; and lastly, he admitted ". . . that I have been fairly whipped and am now desirous to discharge all my duties as a citizen of the United States and to that end I ask that amnesty may be granted me for what I have done in the past in order that I may be enabled hereafter to uphold and maintain in good faith the constitution and laws of my country."<sup>26</sup>

This petition was indicative of those Southerners who immediately resigned themselves to the South's defeat and expected to be restored forthwith to the Federal government's good graces. After all, Forrest had summarized his role in the late rebellion, conceded the trouncing of Confederate forces, and pledged his steadfast

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<sup>25</sup> Johnson to Johnson, September 14, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Bushrod R. Johnson, RG 94, NA.

<sup>26</sup> Forrest to Johnson, ca. July 1, 1865, in Graf, et al., eds., *Papers of Johnson*, 8: 331.

adherence to the United States and the Constitution. With this formality dispensed, Forrest eagerly awaited his pardon certificate. To Forrest's chagrin, President Johnson did not exonerate the late Confederate officer as quickly as Forrest had abandoned his states' rights principles.

In a November 1866 letter, Forrest reminded Johnson that approximately a year and a half had elapsed since he had quit waging war and acknowledged the authority of the United States. Next, Forrest assured the president that he had used his influence to persuade citizens to return to their allegiance to the federal government and concentrate their efforts on improving their living conditions rather than nursing bitter passions. While Union veterans knew of Forrest's post-war conduct, most Northerners regarded Forrest with disgust and refused to forgive him for the crimes committed at the capture of Fort Pillow.<sup>27</sup> Forrest attributed the incorrect information concerning his conduct to political tensions. Now, he asked the President for counsel on how to handle the falsehoods without augmenting sectional tension. The late Confederate warrior acknowledged the challenges Johnson encountered with Congress and cited them as the reason he had been reluctant to request the amnesty

. . . which I felt your own sense of right had disposed you to grant me, much as it was desirable, for the proper conduct of my greatly involved private fortunes. I have preferred to endure those private embarrassments rather than to give your vindictive enemies an

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<sup>27</sup> On April 12, 1864, Forrest and his troops attacked the Union garrison at Fort Pillow and slaughtered black soldiers who had just surrendered. James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, 1988), 748.

opportunity to misrepresent your motives were you to grant my amnesty.<sup>28</sup>

At the conclusion of his note, Forrest pledged to continue to encourage a spirit of reconciliation and stated he would waive any immunity from investigation into his role at Fort Pillow attached to his parole, if the President thought it might help the peace process. Essentially, the only factor that would allow the North to accept Forrest's amnesty was time. Not until July 17, 1868 did Forrest receive his pardon.

Indeed, high-ranking military officers recognized that their petitions presented special problems. Before composing his application, W.Y.C. Humes of Memphis, an erstwhile brigadier general in the Confederate army, contacted his friend Oliver P. Temple for advice and a letter of recommendation. Humes thought the best way to present his case entailed collecting letters from old friends verifying his opposition to secession and affirming his capitulation only after Governor Isham G. Harris had called for troops. Besides, Humes reassured Temple (and most likely himself) that he had been only a soldier, as if to distinguish himself from those politicians who had launched the Confederacy.<sup>29</sup>

Humes did have friends mail a letter to the President encouraging executive clemency. Humes composed his brief petition three days after the May proclamation, explaining that after Governor Harris requested troops, he entered the army as a

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<sup>28</sup> Forrest to Johnson, November 25, 1866, in Graf, et al., eds., *Papers of Johnson*, 11: 484-5.

<sup>29</sup> Humes to Johnson, June 1, 1865, Amnesty Papers (M1003, Roll 49), Tenn., W.Y.C. Humes, RG 94, NA. Humes was pardoned on June 10, 1867. W.Y.C. Humes to Oliver P. Temple, June 1, 1865, Oliver Perry Temple Papers, Special Collections, Hoskins Library, University of Tennessee, Knoxville. (Hereafter cited as Special Collections, UT-Knoxville.)

private and exited as a brigadier general. For months, Humes received no word from Washington. Until he obtained a pardon, he was to be excluded from practicing law; however, as Humes confided to Temple in December 1865, he had been engaged in legal work. Indeed, Memphis was a boom town for lawyers as a multitude of attorneys flocked from the North and South to this city on the Mississippi River. Clearly, the post-war atmosphere in West Tennessee vastly differed from the one in the eastern part of the state. According to Humes, the residents of Memphis did not suffer the same vigilante violence that plagued East Tennessee. Instead, Humes claimed that Union men kindly received Rebels and aided the ex-Confederates in recouping their wealth.<sup>30</sup>

In East Tennessee, one West Point graduate who served in the Confederate army and achieved the rank of major general applied for pardon. This military officer's judicious administration and his opposition and suspension of the Confederate conscript law earned him the respect and endorsement of Oliver P. Temple and Governor Brownlow.<sup>31</sup>

Similarly, the Western North Carolina petitions included one from a West Point cadet who was a colonel<sup>32</sup> and Robert B. Vance's pardon application for his activity as a brigadier general. Robert, the brother of Zebulon Baird Vance (Confederate governor of North Carolina), had advocated secession only after Lincoln's call for troops. Feeling duty bound to render assistance to his state, he

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<sup>30</sup> W.Y.C. Humes to Oliver P. Temple, December 2, 1865, *ibid*.

<sup>31</sup> McCown to William Seward, June 30, 1865, *Amnesty Papers* (M1003, Roll 50), Tenn., J.P. McCown, RG 94, NA.

<sup>32</sup> Clayton to Johnson, July 8, 1865, *Amnesty Papers* (M1003, Roll 38), N.C., George W. Clayton, RG 94, NA. Holden advised suspending Clayton's petition.

enlisted as a private. Vance conceded that he boosted the insurrection by words, paying taxes, and voting. Governor Holden attested to Vance's honesty and stated that Vance now had no political goals and would bow to the national government. Then Holden added, "I am aware that with the other Generals, his case will be postponed, but it would be just to consider him among the first when the Generals shall be taken up."<sup>33</sup> Obviously, President Johnson concurred, since Vance was pardoned on August 21, 1865.

The hasty decision to transfer loyalty from the United States to the Confederacy was widespread and was especially evident in the passivity expressed in the entreaties of numerous judges, Congressmen, and other civil servants. A prime example of a man who initially decried secession and then eventually rose through the ranks of the Confederate army was George Gibbs Dibrell. A native of White County, Dibrell had labored as a farmer and a merchant before the war and represented his area in the Tennessee General Assembly in August 1861. Confederate officials recognized his leadership qualities and directed him to organize a regiment in his home area. He succeeded and became the colonel of the famous Eighth Tennessee Cavalry; in July 1864, the C.S.A. commissioned him as a brigadier general.<sup>34</sup> Naturally, Dibrell's prominence in the late insurrection meant that he would not receive a speedy pardon. Even his contention that he never engaged in "illegal" or "ungentlemanly" warfare did not win President Johnson's mercy. Indeed,

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<sup>33</sup> Vance to Johnson, July 5, 1865, Amnesty Papers (M1003, Roll 43), N.C., Robert B. Vance, RG 94, NA. Holden routinely wrote comments on the front of the pardon documents before they were forwarded to Washington.

<sup>34</sup> Dibrell to Johnson, June 19, 1865, Amnesty Papers (M1003, Roll 48), Tenn., William T. Avery, RG 94, NA.

not until March 6, 1867, did Dibrell receive his pardon. This late traitor to the United States then launched a successful political career.<sup>35</sup>

Yet another example of the transformation from a Confederate officeholder to a prominent post-war politician can be found in North Carolina. Born in 1818 at Morganton, North Carolina, Tod R. Caldwell graduated from the University of North Carolina in 1840, practiced law, and won a seat in the state's House of Commons in 1842. He continued to be a leading political figure, and when war fever infected North Carolina, Caldwell gave Union speeches. However, once hostilities began, Caldwell assumed the office of solicitor for Rutherford County, N.C., and swore an oath to the Confederacy in the hope of avoiding military service. In fact, Governor Vance issued an order in August of 1863 relieving Caldwell from service in the militia or Home Guards except in cases where Burke County needed help in repulsing enemy attacks.<sup>36</sup>

Aside from being a Confederate office holder, Caldwell also owned more than \$20,000 worth of property. By August 12, 1865, Caldwell had been granted his pardon and therefore could resume his life. So certain was Governor Holden that Caldwell would receive pardon, that on August 9 he appointed Caldwell a director of

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<sup>35</sup> After the war, Dibrell worked as a merchant and was a delegate to the state's 1870 Constitutional Convention. Five years later, citizens elected Dibrell to the U.S. House of Representatives, where he held office until March 1885, choosing then to forsake another election. Dibrell died in 1888. *Biographical Directory of the U.S. Congress*.

<sup>36</sup> J.A. Caldwell to Col. Walton, September 3, 1874, Thomas George Walton Papers, SHC; James Clarence Harper Diary, February 5, 1861, James Clarence Harper Papers, SHC; Caldwell to Johnson, July 25, 1865, Amnesty Papers (M1003, Roll 37), N.C., Tod R. Caldwell, RG 94, NA. Caldwell was pardoned August 12, 1865; David G. Fowler, Adjutant-General Special Order, August 25, 1863, Tod R. Caldwell Papers, Special Collections, Perkins Library, Duke University. (Hereafter cited as Duke University.)

the state-owned Western North Carolina Rail Road Company. In 1868, Caldwell won election as lieutenant governor under Holden and in 1870 administered the governor's office upon Holden's suspension. Elected governor in his own right in 1872, Caldwell died in 1874 before the completion of his term.<sup>37</sup>

Men holding public office confronted a vexing situation: either follow the wishes of residents clamoring for disunion or else adhere to increasingly unpopular convictions. John R. Davis, a member of the legislature from Wilson County, Tennessee, declared that he was one of the last men in the state to bow to the rebellion. When he drafted his pardon application on June 1, 1865, he told the President,

I beg leave to state further, that *nothing but the overwhelming tide of popular sentiment* and the almost unanimous instructions of the people of Wilson County and that too, after the war had actually began, could have influenced me to take the fatal step which after mature reflection I have ever regretted.<sup>38</sup>

Caught up in the war frenzy, Davis responded to Governor Isham G. Harris's draft order by raising a company and serving as captain and lieutenant colonel for a few months before resigning.

Some Confederates briefly enumerated their offenses against the United States since their war-time endeavors were common knowledge. For instance,

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<sup>37</sup> Caldwell to Johnson, July 25, 1865, RG94 Amnesty Papers (M1003, Roll 37) N.C., Tod R. Caldwell, RG 94, NA. W.W. Holden to Tod R. Caldwell et al., August 9, 1865, Holden's official papers (his personal papers are in a separate collection), NCSA.

<sup>38</sup> Davis to Johnson, June 1, 1865, Amnesty Papers (M1003, Roll 48), Tenn., John R. Davis, RG 94, NA. Davis was pardoned on June 21, 1865.

Benjamin Franklin Cheatham's application alluded to his rank as a major general in the Confederate army and his treason indictment in Nashville. Yet, he did not mention his appointment in May 1861 by Governor Harris to the position of brigadier general or his 1862 promotion to major general by the Richmond government. At the battle of Shiloh, Cheatham led the Second Division of the First Army Corps under General Leonidas Polk. Obviously, Cheatham had attempted valiantly to assure the Confederacy's triumph. However, his traitorous deeds did not preclude him from state and federal positions. After the war, Cheatham labored as Superintendent of Tennessee's prisons, and in 1885 received the office of postmaster at Nashville from President Grover Cleveland. Cheatham discharged these tasks until his death in September of 1886.<sup>39</sup>

A friend and comrade of Cheatham's, Confederate Brigadier General Marcus J. Wright, also noted only the essential aspects of his involvement. Before the war, Wright, a native of Purdy, McNairy County, had toiled as a clerk of the common law and chancery court of Memphis and drilled with a Tennessee militia regiment. Once the rebellion commenced, he and his regiment entered the service of the Confederacy. By December 13, 1862, Wright had earned the rank of brigadier general and commanded Wright's Brigade. After the war, Wright practiced law and served as Shelby County's sheriff. Perhaps an even greater assignment was when the Federal government in 1878 appointed Wright an agent of the War Department for

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<sup>39</sup> Cheatham to Johnson, July 25, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Benjamin F. Cheatham, RG 94, NA; Marcus J. Wright, "A Sketch of the Life and Character of Gen. Benjamin Franklin Cheatham of Tennessee," newspaper clipping, Marcus J. Wright Papers, SHC. It is impossible to determine whether Cheatham received a pardon since the pardon records and the Congressional records offer no answer.

the Collection of Confederate Records which resulted in the government publication, *War of the Rebellion: Official Records of the Union and Confederate Armies*. While in this office, Wright wrote friends requesting letters and memorabilia from the Civil War. He composed numerous articles and biographical vignettes which appeared in newspapers, magazines, and other publications dedicated to the history of the South and its people. When he died on December 27, 1922, he was interred in the Confederate area of Arlington National Cemetery.<sup>40</sup>

Military officers were not the only ones to write their petitions selectively. Dr. John M. Boyd, a native of Knoxville and a physician, admitted his southern sympathies and requested pardon on the basis of the \$20,000 clause, adding that he had not been indicted. His other pressing concern was the seizure of his farm by the Freedmen's Bureau. Two freed slaves had rented the land from the Bureau, but Boyd had in turn rented his land from them. Now, Boyd hoped to receive a pardon and regain his land permanently.<sup>41</sup>

Dr. Boyd failed to mention his work as a surgeon for the Confederacy. In 1865, the Federals captured Dr. Boyd and shuttled him and others from a military prison in Chattanooga to Nashville, then Louisville, Kentucky, and finally to Camp Chase. Once he returned to Knoxville, he dedicated his time to civic activities and was a model citizen. In a legal sense, Boyd only had to specify the exceptions which

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<sup>40</sup> Wright to Johnson, June 2, 1865, Amnesty Papers (M1003, Roll 51), Tenn., Marcus J. Wright, RG 94, NA. Wright was pardoned on August 3, 1866; *Memphis Commercial Appeal*, December 28, 1922; *Atlanta Journal*, December 28, 1922; Ezra J. Warner, *Generals in Gray: Lives of the Confederate Commanders* (Baton Rouge, 1959), 346-47.

<sup>41</sup> Boyd to Johnson, May 3, 1866, Amnesty Papers (M1003, Roll 48), Tenn., John M. Boyd, RG 94, NA. Boyd was pardoned on May 28, 1866.

applied to his case, and this he did. However, it is curious that some men divulged their every effort to achieve southern independence, almost to the point of justifying their deeds, and others purposefully omitted the extent of their participation.<sup>42</sup>

One of the more striking characteristics of the pardon applications is the candor with which some petitioners chronicled their wartime endeavors. Rather than attempt to shroud their deeds or offer only sketchy accounts, several ex-Confederates audaciously cataloged their efforts to dismember the Union. Typically, a supplicant admitted to subscribing to the doctrine of secession, fostering southern sympathies, and either participating directly in the insurrection by toiling in the armed service or fulfilling the duties of a civil office.<sup>43</sup> A common thread peculiar to Tennessee was the inclusion of a declaration that the applicant had not persecuted Union troops or the soldiers' families. In fact, some petitioners professed to having nursed wounded Union soldiers back to health and supplying Union families with food.<sup>44</sup> Even though the Rebels might have tempered their traitorous offenses by acts of mercy,

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<sup>42</sup> Ibid.; *Evening Sentinel* (Knoxville) May 16, 1909; Diary of John M. Boyd, January 1, 14, 15, 1865, John M. Boyd Collection, Lawson McGhee Library.

<sup>43</sup> Campbell to Johnson, Amnesty Papers (M1003, Roll 48), Tenn., Alexander W. Campbell, RG 94, NA. Long to Johnson, August 25, 1865, Amnesty Papers (M1003, Roll 50), Tenn., William H. Long, RG 94, NA. Meek to Johnson, July 14, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Charles W. Meek, RG 94 NA. Campbell was pardoned on March 6, 1867, Long received his pardon on October 2, 1865, and Meek received his on July 21, 1865.

<sup>44</sup> Hord to Johnson, September 12, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Eldridge Hord, RG 94, NA. Hoyal to Johnson, June 22, 1865, Amnesty Papers (M1003, Roll 49), Tenn., John Hoyal, RG 94, NA. Preston to Johnson, July 18, 1865, Amnesty Papers (M1003, Roll 50), Tenn., James Preston, RG 94, NA. The President pardoned Hord on September 27, 1865. Hoyal received his pardon on October 9, 1865 and Preston received his on August 15, 1865.

they still recognized their misdeeds and need for pardon. One petitioner acknowledged his vigorous support of the Confederacy while serving in the army and later, holding the office of receiver for Haywood, Jackson, and Macon counties in North Carolina.<sup>45</sup> Another North Carolinian who was a lawyer and former state senator recounted his role as a delegate in the May 1861 convention, which approved the secession ordinance. Once the war started, he enrolled in local companies organized for defense and exhorted younger men to join the army.<sup>46</sup>

Consistently, men from Tennessee and Western North Carolina justified their alliance with the Confederacy by citing their loyalty to their state. One wealthy citizen of Shelby County, Tennessee, boarded southern soldiers at his mansion and defended his activities by alleging that he acted in good faith and provided a patriotic service to the state.<sup>47</sup> In North Carolina, an eighty-year old man claiming to be a poor farmer in Burke County lamented disunion but insisted he had no alternative but to cling to his state. After secession, he voted at elections, and purchased Confederate bonds and securities on the recommendation of friends, not in the hope of sustaining the Rebels.<sup>48</sup>

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<sup>45</sup> Love to Johnson, September 23, 1865, Amnesty Papers (M1003, Roll 40), N.C., Dillard Love, RG 94, NA. Love was pardoned on November 7, 1865.

<sup>46</sup> Woodfin to Johnson, September 14, 1865, Amnesty Papers (M1003, Roll 43), N.C., Nicholas W. Woodfin, RG 94, NA. Woodfin was pardoned February 1, 1866.

<sup>47</sup> Jones, Sr. to Johnson, May 10, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Chamberlayne Jones, Sr., RG 94, NA. Jones was pardoned on June 16, 1865.

<sup>48</sup> Harshaw to Johnson, August 1, 1865, Amnesty Papers (M1003, Roll 39), N.C., Jacob Harshaw, RG 94, NA. Other men who also mentioned their loyalty to the state as a prime factor in their decision to side with the Confederacy included Carson to Johnson, August 24, 1865, Amnesty Papers (M1003, Roll 39), N.C., Jonathan L. Carson, RG 94, NA. Calloway to Johnson, July 31, 1865, Amnesty Papers (M1003, Roll 37), N.C., James Calloway, RG 94, NA; Cheairs to Johnson, September 23,

Two biographers of Johnson, Hans Trefousse and Eric McKittrick, interpret the President's insertion of the thirteenth exception as a strategy to humble the plantation and slave-owning elite. The hypothesis contends that, eager to resume their way of life, chastened Southern aristocrats threw themselves on the mercy of the plebeian chief executive, who relished his elevated status and the absolute dependence of the petitioners on his decision.<sup>49</sup> If Johnson created the thirteenth exception to obtain groveling or sycophantic letters, he must have been disappointed. In reality, Johnson received only a handful of letters from men living in Middle and West Tennessee that could be so characterized. No such letters originated in East Tennessee or Western North Carolina.

A typical ingredient in three of the six complimentary petitions was the supplicant's abiding support of Johnson's political career. One applicant pledged his fidelity to the Democratic party and alleged that he had voted with Johnson and for him in every election in which the former tailor had been a candidate.<sup>50</sup> The other two petitioners declared their political allegiance to the Democratic party, first supporting Andrew Jackson and later Andrew Johnson.<sup>51</sup> Samuel Anderson, a

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1865, Amnesty Papers (M1003, Roll 48), Tenn., Nathaniel F. Cheairs, RG 94, NA. Johnson pardoned Harshaw on August 21, 1865, Carson on February 1, 1886, and Cheairs on September 30, 1865..

<sup>49</sup> Hans L. Trefousse, *Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction* (Knoxville, 1975), 11; McKittrick, *Johnson and Reconstruction*, 85-87, 92.

<sup>50</sup> Jones to Johnson, July 17, 1865, Amnesty Papers (M1003, Roll 49), Tenn., John W. Jones, RG 94, NA. Jones was pardoned on October 2, 1865.

<sup>51</sup> Barker to Johnson, August 18, 1866, Amnesty Papers (M1 003, Roll 48), Tenn., John W. Barker, RG 94, NA. Anderson to Johnson, June 22, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Samuel R. Anderson, RG 94, NA. The President granted Barker a pardon on August 18, 1866 and Anderson a pardon on December 19, 1865.

brigadier general in the Confederate service who also had been indicted for treason, wrote to Johnson for a pardon since he knew of the President's "kindness of heart." Anderson referred to their acquaintance of thirty years but grounded his request on "public considerations." Furthermore, Anderson claimed he had always been a friend of the Union, cheering General Jackson's stance towards South Carolina during the nullification crisis of 1832-33. Anderson assured Johnson,

I did all in my power to prevent the breaking up of the Democratic Convention at Charleston—went to Baltimore solely to give all my influence for harmony—I need not say who my choice was for President. In the war with Mexico I rallied around the flag, raised a gallant company and upon the organization I was elected Lieutenant Colonel of the Regiment and contributed my part in bearing that flag successfully through that war.<sup>52</sup>

Not surprisingly, men such as Anderson who had fought in previous wars and defended the United States recounted their military service in the hopes of minimizing the stigma of participating in an insurrection against the federal government.

Another pardon seeker recalled past favors from Johnson and put his trust in the chief executive's magnanimity.<sup>53</sup> R. C. Brinkley of Memphis, who requested amnesty on the basis of the thirteenth exception and for acts committed against the United States Constitution, laws, and authorities, solicited a friend to send a letter of

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<sup>52</sup> Anderson to Johnson, June 22, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Samuel R. Anderson, RG 94, NA.

<sup>53</sup> Patton to Johnson, August 14, 1865, Amnesty Papers (M1003, Roll 50), Tenn., J.N. Patton, RG 94, NA. Johnson pardoned Patton on August 26, 1865.

recommendation accompanying the pardon application to the President.<sup>54</sup> J.M. Tomeny familiarized the President with Brinkley's case, declaring that Brinkley had tried to thwart secession. Then Tomeny began to shower Johnson with praise, writing,

Whatever may be your opinion of him he has often expressed himself to me as entertaining a very exalted opinion of your wisdom, fidelity, and statesmanship, and of your ability to deal successfully with all the great questions which must arise during your administration. I know he considers you peculiarly fitted for the high office to which God has called you, and whatever may be your action in his own case, he will give your policy and administration his hearty, undivided support.<sup>55</sup>

If these words did not convince the President to bestow a pardon, then the mention of the deaths of two of Brinkley's six children during the war added the final touch.<sup>56</sup>

Whether done with that intent or not, the inclusion of information about the death of a family member gave notice that a great tragedy, more severe than any punishment meted out by a civil authority, had been endured and that perhaps the loss of a son was penalty enough for adhering to the Confederacy. Four days after Johnson's May 29 Amnesty Proclamation, Archibald Wright of Memphis, a former judge of Tennessee's Supreme Court, composed his application to the President. Before the war, Wright had been a prosperous slaveowner with land and slaves in

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<sup>54</sup> Brinkley to Johnson, September 2, 1865, Amnesty Papers (M1003, Roll 48), Tenn., R.C. Brinkley, RG 94, NA. Brinkley was pardoned on August 26, 1865.

<sup>55</sup> Tomeny to Johnson, September 4, 1865, Amnesty Papers (M1003, Roll 48), Tenn., R.C. Brinkley, RG 94, NA.

<sup>56</sup> *Ibid.*

Memphis and Tunica County, Mississippi. Naturally, Wright was included in the thirteenth exception; he also required a pardon to secure his land, which the government had initiated confiscation proceedings against.<sup>57</sup> By the time the Union forces invaded and occupied Memphis, Wright was already in Mississippi visiting his sons in the Confederate army. Even though the President knew Wright, the petitioner gathered recommendations and listed character references. For example, Alvin Hawkins, United States District Attorney, penned a letter on Wright's behalf and notified Johnson that the petitioner lost a son at Murfreesboro during the war.<sup>58</sup>

Even former political enemies of the President approached him with an air of submission. Over the years, Gustavus A. Henry and Johnson had sparred over politics and elections in Tennessee. In 1851, Henry, a Whig legislator, sponsored a bill that redrew the boundaries of Congressional districts, thereby denying Johnson a place in Congress. By 1853, both men aspired to be the next governor, and Henry's acts of two years earlier returned to haunt him. Johnson emerged the winner of that contest, serving two terms as governor.<sup>59</sup>

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<sup>57</sup> On July 17, 1862, Congress passed an act allowing the President, ". . . to cause the seizure of all the estate and property, money, stocks, credits, and effects of the persons hereinafter named in this section, and to apply and use the same and the proceeds thereof for the support of the army of the United States, . . ." The first step in seizing Rebel property was to institute proceedings in a district or territorial court. "An Act to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate the Property of Rebels, and for other Purposes," *Statutes at Large*, Sess. II, Ch. 195, 589-91 (December 5, 1859 to March 3, 1863).

<sup>58</sup> Wright to Johnson, June 2, 1865, Amnesty Papers (M1003, Roll 51), Tenn., Archibald Wright, RG94, NA. Hawkins's letter was included in this pardon file. Wright was granted his pardon on July 26, 1865.

<sup>59</sup> Paul H. Bergeron, *Antebellum Politics in Tennessee* (Lexington, 1982), 123-24.

During the war, Henry represented Tennessee as a senator in the Confederate Congress. Not only did Henry desire a pardon for this offense, but he needed one to regain his land and to work as a lawyer. Obviously, Henry chose to suppress his memory of their bitter political disputes when he recalled, "The respectful manner in which we conducted our political conflicts in Tennessee and the friendly feelings that have prevailed since that time, so far as I am aware, between us, justify me now to make this private appeal to you."<sup>60</sup> Johnson did not pardon Henry immediately, but waited until late November 1866.

Commonly, affluent southerners also required a pardon for abandoning their homes during the war. The tenth exception of the Amnesty Proclamation referred to those who had departed from their homes during a time of Federal control and traveled into the area of the "pretended" Confederate States to assist the rebellion. As waves of refugees inundated a community, these displaced persons narrated distressing tales to their hosts, inducing others to escape to safer areas before the "ruthless" Federal troops invaded. Leading southern sympathizers preferred to depart from their residences before the Union forces appeared for fear that the soldiers would harass, imprison, or kill the Confederate men.<sup>61</sup> Some deserted their homes temporarily, preparing to weather the storm in the woods or secluded areas. Others who commanded great wealth and prestige relied on their extensive network of friends and family in the lower South and took up residence with them. Those who did not have the luxury of several plantation homes or affluent friends migrated to

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<sup>60</sup> Henry to Johnson, July 1, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Gustavus A. Henry, RG 94, NA. Henry was pardoned on November 27, 1866.

<sup>61</sup> Mary Elizabeth Massey, *Refugee Life in the Confederacy* (Baton Rouge, 1964), 12, 16.

southwestern Virginia, which attracted wandering southerners not only from within its borders, but also from Tennessee, Kentucky, and North Carolina. In addition, Georgia, the North Carolina Piedmont, and mountain locales contained a number of refugee settlements.<sup>62</sup>

The decision to forsake one's home, property, and belongings was fraught with many considerations. Those men and women who opted to flee, appointed relatives, friends, and slaves to manage their vacated property. However, even this provision failed to secure their interests. During the war, both armies transformed homes and other physical structures into hospitals, offices, and barracks. At the sites of homes, the soldiers devoured food, wrecked furniture, and in other ways damaged the residences.<sup>63</sup> To compound the situation, the Federal government seized "abandoned" property during the war. Thus, the conclusion of the war did not signal the end of problems for refugees, rather it marked a new phase during which they struggled to regain citizenship and property rights.

Preservation of wealth proved to be a fundamental consideration in choosing to leave Tennessee. A Baptist minister from Hamilton County who expressed his adherence to Jacksonian Democracy and to Andrew Johnson alleged that all his goods, except his Confederate money, had been taken. Thus, he had to relocate to a vicinity where that money was accepted or else allow his family to starve.<sup>64</sup> Similarly, a planter in Williamson County who had judged secession as "political

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<sup>62</sup>Ibid., 7, 14, 16, 29, 78, 80.

<sup>63</sup>Ibid., 29, 226, 234.

<sup>64</sup> King to Johnson, June 12, 1865, Amnesty Papers (M1003, Roll 50), Tenn., R.A. King, RG 94, NA. King was pardoned November 13, 1865.

heresy," had to tote fifteen or twenty thousand dollars of Confederate money to Gadsden, Alabama, and invest it in cotton. Along with his money, he took his slaves.<sup>65</sup> Commonly, planters in Tennessee, dreading the invasion of Union soldiers, transported their families and their slaves to Alabama or Georgia. While protecting these investments, they often forfeited their land. The Freedmen's Bureau confiscated the land and home and then drew up contracts to rent the property.<sup>66</sup>

Not surprisingly, Southerners had not always monitored the passage of laws in the United States Congress during the war. Therefore, many were shocked to discover that the government had the authority to confiscate and libel property. In July 1862, Congress passed a law authorizing the president to seize and sell the personal effects and real estate of Rebels. The money received from the sale would finance the Union army. President Lincoln mitigated this seemingly harsh decree by guaranteeing that the loss of property could not stretch beyond the lifetime of the Confederate owners. Once the Rebel landlords died, their heirs would obtain the title to the property. Congress augmented this legislation in March 1863, when it empowered the Secretary of the Treasury to designate men to direct the seizure and sale of abandoned or captured property. The highest bidder received the goods, and the Treasury agents funneled the money into the United States treasury's coffers.<sup>67</sup>

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<sup>65</sup> Smith to Johnson, August 7, 1865, Amnesty Papers (M1003, Roll 51), Tenn., Sydney P. Smith, RG 94, NA. On August 15, 1865, Smith was pardoned.

<sup>66</sup> Johnson to Johnson, July 28, 1865, Amnesty Papers (M1003, Roll 49), Tenn., P.A.V. Johnson, RG 94, NA. Carmichael to Johnson, July 7, 1865, Amnesty Papers (M1003, Roll 48), Tenn., John T. Carmichael, RG 94, NA. Johnson was granted his pardon on August 19, 1865. On July 7, 1865, Carmichael was pardoned.

<sup>67</sup> Paul David Phillips, "A History of the Freedmen's Bureau in Tennessee" (Ph.D. diss., Vanderbilt University, 1964), 140.

Naturally, as Federal armies conquered areas and continued their march into the South, men, women, and children evacuated their homes and trekked to calmer regions. This increase in abandoned lands spurred further legislation. On July 2, 1864, Congress specified the conditions for labeling property as abandoned. If the legal owner was voluntarily away from his property and in the Confederate service, then the government deemed the property abandoned. In March 1865, the management of abandoned land switched from the Treasury Department to the Freedmen's Bureau. Now, the head of the Bureau, General Oliver O. Howard, directed the distribution of 800,000 acres of confiscated farm land and could allocate up to forty acres per male refugee or freedman. The renter paid an annual fee no greater than 6 percent of the 1860 tax value of the property. Furthermore, for a limited time of three years, the renter had the option to purchase the land at the same taxable value.<sup>68</sup>

Once ex-Confederates started petitioning President Johnson and receiving pardons, controversy arose over the restoration of abandoned lands. In a bold and decisive move, General Howard seized the initiative when he issued his famous Circular 13 of July 28, 1865. In it, Howard told his subordinates that they were not to return abandoned or confiscated property to those southerners who possessed a pardon. Even though Howard grounded this directive in the March 1865 Congressional act, the circular challenged President Johnson's executive power of clemency. Johnson overrode Howard's directive and permitted pardoned Southerners to reclaim their land by showing the certificate of pardon and the title to the land. However, in cases where freedmen had cultivated the acreage, the original owners

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<sup>68</sup> Ibid., 141; William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New Haven, 1968), 99.

had to wait until the crops were harvested or else reimburse the freedmen for their labor and expenses. On September 15, 1865, Howard distributed Circular 15, which tightened the definition of confiscated lands. All lands belonging to pardoned ex-Rebels, excluding those seized and sold during the rebellion under the auspices of a court, would be returned. So quickly did the work of land restoration proceed, that by November 1, 1866, Howard acknowledged that almost all abandoned property had been returned to the original owners.<sup>69</sup> This is remarkable considering the potential for delays inherent in the pardon process, such as the time it took to mail the documents to the state governors, who then transmitted the materials to Washington.

With the thousands of pardon applications circulating between Washington and the various southern state capitals, the chance for error was great. On October 30, 1865, seventy-four year old William Browder of Monroe County applied for pardon. Browder claimed he had been opposed to the war and had only given provisions to the southern army when they were demanded. Then, in September of 1863, Browder transported his slaves to Georgia and resided there until early September 1865. While he was absent from Tennessee, a government agent seized his land and rented it. Upon his return to Tennessee, Browder learned that the Federal government had started confiscation proceedings against his land. On this initial application Brownlow wrote, "Browder might be pardoned though he was an active rebel. His losses in property have well nigh atoned for his treason."<sup>70</sup> Several months passed and Browder heard nothing about the status of his petition, however,

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<sup>69</sup> Phillips, "A History of the Freedmen's Bureau," 142-44, 146-7; McFeely, *Yankee Stepfather*, 105, 134.

<sup>70</sup> Browder to Johnson, October 30, 1865, Amnesty Papers (M1003, Roll 48), Tenn., William Browder, RG94, NA.

even though the President had pardoned him on December 29. In May of 1866, Browder composed his second application and recalled that he had sent the first one to the governor of Tennessee for him to endorse and transmit to Washington. Browder had recently learned that Brownlow had decided to stop acting on pardon applications, and thus, he made a direct appeal to the President. In the time that had elapsed since the first petition, Browder had been indicted for treason. Somehow, this second petition found its way into the hands of Brownlow, who noted " . . . the rebels I have advised the pardon of, have, as a general thing, acted so badly, that I am not willing to endorse others."<sup>71</sup> Nevertheless, on the second try, Browder received a pardon on July 6, 1866.

Many others had experiences similar to Browder's. A former resident of Jefferson County, Tennessee, who had since relocated to Atlanta, Georgia, resubmitted an application for pardon in January of 1866. The petitioner requested pardon due to his activity as a deputy postmaster, first for the United States and then under Rebel authority, and for owning more than \$20,000 worth of property in 1860. Since he had forwarded a pardon application months earlier and not received a response, he thought it best to compose another one. This time, the President granted him a pardon on February 14, 1866.<sup>72</sup>

Composing the pardon application was only stage one of the process. The next phase involved the state governor, who reviewed each petition and suggested a

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<sup>71</sup> Browder to Johnson, May 9, 1866, Amnesty Papers (M1003, Roll 48), Tenn., William Browder, RG94, NA. Both of these petitions were in the same file and Brownlow's comments were on both documents.

<sup>72</sup> Fain to Johnson, January 1866, Amnesty Papers (M1003, Roll 49), Tenn., William D. Fain, RG94, NA.

course of action to Johnson. While the vast majority of pardon applications secured endorsements, in a few, select cases, governors chose to suspend or flatly refused to recommend a presidential pardon. As a long-time resident of East Tennessee and a newspaper publisher and editor, Governor Brownlow possessed an intimate knowledge of leading East Tennesseans and their conduct during the war. On a few of the petitions, Brownlow explained his opposition to the individual's pardon. For example, Richard J. Wilson, a resident of Blount County and a stockholder in the Rockford Manufacturing Company, requested amnesty on the basis of the tenth and thirteenth exceptions. During the rebellion, Wilson had heard a rumor that authorities were going to arrest him, and he fled south. On the front of this petition Brownlow scribbled, "Richard T. Wilson is a wealthy & influential Rebel--he did a great deal to aid the Rebellion, and is among that class of men I am not willing to advise the pardon of, now or hereafter." Johnson did not heed Brownlow's advice, however; he granted Wilson a pardon on November 13, 1865.<sup>73</sup>

Thomas Evans of McMinn County sought pardon on the basis of the \$20,000 clause. He asserted that he did not administer an office and never "oppressed" or "persecuted" Union men or families but in fact provided necessities to impoverished Unionists. Evans's account differed from the governor's perceptions. Brownlow wrote, "The petitioner, Mr. Evans, has been a very bad man. He is under an indictment for Treason--his property has been libeled for confiscation--and there are suits against him for damages. I cannot endorse his pardon."<sup>74</sup> Again, this

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<sup>73</sup> Wilson to Johnson, August 31, 1865, Amnesty Papers (M1003, Roll 51), Tenn., Richard J. Wilson, RG 94, NA.

<sup>74</sup> Evans to Johnson, August 1, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Thomas Evans, RG 94, NA.

protestation by Brownlow did not sway the President; Evans was granted a pardon on October 26, 1865.

The brief war-time alliance of Brownlow and Johnson, former political opponents, began to crumble during the summer of 1865 as each man pursued a different course of Reconstruction. Before departing for Washington, Johnson had advised the January 1865 convention not to tamper with the elective franchise. Brownlow ignored the suggestion, and urged the General Assembly to limit the franchise and to defend the ballot box against treason. Johnson wanted to increase the number of voters to expedite the process of restoring the state to the Union, while Brownlow, in order to sustain his control over the state, desired that only Union men should possess the right to vote. Aware of Brownlow's penchant for holding grudges and his flair for drama, Johnson chose to pardon a number of men who had received unfavorable remarks from the governor. The divide between the two men continued to expand.<sup>75</sup>

President Johnson did allow more time to elapse before pardoning William K. Blair of Washington County, Tennessee. Blair had served as a Confederate States commissioner during the war and now had to attend federal court to answer a charge of treason. Brownlow's disapproval of Blair's petition stemmed from the latter's work as a United States pension agent. The Governor described Blair as a bitter Rebel who had still not settled the books with the United States. Blair composed his letter in January of 1866 but did not receive his pardon until August 20.<sup>76</sup> The remaining

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<sup>75</sup> Thomas B. Alexander, *Political Reconstruction in Tennessee* (Nashville, 1950), 32, 72-73.

<sup>76</sup> Blair to Johnson, *Amnesty Papers* (M1003, Roll 48), Tenn., William K. Blair, RG 94, NA.

four East Tennesseans who incurred Brownlow's disapproval had committed ordinary transgressions such as retreating into the Deep South, owning in excess of \$20,000 worth of property, and holding offices under the Confederacy.<sup>77</sup> Only one man, Robert B. Reynolds, formerly of Knox County, had to wait until as late as May 1, 1867, to obtain a pardon. Reynolds, a wealthy Southern sympathizer, had received an appointment as a Confederate commissioner, which had duties similar to that of a justice of the peace. Reynolds drafted his pardon in February 1866 but Brownlow protested against it.<sup>78</sup>

At least in the mind of Governor Brownlow, there existed a category of men, elected officials and judges who vacated their positions to oppose the United States and prominent businessmen and notable denizens who avidly embraced the "Stars and Bars," who should have possessed the fortitude to uphold the Union. Instead, these men marshaled their fellow southerners and withdrew from the country of their forefathers. Since these influential men understood the stakes and still led the charge for secession, they could not minimize their role by shifting blame to others. One judge, who abandoned his post to serve a term in the Confederate Congress, collected a few letters of recommendation, but Brownlow refused to agree with the gentlemen who endorsed the application. Instead the Governor scrawled, "Mr. Gardenshire left a seat on the bench to go into the rebellion and was a bitter rebel."<sup>79</sup>

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<sup>77</sup> Cook to Johnson, November 13, 1865, Amnesty Papers (M1003, Roll 48), Tenn., James Birch Cook, RG 94, NA; Ramsey to Johnson, August 1, 1865, Amnesty Papers (M1003, Roll 50), Tenn., J.C. Ramsey, RG 94, NA. Warren to Johnson, July 21, 1865, Amnesty Papers (M1003, Roll 51), Tenn., B.L. Warren, RG 94, NA. Ramsey was pardoned on November 10, 1865. On August 16, 1865 Warren was pardoned.

<sup>78</sup> Reynolds to Johnson, February 1866, Amnesty Papers (M1003, Roll 50), Tenn., Robert B. Reynolds, RG 94, NA.

<sup>79</sup> Gardenshire to Johnson, August 10, 1865, Amnesty Papers (M1003, Roll 49),

A more vivid example of Brownlow's ire appears in the accompanying records of William Williams's request for pardon. Williams, of Nashville, stated that he occupied the office of paymaster general of the Provisional Army of Tennessee and owned more than \$20,000 worth of property. Governor Brownlow took the opportunity to excoriate Williams and his brother James, designating them original secessionists of Tennessee. During President Franklin Pierce's administration, the two brothers secured a lucrative contract with the government to carry the mail in steamers on the Tennessee River. The immense profit gained from this enterprise enabled them to organize the Bank of Chattanooga. Brownlow insisted that the brothers, along with John Overton, manipulated their finances to inaugurate and sustain the rebellion. Brownlow acknowledged that Johnson knew the reputations and careers of the two men. He continued,

They [the Williams brothers] were *ventilated* by me four years ago. And without any feeling on the subject, I decline to advise the pardon of Wm Williams. He may now take the amnesty oath; but he took an oath before, as a State Senator, and as a Mail Contractor, to support the Constitution of the United States, and went into the Rebellion actively, and at the very start.<sup>80</sup>

Governors Holden and Jonathan Worth of North Carolina exercised a philosophy of recommending and suspending pardon applications that differed from Brownlow's. After all, Holden and Worth themselves had faltered in their adherence

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Tenn., E.L. Gardenshire, RG 94, NA. Neither the pardon record nor the Congressional record provide a date of pardon for Gardenshire.

<sup>80</sup> Williams to Johnson, July 3, 1865, imperfect petition Amnesty Papers (M1003, Roll 51), Tenn., William Williams, RG94, NA. President Johnson pardoned William Williams on August 8, 1865. Williams's brother James did not file for pardon until May 17, 1866, and was then pardoned on June 27, 1866.

to the federal government and comprehended the reasons that impelled citizens to trumpet southern independence. In fact, only Governor Holden advised President Johnson to suspend pardons or have the pardon take effect after a certain date. Once Worth assumed the governor's office in December 1865, he favorably endorsed all the petitions from Western North Carolina.

In only five cases originating from citizens in Western North Carolina did Holden urge a delay of pardon. One case concerned a cadet at West Point who was discharged and sent home once North Carolina seceded. By his own admission, this young soldier eagerly enrolled in the Confederate army and eventually won the rank of colonel.<sup>81</sup> The other four applicants represented the influential, wealthy members of society. These gentlemen either donated money to the southern cause or presided over civil offices. Interestingly enough, all four affirmed their initial stance for the Union. Only when North Carolina withdrew from the Union and "the war grew in immense proportions & furious in its character" did these citizens transfer their obedience.<sup>82</sup>

John E. Patton, Montranille Patton, and Robert W. Pulliam, all of Buncombe County, drilled with a company of men above military age, known as the "silver greys" of Asheville. The group's alleged objective was to defend their homes and

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<sup>81</sup> Clayton to Johnson, July 8, 1865, Amnesty Papers (M1003, Roll 38), N.C., George W. Clayton, RG 94, NA.

<sup>82</sup> Pulliam to Johnson, July 14, 1865, Amnesty Papers (M1003, Roll 42), N.C., Robert W. Pulliam, RG 94, NA. Holden recommended that Pulliam's pardon take effect from January 1, 1866. On May 17, 1866, Pulliam was pardoned; McKesson to Johnson, July 17, 1865, Amnesty Papers (M1003, Roll 40), N.C. William F. McKesson, RG 94, NA. Holden also counseled the president to suspend McKesson's pardon. McKesson was pardoned on May 11, 1866.

town from robbery, theft, and potential slave uprisings.<sup>83</sup> According to Pulliam, who also administered a small armory in Asheville, the "silver greys" never participated in active warfare.

In addition to training with the local company, Montranille Patton represented the area in the state senate, and he also held a mail contract under the Confederacy. Only after the states bordering North Carolina had seceded did Patton capitulate. He discerned that either he had to ally with the Southern sympathizers or else hazard ruin for his family. Initially, Patton filed his request for pardon on July 5, 1865. Even though Patton had crisscrossed his county delivering persuasive Union speeches and continued to defend the United States after President Lincoln's summons for soldiers, Holden still urged Johnson to suspend the pardon. Eleven months later, Patton composed a lengthier letter, Governor Worth endorsed it, and Patton was pardoned on June 14, 1866.

As one of the provisional governors appointed by President Johnson, Holden recognized the transient nature of his post. Eventually, North Carolina voters would elect a governor, members of the General Assembly, and other civil officials. In order to secure his future and enhance his election chances, Holden vigilantly guarded the issuance of pardons to men in the eastern part of the state, especially those who had pioneered the drive for secession or had dominated antebellum

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<sup>83</sup> Patton to Johnson, July 11, 1865, Amnesty Papers (M1003, Roll 41), N.C., John E. Patton, RG 94, NA. Holden urged that the pardon take effect on January 1, 1866; Patton to Johnson, July 11, 1865, Amnesty Papers (M1003, Roll 41), N.C., Montranille Patton, RG 94, NA. Holden recommended suspension. Patton filed an application in June of 1866, secured Worth's endorsement, and received his pardon on June 14, 1866.

politics. From the outset, Holden desperately hoped to carve out a base of power and keep political rivals at bay.

During the late summer and fall of 1865, Holden corresponded with the President, constantly apprising him of affairs in North Carolina. For instance, in August, Holden urged Johnson to hold the petition of Confederate Congressman John A. Gilmer, as well as those of Confederate governor Zebulon B. Vance, and former Governor William A. Graham. Already, Holden had recommended suspension of the applications, yet he further insisted that before Johnson excused these men the applications all be returned to North Carolina for his reevaluation. To convince the President of the propriety of suspending pardons, Holden wrote, "These suspensions are having an excellent effect in enabling us to reorganize the government, and I expect during the next month or two to add considerably to the list."<sup>84</sup>

As the November election drew closer, Holden grew more apprehensive, alerting Johnson to the political revival of William A. Graham. According to Governor Holden, Graham and other Whigs had pressured Jonathan Worth to announce his gubernatorial candidacy. Furthermore, it appeared that Graham, even though unpardoned, might win a seat in the state senate. Again, Holden underscored the importance of establishing the state government on loyal, Union men and on remorseful ex-Confederates.<sup>85</sup>

Holden's intuition proved correct; Graham and other leading ex-Rebels triumphed at the polls. While Holden continued to wait for the final tally from all the counties, he warned the President that the unpardoned men just elected to office

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<sup>84</sup> William W. Holden to Johnson, August 9, 1865, in Graf, et al., eds., *Papers of Johnson*, 8: 552.

<sup>85</sup> Holden to Johnson, November 2, 1865, in *ibid.*, 9: 329.

might draft letters to Johnson. Holden still counseled a delay of pardon as a way of extinguishing residual Confederate sympathy in the state.<sup>86</sup>

After the votes had been counted and confirmed, Jonathan Worth emerged the victor in the governor's race. Dismayed at the result, Holden blamed the votes of secessionists and those in favor of paying the Confederate debt for contributing to his loss. Holden stressed the pro-Southern sympathies still raging in his state and the civil turmoil as reasons why the provisional government should continue to direct the state.<sup>87</sup> Andrew Johnson did not heed Holden's advice. In Johnson's opinion, the people of North Carolina had spoken, and he would not attempt to contravene that decision. On December 23, 1865, Secretary of State William H. Seward notified Holden that the President believed that North Carolina's government could be ". . . remitted to the constitutional authorities chosen by the people thereof, without danger to the peace and safety of the United States."<sup>88</sup> Even though Holden had lost his bid to be the elected governor of North Carolina, he continued to monitor state affairs, especially Worth's policies, and updated Johnson on the progress of restoration.

The political environment in Tennessee differed drastically, since the state did not have a provisional governor. Elected governor of Tennessee in March 1865, Brownlow did not have to devote as much energy as Holden to securing a favorable electorate. After all, a potential reelection campaign remained at least two years in

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<sup>86</sup> Joseph S. Cannon to Johnson, November 13, 1865, in *ibid.*, 376. Cannon was an aide to Holden and wrote the letter for Holden who was ill at the time.

<sup>87</sup> Holden to Johnson, December 6, 1865, in *ibid.*, 486-88.

<sup>88</sup> Seward to Holden, December 23, 1865, Holden's official papers, NCSA.

the future. Furthermore, Brownlow, with the aid of the General Assembly, enacted a franchise law guaranteeing that Confederates would be excluded from the work of reconstruction, even if they received a presidential pardon.

One of the arguments used to pass a restrictive franchise bill was that if the state did not limit voting rights, it might endure a military government, and its United States senators and representatives might be refused admission to Congress. While the senate moved the legislation without much friction, the house offered greater resistance. However, the franchise act eventually succeeded, barring most Confederates from the polls for five years and prohibiting ex-Rebel leaders from voting for fifteen years. To enforce these provisions, county clerks registered voters and distributed voting certificates to citizens who could swear that they were not embraced by the proscriptive statute. The first opportunity to gauge the strength of the law occurred in August of 1865 when residents voted for Congressional candidates.<sup>89</sup>

Greatly disappointed at the results of the August election and the popular support for Brownlow's political opponents, the Governor chose to buttress the franchise law. He realized that part of the problem stemmed from the actions of county clerks. Since the county court clerks had evidently registered numerous anti-Brownlow voters, the governor chose to exert more control over these local officers to guarantee favorable returns. The franchise law of 1866 granted Brownlow the authority to select the registration officials throughout the state. Naturally, Brownlow would choose only those men known to be favorable to his brand of politics. In addition, the new law voided all previous voter registrations.<sup>90</sup>

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<sup>89</sup> Alexander, *Political Reconstruction*, 73-5.

<sup>90</sup> *Ibid.*, 105, 110.

Since Brownlow was the elected governor of Tennessee, albeit by a fraction of the citizens, he did not serve at the pleasure of the President like the provisional governors. Thus, the Parson could afford to be magnanimous when recommending men for pardon. For instance, in July 1865, Brownlow notified the President that Henry S. Foote and Benjamin J. Hill, an erstwhile Confederate brigadier, had implored Brownlow's aid in receiving a pardon. While Brownlow did not suggest an action on the petitions, he did advise Johnson to permit both men to enter Tennessee on parole, with the understanding that their pardons depended upon their behavior.<sup>91</sup>

Brownlow even endorsed petitions belonging to prosperous, influential ex-Rebels. When John B. Johnson, a Nashville entrepreneur whose property had been seized and in part sold, requested pardon, Brownlow noted, "I regard John B. Johnson, Merchant of this city, as a proper subject for Executive Clemency, and most cheerfully advise his pardon."<sup>92</sup> The President agreed and granted Johnson a pardon in August. What made this rapid pardon more curious was the petitioner's impassioned defense. John Johnson told the President that he knew of only two cases where acreage had been sold in accordance with the confiscation laws. In fact, he resented incurring such harsh punishment for a rebellion which he had opposed.<sup>93</sup>

Yet another illustrative example of Governor Brownlow's munificence surfaced in Gideon J. Pillow's application. After first receiving an appointment as

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<sup>91</sup> William G. Brownlow to Johnson, July 16, 1865, in Graf, et al., eds., *Papers of Andrew Johnson*, 8: 413.

<sup>92</sup> Johnson to Johnson, July 1865, *Amnesty Papers* (M1003, Roll 49), Tenn., John B. Johnson, RG 94, NA. Johnson was pardoned August 19, 1865.

<sup>93</sup> *Ibid.*

senior major general of Tennessee's provisional army, Pillow was designated a brigadier general in the Confederate Provisional Army in 1861. However, his bungling at Fort Donelson forced Pillow's removal from command. Still, he continued to serve the Confederacy, working in Tennessee's volunteer and conscript bureau and later serving as commissary general of prisoners, beginning in early 1865.<sup>94</sup>

Naturally, President Johnson and Governor Brownlow knew of Pillow's character and prestige before the war. When Pillow composed his pardon application, he specified that the third and thirteenth exceptions applied to his case and that a document had been filed in the federal court at Nashville to confiscate his property. In addition, Treasury agents controlled his plantation in Tennessee and he had heard that agents also managed and farmed two of his four properties in Phillips County, Arkansas.<sup>95</sup>

Knowing that pardon applications to the President first stopped at the governor's office, Pillow ventured to meet with Brownlow in June of 1865. While visiting Nashville, Pillow failed to see the Governor, but composed a note stating his case. Basically, Pillow grounded his need for a pardon in financial considerations. If pardoned, he could begin to settle the numerous debts against him. A withholding of pardon would plunge him into abject poverty since his creditors had filed claims against his holdings in the hope of gaining compensation before the government did.<sup>96</sup>

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<sup>94</sup> Warner, *Generals in Gray*, 241.

<sup>95</sup> Pillow to Johnson, June 29, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Gideon J. Pillow, RG 94, NA. Pillow was pardoned August 28, 1865.

<sup>96</sup> Gideon Pillow to Brownlow, no date. This letter was part of the files found *ibid*.

In order to strengthen Pillow's chances, his brother, Jerome B. Pillow, collected copies of the general's directions to Confederate officers supervising prisoners of war. The objective was to demonstrate Pillow's compassionate administration of the prisoners of war by pointing to his efforts to provide the captives with supplies and in other ways abate their misfortunes. Next, Jerome Pillow solicited Captain Thomas C. Williams, U.S.A., to verify that before the defeat of the Confederacy, Pillow had made overtures to the United States authorities to return to his loyalties and swear the oath of allegiance. Moreover, Jerome reminded Capt. Williams that General Pillow had disdained secession and rebellion, only attaching himself to the Confederacy once it became a reality. Jerome's efforts succeeded; Captain Williams endorsed these statements. Meanwhile, Gideon Pillow secured the sanction of General George H. Thomas, U.S.A.<sup>97</sup> Governor Brownlow's remarks lent weight to the petition. The "Parson" wrote, "If I were the President of the United States, I would grant a special pardon to Gen. Pillow. I never thought him a bad or cruel man, but a vain and ambitious man. Being intensely Southern, and a large slave owner, he was induced to go into the rebellion, as I believe, against his judgment."<sup>98</sup> President Johnson bestowed Pillow's pardon on August 28, 1865, but it did not prevent financial ruin. Pillow declared bankruptcy and resumed the practice of law, this time with former Governor Isham G. Harris.<sup>99</sup>

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<sup>97</sup> Jerome B. Pillow to Johnson, June 12, 1865; J.B. Pillow to Captain Thomas C. Williams, June 8, 1865; Gideon Pillow to George H. Thomas, July 7, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Gideon Pillow, RG 94, NA.

<sup>98</sup> Brownlow to Johnson, July 10, 1865, in *ibid.*

<sup>99</sup> Warner, *Generals in Gray*, 241.

Yet, Pillow's attitude was representative of the sentiments of other southerners who visualized rebellion as a mistake and interruption of their lives, and expected matters to be restored to status quo antebellum. Pillow was not the only one who failed to recognize or consciously ignored the magnitude of his treason.

Johnson's isolation from the ex-Rebels and his unfamiliarity with their hardships explain his initial diatribes against their crimes of treason and war. Scarcely anyone could have predicted the throng of Southerners who would descend on the nation's capital and their relentless pleadings and agonizing tales of illness, poverty, and loss of property. Soon Johnson's stern position on pardon and amnesty eroded.

Peter W. Hairston of David County, North Carolina, traveled to Washington, to meet with Johnson and to urge a pardon for his father, uncle, and brothers-in-law. At the time Hairston met with the President, he had not yet initiated the paper work for his own pardon. During this first, brief meeting, Johnson instructed Hairston to place the pardon applications on the table, but not before he asked Hairston to list the names of the petitioners and state his relationship to each. Hairston thought the President asked that question to verify that Hairston was not a pardon broker. After this interview on September 18, 1865, Hairston composed his own pardon application and contacted Governor Holden for an endorsement.<sup>100</sup>

Ten days later, Hairston informed his wife that his pardon had proceeded through the Attorney General's office and now the challenge was to place it before Johnson. So great was the number of pardon applications that Johnson told the Attorney General to stop sending them to the White House for the moment. Even

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<sup>100</sup> Peter W. Hairston to Fanny, September 19, 1865, Peter W. Hairston Papers, SHC.

with the hundreds of petitions and multitude of people demanding the president's attention, Hairston managed to obtain another interview. Hairston updated the President as to the progress of his application, emphasizing that Governor Holden had approved it and the Attorney General's office had also cleared it. Then, Hairston inquired if Johnson would issue a special order to have the papers forwarded to the White House. Johnson answered, "Sir, I am very much pressed with business." Still, Hairston pressed his case saying, "It would be very gratifying to my family, if I could carry my pardon home with me." In reply Johnson acknowledged, "There are a great many here sir, just in your situation." Then the President questioned Hairston about the location of his home and briefly reminisced about his own times in North Carolina, specifically Davidson County, momentarily confusing it with David County, where Hairston resided. Hairston then flattered the President, recalling that Johnson's ". . . name was very familiar there [Davidson County] in the days of Jacksonian democracy." Visibly pleased, the President smiled and assured Hairston "I will do the very best I can for you." While Hairston did not obtain his own pardon at this time, he did collect the pardons belonging to his relatives which he had first presented to Johnson on September 18.<sup>101</sup>

Persistent, Hairston remained in Washington. While there, he encountered people from all regions of the country, including Texas, anxiously waiting for their pardons. He even chanced upon North Carolina men who vocalized their hostility towards Holden, who had marked their applications "suspended." Regardless, Hairston's determination never wavered. He explained to his wife, "I am resolved . . . to get mine before I leave here if it be possible. There is no telling what the Radicals

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<sup>101</sup> Hairston to Fanny, September 28, 1865, *ibid.*

of the North will do when Congress meets. So I want that pardon in my pocket."<sup>102</sup>

Hairston's patience was rewarded in early October when he received his pardon.

Regardless of the methods, President Johnson and governors Brownlow, Holden, and Worth all acted with the goal of restoring the southern states to their proper place in the Union. For President Johnson, a contrite note and an oath from a petitioner usually sufficed to merit a pardon. Since Johnson viewed rebellion as an intensely personal matter and never regarded the southern states as out of the Union, it made sense that this was all he required. Brownlow and Holden subscribed to a contrasting philosophy. Both governors wanted to prohibit ex-Rebels, especially those of prominent stature, from meddling in the reestablishment of the state government. In Tennessee, this objective took the form of franchise laws, while in North Carolina, Holden used his authority to suspend the petitions of those deemed adversaries. By the time Worth accepted office, the political advantage of endorsing all petitions was clear.

Both Tennesseans and North Carolinians cited similar reasons for sanctioning the Confederacy. States' rights, protection of slavery, shared identity with other southerners, and preservation of wealth had united educated, prosperous southerners against the government of their ancestors. Utter defeat, confusion, and destitution compelled them to turn again to Washington for relief. Eliza Fain expressed the paradox of southerners who desired to renounce their former ways, yet still held dear their "cause." She wrote, "We have surrendered as brave, noble, magnanimous citizens and as Christians are willing now to submit to 'powers that be.' We wait now

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<sup>102</sup> Hairston to Fanny, September 30, October 5, 1865, *ibid.* Hairston to Johnson, August 1, 1865, *Amnesty Papers* (M1003, Roll 39), N.C., Peter W. Hairston, RG94, NA. Hairston's pardon document said he was pardoned on September 22, 1865.

for the display of magnanimity to a fallen foe--who conscientiously [*sic*] felt and still feel they struggled for civil and religious liberty."<sup>103</sup>

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<sup>103</sup> Eliza Rhea Anderson Fain Diary, July 18, 1865, John Fain Collection, Lawson McGhee Library.

## Chapter 4

### The Great Mass of Rebels

Once the guns of war had been silenced and Rebel soldiers began to straggle home, southerners speculated about the future. Indeed, momentous events such as the assassination of Lincoln, the accession of President Johnson, and the conclusion of the war in such rapid succession had absorbed the energy and attention of the country's statesmen. Away from the nation's capital, in the mountains of Western North Carolina and East Tennessee, citizens eagerly anticipated guidance and assistance from their state and national leaders.

Even though the war had ended, pillaging, fighting, and danger persisted. Furthermore, the overthrow of the Confederacy did not deter Rebels who now attempted to garner civil office in the soon-to-be-restored states. A spokesman of the people of North Carolina's Wilkes, Caldwell, Ashe, and Watauga counties informed Governor William Holden that the citizens remained ignorant of the current status of affairs and that the loyal men in the communities required direction. The letter possessed a tone of urgency: its author warned, ". . . many original secessionists & later day fireaters are working themselves into meetings & are preparing to climb into the first offices that present themselves, provided they are allowed to do so." <sup>1</sup> In addition, the above-mentioned counties were plagued by bushwhackers and other unsavory characters illegally rounding up food and supplies. The solution, according to the spokesman was for Governor Holden to order one hundred cavalrymen to those suffering counties.

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<sup>1</sup> C.L. Saterson to W.W. Holden, June 8, 1865, Holden's official papers, North Carolina State Archives, Raleigh (hereafter cited NCSA).

Throughout the countryside of East Tennessee, broken bridges challenged travelers attempting to journey to Knoxville, where more than a quarter of the homes had been burnt. East Tennessee had witnessed rancorous fights between Rebels and Unionists from the moment the war commenced. So intense had the enmity been between the two competing groups that once the Confederate troops were posted in the area, Rebel sympathizers identified loyalists, who were then robbed and persecuted. Zealous secessionists also divulged the secret hideaways of conscripts and helped capture Union sympathizers. Four years had not dulled the memories of being driven from home and threatened with prison or death. Rather, feelings of resentment had smoldered and appeared with a degree of malevolence shocking to outsiders. Soon, reports circulated that returning Rebels should avoid East Tennessee, since the lately tyrannized Unionists were eager to subject ex-Confederates to the same mistreatment the loyal people had sustained.<sup>2</sup>

For instance, in Knox County, Unionists gained power after the war and exacted revenge on their former tormentors. During the early years of the rebellion, Confederate military officials had appropriated the property of loyal citizens. Since that time, the Rebels had departed the area and the victims experienced great privation. In many instances, the Unionists chose to retaliate against ex-Rebels regardless of whether those southern sympathizers had harmed Unionists. Even paroled Rebel soldiers journeying home received vicious threats.

Some disgruntled Unionists, under the guise of justice and civil order, even plotted to kill those men who had remained on the homefront and subscribed to the

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<sup>2</sup> Whitelaw Reid, *After the War: A Tour of the Southern States, 1865-1866*, ed. C. Vann Woodward (New York, 1965), 350-52; John T. Trowbridge, *The Desolate South, 1865-1866: A Picture of the Battlefields and of the Devastated Confederacy*, ed. Gordon Carroll (New York, 1956), 126.

Confederacy's aims. Fearing greater anarchy, terror, and senseless violence, petitioners in Knoxville warned Governor William G. Brownlow of the strife in their part of the state and stressed the importance of having citizens settle disputes in the civil courts, which were presently operating. In essence, the inhabitants of Knoxville and surrounding areas wanted Brownlow to persuade the vigilante element to have patience and to place faith in civil authorities and courts.<sup>3</sup>

For those remote from Knoxville and not fortunate enough to hear the warnings, a threatening, semi-literate, anonymous "Spetial [*sic*] Order No. 1" surfaced near New Market, Tennessee on July 24, 1865. This savage notice warned all "damned Rebels" to evacuate the area within ten days or "Thrasing *mashiens* [*sic*]" would destroy their crops and hickory "withs," "cowhids," and other devices would be implemented to scatter them. The menacing circular ended,

We are working by the order that you *theving* [*sic*] God forsaken hell deserving Rebels issued four years ago Union men and Rebels cannot live together which we find not altogether bogus.

At the end of the tirade, the closing read, "We are *vary respectivly* [*sic*] Old Soldier."<sup>4</sup>

In other parts of East Tennessee, inhabitants experienced persecution by ex-Rebels. Three gentlemen of Sequatchie County, for example, apprised Governor Brownlow of the turmoil engendered by guerrillas and bushwhackers. Since the late war had dissolved local civil government, the natives remained subject to the whims

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<sup>3</sup> W.G. Brownlow to Andrew Johnson, August 7, 1865, Brownlow's official papers, Tennessee State Library and Archives, Nashville (hereafter cited as TSLA).  
Petitioners, Knoxville, to Brownlow, May 18, 1865, *ibid*.

<sup>4</sup> Circular, T.A.R. Nelson Papers, McClung Historical Collection, Lawson McGhee Library, Knoxville, Tennessee (hereafter cited as Lawson McGhee Library).

and ambitions of disloyal men. In fact, the guerrillas had intimidated the citizens to the point where it was perilous to hold or even vote for civil office. While the county had earlier attempted to conduct an election, the informality of the affair persuaded authorities to dismiss the results. Now, the men implored the Governor to publish a decree for scheduling elections in the county in order to reestablish local government.<sup>5</sup> State governors, President Johnson, and Congress confronted the mammoth task of converting the nation from a war mentality to a spirit of reconciliation.

East Tennessee and Western North Carolina present an interesting case of Johnson's pardon and amnesty policy. Since the petitioners in these two areas resembled the majority of southerners who did not live on plantations, own slaves, or hold high political office, their letters to the president serve as a barometer and gauge of the postwar environment in their respective states. These residents were a key to Johnson's plan of reconstruction, since these men would elect delegates to state constitutional conventions, representatives to the state legislature and a governor, and in some cases, serve in local offices. After all the laws had been passed, promulgations from Washington circulated, and plans enacted for the reconstruction of states, the citizens in the counties of East Tennessee or Western North Carolina would abide by the federal mandates or offer resistance to federal directives and devise their own schemes. At a minimum, the states had to exhibit satisfactory progress and prove in some way that hard lessons had been learned from four years of civil war, and that the now chastened southerners would obey Northern guidelines.

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<sup>5</sup> William Heard, James C. Heard, and John Alley to Brownlow, May 4, 1865, Brownlow's official papers, TSLA.

The linchpin of Johnson's Reconstruction program was the pardon and amnesty process. The President and his clerks toiled over thousands of pardons in the summer and fall of 1865, eager to restore voting rights to southern men. After these men had renewed their loyalty to the Union, these erstwhile Rebels would participate in selecting delegates to a constitutional convention. The President's goal was to direct and complete Reconstruction before the Congress reconvened in December of 1865. The content of some pardon applications and the chaos reigning in East Tennessee and Western North Carolina confirmed some of the worst suspicions entertained by Northern politicians. Petitioners questioned the validity of treason charges, attempted to justify their rebellious course, and were reluctant to shed long-held notions about race.

The contrasting experiences of East Tennessee and Western North Carolina immediately before and during the Civil War account for the uniqueness of the pardon applications originating in each region. Commonly, East Tennessee petitioners assured the President that they had not harassed, persecuted, or injured Union sympathizers. But this pledge rarely appeared in petitions from Western North Carolina. Instead, supplicants from the mountain areas of North Carolina cited their association with the Confederacy and added that they supported the Richmond government by paying taxes and voting in elections. Yet another distinction was that most men in East Tennessee requested pardon from an indictment of treason, while ex-Rebels in Western North Carolina needed a pardon for working as postmasters, enrolling officers, tax collectors, and holding other minor official positions. Why did two regions with similar histories, economies, and political tendencies diverge during the Civil War?

Factors such as low slave population and political leadership influenced the voters of both East Tennessee and Western North Carolina.<sup>6</sup> On the eve of the Civil War, East Tennessee's slave population was 12.5 percent out of a total population of 298,881, and Western North Carolina's was 10.2 percent out of a population of 119,000. Thus, the lifestyle of the white population and their economy did not depend heavily upon the "peculiar institution." In fact, most mountain Unionists distrusted and disliked the slaveholding neighbors who exerted political, social, and economic influence in the region. The men in these areas who wrote in their petitions about protecting slavery as a justification for secession feared free blacks and the changes that would result in the South in the wake of abolition.<sup>7</sup>

Western North Carolina's main political leader, Thomas Clingman, a United States Congressman for thirteen years and later appointed United States senator in 1858, cast his lot with the Confederacy and led his constituents to do the same. State senators W.W. Avery, William Holland Thomas, and Marcus Erwin agreed with Clingman and touted the economic and military advantages of affiliating with the Confederacy. One line of argument was that if Tennessee and Virginia joined the Rebels and North Carolina remained in the Union, Western North Carolina's trade would suffer.

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<sup>6</sup>Oliver P. Temple, *East Tennessee and the Civil War*, (Cincinnati, 1899; reprint, Freeport, New York, 1971), 19, 218.

<sup>7</sup>John C. Inscoe, "Mountain Unionism, Secession, and Regional Self-Image: The Contrasting Cases of Western North Carolina and East Tennessee," in *Looking South: Chapters in The Story of An American Region*, eds. Winfred B. Moore, Jr. and Joseph F. Tripp, (Westport, Conn., 1989), 117; Phillip Shaw Paludan, *Victims: A True Story of the Civil War* (Knoxville, 1981), 58-59; Charles F. Bryan, Jr., "The Civil War in East Tennessee: A Social, Political, and Economic Study" (Ph.D. diss., University of Tennessee, 1978), 12.

When Tennesseans went to the polls in February of 1861, East Tennesseans overwhelmingly voted against holding a convention. Throughout the early months of 1861, Western North Carolina voters differed sharply as to whether their state should organize a convention. Armed men guarded the ballot boxes in Henderson County, North Carolina, and clerks recorded the names of men who cast a ballot for a Unionist delegate.<sup>8</sup> Ft. Sumter, Lincoln's summons for troops, and Virginia's secession convinced the Old North State to withdraw on May 20. While these events gave some East Tennesseans pause, 33,000 of them voted against secession on June 8, while fewer than 15,000 voted for the Confederacy.<sup>9</sup>

Historian John Inscoe has argued that these differing courses of action can be attributed to the way each region perceived itself in relation to its state, the South, and the nation at large. As the earliest settled part of the state, East Tennessee had watched its political influence rise and fall as the more prosperous, slaveholding regions of Middle and West Tennessee developed. Middle and West Tennessee, Democratic strongholds, began to dominate politics and reap great wealth from cotton and tobacco plantations. East Tennessee remained poorer, harbored feelings of inferiority, and preferred Whig politicians who championed internal improvements. Furthermore, East Tennesseans believed that the government in Nashville ignored them by not allocating enough funds for railroads and other projects in their region. East Tennesseans demonstrated their degree of disenchantment in 1841-42 when a few politicians tried to dissolve ties with the rest

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<sup>8</sup> Paludan, *Victims*, 57.

<sup>9</sup> Inscoe, "Mountain Unionism," 119-20.

of the state and form a new entity named Franklin. This largely symbolic effort failed, but clearly conveyed the frustration of the residents in the East.<sup>10</sup>

Western North Carolina, on the other hand, entertained a more progressive outlook, considered itself an integral part of the state, and recognized the potential for economic improvement. The region produced a variety of crops and herded livestock. In addition, people from other states, especially South Carolina, flocked to the summer resorts and mineral springs in the mountains. Western North Carolinians did not lead insulated lives but exchanged ideas and information with visitors and traders. Still, the mountain residents voiced complaints similar to those of their East Tennessee neighbors. The western region was the most recently settled part of the state and also felt neglected by its capital. In addition, the eastern and western areas of the state disagreed over issues such as expanding suffrage and providing monies for internal improvements. Inscoc believes the primary difference between Western North Carolina and East Tennessee is that the residents of North Carolina did not remain hostile towards the rest of their state, but linked their future with the convention's decision to unite with the rest of the southern states.<sup>11</sup>

Like East Tennessee, Western North Carolina experienced the havoc created by army deserters and bushwhackers. Throughout the war men dodging conscription and former soldiers secreted themselves in the wilderness and emerged to ransack homes and snatch the possessions of residents. While many of the men of Western North Carolina had eagerly joined the Rebel army at the start of the war, that

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<sup>10</sup> Ibid., 115, 125; Verton M. Queener, "East Tennessee Sentiment and the Secession Movement, November, 1860-June, 1861," *East Tennessee Historical Society's Publications* 20 (1948): 65, 70, 73.

<sup>11</sup> Inscoc, "Mountain Unionism," 125-26.

enthusiasm had waned by 1862, especially after the Confederate Congress enacted a draft law in April 1862. The new law designated all physically able men between the ages of 18 and 35 as eligible for conscription. The people of Western North Carolina disliked the new law, since so many of their young men had already left the farms to fight. Now these residents feared a greater lack of manpower would result in poor crops and food shortages. Secondly, men had enlisted in the Confederate army to fight "for the right to be left alone." Now, the Confederate government wanted to compel men to fight. This conscription law further encouraged men to desert the army and return home to help their families.<sup>12</sup> While North Carolina had provided the most troops to the Confederacy, it also led the southern states in the number of desertions, with more than 24,000 soldiers and officers absent from the Rebel army. Interestingly enough, Tennessee was second in the number of abandoned posts. Naturally, many of these deserters returned to their native towns and villages. For example, by late 1862 the large number of deserters in North Carolina's Yadkin and Wilkes counties jeopardized the elections, and Rebel troops moved into the area to prevent any skirmishes. Henderson and Cherokee counties, also in the Old North State, harbored so many army deserters that these erstwhile soldiers exerted de facto control over the area.<sup>13</sup>

After the war, Confederate army deserters and men who had avoided conscription continued to hide in the woods and descend upon communities in order to steal and plunder. Men such as these ignited a riot in August 1865 in Hendersonville, North Carolina. The day the riot occurred had been the designated

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<sup>12</sup> Paludan, *Victims*, 68-69.

<sup>13</sup> *Ibid.*, 70-71.

day for citizens to take the amnesty oath. Every man who had championed the southern cause and had surfaced to repledge his loyalty to the Union was herded to the woods by a vindictive band of ex-Rebel soldiers and draft dodgers. There, approximately twelve men suffered beatings. Then, twenty-five rowdies armed with pistols and clubs tramped the streets, hauling men out of their homes and beating them.<sup>14</sup>

Even though the Civil War had ended with the Confederacy's defeat, Union sympathizers still courted danger if they were too vocal about their loyalties. After the war, ex-Rebels menaced Unionists by charging the loyalists with crimes and taking them to court. For instance, in Caldwell County's Superior Court, the grand jury returned a total of 180 true bills, with 145 directed against Union men. Some of these indictments pertained to Unionists who acted according to the dictates of the federal army by recruiting soldiers, gathering horses, and securing provisions. In November 1865, J.E. Lindsay, a blacksmith and a justice of the peace, intervened in a fracas between ex-Rebels and Unionists to keep the peace and to prevent the son of a former Confederate from being harmed. In an ironic twist of fate, the father of the young man later pressed charges against Lindsay for assault. Unfortunately, the Union men who participated in the brawl had fled the county immediately after the melee. In another case, a former federal lieutenant in a Tennessee cavalry regiment

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<sup>14</sup> W.L. Love to Jonathan Worth, May 19, 1866, Worth's official papers, NCSA. For a discussion of the hostilities between Rebels and Unionists in Western North Carolina see Martin Crawford, "The Dynamics of Mountain Unionism: Federal Volunteers of Ashe County, North Carolina," in *The Civil War in Appalachia: Collected Essays* eds. Kenneth W. Noe and Shannon W. Wilson (Knoxville, 1997), 55-77.

who made his home in Watauga County discovered indictments against him for taking horses.<sup>15</sup>

Most petitioners from North Carolina's mountain counties requested pardon for holding offices such as postmaster, tax assessor, enrolling officer, and other similar posts. The pardon applications from Western North Carolina expressed the identical reasons cited by Tennesseans for joining the Confederacy. Lincoln's summons for troops and North Carolina's secession ordinance convinced men to unite their futures with their state and the South.<sup>16</sup> Other petitioners believed the southern cause was right and did not abandon hope of a Confederate victory until the surrender of Generals Lee and Johnston.<sup>17</sup> Most important, the preservation of slavery did not surface as a motivating factor in the petitions, since that institution was not vital to Western North Carolina's economy. Mountain men who rushed to join southern armies held the conviction that a state had the right to choose its own

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<sup>15</sup> E.A. Carr, Major 5th U.S. Cavalry Brevet Colonel, USA, Memorandum taken during expedition pursuant to Special Orders No. 11, June 22, 1866, Worth's official papers, NCSA.

<sup>16</sup> Boone to Johnson, July 13, 1865, Amnesty Papers (M1003, Roll 37), N.C., E.M. Boone, RG 94, National Archives, (hereafter cited NA). Burnett to Johnson, September 25, 1865, Amnesty Papers (M1003, Roll 37), N.C., Barnett Burnett, RG 94, NA. Jones to Johnson, September 21, 1865, Amnesty Papers (M1003, Roll 40), N.C., W.D. Jones, RG 94, NA. Boone was pardoned on August 15, 1865. Burnett received his pardon on February 1, 1866. The President pardoned Jones on October 10, 1865.

<sup>17</sup> Allman to Johnson, November 15, 1865, Amnesty Papers (M1003, Roll 37), N.C., Allman, RG 94, NA. Butler to Johnson, no date, Amnesty Papers (M1003, Roll 37), N.C., Thomas A. Butler, RG 94, NA. Robinson to Johnson, September 12, 1865, Amnesty Papers (M1003, Roll 42), N.C., James L. Robinson, RG 94, NA. Allman was pardoned on January 1, 1866. Butler received his pardon on October 6, 1865 and Robinson was pardoned on November 7, 1865.

course without the interference of the federal government. Of course, there were men who chose to fight on the side of the Union, and traveled to other states to join the federal army.<sup>18</sup>

Few men could remain neutral, and many accepted minor assignments in the Confederacy to avoid military duty. A resident of Caldwell County, for example, served as Confederate tax assessor to avoid service in the Rebel army but claimed he had not given aid to the southern armies except that which was prompted by humanity or in obedience to laws.<sup>19</sup> A Confederate postmaster in Wilkes County who claimed to be a devoted Union man and "lover of the Constitution" took that office in order to avoid conscription. He did not surrender his loyalist proclivities when he was postmaster, he said, but used the opportunity to spread Unionist viewpoints. Now, he hoped to obtain a pardon to allow him to cast his ballot in the next election for Union men.<sup>20</sup>

Several petitioners in Western North Carolina spoke of "uncontrollable circumstances" which prompted them to relinquish their loyalist tendencies. One man had corresponded with William G. Brownlow, even after North Carolina had seceded, seeking advice on how to sustain Unionism in the Old North State. Three times, the Confederate government offered this petitioner the job of district tax collector, and on the fourth time he accepted it in order to support his large family.<sup>21</sup>

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<sup>18</sup> Ora Blackmun, *Western North Carolina: Its Mountains and Its People to 1880* (Boone, 1977), 335-36.

<sup>19</sup> Ballew to Johnson, July 27, 1865, *Amnesty Papers* (M1003, Roll 37), N.C., J.G. Ballew, RG 94, NA. Ballew received a pardon on August 21, 1865.

<sup>20</sup> McGrady to Johnson, August 7, 1865, *Amnesty Papers* (M1003, Roll 40), N.C., Patrick R. McGrady, RG 94, NA. McGrady was pardoned on August 29, 1865.

<sup>21</sup> Abernathy to Johnson, July 15, 1865, *Amnesty Papers* (M1003, Roll 38), N.C.,

Joseph R. Ballew of Caldwell County began his letter by claiming that he is and was, ". . . a firm and unwavering friend of the Union of the States and did all in his power to preserve it intact." Yet, factors forced him to join the Confederates. After resigning the captaincy of a company, Ballew returned home and sought the office of postmaster, which he administered from 1862 to the close of the war. Still, this job did not shield him from service in the home guard unit for the county's defense. He was appointed major of a battalion and fulfilled his obligations, even though he found it "disagreeable" and "repugnant."<sup>22</sup> Some men had to hold a Confederate office so as not to arouse the suspicion of neighbors. A seventy-four year old applicant from Alleghany County who had been postmaster at Glade Creek since 1854 claimed that he had no choice but to continue under the Rebel government. Although he opposed secession, he held onto the postmastership in order to save his life, since he was reported several times for being a Unionist.<sup>23</sup>

Often, ex-Confederates ended their pardon petitions with a pledge to renew their loyalty to the Federal government. An applicant from Wilkes County, North Carolina insisted that he was too much of a Union man to swear an oath required by the Confederate government to hold the office of postmaster. Upon his declining the post, the army conscripted him, but he hid himself and avoided service.<sup>24</sup> Yet

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R.L. Abernathy, RG 94, NA. Abernathy received a pardon on July 22, 1865. Abernathy makes the claim that he corresponded with Brownlow, but there is no evidence in his pardon file.

<sup>22</sup> Ballew to Johnson, July 15, 1865, Amnesty Papers (M1003, Roll 37), N.C., Joseph R. Ballew, RG 94, NA. Ballew was pardoned on August 15, 1865.

<sup>23</sup> Carson to Johnson, no date, Amnesty Papers (M1003, Roll 37), N.C., Andrew Carson, RG 94, NA. Carson received a pardon on November 7, 1865.

<sup>24</sup> Holbrook to Johnson, no date, Amnesty Papers (M1003, Roll 39), N.C., James M.

another self-proclaimed Union man continued to carry the mail " . . . for the usurped Government of Jeff. Davis, but his heart and hand was another way." His aim was to avoid conscription. Now, he implored Johnson to issue a swift pardon to allow him to vote for strong Union men in the next election.<sup>25</sup> These men and others like them wanted to acknowledge their mistakes and convey their eagerness to return to the Union. David Blackwell of Buncombe County, North Carolina supported the Democratic party and believed in the right of secession. Unable to fight, Blackwell served the Confederacy as a tax assessor, paid taxes, and voted in elections. However, as the war raged, Blackwell lost faith in the ideas that had prodded him to advocate the Confederacy. In fact, he claimed that he hoped for the return of the Union months before the South was defeated.<sup>26</sup>

Unlike the situation in East Tennessee, where more than two hundred men faced indictments for treason and aid and comfort, only two applications from Western North Carolina mentioned treason charges and both of these men had been indicted at the federal court in Knoxville. One petitioner joined the Confederate army in Roane County, Tennessee. Later, he affiliated with Colonel William Holland Thomas's legion and served as a captain until the end of the war. Still, the Confederate veteran defended his deeds by claiming that the South's objectives were just and right. Of course, now he desired to return his allegiance to the United

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Holbrook, RG94, NA. The President pardoned Holbrook on January 5, 1866.

<sup>25</sup> Harrald to Johnson, August 18, 1865, Amnesty Papers (M1003, Roll 39), N.C., Emanuel Harrald, RG94, NA. Harrald was pardoned on November 7, 1865.

<sup>26</sup> Blackwell to Johnson, July 3, 1865, Amnesty Papers (M1003, Roll 37), N.C., David A. Blackwell, RG94, NA. Johnson pardoned Blackwell on July 3, 1865.

States.<sup>27</sup> The second man, a Confederate soldier who enlisted in 1861 as a private and later became a captain, claimed he was indicted for treason when he brought a dispatch announcing an armistice to Knoxville. The supplicant further remarked that he was imprisoned and indicted after President Johnson repudiated the supposed armistice, thereby continuing the war. After the young man explained his situation, his captors released him on bail, and he returned home to North Carolina.<sup>28</sup>

Most petitioners who held minor offices under the Rebels gained the governor's recommendations. However, in four mundane cases Governor Holden recommended a suspension of pardon. One petitioner was a Democrat, a states rights supporter, and worked as a postmaster. Another supplicant sought pardon for holding the post of tax collector and vowed he had not assisted the Rebel army except at times when humanity or laws dictated. The third applicant was a tax assessor, a member of a local company at Asheville, and a vocal supporter of the war; and the final petitioner had fought in the southern army and later labored in the Confederate Financial Depository in Asheville. Further, this last applicant supported the rebellion by voting and paying taxes and hoped for its success. Since the venture failed, he claimed to have "truly" and "sincerely" renewed his loyalty to the United States.<sup>29</sup>

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<sup>27</sup> Butler to Johnson, no date, Amnesty Papers (M1003, Roll 37), N.C., Thomas A. Butler, RG 94, NA. Butler was pardoned on October 6, 1865.

<sup>28</sup> Love to Johnson, July 18, 1865, Amnesty Papers (M1003, Roll 40), N.C., M.H. Love, RG 94, NA. Love received his pardon on October 6, 1865.

<sup>29</sup> Carter to Johnson, July 7, 1865, Amnesty Papers (M1003, Roll 37), N.C., John A. Carter, RG 94, NA. Clarke to Johnson, July 27, 1865, Amnesty Papers (M1003, Roll 38), N.C., C.W. Clarke, RG 94, NA. Gaines to Johnson, July 9, 1865, Amnesty Papers (M1003, Roll 39), N.C., M.M. Gaines, RG 94, NA. McDowell to Johnson, July 7, 1865, Amnesty Papers (M1003, Roll 40), N.C., William W. McDowell, RG

While pardon applicants naturally dismissed the extent of their alliance with the Confederacy, thereby hoping to attain a swifter pardon, the fact remained that these men had transferred their allegiance to an enemy of the United States. And though some men soon received favorable replies to their petitions from President Johnson, a pardon did not suggest that an ex-Rebel was now fit for office. In fact, the President was disheartened when word reached him that former Confederates held offices. Johnson urged state governors to silence the insinuations that Union men had been ignored for various posts and former Confederates appointed to local offices. The president's ideal officeholders possessed no taint of Confederate sympathies and had persevered in faithfulness to the Federal government.<sup>30</sup>

The objective of entrusting steadfast Union men with local and state authority was to guarantee the rebuilding of loyal state governments and decrease the prospects of a revived rebellion or a return of recalcitrant officials. Of course, theory rarely translates into practice. All the pronouncements emanating from Washington and southern state capitals did not prevent ex-Rebels from accepting offices or deter voters from electing them. A vast number of literate, educated, and civic-minded men had affiliated with the southern independence movement, and these citizens were in many cases needed to administer the duties of justice of the peace, postmaster, and other positions which required reading ability or familiarity with law. In the North Carolina mountains, many erstwhile Confederates managed to acquire local offices.

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94, NA. On June 15, 1867, Carter, Clarke, Gaines and McDowell were pardoned.

<sup>30</sup> Circular to Provisional Governors, August 22, 1865, in LeRoy P. Graf et al., eds., *The Papers of Andrew Johnson* (15 vols. to date, Knoxville 1967- ), 8: 639.

Ensnared in Raleigh, Holden relied on acquaintances throughout the state to assist him in identifying loyal men and settling these new appointees into office. One of Holden's contacts, Augustus S. Merrimon, had the responsibility of certifying and reestablishing courts in several Western North Carolina counties. In fact, one of the new justices of the peace in Jackson County was John L. Potts, who had worked as postmaster of the county to evade Confederate conscription. What is fascinating is that Potts received his new appointment in July 1865, but did not compose a pardon application until September 22 and was not pardoned until November 7.<sup>31</sup>

Obviously, Potts's offense had not been enough to preclude him, and he had been sufficiently penitent to swear the oath of allegiance. Two other men who had initially been commissioned as justices of the peace were dismissed by the county commissioners when they refused to take the oath and continued to champion the goals of the Confederacy.<sup>32</sup>

The selection of ex-Rebels to occupy offices was common throughout North Carolina. While Holden vociferously condemned the practice, he remained powerless to enforce a strict provision that only Union men should attain places of trust. Furthermore, Holden relied on friends and acquaintances to oversee the commissioning of various local and county officers. On July 19, Holden notified R. Swann, the commissioner of Cleveland County, that the governor's office had heard complaints of southern sympathizers, rather than loyal men, gaining offices. In this case, Holden deemed the acts of the magistrates heretofore appointed to be void.

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<sup>31</sup> A.S. Merrimon to W.W. Holden, July 21, 1865, Holden's official papers, NCSA; Potts to Johnson, September 22, 1865, Amnesty Papers (M1003, Roll 42), N.C., John L. Potts, RG 94, NA.

<sup>32</sup> A.S. Merrimon to W.W. Holden, July 21, 1865, Holden's official papers, NCSA.

The governor then appointed new justices and reminded Swann of the rules: no man could qualify for office if he was included in any of the fourteen exceptions to Johnson's amnesty proclamation and had not received his pardon.<sup>33</sup> Most likely, Holden chose to respond forcefully in this matter, because he had reliable information on the state of affairs in Cleveland County. However, either a lack of public protest or the realization that there was no alternative to the present course convinced Holden to refrain from interfering in other counties. In Alleghany, Ashe, Buncombe, Burke, Caldwell, Haywood, Jackson, Madison, Watauga, and Wilkes counties, twenty-two Confederate postmasters, one mail contractor, four tithe collectors, five tax assessors, one agent to collect arms, and five men embraced in the thirteenth exception succeeded in obtaining appointments to serve as justices of the peace, commissioners, and court clerks in their respective counties.<sup>34</sup> These men received their appointments in the summer of 1865, when many had not yet received a pardon.<sup>35</sup>

Once knowledge spread of the selections for justices of the peace, a few citizens in Western North Carolina voiced their objections to Governor Holden and President Johnson. For instance, in Wilkes County, residents seethed at the choice of

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<sup>33</sup> W.W. Holden to R. Swann, July 19, 1865, *ibid.*

<sup>34</sup> State Documents for justices of the peace, June 24, 26, July 1, 5, 19, August 1, 2, 3, 7, 21, *ibid.*

<sup>35</sup> Alfred M. Finley of McDowell County requested a pardon from Johnson on account of his service as a Rebel assessor. Finley also mentioned that he had been reelected county court clerk, a post he had held fifteen to twenty years prior to the war, and he needed a pardon to enter the office. Finley to Johnson, November 25, 1865, Amnesty Papers (M1003, Roll 38), N.C., Alfred M. Finley, RG 94, NA. Finley was pardoned on February 1, 1866.

two disloyal men who would now preside over them as justices of the peace. In fact, one of the men had taken up arms and persecuted Unionists during the war. Not surprisingly, the loyal citizens refused to submit to his authority.<sup>36</sup> William Pickens of Buncombe County wrote to President Johnson and Governor Holden detailing the political climate in his county. Men who had avoided choosing a side during the war now emerged as civil leaders recommending men who pretended to be loyal but secretly continued to espouse southern sympathies. Pickens declared the goal of this perfidious scheme was ". . . to defeat the true designs of the Federal government, & its Executives. . . ." Then, he questioned the wisdom of swearing oaths, asking, ". . . will an oath taken Reform & Regenerate qualify & prepare them to rule us." Pickens's greatest fear concerned the ease with which Rebels might grasp control and terrorize the Unionist minority.<sup>37</sup>

By twentieth-century standards the office of the justice of the peace seems innocuous enough, yet in nineteenth-century America, these civil servants wielded much authority. In antebellum times, local assemblymen nominated justices of the peace, who were then certified by the state legislature. It was quite a privilege, given that the justice of the peace might hold his office for life. The duties of a justice included supervising the local magistrate courts, serving on the county courts, and summoning whomever he chose for jury duty. The justice of the peace exerted great control over the political environment and law and order in the community.<sup>38</sup> Thus, Unionists were right to be alarmed when ex-Confederates gained such an office.

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<sup>36</sup> Martin Lipps to C.J. Coles [*sic*], August 5, 1865, Calvin J. Cowles Papers, NCSA.

<sup>37</sup> William Pickens to Johnson, August 26, 1865, Holden's official papers, NCSA.

<sup>38</sup> Paludan, *Victims*, 23-4. For a discussion on judges and courts, as well as other elements of state government, see Ralph A. Wooster, *Politicians, Planters and Plain*

Holden walked a tightrope, trying to incorporate loyal citizens into the provisional government and simultaneously encouraging former secessionists to renew their devotion to the Union. While Holden did not envision ex-Confederates shepherding the state back into the nation, he did not foresee punitive measures, admitting, "I would not proscribe them or persecute them, but on the contrary I am glad to see them ranging themselves on the side of the Union."<sup>39</sup>

Hostility continued to exist in Western North Carolina for several months after the war had ended. Clashes between soldiers and civilians also plagued Asheville, North Carolina. Former Confederate governor Zebulon B. Vance apprised Governor Worth of the lawless behavior of intoxicated Union troops stationed in the town. These soldiers shot their pistols at homes and trees, broke fence rails, slaughtered hogs, and even cursed Vance. Vance's primary concern was that enraged, paroled southern soldiers might attack the Federal troops. His advice was either to remove them or to appoint a competent commander to regulate their actions.<sup>40</sup>

In fact, the accounts of atrocities plaguing the mountain counties persuaded Governor Jonathan Worth to designate a commission in the summer of 1866 to visit the area and record the findings. Major Frank Wolcott and Brevet Colonel E.A. Carr traveled to the western counties in July 1866 and split up in Watauga County. Wolcott gathered information in Watauga, Caldwell, and Burke counties and found

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*Folk: Courthouse and Statehouse in the Upper South, 1850-1860* (Knoxville, 1975).

<sup>39</sup> W.W. Holden to W.A. Albright, August 31, 1865, Holden's official papers, NCSA.

<sup>40</sup> Zebulon B. Vance to Jonathan Worth, February 6, 1866, Worth's official papers, NCSA.

that numerous Unionists had been indicted. Frequently, these indicted men had acted according to instructions given by commanding officers of the Federal army. Most of these men had served the Union forces as recruiting officers, mustering soldiers, and amassing foodstuffs, and horses.

During the Civil War, Unionists in these counties comprised a minority and suffered at the hands of Rebels. One of the most frightful cases concerned a Unionist, Austin Coffee, who was above conscript age. A band of home guards, operating under the belief that Coffee concealed Rebel deserters and escaped prisoners of war, arrested him. Coffee managed to escape the guarded premises, and while still bound hand and foot, hobbled off into the very cold night. Later, home guards recaptured him and shot him to death, even though he was too cold and weak to put up resistance or even to stand. The men threw Coffee's body over a fence where hogs mangled and tore the corpse. The perpetrators of this gory crime were well known, yet no indictments were brought against them.<sup>41</sup>

Unable to defend themselves or their property, loyalists slipped away from their homes to the safety of the mountains or the Union army. While these Unionists were refugees, Rebel neighbors seized or ravaged their property. Once the loyalists returned, they recognized the extent of damage and the great poverty facing them. They saw no hope of justice in a court of law, for grand jury members in these counties had achieved notoriety as leading Rebels. In fact, the foreman of one grand jury taunted a Unionist by bragging that a Tory need not appeal to a court of law, since he would not receive justice. Meanwhile, grand juries ignored barbarities

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<sup>41</sup> Report of Frank Wolcott to Jonathan Worth, July 18, 1866, Worth's official papers, NCSA.

committed by ex-Rebel soldiers and their civilian collaborators, even though their cruel acts were common knowledge.<sup>42</sup>

During the previous grand jury session, Unionists registered their protestations to the solicitor of the district about the acts of home guards who had destroyed the property of loyalists and had jailed women in order to coerce them to disclose the hiding places of male relatives. However, the court records showed that the grand jury took no action on these cases. According to Wolcott, immediately after the war magistrates in these counties were Union men, but they had since been removed and replaced by ex-Rebels. In order to rectify the unjust political situation, Wolcott recommended that a board of officers investigate the cases in these counties.<sup>43</sup>

Meanwhile, Wolcott's companion E. A. Carr scouted out conditions in Caldwell, Watauga, Mitchell, McDowell, and Burke counties. Carr's visit was brief since his commanding general allowed less than two weeks to complete the trip. Thus, Carr did not visit Buncombe and Clay counties. Like Wolcott, Carr reported tensions between Unionists and former Confederates. Southern sympathizers indicted Union men out of spite and had willing accomplices in the petit juries, the judges, and other court officials who readily agreed with the accusers. The inability to receive justice in civil courts inspired Unionists to request trials before military officers or other unbiased parties. Carr also arrived at the same conclusion as Wolcott; namely, one or more military commissions should scrutinize all cases, deposing both sides. In addition to the anxiety caused by the threat of prosecution,

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<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

residents lived in fear of a group of bandits who descended from the mountains periodically to steal and murder. Former Union and Confederate soldiers, along with men who had never enlisted, comprised this band, which roamed back and forth between Tennessee and North Carolina.<sup>44</sup>

Various interviews conducted by Wolcott and Carr revealed the despair and fears of Unionists. Governor Worth apparently did not alleviate the crisis, for John C. Robinson, the Brevet Major General in command of Federal forces in North Carolina, sent a sharp letter to Worth in late August 1866. Robinson wrote, ". . . your Excellency refuses to render me any assistance or information or cooperate with me in any manner in the protection of former Union soldiers and 'loyal citizens.' I am compelled to take action on such information as I may receive from other sources. . . ."<sup>45</sup>

The unsettled conditions in the mountains constituted only one of many crises that confronted Governor Worth. Once the provisional government expired, the various appointed officials lost their positions. Now, Worth encountered the same challenge that Holden had faced in selecting loyal men to aid in the rebuilding of the state. The daily pressures and responsibilities incumbent on Worth in Raleigh prevented him from traversing the state and hand-picking qualified men to discharge local offices. Rather, the Governor, like Holden before him, relied on friends and acquaintances scattered throughout the Old North State to execute this task.

While Western North Carolina and East Tennessee experienced chaos and acts of revenge, the overwhelming majority of citizens in Middle and West

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<sup>44</sup> E.A. Carr to J.A. Campbell, July 18, 1866, *ibid.*

<sup>45</sup> John C. Robinson to Jonathan Worth, August 31, 1866, *ibid.*

Tennessee remained immune from vigilante justice since most had fervently endorsed the Confederacy. In fact, the absence of a significant Unionist core in Middle and West Tennessee reduced the likelihood that Unionist neighbors would present charges of treason, conspiracy, and aid and comfort against Confederate sympathizers. Rather, these former southern partisans could concentrate on recouping their antebellum stature and anticipating the future, instead of being mired in quarrels like their brethren in East Tennessee.<sup>46</sup>

Only four men in West Tennessee, all Shelby County residents, found themselves under indictment for treason or conspiracy. J.C. Holland of Memphis had participated in the war for six months before requesting a discharge. Even though he returned home and took no other part in the rebellion, he was indicted for treason in 1864, arrested in February 1865, and was held to a bail of \$10,000.<sup>47</sup> The other three West Tennesseans (who did not possess great wealth or administer a prestigious civil office) requested amnesty on the basis of working as a Rebel receiver, Confederate postmaster, and Rebel clerk of court.<sup>48</sup>

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<sup>46</sup> For a discussion of Middle Tennessee's experience during and after the Civil War see Stephen V. Ash, *Middle Tennessee Society Transformed, 1860-1870: War and Peace in the Upper South* (Baton Rouge, 1988).

<sup>47</sup> Holland to Johnson, August 1865, Amnesty Papers (M1003, Roll 49), Tenn., J.C. Holland, RG 94, NA.

<sup>48</sup> Jackson to Johnson, December 7, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Howell E. Jackson, RG 94, NA. Sinclair to Johnson, July 10, 1865, Amnesty Papers (M1003, Roll 51), Tenn., B.A. Sinclair, RG 94, NA. Talbot to Johnson, August 14, 1865, Amnesty Papers (M1003, Roll 51), Tenn., James L. Talbot, RG 94, NA. Jackson received a pardon on January 26, 1866. Sinclair was pardoned August 2, 1865, and Talbot was granted a pardon on October 2, 1865.

Middle Tennessee had forty-four petitioners covered by the twelfth exception. Even though some of these men differed from the educated, prosperous Rebels who had petitioned the president on the basis of the third, fifth, eighth, and thirteenth exceptions, they echoed some of the same reasons as their social betters for joining the southern independence movement. Robert C. Foster III of Nashville, indicted for treason, apprised Johnson that, "The institution of slavery was the great bone of contention between the North and South---our all was at stake, but we lost the game we played. . . ."49

Yet another similarity concerned the men who had initially supported the Union, then ceded their allegiance to the Confederacy. Montgomery County resident Cave Johnson had been a Union candidate for the state senate representing Robertson, Montgomery, and Stewart counties at the February 1861 election. He continued to uphold the Union cause until Lincoln's summons for troops and Tennessee Governor Isham Harris's refusal to abide by the order. While Cave Johnson's advanced age precluded him from actively participating in the Civil War, he did confess to expressing his views on the war whenever neighbors inquired. But Johnson recognized the swiftly changing fortunes of the nascent southern nation, and when the Union commander General William S. Rosecrans invited citizens to take an oath of allegiance in December 1862, Johnson complied. The benefits of swearing the oath included protection of persons and property.<sup>50</sup>

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<sup>49</sup> Foster to Johnson, July 4, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Robert C. Foster III, RG 94, NA. Foster received a pardon on October 30, 1865.

<sup>50</sup> Cave Johnson to Johnson, August 10, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Cave Johnson, RG 94, NA. Johnson was pardoned on August 19, 1865. Cave Johnson was a familiar name in Democratic circles, having served as Postmaster General during President James K. Polk's administration. Initially a Unionist, Johnson sided with his state when it seceded and maintained that two separate

One distinct difference between the treason indictments in Middle and East Tennessee was that the men charged with treason and conspiracy in Middle Tennessee had had a more direct role in the rebellion. One petitioner insisted he had not enrolled in the army, but served for a brief time as a volunteer aide to General Nathan Bedford Forrest. Later, he received an appointment from the Governor and the General Assembly to act as Commissioner for the state and negotiate business matters with the Provisional Army. For these activities he was indicted at the federal court in Nashville for "inciting rebellion."<sup>51</sup> Another petitioner was arrested and charged with treason owing to his service as a lieutenant colonel and later colonel of a regiment. The allegations stated that his command of the regiment resisted the laws of the United States and its armies.<sup>52</sup>

Clearly, these men and others did not understand what constituted treason. For instance, Leonard Myers of Maury County declared he was not guilty of the charge of conspiracy. Next, he chronicled his wartime activities such as voting for secession in June 1861, giving half a dozen speeches urging others to vote likewise, and later enrolling as a private in the army. Yet, Myers assured the President that his course during the war was due to "principle" and "duty of conviction." By February 1865, Myers relinquished his "convictions" and swore the oath specified by President

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nations, North and South, might have been beneficial for the interests of each (Graf et al. eds., *Papers of Johnson*, 8: 556-57).

<sup>51</sup> Dunnington to Johnson, August 11, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Frank C. Dunnington, RG 94, NA. Dunnington was pardoned on August 18, 1865.

<sup>52</sup> Goodner to Johnson, September 28, 1865, Amnesty Papers (M1003, Roll 49), Tenn., John F. Goodner, RG 94, NA. Goodner received a pardon on October 27, 1865.

Lincoln. Still, this did not avert an indictment.<sup>53</sup> Dr. F.W.A. Ramsey of Nashville explained his motivation for associating with the Confederacy as the "force of circumstances" and "a sense of duty real or presumed." On May 26, 1865, Ramsey swore the oath prescribed by Lincoln, and was subsequently arrested on charges of treason and aid and comfort. Evidently, Ramsey's course had been mild for Governor Brownlow endorsed his petition, writing, "I know Dr. Ramsey to have been kind to Union men—to have protested against all cruelty by the rebels, and he was one of my Physicians while I lay in jail."<sup>54</sup>

That Middle Tennessee was a safer haven for ex-Confederates was evidenced by the petitions of men residing in that region, after the war, but indicted for treason at the federal court at Knoxville. N.R. Meroney relocated to Maury County in Middle Tennessee after the war. Meroney assured Johnson that he was as innocent of the charges as an "unborn babe." Meroney did not vote for secession, avoided service in the army, and never gave any money to the southern cause, except what was forcibly taken from him. Furthermore, he used the influence he had to keep Union men out of the Confederate army. Thus, he considered the extent of his association to be the fact that his sons enrolled in the Rebel army and that he publicly endorsed the Confederacy, referring to the soldiers as "our boys." Meroney justified his pro-Southern speeches by arguing that he had to profess his support for the

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<sup>53</sup> Myers to Johnson, December 1865, Amnesty Papers (M1003, Roll 50), Tenn., Leonard D. Myers, RG 94, NA. Myers received a pardon on December 14, 1865.

<sup>54</sup> Ramsey to Johnson, June 5, 1865, Amnesty Papers (M1003, Roll 50), Tenn., F.W.A. Ramsey, RG 94, NA. Ramsey received a pardon on July 31, 1865. Brownlow writes extensively of his jail experience and his life with other Union prisoners in W. G. Brownlow, *Sketches of the Rise, Progress, and Decline of Secession; with a Narrative of Personal Adventures among the Rebels* (Philadelphia, 1862).

Confederacy in order to protect himself and his property. Still, he did not consider himself a steadfast Rebel, since he voluntarily swore the oath of allegiance once General Burnside invaded East Tennessee. Afterwards, he and his family evacuated East Tennessee and moved north, since both the Federal and Rebel armies had each appropriated between \$4,000 and \$5,000 worth of his goods and property. During the spring of 1866, Meroney and his family moved to Maury County; he did not have the financial means to journey to the court in Knoxville. He told Johnson that his only hope was to establish a shop in Maury County and work as a tailor. Besides, he thought the trip to Knoxville to answer the treason charge would be pointless as he knew that the court cleared every man indicted but made the accused pay court costs and attorney's fees.<sup>55</sup>

Samuel C. Crozier lived with his father in Anderson County in East Tennessee when the war began. In October 1862, Samuel Crozier volunteered and entered the Confederate Army as a private, a rank which he retained until the surrender of Johnston's army. Crozier filed his petition in late August 1865, received Governor Brownlow's favorable recommendation and was pardoned September 27, 1865. However, for some unknown reason, Crozier failed to receive his pardon. Crozier continued to wait, and a year elapsed before he penned another letter to the President. The letter reminded the President of Crozier's indictment for treason, and then launched into a critique of Johnson's pardon policy. The letter reveals the sentiments held by some southerners, their perceptions of the pardon process, and the difficulty inherent in dispensing thousands of pardons. Crozier boldly declared,

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<sup>55</sup>Meroney to Johnson, May 7, 1866, Amnesty Papers (M1003, Roll 50), Tenn., N.R. Meroney, RG 94, NA.

I was a private in the Army, and I can't see why it is that my pardon is not granted. It has put me to a great deal of Trouble I have attended Court twice and am under bond to attend again. You have pardoned a good many Generals and other distinguished men, why is it that you can't pardon a private soldier and unpretending citizen. I have no money to go to Washington on, have had to labor at several occupations to gain my bread since the close of the war and I really think that my pardon should be granted. It was approved by the Governor of Tennessee and surely if he thought I deserved a pardon no one else could refuse to think so. As he I am sure was as bitter on rebels as anyone.<sup>56</sup>

Again, on October 29, 1866, Crozier mailed another letter to Johnson explaining that Crozier had personal enemies in Knox County and could not appear at court for fear of "personal difficulty."<sup>57</sup> Crozier's experiences demonstrated the imperfect nature and confusion inherent in the pardon process.

While East Tennessee boasted a majority of Unionists, certain counties such as Polk, Monroe, Rhea, Meigs, Sequatchie, and Sullivan advocated secession and cheered the Confederacy. In fact, once the war started, a number of residents of Meigs, Rhea, and Sullivan counties enlisted in the Rebel Army. Southern sympathizers also resided in the region's urban areas, including Chattanooga, Cleveland, Knoxville, and Greeneville.<sup>58</sup> The existence of an active and vocal Confederate population in Knox, Sullivan, and Washington counties explained the high number of treason indictments against residents in those districts. Knox and

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<sup>56</sup> Crozier to Johnson, August 30, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Samuel C. Crozier, RG 94, NA.

<sup>57</sup> Ibid.

<sup>58</sup> Bryan, "The Civil War in East Tennessee," 23, 25.

Sullivan counties each had thirty-six men embraced in the twelfth exception, and Washington County had fifty-one men indicted for treason or aid and comfort.

Only by understanding the strained relations that characterized the alliance between East Tennessee and the Richmond government during the war can one begin to fathom the hostility that surfaced after Appomattox. Indeed, violence had erupted long before April of 1865. Early on, Jefferson Davis and others had recognized the problems in subduing an unruly populace that flaunted its loyalist sympathies. Ironically, secessionist Middle and West Tennessee had fallen into Federal hands early in the conflict, while the Rebels continued to maintain a tenuous grasp of Unionist East Tennessee. In the hope of breaking the spirit of loyalists, the Confederate government began a crackdown that included ordering the confiscation of the property and goods of enemies and threatening to arrest Unionists above the age of fourteen. The intimidation only escalated after the bridge burning in November 1861, when Rebels arrested scores of loyalists, many of whom were reported to the authorities by their neighbors. The harassment did not ease up until the arrival of Burnside's army in East Tennessee in September 1863, and then it was only partial relief. Federal troops failed to squelch all disputes between neighbors or to prevent Rebel sympathizers from divulging the whereabouts of conscription age men.<sup>59</sup>

Perhaps the protracted four-year struggle had conditioned people to lives of turmoil and savagery, since wartime conditions persisted months after the truce. David M. Key of Chattanooga noticed that some people waged their battles in the courts, by filing a multitude of suits to avenge wrongs committed during the war.

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<sup>59</sup> Ibid., 75-6, 94, 96, 117.

Animosity between blacks and whites, exacerbated by the presence of black troops, threatened to erupt into a bloody race war, while theft and arson were daily occurrences.<sup>60</sup>

During these unsettled times in the summer and fall of 1865, East Tennesseans turned against each other, reporting any complicity with Rebels during the war to the authorities. In areas rent by internecine conflict, Unionists savoring the taste of victory and ready to lord it over the losers rejoiced at the hundreds of men indicted for treason, conspiracy, and aid and comfort. The accused had to mount a defense against these charges at the federal court at Knoxville. For men living in distant counties such as Sullivan and Washington, the most expedient way of handling the charge was to hire a lawyer. T.A.R. Nelson, one of the prominent men who had defended the Union against the rising tide of secession, only later to assent to the Confederacy after being arrested in 1861, represented numerous men charged with treason.

The correspondence between the defendants and Nelson illustrates the bewilderment of many indicted men and their failure to recognize the utility of a presidential pardon. W.W. James of Bristol asked Nelson to clarify the specifics of the indictment and describe the sort of proof needed to answer a charge. Obviously, James knew other men in similar circumstances and discovered that they had drafted a pardon application to Johnson. James asked Nelson if it was worthwhile to petition for a pardon and if he stood a chance of receiving one. W.W. Wallace sought Nelson's counsel about to how to avoid traveling to Knoxville to appear in court.

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<sup>60</sup> David M. Key to Ed Jones, December 24, 1865, Edmund W. Jones Papers, Southern Historical Collection, University of North Carolina, Chapel Hill (hereafter cited as SHC).

Writing from Georgia, where he had relocated after receiving threats in East Tennessee, Wallace pleaded with Nelson to ask the court to continue the case until the next term without any forfeit to Wallace's sureties. Fear of journeying to Knoxville was a persistent theme in many of the letters sent to Nelson by his clients. J.F. McClure, who also desired the postponement of his case, hoped to avoid the trip to Knoxville since he deemed it unsafe. Instead, McClure preferred a visit to Nashville to organize his papers in order to apply for a presidential pardon.<sup>61</sup>

Concern for personal safety from guerrillas and bandits who preyed on travelers between East Tennessee and the federal court in Knoxville constituted only one of the anxieties that distressed those men facing treason charges. A more tangible dilemma was how to accumulate enough money to pay attorney's fees and court costs. J.P. Tipton of Carter County, who was indicted for providing aid and comfort to the enemy, journeyed to the court in Knoxville. Afterwards, he implored Nelson to examine the court fees to determine whether there were errors. For instance, the marshal of East Tennessee charged Tipton for two witnesses, when in fact Tipton's case had only one witness. Tipton also questioned the fees of \$43 for the marshal and \$30 for the attorney general. Tipton understood the attorney general's fee was only \$20. Robert B. Rhea also noticed errors in billing when he read that he had been charged for train fare and the employment of guards from Bristol to Knoxville. Rhea insisted he had boarded the train at Jonesboro and never saw a guard. Upon leaving Knoxville, Rhea rode the train back to Jonesboro. In the end, Rhea's expenses totaled several hundred dollars.<sup>62</sup>

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<sup>61</sup> W.W. James to Nelson and Netherland, June 28, 1865; W.W. Wallace to Nelson, November 20, 1865; J.F. McClure to Nelson, November 6, 1865, T.A.R. Nelson Papers, Lawson McGhee Library.

<sup>62</sup> J.P. Tipton to T.A.R. Nelson, April 11, 1866; Robert B. Rhea to Nelson, May 8,

The case of Aaron L. Mims of Cocke County, Tennessee, illustrates not only the travails one might endure while waiting for the settlement of a treason case but also the hazards of being a southern sympathizer in East Tennessee. While a student at Emory and Henry College in Virginia, Mims had eagerly enlisted in the southern army. Initially, Mims served as a lieutenant but was promoted to captain in 1862. After the surrender of Rebel forces in 1865, Mims returned home and was promptly arrested and indicted for treason. However, justice meted out by a court did not satiate those Unionists who craved revenge. In August of 1865, some soldiers descended on Mims's home to kill him, but instead murdered one of his brothers. Aaron Mims had been able to escape just moments before his brother died. Since that time, Mims had been hiding and desperately wanted to avoid a trip to Knoxville to attend court.<sup>63</sup>

In late December 1865, Mims wrote his pardon application, secured the recommendation of leading Union men in Cocke County, and received Brownlow's favorable endorsement. However, Mims indicated that the pardon documents should be forwarded to T.A.R. Nelson's office. By March of 1866, Mims had grown impatient and doubtful of receiving a pardon. In a letter to Nelson, Mims inquired if he had learned of the status of the pardon and then asked about total sums for court costs, including Nelson's fee of \$100. Even though the President granted Mims's

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1866, *ibid.* Tipton was pardoned October 2, 1865 and Rhea was pardoned July 25, 1865.

<sup>63</sup> Mims to Johnson, December 7, 1865, *Amnesty Papers* (M1003, Roll 50), Tenn., Aaron L. Mims, RG 94, NA. M.J. Mims to Nelson, November 3, 1865, *ibid.*

pardon in April 1866, it was a few months before either Mims or Nelson learned of it.<sup>64</sup>

In the absence of a pardon, Mims and Nelson steeled themselves for a trial. On the advice of Nelson, Mims enclosed \$200 to cover some of the costs of the case. Fearing for his life, Mims had moved to Ringgold, Georgia, and he told Nelson how eager he was to put this ordeal behind him by either receiving a pardon, or agreeing on a compromise with the U.S. District Attorney. Obviously, Mims preferred a pardon, which would eliminate his trip to Knoxville. The men who had murdered his brother still hoped to catch him. Mims emphasized, "They, therefore, seek my injury, *my life*, and their malice will be insidiously brought against me in Court if my case comes to trial besides jeopardizing my life while at Knoxville. They were there last Court for that purpose."<sup>65</sup>

Not until July 1866 did Nelson receive Mims's pardon and notify his client that the treason case no longer haunted him. The total bill for court costs amounted to \$111.30, and Nelson's fee was a flat \$100. Nelson applied the \$200 Mims had earlier sent to these fees, leaving a balance of \$11.30 due. Mims promptly mailed \$15 to pay the fees and interest and asked Nelson to send the pardon and oath of allegiance.<sup>66</sup>

Aaron Mims's retreat into Georgia, clearly a more secure refuge for an ex-Rebel than East Tennessee, was typical of many men who had hitched their careers to the Confederacy. Jesse G. Wallace, formerly a resident of Blount County and the

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<sup>64</sup> A.L. Mims to Nelson, March 3, 1866, *ibid.*

<sup>65</sup> A.L. Mims to Nelson, May 17, 1866, *ibid.*

<sup>66</sup> A. L. Mims to Nelson, July 23, 1866, *ibid.*

Confederate district attorney for East Tennessee from 1863 to the end of the war, relocated to Franklin in Middle Tennessee. At the start of the war, J.C. Ramsey assumed the office of district attorney and soon succeeded in alienating not only Union men, but also southern sympathizers. Citizens desperately wanted another man to fill the post and breathed a sigh of relief when Wallace gained the appointment. While Wallace conceded his zeal for the Confederacy, he declared that he never persecuted Union men, but in fact dismissed charges levied against loyalists. Now, Wallace needed a presidential pardon for holding office under the Confederacy and because of an indictment for treason.<sup>67</sup>

Before Wallace and his wife vacated East Tennessee, they had retained the services of T.A.R. Nelson, and Mrs. Wallace met with Colonel Crawford W. Hall, the U.S. district attorney. During the interview, Hall intimated to Mrs. Wallace that he would not force her husband to return to Knoxville at the November term of the federal court. Hall acknowledged the potential dangers that threatened Wallace and others and assured Mrs. Wallace that he did not expect many men to appear at the next court term. To cope with the problem, Hall told Mrs. Wallace that a notice would alert her husband to be present at the May term of the court, and later Wallace would explain that he had skipped the November session due to the hostility present in the area. Wallace was appreciative of the postponement of his case and told Nelson,

I feel I would be hazarding my life to venture on the 'dark & bloody grounds' at this time & perhaps for months to come. I have had information that since I left E Tenn last August, a band of desperados [*sic*], my personal enemies, had started to Maj. Heiskell's to take my

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<sup>67</sup> Wallace to Johnson, July 6, 1865, in Graf et al. eds., *Papers of Johnson*, 8: 365-66.

life, but on learning on the way that I was not there, abandoned the enterprise.<sup>68</sup>

By March of 1866, more than two thousand indictments for treason and aid and comfort had clogged up the federal court at Knoxville. In the bulk of these cases, defendants had sworn an amnesty oath and would not suffer the sentence imposed by the court. Furthermore, the suspension of treason cases from one court term to the next left ample time for a petitioner to receive a presidential pardon and thus avoid a trial. For those men whose treason cases continued to linger without resolution, President Johnson, near the close of his administration, ordered District Attorney Crawford Hall to dismiss the remaining cases. Damage suits filed by Unionists against ex-Rebels proved more costly than treason or aid and comfort indictments.<sup>69</sup>

East Tennessee's experiences during the war, particularly the tensions between Unionists and Rebel sympathizers, and the dangerous conditions in the summer and fall of 1865 were for the most part confined to that area; they did not appear with such force in Middle or West Tennessee. However, reasons for siding with the Confederacy transcended social, economic, educational, political, and regional boundaries. Pardon applicants included in the first and twelfth exceptions cited the identical reasons given by West Point graduates, brigadier generals, Congressmen, and slaveholders for cooperating with the Confederacy. For instance, James A. Cate of Hamilton County, a postmaster and conscript agent, abhorred the idea of secession and voted against it in February of 1861. He soon changed his

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<sup>68</sup> Jesse G. Wallace to Nelson, November 7, 1865, T.A.R. Nelson Papers, Lawson McGhee Library.

<sup>69</sup> Bryan, "The Civil War in East Tennessee," 167-68.

mind, believing it unconstitutional to wage war on slave property since it was protected by law.<sup>70</sup> Another supplicant in Blount County who asked for pardon due to his work as a postmaster and county registrar conceded that, "For the last 30 years [I] held the opinion that free & slave states could not live together in harmony under one constitution." Furthermore, he had expected ". . . a Judgment on the account of the abuse of slavery--of which neither North nor South can claim to be free from the guilt."<sup>71</sup>

Continuation of the institution of slavery, not southern independence, surfaced as a motivating factor for many who hoped for the success of the rebellion. The Reverend Mr. Franklin Alexander, indicted for providing hogs, horses, mules, wheat, and corn to the rebellion, asserted to Johnson that it was all, ". . . as innocent as yourself." While he endorsed the Confederacy, he never harassed Union men and did not subscribe to the theory of secession. Instead, he considered slavery to be right and worthy of preservation.<sup>72</sup> Another petitioner, indicted for giving aid and comfort to an enemy of the United States, denied furnishing soldiers or weapons to the Rebel army. In addition, the applicant vowed that he had not repudiated the authority of the Federal government over himself and the state. During the late war, his primary concern revolved around the future of slavery. He disagreed with the idea of extending political and social rights to blacks and hoped the freedmen could

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<sup>70</sup> Cate to Johnson, July 5, 1865, Amnesty Papers (M1003, Roll 48), Tenn., James A. Cate, RG 94, NA. Cate was pardoned on September 27, 1865.

<sup>71</sup> Gillespy to Johnson, November 27, 1866, Amnesty Papers (M1003, Roll 49), Tenn., James H. Gillespy, RG 94, NA. Gillespy was pardoned on May 1, 1867.

<sup>72</sup> Alexander to Johnson, July 18, 1865, Amnesty Papers, (M1003, Roll 48), Tenn., Franklin Alexander, RG 94, NA.

be moved beyond the nation's borders.<sup>73</sup> Several other men also indicated in their applications that they considered the triumph of the Republican party at the polls inimical to southern slave property.<sup>74</sup>

Unionist neighbors alerted authorities to Rebel sympathizers who publicly and privately praised the southern armies and gave sustenance to Confederate soldiers. More curious, though, was the number of paroled soldiers who returned home and within a few days learned that they had been indicted for treason or aid and comfort. A sixty-year old physician from Washington County who had joined the southern armies as a surgeon in 1863 discovered he had been indicted for treason.<sup>75</sup> This was not an isolated case, for scores of paroled Rebel soldiers straggled home to Cocke, Knox, Sullivan, and Washington counties only to be arrested on treason charges. Furthermore, some of these young men had been forced to enlist in the service under the Confederate Conscription Act. One man in Washington County had to defend himself against an aid and comfort indictment in the federal court and

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<sup>73</sup> Peoples to Johnson, September 19, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Madison T. Peoples, RG94, NA. Peoples was pardoned on September 19, 1865.

<sup>74</sup> The following men were indicted for either aid and comfort or treason: Harrison to Johnson, October 16, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Charles A. Harrison, RG 94, NA. Rankin to Johnson, October 17, 1865, Amnesty Papers (M1003, Roll 50), Tenn., James Rankin, RG 94, NA. Smith to Johnson, October 17, 1865, Amnesty Papers (M1003, Roll 51), Tenn., John Smith, RG 94, NA. Stewart to Johnson, September 26, 1865, Amnesty Papers (M1003, Roll 51), Tenn., D. Ward Stewart, RG 94, NA. Stuart to Johnson, October 13, 1865, Amnesty Papers (M1003, Roll 51), Tenn., Alexander Stuart, RG 94, NA. Harrison, Rankin, Smith, Stewart, and Stuart were all pardoned on October 31, 1865.

<sup>75</sup> Cottrell to Johnson, August 29, 1865, Amnesty Papers (M1003, Roll 48), Tenn., John B. Cottrell, RG 94, NA. Cottrell was pardoned on July 11, 1865.

a charge of treason against the state in the county's circuit court. His offense was that he had served as a Confederate enrolling officer. He claimed that he had been appointed to this job without his knowledge and had to accept it or pay a \$1,000 fine. While this petitioner had to take the office, he claimed he did not submit the names of the five or six men eligible for military duty. Instead, he found other jobs for them. Even the fact that he swore the oath of allegiance in 1863 did nothing to prevent the two indictments.<sup>76</sup>

The very act of taking the oath of allegiance often caused more harm than good. One resident in Washington County voluntarily swore the oath after Burnside's troops invaded. Shortly afterwards, a group of robbers stole items from his home, and the petitioner believed this was in retaliation for his renewed allegiance to the Union. Still, his ordeal did not end, as he learned of an indictment against him in the federal court.<sup>77</sup> Several men operated under the assumption that the oath of allegiance shielded them from any punishment for siding with the Confederacy. Thus, they expressed shock in their letters to the President and questioned the validity of an

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<sup>76</sup> Gibson to Johnson, no date, Amnesty Papers (M1003, Roll 49), Tenn., Francis Gibson, RG 94, NA. Other men who had fought as privates or worked as surgeons for the Confederacy and faced indictments were Delaney to Johnson, July 28, 1865, Amnesty Papers (M1003, Roll 48), Tenn., W.R. Delaney, RG 94, NA. Craighead to Johnson, June 19, 1865, Amnesty Papers (M1003, Roll 48), Tenn., James O. Craighead, RG 94, NA. DeWitt to Johnson, January 1, 1866, Amnesty Papers (M1003, Roll 48), Tenn., William L. DeWitt, RG 94, NA. Donelson to Johnson, July 22, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Thomas Donelson, RG 94, NA. Gibson received a pardon on October 19, 1865. The President pardoned Delaney on August 12, 1865, Craighead on October 2, 1865, DeWitt on October 24, 1865, and Donelson on October 2, 1865.

<sup>77</sup> Miller to Johnson, October 30, 1865, Amnesty Papers (M1003, Roll 50), Tenn., James Miller, RG 94, NA. Miller was pardoned on November 13, 1865.

indictment.<sup>78</sup> Many felt that they had been forced by the Rebels to provide assistance and were therefore being harassed by Unionists who reported them to the authorities. For instance, W.A. Crawford of Washington County admitted his support for the Confederacy but emphasized he had never fought with the Rebel army or persecuted Union men. While the Rebels occupied the region, they appropriated 60 percent of the leather in his tannery. Crawford believed his treason indictment was unjustified.<sup>79</sup>

A.G. Mason, also of Washington County, served as county assessor for one month, served a brief time in the Home Guards, and sold many of the goods from his business to the Confederates. Mason retained attorney T.A.R. Nelson to handle his treason case. Occupied with numerous clients and recognizing the burden under which the federal court in Knoxville operated, Nelson attached a letter to Mason's application to the President. Nelson informed Johnson that Mason was making direct application for pardon since there were more than a thousand presentments in the court for treason and aid and comfort. Nelson calculated, ". . . that it is not probable his case will be tried in five years." Furthermore, the President knew Mason and those men who endorsed his petition.<sup>80</sup>

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<sup>78</sup> Miller to Johnson, December 1, 1865, Amnesty Papers (M1003, Roll 50), Tenn., William Miller, RG 94, NA. Miller received a pardon on July 6, 1866.

<sup>79</sup> Crawford to Johnson, July 17, 1865, Amnesty Papers (M1003, Roll 48), Tenn., W.A. Crawford, RG 94, NA. Crawford was pardoned on August 15, 1865.

<sup>80</sup> Mason to Johnson, June 28, 1865, Amnesty Papers (M1003, Roll 50), Tenn., A.G. Mason, RG 94, NA. Mason was pardoned on September 22, 1865. T.A.R. Nelson's letter to President Johnson accompanied Mason's application and is part of this pardon file.

Most likely Isaac W. George of Blount County grasped the rationale behind the indictments and the applications for pardon. Referring to himself in the third person, and seeking pardon under the twelfth exception, George confessed, "He admits he committed a great error and political crime, for which he desires to make the best atonement he can, by becoming in the future a good, peaceable and loyal citizen."<sup>81</sup>

Some tried to plead ignorance as an excuse for their behavior during the war. Abijah Boggess of Meigs County admitted that he participated in the rebellion. Yet, he considered his treason indictment unjust, since he never occupied an office or committed any crimes. Furthermore, he blamed others for his political inclinations. Boggess stated he was a "humble farmer," about 70 years old, illiterate, and led astray in political matters by his well-informed neighbors.<sup>82</sup> A petitioner in Greene County who had voted against secession and never "voluntarily" helped the Confederates believed that the treason charge against him, ". . . was instituted . . . for the purpose of harming him, and through personal malice, and not for the public good."<sup>83</sup> Often, petitioners notified the President that they believed a spirit of revenge motivated some Unionists to tattle on them. Many men facing indictments were above the conscript age and remained at home, working in their business or at their trade. The

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<sup>81</sup> George to Johnson, September 6, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Isaac W. George, RG 94, NA. George received his pardon on September 22, 1865.

<sup>82</sup> Boggess to Johnson, September 23, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Abijah Boggess, RG 94, NA. Boggess was pardoned October 9, 1865.

<sup>83</sup> Farnsworth to Johnson, June 24, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Henry A. Farnsworth, RG 94, NA. Farnsworth received a pardon October 12, 1865.

slightest association with the Confederacy, even something as tame as hoping for its success, tarnished a man.<sup>84</sup>

Thus Johnson's plan of amnesty unwittingly imposed a greater burden on those minor figures who had provided food or materials for the Rebels and could ill afford a court case than on the educated, elite southerners who had owned scores of slaves and comprised the leadership of the Confederacy. Once men included in the thirteenth exception received their pardons, they were restored to their proper place in the Union and had nothing to fear. Most men who applied for pardon under the twelfth exception received their pardons just as quickly as those men included in the thirteenth exception. Johnson's primary objective was to restore the southern states to their proper place in the Union and to have the people vote for state and national offices. The President wanted every person who could vote to exercise this right, and therefore he liberally granted pardons to rich and poor alike. Johnson exhibited no favoritism to any particular group.<sup>85</sup>

While Governor Brownlow urged pardon in the overwhelming majority of treason and aid and comfort cases, he maintained his righteous indignation toward Rebel preachers and stalwart Confederates. As a Methodist minister, Brownlow understood the authority and responsibility that clergy exercised over their flocks.

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<sup>84</sup> King to Johnson, July 19, 1865, Amnesty Papers (M1003, Roll 50), Tenn., John G. King, RG 94, NA. Devault to Johnson, July 16, 1865, Amnesty Papers (M1003, Roll 48), Tenn., George H. Devault, RG 94, NA. King was pardoned on September 27, 1865. No pardon date could be found for Devault either in the Congressional serials set or the individual pardon document.

<sup>85</sup> An examination of the publication of pardons and the corresponding pardon dates in the Congressional serials set demonstrates the timely fashion in which the President handled the cases of wealthy southerners and of those who labored as postmasters or faced a charge of conspiracy.

Thus, he blamed religious leaders for inciting secession and encouraging church congregations to support the Confederacy through prayers and contributions.<sup>86</sup>

William H. Crawford of Greene County was chaplain of the 61st Tennessee Infantry and learned of a treason indictment against him. Although Crawford secured the recommendation of Colonel Robert Johnson, the President's son, Brownlow refused to endorse it. The Governor wrote, "Mr. Crawford was a *rebel Preacher* & I regard them as the worst class of men. If I believed his God had pardoned him, I would advise the President to do likewise." Johnson disregarded Brownlow's advice and pardoned Crawford in September 1865.<sup>87</sup>

Brownlow knew the intimate details of the wartime conduct of many or most of East Tennessee's petitioners. But Johnson, on the other hand, had been removed from East Tennessee during the war, residing first in Washington, then Nashville, and later again in Washington. The Governor gave each pardon application a critical read, searching for inconsistencies and testing the validity of the statements. One supplicant from Hawkins County conceded he was a Rebel but never took up arms. Brownlow concurred with that statement but added, ". . . he armed and equipped all

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<sup>86</sup> E. Merton Coulter, *William G. Brownlow: Fighting Parson of the Southern Highlands* (Chapel Hill, 1937), 144, 294.

<sup>87</sup> Crawford to Johnson, July 17, 1865, Amnesty Papers (M1003, Roll 48), Tenn., William H. Crawford, RG 94, NA. Crawford was pardoned September 18, 1865. When the Reverend Mr. Joseph H. Martin, formerly pastor of the Second Presbyterian Church in Knoxville, wrote for presidential pardon, Brownlow strongly refused to endorse the petition. Once again, Johnson ignored the Governor's suggestion and pardoned Martin on November 13, 1865. Martin to Johnson, October 16, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Joseph H. Martin, RG 94, NA.

his sons, and he himself did all he could to promote the Rebellion. The President knows him well, and has known him long." <sup>88</sup>

Brownlow's disapproval of applicants ranged from brief comments to passionate declarations as to why an individual was undeserving of executive clemency. A. L. Gammon of Sullivan County requested pardon from a charge of treason and also for his labors as a captain in the army and his subsequent post as deputy provost marshal. Once Brownlow received the document he declared, "I consider A. L. Gammon a bad case of rebellion. I cannot advise his pardon, though I have no feeling in the matter. The President knows him well."<sup>89</sup> After registering his disapproval, the governor yielded to Johnson's authority and ultimate verdict on Gammon's application. In other cases, Brownlow wanted the petitioner to suffer the consequences for his affiliation with the Confederacy. Another applicant from Sullivan County desperately needed a pardon before the start of a treason trial. The governor decided that the petitioner ought to wait until his case was settled in court.<sup>90</sup> This was not an isolated incident. While Brownlow was content to permit the judicial process to take its course and allow the applicants to live in constant

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<sup>88</sup> Rice to Johnson, December 2, 1865, Amnesty Papers (M1003, Roll 50), Tenn., Orville Rice, RG 94, NA. Rice was pardoned June 19, 1866.

<sup>89</sup> Gammon to Johnson, June 28, 1865, Amnesty Papers (M1003, Roll 49), Tenn., A. L. Gammon, RG94, NA. Gammon was pardoned October 21, 1865.

<sup>90</sup> King and King to Johnson, July 24, 1865, Amnesty Papers (M1003, Roll 50), Tenn., L.M. King and O.C. King, RG94, NA. Brownlow's comments referred to O.C. King. L.M. King had been a postmaster. Both men were pardoned on October 21, 1865.

dread of a trial and punishment, Johnson readily exercised his power and freed the men from their court cases.<sup>91</sup>

The Governor's active role in the pardon process can be seen by his comments on seemingly insignificant petitions. For example, W.W. Giddens, a twenty-six year old from Knox County, fought with Confederate forces and was arrested for treason. On the pardon application, the Governor scribbled, "Mr. Giddens was a decided, and *bitter* rebel, and fought us through the whole war. He is *whipped*, but not *convinced*."<sup>92</sup> The Governor's disdain even extended to elderly men. Nathan Gammon, clerk of the U.S. circuit court prior to the Rebellion and then a court commissioner and clerk in the receiver's office under the Confederacy, wrote to Johnson as a personal and political friend. Gammon bristled at his treason charge, claiming that he believed he was using a constitutional privilege in thinking for himself and allying with the side that offered protection of southern interests. Brownlow wrote that, ". . . Mr. Gammon is feeble, will not live long, and ought to be referred to his God for pardon."<sup>93</sup> Brownlow's vengeful disposition convinced at

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<sup>91</sup> Charles W. Inman and Reuben Clark faced treason indictments for their service in the Rebel army. Adam Broyles had served as a postmaster for both the United States and the Confederate government and was indicted for aid and comfort. Inman to Johnson, July 14, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Charles W. Inman, RG94, NA. Clark to Johnson, September 28, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Reuben G. Clark, RG94, NA. Broyles to Johnson, August 2, 1865, Amnesty Papers (M1003, Roll 48), Tenn., Adam A. Broyles, RG94, NA. Johnson pardoned Inman on November 13, 1865, Clark on October 26, 1865, and Broyles on November 6, 1865.

<sup>92</sup> Giddens to Johnson, August 27, 1865, Amnesty Papers (M1003, Roll 49), Tenn., W.W. Giddens, RG 94, NA. Giddens was pardoned on May 9, 1866.

<sup>93</sup> Gammon to Johnson, July 27, 1865, Amnesty Papers (M1003, Roll 49), Tenn., Nathan Gammon, RG 94, NA. Gammon was pardoned on September 5, 1865. Brownlow wrote virtually the same note across the petition of William Peoples who

least one petitioner to circumvent the governor's office. Indicted for treason, John B. McLin had been quite active during the war, organizing and commanding a company of cavalry. He fought for the South because he considered it his duty and claimed he acted ". . . in an orderly and generous manner." He also told the President that he did not send his application to the Governor, since he thought Brownlow would reject it.<sup>94</sup>

By the time George L. Stearns interviewed President Johnson on October 3, 1865, this new program of pardon and amnesty had been in effect for a little more than four months. Already, thousands of ex-Rebels had filed their applications and benefited from Johnson's mercy. Northerners, alarmed by the ease and rapidity of the process, questioned the President's actions and motivations. In the course of the conversation, Johnson explained his philosophy to Stearns, saying, "I did not expect to keep out all who were excluded from the amnesty, or even a large number of them, but I intended they should sue for pardon, and so realize the enormity of the crime they had committed."<sup>95</sup>

Less than a month later, Johnson chatted with Alexander K. McClure, again endeavoring to persuade Americans as to the wisdom of his amnesty plan. The president unequivocally announced that he desired the South to return to the Union "with all its manhood." Next, the chief executive admitted the possibility that civil

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was 78 and indicted for aid and comfort to the enemy. Peoples to Johnson, August 1, 1865, Amnesty Papers (M1003, Roll 50), Tenn., William Peoples, RG 94, NA. Peoples was pardoned on November 6, 1865.

<sup>94</sup> McLin to Johnson, June 15, 1866, Amnesty Papers (M1003, Roll 50), Tenn., John B. McLin, RG 94, NA. McLin was pardoned on June 18, 1866.

<sup>95</sup> Interview with George L. Stearns, October 3, 1865, in Graf et al., eds., *Papers of Johnson*, 9: 179.

and military officials could be pardoned, tempering the statement by declaring that his pardon plan had not "gone as far" as the one President Lincoln had suggested. Nevertheless, these justifications failed to placate McClure, who concluded his report with the observation, "Where in all this record soon to be made up the nation shall see that 'treason is the greatest of crimes and must be punished,' is not to my mind apparent."<sup>96</sup>

President Johnson's immediate pardoning of men embraced in the first and/or thirteenth exceptions reveals the relaxed approach the President had towards men in these two categories. In April of 1866, Benjamin Hedrick, North Carolina's liaison in Washington, informed Governor Worth that Johnson directed that all of the North Carolina petitions under the first and thirteenth exceptions be issued. Hedrick hoped to possess some of the documents in the immediate future, and told Worth that others would be sent in due time. The clerks in the State Department had to sort through approximately 800 pardon applications, and in Hedrick's estimate three-quarters of the people who applied had little need of a pardon. In addition, Hedrick commented that scores of people never accepted the pardon once it was sent. This further decreased the number of people who had been "officially" pardoned.<sup>97</sup>

Johnson's belief that men embraced in the twelfth exception constituted the most serious offenders was evidenced by his subsequent amnesty proclamations in September 1867 and July 1868. In these declarations, the president extended amnesty and pardon to the majority of southerners embraced in his initial proclamation except for select groups. In both of these revisions of his amnesty

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<sup>96</sup> Interview with Alexander K. McClure, ca. October 31, 1865, *ibid.* 310-11.

<sup>97</sup> B.S. Hedrick to Jonathan Worth, April 30, May 2, 1866, Worth's official papers, NCSA.

policy, Johnson still required men indicted for treason or other felonies to request a presidential pardon. In fact, that was the only group of men he proscribed in the July 4, 1868, declaration.<sup>98</sup>

North Carolina's unique experience in the process of pardon and amnesty can be attributed in part to the variant governing styles of William Holden and Jonathan Worth. Holden had the formidable and unenviable mission of rehabilitating his wayward state and priming it to return to the Union. He had to follow the President's dictates and organize a convention and an election to rebuild the state government. Holden recognized his vulnerable political position and weighed his decisions and his recommendations for or against advising a pardon for certain applicants. When the votes had been tallied after the state elections, Holden's expectations were crushed, and Jonathan Worth prepared to administer the governor's office. In regards to Western North Carolina, Holden had recommended a total of 145 applicants for pardon and advised suspending the pardon of eight men. When Worth ascended to the governor's office, he favorably endorsed all sixty petitions from Western North Carolina that crossed his desk. Perhaps Worth's job security for the next two years influenced his generosity. Yet another factor in his political calculus was most likely his belief that Reconstruction could be expedited by pardoning the offenders and reincorporating them into the political life of the state and the Union. It was hoped that once their transgressions had been forgiven, the former Rebels would rededicate themselves to the United States.

Governor Brownlow in Tennessee, on the other hand, was a force unto himself. Haranguing Rebels from Memphis to Knoxville and all points in between, Brownlow appeared uncompromising and merciless to anyone who had dared utter a

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<sup>98</sup> Graf, et al., eds., *Papers of Johnson*, 13: 40-42; 14: 317-18.

word for the Confederacy. Unbeknownst to Tennesseans, Brownlow favorably recommended more than 300 of the approximately 600 petitions sent to Nashville. Of the remaining 300, he ultimately chose not to recommend only forty-nine applicants. Brownlow always remained suspicious of ex-Confederates. These men had gambled with their futures by allying with an enemy of the United States. If Johnson chose to deal with these traitors lightly, then it was up to Brownlow to ensure some fashion of punishment, some manner of signifying that association with the Confederacy was one of the worst crimes, punishable by exclusion from the ballot box.

Johnson's amnesty proclamation of May 29, 1865, along with the establishment of a provisional government in North Carolina on the same date, constituted the first post-war effort at reintegrating the late Confederate states back into the Union. In keeping with his philosophy of strict interpretation of the Constitution, Johnson regarded the Reconstruction process as an executive function and seized the initiative while Congress was recessed. Unfortunately, precedent could not guide the country or the politicians in their endeavor. Leaders in Congress, particularly Radical Republicans, watched and waited to see the effectiveness or failure of Johnson's plans. After the summer and fall months of 1865, several Northern congressmen expressed alarm at the thousands of pardoned southerners and the eagerness with which many erstwhile Rebels pursued office. To many in the North, it appeared that the Southerners had not fully fathomed the gravity of their crime in rebelling against the United States or understood defeat. How else could one explain the reluctance of southern state legislatures to repeal the ordinance of secession and repudiate the Confederate debt?

While congressmen railed against President Johnson, his Reconstruction policies, and the South, former Confederates continued to petition the Chief

Executive for pardon throughout 1865-1866. During these months, the majority of Southerners included in the fourteen exceptions asked for and received executive clemency. Outraged at the intransigence of Johnson and the southerners, Congress passed its own program in March of 1867 which divided ten former Confederate states (Tennessee had been readmitted in 1866) into five military districts. Congress hoped to appropriate some of the power Johnson had wielded over the South. Yet, Johnson continued his quest to control Reconstruction and issued subsequent amnesty proclamations.

## Chapter 5

### Conclusion

Upon learning of General Robert E. Lee's surrender, Robert P. Howell of North Carolina "wept like a child" and regretted not being killed in the war.<sup>1</sup> Thirty-four years later, those memories remained fresh as he confessed that his heart still ached when writing about the Confederacy's defeat. But older and wiser, Howell mused that the quest for southern independence had been a deadly mistake and speculated that President Abraham Lincoln might have been a friend to the South. And yet, Howell's own words revealed the ambivalence of the South when he admitted " . . . we believed then, as I always shall, that the South had the *constitutional right to secede*, but still, we made a great mistake in attempting to exercise it."<sup>2</sup> While Howell entertained misgivings about secession, he unequivocally disagreed with President Andrew Johnson's course, characterizing the Tennessean as one who advocated coercion in 1860 and then promulgated disastrous policies during Reconstruction. Howell recalled, "They disfranchised our leading men, imprisoned Mr. Davis and many others, for which I shall always despise and hate the Republican Party."<sup>3</sup>

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<sup>1</sup> Robert Philip Howell, "Memoirs of Robert Philip Howell," p. 14, Robert Philip Howell Papers, Southern Historical Collection, University of North Carolina, Chapel Hill. Hereafter referred to as SHC. Even though President Johnson was a Democrat and did not endorse the Reconstruction policy implemented by Radical Republicans in Congress, some Southerners blamed him for their hardships after the war.

<sup>2</sup> *Ibid.*, 6.

<sup>3</sup> *Ibid.*, 15.

Just as Northerners and Southerners debated the origins of the War of the Rebellion, both sides disputed the true nature of Reconstruction. An examination of pardon applications from Tennessee and Western North Carolina illuminates an integral facet of Reconstruction which has been largely ignored by historians. President Johnson's Proclamation of Pardon and Amnesty was the first policy implemented by the government after the Union troops had triumphed. Its failure, in the eyes of Radical Republicans and Northern citizens, spurred Congress to formulate its own policy for dealing with the ex-Confederates. This study of more than 850 pardon petitions from Tennessee and Western North Carolina offers a fresh perspective on Reconstruction by: 1) chronicling the ideas and anxieties of recently defeated ex-Rebels of varying social, economic, and educational levels who had labored for the Confederacy's success; 2) emphasizing the vital role of state governors in the pardon and amnesty process; and 3) challenging previous interpretations of Johnson's alleged predisposition towards the Southern aristocracy by analyzing the applications of men included in the other exceptions.

Jonathan T. Dorris in *Pardon and Amnesty under Lincoln and Johnson* and Richard B. McCaslin in an article in the *Arkansas Historical Quarterly*<sup>4</sup> are the only two historians who have tackled the subject of Civil War pardons. Dorris focused on the travails of leading ex-Confederate military officers and government officials, while paying only scant attention to the masses of former Rebels who had to petition for presidential clemency. McCaslin has studied influential Arkansas Confederates who received pardons and then regained political power in the state. These former

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<sup>4</sup> Richard B. McCaslin, "Reconstructing a Frontier Oligarchy: Andrew Johnson's Amnesty Proclamation and Arkansas," *Arkansas Historical Quarterly* 49 (1990): 313-29.

Rebels railed against Congressional Reconstruction and championed conservative rule in the state. While McCaslin does refer to the numbers of men embraced in various exceptions, he does not discuss their motivations for joining the Confederacy or their war-time endeavors.

In the eyes of the Northern public and its politicians, the South escaped harsh punishment, due in part to the accidental presidency of a Southern Democrat, Andrew Johnson. Confederate officials and leaders were not executed for initiating and sustaining a war, and the majority of white male Southerners soon regained the right to vote, own property, practice law, and vote. And yet, Southerners regarded Reconstruction as a dark period. During Reconstruction and for decades afterwards, Southerners grumbled about Radical Republicans, Negro troops, carpetbaggers, scalawags, and insolent ex-slaves.

The tenor of Reconstruction was established long before the ex-Confederate states enacted Black Codes in 1865 and 1866, or before Johnson vetoed the Freedmen's Bureau bill, or even before Congress enacted its plan of Reconstruction in 1867. After the South sustained a humiliating defeat at the hands of the Yankees, Southerners braced themselves for the peace terms. Believing the Constitution empowered the Chief Executive to supervise Reconstruction, Johnson charged ahead and presented his own plan, loosely based on that of his slain predecessor Abraham Lincoln.

When the President announced his program of amnesty in May 1865, he expected Southerners to recognize the scope of their traitorous activities and to petition for pardon after first declaring their allegiance to the United States. Once Southerners heard about Johnson's proclamation they seized the opportunity to receive a pardon. Many were surprised and encouraged by the proclamation's lenient tone.

Of course, the overwhelming majority of Southerners benefited from Johnson's initial Amnesty Proclamation and had no need of a special pardon. The fourteen excepted classes applied to only a fraction of the Rebels. In his book, Dorris has estimated that the National Archives Amnesty Papers collection contains 15,000-20,000 petitions and that Johnson granted approximately 13,500 pardons. Often, people who did not need to apply for special pardons composed petitions, subscribed to the oath of amnesty, and transmitted their papers to Washington. Most likely, they too realized the benefits of a presidential pardon and feared having their property confiscated or being indicted. The amnesty oaths of those who had no need of a special pardon remained in the Department of State and numbered approximately 200,000.<sup>5</sup>

As evidenced by the sheer volume of petitions that inundated the White House in the summer and fall of 1865, Southerners chose to take advantage of the President's generosity before Congress assembled in December and devised its own plan. Furthermore, many Southerners mailed their appeals directly to Johnson rather than follow the procedure of first sending the application to their respective state governors.<sup>6</sup> As alluded to in previous chapters, applicants cited a number of factors which had motivated them to join the Confederacy. In the midst of all these petitions, the President had to sift through a number of pardon documents which related harrowing tales and disclosed agonies.

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<sup>5</sup> Jonathan Truman Dorris, *Pardon and Amnesty under Lincoln and Johnson: The Restoration of the Confederates to Their Rights and Privileges, 1861-1898* (Chapel Hill, 1953), 135, 141.

<sup>6</sup> *Ibid.*, 98; LeRoy P. Graf et al., eds., *The Papers of Andrew Johnson* (15 vols. to date, Knoxville, 1967- ), 8: xxix.

The largely untapped Amnesty Papers offer insight into the lives of those Southerners who sought individual pardon from Johnson. These documents present a cross-section of the Confederate population: from a private indicted for treason to a West Point educated general, from a postmaster in East Tennessee to a Confederate judge, and from an illiterate farmer indicted for aid and comfort to the Rebels to a slaveowner with several plantations. All are represented in this study, and the pardon petitions record their understanding of the issues which fueled the war, their experiences during four gruesome years of fighting, and their concept of what was now expected of them. These pardon applications, composed within weeks or a few months after the President's proclamation, offer an immediate, contemporary glimpse of a vanquished South and reveal the frustrations and anxieties shared by ex-Rebels.

Furthermore, these petitions offer insight into the motivations and lives of men who served the Confederacy far from Richmond or the battle front. Indeed, it was the persistence of these ordinary Rebels who labored to continue basic services such as the delivery of mail, the collection of taxes, and the enforcement of law that allowed the Confederacy to trudge through four years of war against the superior forces of the North. Most likely, these ex-Confederates told the truth when they assured the President that they had never raised a gun against the Federals or harassed Unionists. However, the fact remained that they had channeled their energies on the homefront to overthrow the Federal government and this constituted treason.

An analysis of the Amnesty Papers surveys not only Confederates who were large slaveowners, but also those who owned few or no slaves and those who farmed their land or worked as artisans. Repeatedly, men expressed their primary devotion to their communities, their state, and the South. An integral part of life was the institution of slavery. Whether petitioners owned slaves or not, all recognized the

need to preserve this social, economic, and labor system. Even in East Tennessee and Western North Carolina, where slavery was not as entrenched as in plantation areas, whites shuddered to contemplate a world where free blacks lived in proximity to whites. Devotion to their native South, interest in continuing slavery, and a desire to preserve freedom--freedom from the "tyranny" of the North, prodded the overwhelming majority of Southerners to embrace the Confederacy.

As events in the summer and fall of 1865 unfolded, President Johnson remained faithful to his pledge that ". . . clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States."<sup>7</sup> Johnson followed the lead of Lincoln, who had formulated his own war-time amnesty proclamation of December 8, 1863, in hopes of enticing Southerners back into the fold. Johnson took as his starting point Lincoln's amnesty and doubled the number of excepted classes. Like his predecessor, Johnson hoped for the speedy return of the ex-Rebel states and therefore pardoned the overwhelming majority of applicants. Johnson wanted these men to receive their pardons and to participate in the state conventions and elections scheduled for the fall of 1865.<sup>8</sup>

The study of pardon and amnesty after the Civil War reveals the complexity of Reconstruction. Andrew Johnson depended on the state governors to assist him in the granting and distribution of pardons. After all, Johnson had notified Governor Worth that the governor's ". . . knowledge of the parties is of great worth to us here in issuing of pardons."<sup>9</sup> The President did rely on the advice of the state governors who

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<sup>7</sup> Amnesty Proclamation, May 29, 1865, in Graf et al., eds., *Papers of Johnson*, 8: 130.

<sup>8</sup> Dorris, *Pardon and Amnesty*, 139, 178, 314-15.

<sup>9</sup> Johnson to Worth, December 29, 1865, in Graf et al., eds. *Papers of Johnson*, 9:

functioned on some level as his "eyes and ears." In the majority of cases, Johnson concurred with the opinion of the state governor regarding the status of a petition. Furthermore, Johnson had to trust that these governors would vigilantly supervise the restoration of the states as the citizens organized state conventions, elected delegates, and passed laws in accordance with the dictates of the Federal government. To Johnson's dismay, he received reports from residents and officials in the South informing him of the return of ex-Rebels to places of trust in the government. Ironically, some of these ex-Confederates even became justices of the peace who oversaw the election of delegates to the state convention. In both Tennessee and North Carolina, the fall elections of 1865 witnessed the elevation of former Rebels to state and national offices. In addition, Johnson could not rein in the political ambitions of governors such as Brownlow, Holden, and Worth who harbored their own biases when recommending or suspending pardons.

However, the President did not merely rubber-stamp the governor's recommendation. Instead, Johnson evaluated each case and rendered his own decision. In several instances, Governor Brownlow advised the President not to grant pardons, and yet Johnson issued them anyway. Thus Michael Perman in *Reunion without Compromise* was incorrect when he claimed, "The President and Attorney General rarely questioned the recommendation of the Provisional Governors and chose to exercise control only over those few petitioners who applied directly to the President and independently of the Chief Executive of their State."<sup>10</sup> President Johnson reviewed thousands of pardons forwarded to him by the state governors and

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<sup>10</sup> Michael Perman, *Reunion without Compromise: The South and Reconstruction: 1865-1868* (Cambridge, 1973), 125.

determined which petitioners would receive immediate pardons and which would have to wait until more time had elapsed.

Residents in the North monitored the progress of Reconstruction in the South and classified as traitors those who had attempted to sever the Union. After Lincoln's assassination, public opinion dictated that the traitors should incur severe punishment and that the more prominent secessionists should forfeit their lives.<sup>11</sup> One man in Ohio believed that Lincoln's assassination warned the country of the Confederates' evil spirit. Before that tragedy, some people considered that the Rebels had merely entertained a different political opinion from the North. The capture of Jefferson Davis, along with the surrender of General Joseph Johnston, encouraged Northerners to believe that the end was near. This young Ohioan predicted, "If these leaders are caught now they will be hung higher than Haman. I was fearful at one time, and there was great danger that they would resume their old status as citizens & ever by feated [*sic*] & congratulated-- for what! for committing the greatest crime which a man can commit--for being a *traitor*."<sup>12</sup>

Initially, Andrew Johnson expressed similar outrage at the crime of treason. Yet, Johnson experienced a metamorphosis of sorts. Secretary of State William H. Seward moderated Johnson's "avenging zeal" and functioned as a link between the ideals and administrations of Lincoln and Johnson.<sup>13</sup>

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<sup>11</sup> Dorris, *Pardon and Amnesty*, 244.

<sup>12</sup> Cousin Joe to Cousin Sarah Kendall, May 19, 1865, Sarah Kendall Papers, Gilder Lehrman Collection, Pierpont Morgan Library, New York.

<sup>13</sup> Dorris, *Pardon and Amnesty*, 315.

Being a life-long Southerner and a former slaveowner, Johnson had a natural affinity for the South and understood its concerns, even though he disagreed with secession. From his years as the military governor of Tennessee and from his family's experience living in turbulent East Tennessee, Johnson knew first-hand the travails of ex-Confederates. Furthermore, the incessant stream of petitions that flooded the White House reported atrocities and hardships that whittled away Johnson's earlier hard-core stance against traitors. The President understood that people desperately needed the return of their land if they hoped to survive the coming winter. He also recognized, for instance, the risks ex-Confederates in East Tennessee incurred if they traveled to Knoxville for a treason trial, not to mention the financial burden. Under the weight of these petitions, Johnson modified his original, harsh position and granted more than 12,600 special pardons by June 5, 1866.<sup>14</sup>

More than half of the total number (650) of pardon petitions from Tennessee were filed in the months of June, July, August, and September 1865. The busiest months were July and August with 155 and 109 petitions filed, respectively. The volume of petitions is striking, since many areas were deprived of a mail system, transportation routes were in disrepair, and not every community had a newspaper. Still, fifty-one people composed and forwarded their petitions in June.<sup>15</sup> North Carolina ex-Confederates included in Johnson's excepted classes also wasted no time before drafting their petitions. In the months of June, July, August, and September 1865, they sent 165 applications (of the 214 total number originating in Western North Carolina) to the President.

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<sup>14</sup> Ibid., 240.

<sup>15</sup> These figures were derived from the lists of petitioners in the Appendix of this dissertation.

Johnson and his staff received hundreds of pardon applications and began to process them almost immediately. For instance, in August of 1865, the President pardoned 59 people in Western North Carolina. Johnson also was occupied with the pardon applications of Tennessee and pardoned 9 in May (these petitioners had initiated their applications under the terms stipulated by President Lincoln), 17 in June, 38 in July, 82 in August, and 64 in September, for a total of 210 pardons. This was a great rate of productivity as 51 had applied for pardon in June, 155 in July, 109 in August, and 54 in September. The number of pardons, as well as proportions of pardons granted to residents in these two states demonstrates the pardoning activity of Johnson in the early months of his presidency.

Alarmed at the thousands of pardoned ex-Confederates, Congress in December 1866 repealed Section 13 of the Confiscation Act of July 17, 1862.<sup>16</sup> In addition, Congress formulated its own Reconstruction program and implemented it in the spring of 1867. However, at that point, Johnson had already granted approximately 13,500 pardons. And yet, estimates gauged the number of Southerners still excluded from the May 29, 1865, proclamation to be about 150,000. Therefore, in September 1867, July 1868, and December 1868, the President announced amnesty policies which dramatically increased the number of pardoned Southerners. In fact, the final one on Christmas Day 1868 pardoned everyone who had participated in the Rebellion and who had not already been pardoned.<sup>17</sup>

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<sup>16</sup> In Section 13, Congress highlighted the president's constitutionally guaranteed right to pardon. Furthermore, Congress stated the president could issue a proclamation granting pardon and amnesty to persons engaged in the rebellion with exceptions and conditions which the commander-in-chief might find necessary.

<sup>17</sup> Dorris, *Pardon and Amnesty*, 337, 340, 343, 354, 369.

An analysis of the content of the pardon applications, the process of pardon and amnesty, and the various exceptions under which ex-Confederates requested clemency challenges previous interpretations of President Johnson's disposition and motives. First, Eric McKittrick's claim that ". . . relatively few pardons were issued in the early months of Johnson's presidency" collapses upon examination of the dates when the President granted pardons to ex-Rebels living in Western North Carolina and Tennessee.<sup>18</sup>

Secondly, some of the assertions made by Jonathan Dorris, Kenneth Stampf, and Michael Perman about Johnson's disposition towards the southern aristocracy are flawed. In *Reunion without Compromise*, Perman argues that,

Andrew Johnson himself tended to be delighted that prominent precipitators of the rebellion sued for pardon since such an act gave evidence of a spectacular change of heart, and, moreover, a personal petition from a leading secessionist was immensely flattering to the President.<sup>19</sup>

Yet Perman does not quote from any letters composed by petitioners included in the thirteenth exception. Furthermore, Johnson did not claim that his objective in forcing the wealthy southerners to ask for pardon was to garner accolades for himself. Instead, Perman and others have peered into Johnson's background, dissected his speeches, and concluded that his humble beginning shadowed and guided his every public act, especially when dealing with southern aristocrats. Perman merely echoed what Dorris had said twenty years earlier in *Pardon and Amnesty*. Dorris believed that the wealthy southerners were embarrassed and that

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<sup>18</sup> Eric McKittrick, *Andrew Johnson and Reconstruction* (Chicago, 1960), 146.

<sup>19</sup> Perman, *Reunion without Compromise*, 123-24.

this ". . . surely gave plebeian Andrew Johnson much satisfaction, since the rich Southern aristocrats would have to make special application to him for pardon."<sup>20</sup>

Most of the ex-Rebels embraced in the thirteenth exception had been slaveholders, and the President wanted to guarantee that these people understood that property in slaves no longer existed. Johnson recognized that the preservation of slavery had been a primary reason for both slaveholders and nonslaveholders to join the Confederacy. In addition, Johnson rightly guessed that the thirteenth exception would embrace people who had aided the rebellion but were not included in any other exception.<sup>21</sup> As the content of pardon petitions reveals, Johnson's suspicion was correct. Men too elderly to serve in the army gave money and food to the Southern cause, investing in Confederate bonds or donating money directly to the troops. And of course, there were those wealthy Southerners who had made speeches in favor of secession and cast votes for disunion. These people, although not indicted for treason or guilty of holding an office, nevertheless, initiated and sustained the rebellion in some cases. Much has been written about Johnson's inclusion of the thirteenth exception with little regard for the people embraced in the first and twelfth exceptions. Particularly burdened were those men who faced treason indictments. The high court costs and attorney fees meant financial ruin for the few fortunate enough to have any money. Too often, historians have ignored the men encompassed by the other exceptions.

In the case of petitioners residing in Western North Carolina, only 19 were included solely in the thirteenth exception. Thirteen others were embraced in both

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<sup>20</sup> Dorris, *Pardon and Amnesty*, 221.

<sup>21</sup> *Ibid.*, 222.

the first and thirteenth clauses of the President's proclamation. Wealthy Southerners have attracted the attention of historians, since these people often kept diaries and corresponded with family and friends. Just as intriguing, however, are the lives of the yeoman farmers and artisans who also had to apply for pardon. These social and economic groups formed the core of the Confederacy. In the mountain counties of North Carolina, 174 people applied for pardon based on the first exception.

The overwhelming majority of East Tennesseans who sought presidential pardon were men indicted for treason (187 petitioners) and aid and comfort (52 applicants). The strong presence of both Unionists and Confederates in East Tennessee created an atmosphere of violence during and after the war. In East Tennessee, the twelfth exception of Johnson's proclamation netted more men than the thirteenth, which only had twenty petitioners.<sup>22</sup> In the case of the first exception or holding an office in the Confederacy, 56 men applied for pardon and an additional 37 men had not only executed the duties of an office but also discovered an indictment against them.

By examining the lists of petitioners, the various exceptions which embraced ex-Rebels, and the filing and pardon dates of the applications, one recognizes that the alleged predisposition of Johnson towards the southern elites simply does not withstand analysis. Kenneth Stampp in *The Era of Reconstruction* placed great emphasis on the leverage wielded by the planter class. Stampp argued, "Those who had scorned him were now flattering him, appealing to his generosity, begging for the franchise and the protection of their property--but influencing this policy as well."<sup>23</sup>

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<sup>22</sup> In addition to the twenty applicants just mentioned, seven men requested pardon on the basis of an indictment and having more than \$20,000.

<sup>23</sup> Kenneth M. Stampp, *The Era of Reconstruction, 1865-1877* (New York, 1965), 71.

Clearly, Stamppp overstates his case and does not consider the fact that Johnson pardoned both obscure and leading ex-Rebels in a timely fashion.

The majority of ex-Confederates petitioned Johnson for pardon under only seven of the fourteen exceptions. The most frequently applicable exceptions were the first (civil or diplomatic officers), the third (high-ranking military and naval officers), the fifth (men who resigned military commissions), the eighth (graduates of military academies), the tenth (Southerners who abandoned their homes within the protection of the United States and traveled into the Confederacy), the twelfth (those in confinement or under bonds), and the thirteenth (all persons who possessed taxable property worth more than \$20,000).

In retrospect, the failure of presidential Reconstruction began on May 29, 1865, when Johnson proclaimed his pardon and amnesty policy and presented the model for provisional governments in the South. The marriage of these two policies, pardon and provisional government, came in the shape of William Woods Holden, an ex-Confederate tapped by the President to shepherd the Old North State's transition from a Rebel state to a restored state. The only precedent Johnson could follow was Lincoln's amnesty proclamation. The United States had no experience of a civil war and did not know how to treat a conquered "nation." Furthermore, the South did not understand what it meant to be defeated, as evident in the numerous pardon applications of ex-Rebels who expressed shock at being indicted for treason.<sup>24</sup> In Johnson's desire to reconcile the North and South and return the ex-Confederate states to the Union, his pardon and amnesty proclamation and his design for the establishment of provisional governments granted the ex-Rebels a measure of

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<sup>24</sup> McKittrick, *Andrew Johnson and Reconstruction*, 35.

leniency undeserved. As more and more people applied for pardon and received pardon, ex-Confederates were emboldened and elected men of like mind to state conventions and offices. Even some of the pardon applications displayed a defiant tone, arguing against the legality of emancipation and asserting the right of secession. Other Southerners abandoned their beliefs only after the North had triumphed and resigned themselves to life in the Union. Ex-Rebels attempted to strike a delicate balance between believing in the "virtue" of their failed independence movement and pleading for forgiveness.

Andrew Johnson trusted the wisdom of his Reconstruction plan, but even pardons could not soothe the wounds generated by the Civil War. It was too much to expect thousands of Southerners to abandon immediately the principles that guided them to fight and support the Confederacy against the United States. As detailed in the pardon petitions, Southerners had witnessed the devastation of their land, forfeited their slave property, and suffered the loss of family members. No doubt, by May of 1865, the Rebels were whipped, but many were not convinced. And yet, their survival dictated that they sue for pardon, regain the citizenship rights they had earlier spurned, and try to carve out a new life in a New South.

A month after leaving the presidency, Johnson announced, "All I regret about it is that I have not pardoned more than I have." Of course, Johnson readily admitted that there were some people whom he pardoned who should have been denied clemency, but he noted "It could not be expected of a fallible man to get along without error." In true Johnson fashion, the former President regarded himself as one who ". . . literally stepped upon the scaffold and prevented the execution of thousands."<sup>25</sup>

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<sup>25</sup> Speech in Memphis, April 15, 1869, in Graf et al., eds., *Papers of Johnson*, 15:

Perhaps the greatest irony was that a man who had tried to broker the peace between the North and the South ended up being reviled by both regions. Just as the Confederates had expressed themselves through song during the war, they latched onto a tune that expressed their sentiments about Reconstruction. Confederate Major Innes Randolph wrote the lyrics to "Oh, I'm a Good Old Rebel," and dedicated the song to Thaddeus Stevens. The words captured the spirit of those men and women who refused to be "reconstructed" or ask pardon for their activities. Perhaps the song heartened those ex-Rebels who chafed under Military Reconstruction and resented the intrusion of carpetbaggers and freedmen into politics. The lyrics recalled the "gallant" effort of the Confederates during the Civil War and their defiance in the face of Northern victory.

Oh, I'm a good old rebel, that's what I am, And for this land of freedom, I don't give a damn; I'm glad I fought agin her, I only wish we'd won, And I ain't axed any pardon for anything I've done.<sup>26</sup>

Most likely this song was an anthem for men like Robert P. Howell. Once the war ended, Howell was just twenty-five years old and possessed 1,000 acres of property which he feared the Yankees might seize. This was not an irrational concern, since his more than forty slaves had been freed by the action of the Federal government. Howell's hatred of the North ran so deep that he refused to eat the "Yankee rations" being distributed to hungry southerners. Instead, he chose to peddle wares for his support.<sup>27</sup>

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<sup>26</sup> John A. Lomax and Alan Lomax, eds. *American Ballads and Folk Songs* (New York, 1934), 536.

<sup>27</sup> Howell, "Memoirs of Robert Philip Howell," p. 16, 18, Howell Papers, SHC.

When news spread that every Confederate should take the oath of allegiance before a provost marshal, Howell traveled to Goldsboro, North Carolina, only to be instructed to call again in the future. However, Howell boasted that he never returned to swear the oath and thus "never surrendered."<sup>28</sup>

Howell's cavalier attitude stands in stark contrast to that of those Confederates who rushed to compose petitions to Johnson. During the summer and fall months of 1865, thousands of Southerners obeyed the President's dictates and sent their pardon applications and oaths of allegiance to Washington. Yet most soon realized that the President's earlier threats to punish traitors were hollow. Instead of making a clean break with the leaders who had precipitated the Civil War, Southerners elected former Rebels to local, state, and national offices. In the wake of these elections, Johnson acquiesced with the decisions of the southern voters and even granted pardons to elected officials, thereby allowing them to hold office. In the critical months after the South's defeat, ex-Confederates squandered a golden opportunity to resume relations with the United States. Their recalcitrance indicated the weakness of Johnson's program and signaled that a more rigorous policy was required to "reconstruct" the wayward states.

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<sup>28</sup> Ibid., 19.

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## **APPENDIX**

**North Carolina Pardon Petitions**

<u>Last name</u>	<u>First name</u>	<u>county</u>	<u>filed</u>	<u>pardoned</u>	<u>exception(s)</u>	<u>specific</u>	<u>governor</u>
Abernathy	J.H.	Caldwell	8/15/65	10/20/65		1 purchasing agent	Holden
Abernathy	R.L.	Burke	7/15/65	8/15/65		1 tax collector	Holden
Absher	Wiley P.	Wilkes	8/17/65	10/20/65		1 mail contractor	Holden
Addington	James B.	Macon	8/31/65	10/6/65		1 postmaster	Holden
Alexander	George C.	Buncombe	8/29/65	11/7/65		1 postmaster	Holden
Allen	R.J.	Henderson	9/25/65	11/7/65		1 U.S.&rebel p.m.	Holden
Allison	J.B.	Jackson	8/25/65	10/6/65		1 tax assessor	Holden
Allman	N.G.	Macon	11/15/65	2/1/66		1 postmaster	Worth
Ballew	J.G.	Caldwell	7/27/65	8/21/65		1 tax assessor	Holden
Ballew	Joseph R.	Caldwell	7/15/65	8/15/65		1 postmaster	Holden
Barnhardt	M.A.	Caldwell				1 tax assessor	Holden
Benners	S.N.	Buncombe	7/6/65			1 p.m.;tithe collector	Holden
Blackstock	Nehemiah	Buncombe	7/8/65	8/15/65		1 U.S.&rebel p.m.	Holden
Blackstock	Robert V.	Buncombe	7/8/65	8/15/65		1 comm. of appraise.	Holden
Blackwell	David A.	Buncombe	7/3/65	8/15/65		1 tax assessor	Holden
Blake	Daniel	Henderson	7/20/65	8/21/65		13	Holden
Blythe	Robert A.	Henderson	10/18/65			1 postmaster	Holden
Boone	E.M.	Burke	7/13/65	8/15/65		1 tax collector	Holden
Bower	Mrs. America	Ashe	8/30/65	10/6/65		13	Holden
Bower	Samuel	Ashe	8/28/65	2/1/66		1 U.S.&rebel p.m.	Worth
Bowers	David E.	Caldwell	2/6/66	5/3/66		1 U.S.&rebel p.m.	Worth
Brickhouse	L.L.	Burke	8/13/65	8/29/65		13	Holden
Brittain	Joseph	Burke	7/15/65			1 tax asse;enrol. bd.	Holden
Bronson	Luke L.	Madison	8/15/65	11/7/65		1 postmaster	Holden
Brown	Hamilton	Wilkes	8/12/65			13	Worth
Brown	James	Caldwell	3/7/66	5/3/66			Worth
Brown	James N.	McDowell	10/11/65	1/5/66		1 U.S.&rebel p.m.	Holden
Bryson	Thaddeus D.	Jackson	8/25/65	10/6/65		1 tithe agent	Holden
Burgin	Alney	McDowell	11/27/65	2/1/66		1 tax assessor	Holden
Burgin	R.C.	McDowell	10/2/65	11/7/65		1 deputy tax&tithe co	Holden

<u>Last name</u>	<u>First name</u>	<u>county</u>	<u>filed</u>	<u>pardoned</u>	<u>exception(s)</u>	<u>specific</u>	<u>governor</u>
Burgin, Jr.	Mert	McDowell	7/10/66	10/2/66		1 tithe agent	Worth
Burnett	Barnett	Henderson	9/25/65	2/1/66		1 tax assessor	Worth
Butler	Thomas A.	Macon		10/6/65		12 treason	Holden
Caldwell	David	Alleghany	8/20/65	2/1/66		1 postmaster	Worth
Caldwell	Tod R.	Burke	7/25/65	8/12/65	1, 13	solicitor	Holden
Calloway	Benjamin C.	Wilkes	8/10/65			1 postmaster	Holden
Calloway	James	Wilkes	7/31/65			1 receiver&depositor	Holden
Calloway	Thomas S.	Ashe	9/18/65	9/19/66		1 US&reb.pm;enr.bd	Worth
Carson	Andrew	Alleghany		11/7/65		1 U.S.&rebel p.m.	Holden
Carson	John H.	Ashe	8/28/65	11/7/65		1 tithe coll&receiver	Holden
Carson	Jonathan L.	McDowell	8/24/65	2/1/66		13	Worth
Carter	John A.	Buncombe	7/7/65	6/15/67		1 postmaster	Hsuspendinsixfive
Cass	Ezekiel B.	Wilkes	9/14/65	5/3/66		1 U.S.&rebel p.m.	Worth
Cathey	Joseph	Haywood		8/21/65		1 postmaster	Holden
Chapman	George	McDowell	9/15/65	2/1/66		1 postmaster	Worth
Chunn	Alfred	Buncombe	8/10/65	2/1/66		1 tax assessor	Worth
Clarke	C.W.	Caldwell	7/27/65	6/15/67		1 tax collector	Hsuspendsix five
Clayton	George W.	Buncombe	7/8/65			3 colonel	Hsuspend six five
Claywell	James A.	Burke	7/14/65			1 tax assessor	Holden
Collett	James H.	Caldwell	8/22/65	10/6/65		1 U.S.&rebel p.m.	Holden
Collett	Waightsill A.	Burke	7/15/65	8/15/65		1 surgeon	Holden
Conley	W.W.	Burke	7/13/65	8/15/65		1 postmaster	Holden
Cook	H.M.	Jackson	9/23/65	11/7/65		1 postmaster	Holden
Corpening	D.J.	Burke	7/24/65	8/21/65		1 tax coll.& assessor	Holden
Corpening	Joseph	Caldwell	7/27/65	8/21/65		1 p.m.;tax assessor	Holden
Cowles	Calvin J.	Wilkes	7/29/65	8/18/65		1 postmaster	Holden
Davidson	Allen T.	Cherokee	8/10/65	5/27/67		1 Prov.&Conf. Cong.	Worth
Dobbin	Hugh A.	Watauga	10/7/65	2/1/66		1 U.S.&rebel p.m.	Worth
Dorsey	T.A.	Burke	8/23/65	2/1/66		1 tax collector	Worth
Doughten	Charles H.	Alleghany	9/6/65	2/1/66		1 tax assessor	Worth
Duyck	James M.	Madison	5/11/67	5/24/67		1 postmaster	
Edney	C.W.L.	Buncombe	7/5/65	8/15/65		1 postmaster	Holden

<u>Last name</u>	<u>First name</u>	<u>county</u>	<u>filed</u>	<u>pardoned</u>	<u>exception(s)</u>	<u>specific</u>	<u>governor</u>
Edwards	Center	Alleghany	9/22/65	2/1/66		1 postmaster	Worth
Eldreth	John	Ashe	8/28/65	10/6/65		1 U.S.&rebel p.m.	Holden
Enloe	J.W.	Jackson	8/25/65	10/6/65		1 ast.q.m.;tax asses.	Holden
Erwin	Edward Jone	Burke	8/17/65	2/1/66		1 Treas. agent	Worth
Erwin	Joseph J.	Burke	7/14/65	8/15/65	1, 13	Gnl.As;tax assess.	Holden
Erwin	William C.	Burke	7/14/65	8/15/65	1, 13	tax assessor	Holden
Finley	Alfred M.	McDowell	11/25/65	2/1/66		1 tax assessor	Worth
Finley	Augustus W.	Wilkes	9/6/65	2/1/66	1, 13	centl.comm.memb.	Holden
Fisher	Allen	Jackson	9/22/65	11/7/65		1 U.S.&rebel p.m.	Holden
Fisher	John	Caldwell		2/1/66		1 U.S.&rebel p.m.	Worth
Fitzgerald	Samuel	Haywood	1/10/66	3/8/66		1 postmaster	Worth
Foster	John J.	Wilkes	8/28/65	10/6/65		1 postmaster	Holden
Freeman	Joel T.	Henderson	9/23/65	11/7/65		1 postmaster	Holden
Gaines	M.M.	Buncombe	7/9/65	6/15/67		1 tax assessor	Hsuspends
Gaither	Burgess S.	Burke	8/1/65	7/1/67		1 Confed. Cong.rep	Worth
Gambill	Robert A.	Ashe	8/28/65	2/1/66		1 U.S.&rebel Cong.	Worth
Garrison	G.J.D.	Buncombe	7/7/65	8/21/65		1 postmaster	Holden
Gentry	William H.	Ashe	8/28/65	2/1/66		1 tax assessor	Worth
Gibson	A.P.	Caldwell	7/27/65	2/1/66		1 postmaster	Worth
Gilliam	Maynard	McDowell	7/27/65	8/21/65		1 postmaster	Holden
Gilliam	William R.	McDowell	7/27/65	8/21/65		1 postmaster	Holden
Greenlee	James H.	McDowell	7/20/65	8/21/65		13	Holden
Gudger	Samuel B.	Buncombe	7/4/65	8/15/65		1 tax assessor	Holden
Gwyn	James	Wilkes		10/6/65		13	Holden
Hackett	A.L.	Wilkes		11/7/65		1 assessor	Holden
Hamilton	H.C.	Caldwell	7/27/65	8/21/65		1 tax receiver	Holden
Hardin	James W.	Ashe	8/28/65	2/1/66		1 U.S.&rebel p.m.	Worth
Harper	James	Caldwell	7/27/65	10/4/65		1 U.S.&reb.pm;tax a.	Holden
Harrald	Emanuel	Wilkes	8/18/65	11/7/65		1 carry mail	Holden
Harshaw	Jacob	Burke	8/1/65	8/21/65		13	Holden
Hartsoe	Abel	Burke	9/21/65	11/7/65		1 U.S.&rebel p.m.	Holden
Henen	A.L.	Haywood	8/7/65	10/6/65		1 p.m.;tax assessor	Holden

<u>Last name</u>	<u>First name</u>	<u>county</u>	<u>filed</u>	<u>pardoned</u>	<u>exception(s)</u>	<u>specific</u>	<u>governor</u>
Henry	William L.	Buncombe	9/5/65	2/1/66		1 postmaster	Worth
Hicks	William	Jackson	9/23/65	11/7/65		1 tax collector	Holden
Higgins	Alberto	McDowell	9/12/65	2/1/66		1 U.S.&rebel p.m.	Worth
Higgins	Taliafero S.	Alleghany	9/22/65	2/1/66		1 tax assessor	Worth
Holbrook	James M.	Wilkes		1/5/66		1 U.S.&rebel p.m.	Holden
Horton	James C.	Wilkes	9/1/65	11/7/65		1 tax asses;enrol. bd.	Holden
Hubbard	William H.	Wilkes	8/26/65	11/7/65		1 tax assessor	Holden
Hunt	Mrs. D.A.	Wilkes	9/1/65	11/7/65		1 U.S.&rebel p.m.	Holden
Hyatt	Jasper N.	Buncombe	8/27/65			1 postmaster	Holden
Ingram	John	Macon		11/7/65		1 tax assessor	Holden
Irvin	F.D.	Burke	11/15/65	2/1/66		1 postmaster	Worth
Israel	Jasper P.	Buncombe	7/5/65	8/15/65		1 postmaster	Holden
Johnson	Bernard Fran	Wilkes	8/7/65	11/15/65		1 receiving agent	Holden
Johnson	William T.	Henderson	10/21/65	2/1/66		1 tax assessor	Worth
Jones	Edmund W.	Caldwell	8/2/65	7/5/65		13	Holden
Jones	W.D.	Caldwell	9/21/65	10/6/65		1 mail contractor	Holden
Jones	C.C.	Caldwell		8/21/65		1 agent to coll. arms	Holden
Kayler	N.H.	Burke		8/29/65		1 tax assessor	Holden
Kelsey	Nathaniel	Madison	9/14/65	11/7/65		1 U.S.&rebel p.m.	Holden
Kincaid	Jones Rufus	Burke	7/15/65	8/15/65		1 tax assessor	Holden
King	Mitchell C.	Henderson		2/1/66		13	Worth
Lankford	William	Buncombe	7/5/65	8/15/65		1 postmaster	Holden
Laxton	Allen	Caldwell	7/27/65	8/21/65		1 U.S.&rebel p.m.	Holden
Leaky	James P.	McDowell	7/5/65	8/15/65		1 postmaster	Holden
Leatherwood	J.C.	Haywood	9/6/65	11/7/65		1 postmaster	Holden
Lee	Henry C.	Haywood	9/6/65	11/7/65		1 postmaster	Holden
Lee	Stephen	Buncombe	8/6/65			comm. of a regimt.	Worth
Lenderman	John W.	Wilkes	8/10/65	11/7/65		1 postmaster	Holden
Lenoir	Rufus T.	Caldwell		8/21/65		1 postmaster	Holden
Lindsay	Edmund C.	Burke	7/14/65	8/15/65	1, 13	purchasing agent	Holden
Logan	Charles	Buncombe	7/17/65	8/21/65		1 postmaster	Holden
Long	James R.	Haywood	8/26/65	10/6/65		1 postmaster	Holden

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Love	Dillard	Macon	6/21/66	7/5/66		13	Worth
Love	Dillard L.	Jackson	9/23/65	11/7/65		1 receiver	Holden
Love	Samuel L.	Haywood	8/28/65	2/1/66		1 receiver	Worth
Love	M.H.	Buncombe	7/18/65	10/6/65		12 treason	Holden
Lowrance	B.A.	Buncombe	9/12/65	2/1/66		1 postmaster	Worth
Martin	Leland	Wilkes	9/1/65	2/1/66		1 U.S.&rebel p.m.	Worth
Martin	William	Wilkes		2/1/66		1 tax coll;county bd.	Worth
Massie	Thomas G.	Henderson	7/24/65	8/21/65		1 U.S.&rebel p.m.	Holden
Mast, Sr.	Jacob	Caldwell		5/3/66			Worth
Mastin	William E.	Wilkes	8/10/65	10/6/65		1 mail contractor	Holden
McDowell	William W.	Buncombe	7/7/65	6/15/67		1 financial depository	H suspended
McElrath	John W.	Burke	7/15/65	8/15/65		1 qm dept;enroll. bd.	Holden
McElroy	John W.	Madison	9/14/65	11/7/65		1 assessor	Holden
McGrady	Patrick R.	Wilkes	8/7/65	8/29/65		1 postmaster	Holden
McKesson	William F.	Burke	7/17/65	5/11/66		13	H suspends
McNeil	George F.	Wilkes	8/8/65	11/7/65		1 U.S.&rebel p.m.	Holden
Michaux	Richard V.	Burke				1 US&reb.p.m;tithe	Holden
Miller	N.A.	Caldwell		2/1/66		1 tithing agent	Worth
Moore	Carroll	Caldwell	8/22/65	2/1/66		1 postmaster	Worth
Moore	G.M.	Haywood	9/21/65	11/7/65		1 postmaster	Holden
Moore	Luther	Caldwell	8/22/65	2/1/66		1 postmaster	Worth
Morphew	Silas	Watauga		2/1/66		1 postmaster	Worth
Morris	Isaac E.	McDowell	9/4/65	2/1/66		1 U.S.&rebel p.m.	Worth
Murray	T.R.	Henderson	9/25/65	11/7/65		1 U.S.&rebel p.m.	Holden
Nelson	John B.	Madison	8/15/65	11/7/65		1 postmaster	Holden
Newland	Joseph C.	McDowell	5/21/66	5/30/66		1 assessor	Worth
Parks	James H.	Alleghany	9/6/65	2/1/66		1 tax coll; postmaster	Worth
Parks	John A.	Wilkes	9/1/65	2/1/66		1 tax assessor	Worth
Patterson	S.F.	Caldwell	7/27/65	8/21/65		13	Holden
Patton	Andrew J.	Macon	9/21/65	11/7/65		1 tax assessor	Holden
Patton	Charles	Henderson		11/7/65		1 asst. tax assessor	Holden
Patton	James W.	Buncombe	7/5/65	8/15/65		1 mail contractor	Holden

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Patton	John E.	Buncombe	7/11/65	1/1/66	13		H suspends to up d.
Patton	Montranille	Buncombe	6/14/66	6/14/66	1, 13	mail con;NC senate	Worth
Pearson	John H.	Burke	8/29/65	2/1/66		1 tax asses;Gen. Ass.	Worth
Pearson	Robert C.	Burke	8/1/65	8/21/65	1, 13	U.S.&rebel p.m.	Holden
Penland	H.P.	Macon	9/9/65	11/7/65		1 U.S.&rebel p.m.	Holden
Penland	Robert H.	Haywood	8/31/65	11/7/65		1 postmaster	Holden
Penland	William M.	Macon	8/31/65	10/6/65		1 tax assessor	Holden
Perkins	Johnson	Ashe	8/28/65	11/7/65		1 U.S.&rebel p.m.	Holden
Philips	E.B.	Wilkes	8/7/65	11/7/65		1 U.S.&rebel p.m.	Holden
Potts	John L.	Jackson	9/22/65	11/7/65		1 postmaster	Holden
Powell	N.A.	Caldwell	7/27/65	8/21/65		1 tax assessor	Holden
Pulliam	Robert W.	Buncombe	7/14/65	5/17/66	1, 13	armory director	H suspend to fst.yr.
Rankin	William D.	Buncombe	7/4/65	8/15/65	1, 13	county agent	Holden
Reed	J.E.	Buncombe	7/4/65	8/15/65		1 U.S.&rebel p.m.	Holden
Reeves	Horton S.	Alleghany	9/23/65	11/7/65		1 tithing agent	Holden
Reid, Sr.	Joseph	McDowell		11/7/65		1 postmaster	Holden
Ripley	V.	Henderson	5/29/65	11/7/65	1, 13	U.S.&rebel mail c.	Holden
Roane	William H.	Macon	11/21/65	1/5/66		1 tax coll;army coll.	Holden
Roberts	Goodson M.	Buncombe	7/5/65	8/15/65		1 postmaster	Holden
Roberts	Joshua	Buncombe	7/4/65	8/15/65		1 dist. tax collector	Holden
Robertson	Alexander	Buncombe	8/3/65	2/13/66	13		Worth
Robinson	James L.	Macon	9/12/65	11/7/65		1 tax collector	Holden
Rogers	Hugh	Jackson	9/22/65	11/7/65		1 tithe assessor	Holden
Rutherford	John	Burke	9/8/65	11/1/65	13		Holden
Sawyer	Thomas T.	Madison	8/15/65	11/7/65		1 postmaster	Holden
Smith	Robert M.	Wilkes		11/7/65		1 deputy marshal	Holden
Spann	James	Henderson		8/21/65		1 tax assessor	Holden
Stradley	Peter	Henderson	9/25/65	11/7/65		1 U.S.&rebel p.m.	Holden
Tate	Samuel	Burke		8/15/65	1, 13	tax assessor	Holden
Tate	S.C.W.	Burke	7/15/65	8/15/65		1 tithe agt.;commiss.	Holden
Tate	William C.	Burke	7/27/65	8/29/65	13		Holden
Taylor	Henry	Watauga	9/15/65	2/1/66		1 US&reb.pm;tax as.	Worth

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Terrell	James W.	Jackson		8/21/65		1 postmaster	Holden
Thomas	William H.	Jackson	6/23/66	7/5/66		13	Worth
Transom	William B.	Wilkes	8/26/65	11/7/65		1 tax assessor	Holden
Triplett	Enoch	Wilkes	8/28/65	11/7/65		1 postmaster	Holden
Tugman	James T.	Wilkes		8/29/65		1 tithe agent	Holden
Vance	Robert B.	Buncombe	7/5/65	8/21/65		3 Brigadier General	Holden
Wagner	David	Caldwell		5/3/66			Worth
Walker	Spencer	Haywood	11/19/65	2/1/66		1 postmaster	Worth
Walton	Thomas G.	Burke		8/15/65		13	Holden
Walton	William M.	Burke	7/13/65	8/15/65	1, 13	receiving agent	Holden
Waugh	Nathan H.	Ashe	8/28/65	11/7/65		1 US&reb.pm;tax rec	Holden
Waugh	Samuel C.	Ashe	8/29/65	11/6/65		1 postmaster	Holden
Weaver	Asa	Ashe	9/27/65	2/1/66		1 postmaster	Worth
Weaver	Nathan	Alleghany	8/30/65	11/6/65		1 postmaster	Holden
Welborn	Elisha M.	Wilkes	6/26/65	8/15/65		1 tithes;Genl. Assem.	Holden
Wells	John	Buncombe	9/5/65	2/1/66		1 postmaster	Worth
Wells	William F.	Buncombe	7/6/65	8/15/65		1 pm;justice of peace	Holden
Whittentorn	A.A.	Wilkes	8/11/65	2/1/66		1 U.S.&rebel p.m.	Worth
Woodfin	Nicholas W.	Buncombe	9/14/65	2/1/66	1, 13	delegate to conv.	Worth
Woodruff	A.J.	Alleghany	9/21/65	2/1/66		1 postmaster	Worth
Worth	David	Ashe	8/28/65	11/7/65		1 U.S.&rebel p.m.	Holden
Wright	R.M.	Wilkes	8/10/65	10/6/65		1 U.S.&rebel p.m.	Holden
York	Tyree	Wilkes	8/7/65	8/29/65		1 postmaster	Holden
Young	James M.	McDowell	10/11/65	11/7/65		1 postmaster	Holden

Tennessee Pardon Petitions

<u>Last name</u>	<u>First name</u>	<u>County</u>	<u>filed</u>	<u>pardoned</u>	<u>exception(s)</u>	<u>specific</u>	<u>Brownlow</u>
Aiken	John G.	Knox	5/28/66	5/1/67		12 treason	
Akard	Jacob D.	Washington	8/4/65	8/15/65		12 aid and comfort	yes
Alexander	Franklin	Carter	7/18/65	11/13/65		12 aid and comfort	no
Alexander	John	Carter	7/16/65	10/2/65		12 aid and comfort	yes
Alexander	John D.	Rutherford	8/14/65	8/15/65		1 postmaster	yes
Allen	Thomas H.	Shelby	8/16/65	10/6/65		10	yes
Allison	John	Washington	8/9/65	11/6/65		12 aid and comfort	yes
Alston	James J.	Tipton	8/7/65	yes		13	yes
Anderson	Audley	Hawkins	6/20/65	10/2/65		1 enrol. off.;assessor	yes
Anderson	Joseph R.	Sullivan	4/29/65	5/30/65		1 collector	
Anderson	Samuel R.	Davidson	7/27/65	12/19/65	3, 12	Brig. Gen.;treason	
Anderson	Samuel S.	Shelby	7/28/65	1/2/67	5, 8	resigned; West Pt.	
Armstrong	Robert A.	Knox	7/19/65	11/13/65		12 treason	yes
Atkins	J.D.C.	Henry	12/9/65	9/21/66		1 Confed. Cong.	
Avent	William F.	Shelby; Lafayett.	7/21/65	12/1/68		13	
Avery	William T.	Shelby	6/19/65	7/10/65	1, 4, 13	p.m.; U.S. Cong.	
Bachman	E.K.	Sullivan	6/28/65	7/26/65	1, 12	enrol.off;aid&comf.	yes
Baines	Samuel W.	Washington	11/6/65	11/6/65	1, 12	sher.e.r.USTN trea	yes
Baker	Abner	Knox		hanged at k		12 treason	
Bankston	A.J.	Monroe	7/17/65	11/13/65		12 treason	
Barker	John W.	Montgomery	8/18/66	8/18/66		13	
Barrow	Washington	Davidson	9/15/65	10/6/65	12, 13	treason&conspirac.	yes
Barton	Robert M.	Jefferson		8/27/65	1, 10, 12	rebel legis;aid&com	
Bass	John M.	Davidson	7/11/65	9/6/65		13	
Bates	W.H.		2/19/66				NO
Battle	Joel A.	Davidson	6/6/65			12 treason& in jail	
Bayless	William M.	Washington	8/4/65	8/8/65	1, 12	TN. legis.;e.r.;treas	yes
Beeler	Peter	Union	11/28/65	4/30/66		12 aid and comfort	yes
Beeson	Abel B.	Hamilton	6/29/66	6/29/66			
Bell	Tyree H.	Dyer	8/19/65			3 Brigadier General	

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Berry	H.T.	Carter	7/24/65	9/27/65		12 aid and comfort	yes
Berry	John	Carter	7/28/65	10/2/65		1 ex US&rebel p.m.	yes
Biggs	James	Greene	10/28/65	10/20/66		12 treason	yes
Bird	Philemon	Hamilton	10/23/65	12/1/68		13	yes
Birdwell	Benjamin	Sullivan	7/17/65	11/13/65		12 aid and comfort	NO
Birdwell	Joseph	Sullivan	7/18/65	11/13/65		12 treason	NO
Birdwell	R.P.	Sullivan	7/17/65	10/2/65		12 aid and comfort	yes
Blackwell	John E.	Knox	8/31/65	11/13/65		12 treason	yes
Blair	William K.	Washington	1/20/66	8/20/66	1, 12	Conf.comm;treason	NO
Blakemore	William W.	Bedford	10/22/66	10/22/66	partisan range		
Boggess	Abijah	Meigs	9/23/65	10/9/65		12 treason	yes
Bogle	Hiram	Blount	9/8/65	10/12/65	1, 12	postmaster;treason	yes
Bower	David E.	Caldwell;Johnso	2/6/66	5/3/66		1 ex US&rebel p.m.	
Bowers	Lewis	Greene	12/6/65	5/16/66		12 treason	yes
Bowers	Lewis	Greene	10/28/65	5/16/66		12 treason	
Bowling	Hugh B.	Anderson	6/22/65	10/30/65		1 ex US&rebel p.m.	yes
Bowman	James W.	Knox	9/16/65	11/13/65		12 treason	yes
Boyce	Samuel J.	Hamilton	3/6/66	3/6/66		13	
Boyd	John M.	Knox	5/28/66	5/28/66		13	
Bradford	H.T.	Haywood	8/16/65	10/5/65			yes
Brazelton, Jr.	William	Jefferson	11/6/65	11/6/65		12 treason	yes
Brewer	William P.	Sullivan	7/19/65	10/23/65		12 treason	yes
Brinkley	R.C.	Shelby	9/4/65	9/14/65		13	
Browder	Bartlett M.	Tipton	8/22/65	10/2/65		13	yes
Browder	J.J.	Monroe	11/1/65	12/29/65		12 treason	NO
Browder	William	Monroe	6/19/66	7/6/66	10, 12	treason	lukewarm
Browder	William D.	McMinn	10/11/65	10/21/65		12 treason	yes
Brown	Alvin M.	Washington	7/13/65	7/26/65	1, 12	US&reb.p.m;treas	yes
Brown	Edward	McMinn	10/6/65	10/21/65	1, 12	mail carrier;treason	yes
Brown	James	Caldwell;Johnso	2/8/66	5/3/66		10	
Brown	John L.	Davidson	10/19/65	10/25/65		12 treason	
Brown	John C.	Giles	6/13/65	1/15/67		3 Major General	yes

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Brown	Neill S.	Davidson	7/22/65	10/26/65	12, 13	treason	yes
Brown	Samuel C.	Catoosa; Sevier	3/28/66	7/5/66		12 treason	
Brown	Thomas J.	Giles	9/3/65	9/3/65		13	yes
Brown	William L.	Giles	8/3/65	8/19/65		13	
Broyles	Adam A.	Washington	8/31/65	11/6/65	1, 12	US&reb.p.m.;a&c	NO
Broyles	Jacob F.	Washington	7/10/65	10/24/65		12 treason	
Bruner	Archibald A.	Sullivan	9/16/65	10/12/65		1 postmaster	yes
Bryan	John W.	Davidson	11/23/65	11/23/65		13	yes
Bryan	Samuel J.	Meigs	10/10/65	10/21/65		12 treason	yes
Bryan	William P.	Davidson	10/9/65	10/9/65		13	yes
Buckner	Jesse A.	Hawkins	5/9/65	6/12/65		1 enrolling officer	
Bullock	J.L.	Maury	7/25/65	7/26/65		12 conspiracy	yes
Burene	Absolom L.	Hawkins	10/23/65	10/23/65	1, 12	p.m.; aid&comfort	yes
Burgess	James M.	Yadkin; Meigs	9/19/65		1, 10	postmaster	
Burson	Zachariah L.	Washington	9/20/65	9/20/65	12, 13	treason	
Butcher	Jessee	Union	11/28/65	4/30/66		12 aid and comfort	yes
Butler	Francis A.	Jefferson	7/15/65	7/15/65		1 postmaster	yes
Butler	John L.	Rutherford	7/8/65	7/11/65		12 pow;Ft. Delaware	yes
Butler	William E.	Madison	10/11/65	11/1/65		13	yes
Butler	William R.	Rutherford	7/22/65			1 ex US&rebel p.m.	
Caldwell	Alfred	Knox	9/25/65	9/25/65			yes
Caldwell	David	Giles		8/12/65		10	yes
Cameron	John	Cocke	1/1/66	4/17/66		12 aid and comfort	yes
Campbell	Alexander W.	Madison	8/17/65	3/6/67		3 Brigadier General	
Campbell	John W.	Madison	8/17/65	8/19/65		13	yes
Campbell	Samuel B.	Hawkins	10/2/65	11/7/65			yes
Campbell	William P.A.	Davidson	8/12/65			5	
Cannon	William H.	Sevier	7/6/65	9/30/65		1 postmaster	yes
Carmichael	John T.	Bradley	7/7/65	7/7/65		13	
Carnes	William W.	Shelby	10/3/65	11/27/65		8 educ. at US Naval	yes
Carr	David J.	Washington	5/27/65	6/12/65		1 ex US &rebel p.m.	
Carr	H.T.	Franklin	10/9/65	10/14/65		1 TN. legis ante-bell.	yes

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Carter	B.F.	Giles	5/20/67	5/20/67	13		
Carter	James E.	(filed from MD)	5/28/66	5/28/66	12	treason	NO
Carters	Henderson	McMinn	10/9/65	10/21/65	12	treason	yes
Caruthers	J.P.	Shelby	9/19/65	7/26/66	10		
Caruthers	Robert L.	Wilson	7/29/65	8/20/66	1, 12, 13	Prov.Cong.;treason	yes
Cate	James A.	Hamilton	7/5/65	9/27/65	1	conscr.agt.; p.m.	yes
Cates	E.	McMinn	8/28/65	8/29/65	13		yes
Cecil	Giles S.	Washington	7/24/65	11/6/65	1, 12	e.r.;comm;treason	NO
Chambliss	Nathaniel R.	Dallas	10/18/65		8	West Point	
Chase	Rowland P.	Sullivan	7/7/65	11/13/65	1	postmaster	
Cheairs	Nathaniel F.	Maury	7/22/65	9/30/65	12, 13	treason	
Cheatham	Benjamin F.	Davidson	8/7/65		3, 12	Major Gen.;treason	
Cheatham	Edward S.	Scott; Robertsor			1, 13	TN. Senate	
Cheek	George W.	Bibb; Shelby	7/24/65		10, 13		
Chester	William P.	Palmetto; Washir	7/15/65				
Childress	John W.	Rutherford	6/23/65	7/11/65	10, 13		yes
Childress	William B.	Sullivan	7/17/65	11/13/65	12	aid and comfort	NO
Christian	James K.	Shelby	10/1/65	10/2/65	13		yes
Claiborne	Thomas	Davidson	7/13/65	8/12/65	5	Capt. in Army	yes
Clark	Reuben G.	Knox	7/6/65	10/26/65	12	treason	NO
Clarke	Joseph D.	Washington	9/28/65	10/19/65	12	treason	yes
Clements	Benjamin N.	Davidson	8/7/65	8/8/65	1	Off. in Confed. P.O	
Clements	Jesse B.	Davidson	8/7/65	8/8/65	1	Confed. Marshal	
Cleveland	Jeremiah	Bedford	8/21/65	8/26/65	13		yes
Cobble	J. Michael	Greene	10/28/65	5/16/66	12	treason	
Cocke	Daniel F.	Hamilton		8/14/65	13		yes
Cocke	William M.	Knox	11/13/65		12	treason	NO
Cocke, Jr.	William E.	Baltimore; Grainç	11/8/65	11/8/65	10, 13		
Cockrill	Mark R.	Davidson	11/14/65	11/14/65	12, 13	aid and comfort	yes
Cockrill	Sterling R.	Davidson	10/17/65	10/18/65	1, 13	receiver of prop.	yes
Coffin	Charles	Knox	9/25/65	9/25/65	12	treason	yes
Coffin	James P.	Hawkins	10/31/65	11/4/65	12	treason	yes

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Colyar	Arthur S.	Franklin	8/12/65	9/22/65		1 Confed. Cong.	yes
Conley	Joseph A.	Washington	8/11/65	9/27/65	1, 12	US&reb. ct.clk;trea	yes
Cook	D.R.	Shelby	8/14/65	8/14/65		13	yes
Cook	James Birch	McMinn	11/13/65	11/13/65	10, 12, 13	treason	NO
Cook	Charles	Greene		8/12/65		12 treason	yes
Cottrell	John B.	Washington		7/11/65		12 treason	yes
Cox	H.T.	Amherst; Knox	10/19/65				
Cox	James	Sullivan	10/28/65	11/16/65		12 aid and comfort	
Cox	James K.	Blount	11/3/65	5/16/66		12 treason	yes
Cox	James W.	Washington	8/13/65	9/27/65		12 treason	yes
Cox	William W.	Sullivan	7/20/65	10/2/65		12 conspriacy	yes
Craighead	James O.	Knox	6/19/65	10/2/65		12 treason	yes
Crawford	John H.	Washington	11/7/65	11/7/65	1, 12	US&reb.ct.clk;trea	
Crawford	W.A.	Washington	8/4/65	8/15/65		12 treason	yes
Crawford	William H.	Greene	9/18/65	9/18/65		12 treason (rebel min.)	NO
Critz	Philip	Hawkins	2/8/66	2/8/66		12 treason	
Crouch	Jessee H.	Washington		7/11/65		12 treason	yes
Crouch	Joseph H.	Smyth; Washing		7/11/65		12 aid and comfort	yes
Crouch	W.H.	Wythe	7/13/65		1, 10, 13	Confed. Marshal	
Crouch	W.H.	Wythe; Washing	8/30/65		1, 13	marshal	
Crozer	Samuel C.	Rutherford	8/30/65	9/27/65		12 treason	yes
Crumley	J.R.	River Bend Forg	7/27/65	10/21/65		12 treason	NO
Crumley	John A.	Carter	8/14/65	9/27/65		12 aid and comfort	yes
Crumley	R.F.	Sullivan	8/12/65	10/21/65		12 treason	NO
Cummings	James F.		6/21/65	7/6/65	1, 13	Commissary	
Cunningham	George W.	Davidson	7/7/65	8/12/65		13	yes
Cunningham	William R.	Shelby	9/11/65	3/28/66		13	yes
Darwin	John W.	Jackson	8/14/65			14	
Davis	J. Alex	Bradley	6/18/66	7/6/66		12 treason	yes
Davis	John R.	Wilson	6/1/65	6/21/65			
Davis	Philip	Carter	7/16/65	9/27/65		12 aid and comfort	yes
Deaderick	Arthur V.	Jefferson		9/27/65		12 treason	yes

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Deaderick	James G.	Washington	7/21/65	9/27/65		12 treason	yes
Deaderick	Michael D.	Shelby	7/18/66	7/18/66		13	
Deaderick	William P.	Shelby	7/18/66	7/18/66		13	
Deaderick	William V.	Washington	7/21/65	9/27/65		12 treason	yes
Delaney	John R.	Sullivan	7/29/65	8/12/65		1 ex US&rebel p.m.	yes
Delaney	W.R.	Sullivan	7/28/65	8/12/65		12 treason	yes
Devault	George H.	Carter	7/16/65			12 aid and comfort	
DeWitt	William H.	Smith	8/31/65	12/8/65		1 Confed Prov. Cong	yes
DeWitt	William L.	Cocke		10/24/65		12 treason	yes
Dibrell	G.G.	Sparta	8/21/65	3/6/67		3 Brigadier General	
Dickey	Houston P.	Monroe	11/1/65	12/29/65		12 treason	NO
Dickey	William W.	Polk	11/29/65	7/6/66			
Dill	Benjamin F.	Shelby	7/28/65	7/28/65		13	yes
Dixon	George	Shelby	6/17/65	7/5/65	2, 10	Judge in Memphis	yes
Dixon	Leonidas V.	Shelby		10/12/65		13	yes
Doak	John F.	Wilson	5/30/65	6/6/65		10	
Dobbs	James M.	Hamilton	1/13/66	1/13/66		13	
Dodson	Andrew J.	McMinn	5/9/65	11/13/65	1, 12	US&reb.p.m.;treas	yes
Donelson	Thomas	Washington	7/22/65	10/2/65		12 aid and comfort	yes
Duff	David D.	Clay;Johnson	6/30/65	3/8/66		12 treason	
Dugger	Emanuel L.	Johnson	12/14/65	5/16/66		12 treason	yes
Dulaney	J.E.	Sullivan	7/19/65	7/25/65		12 treason	yes
Dulaney	N.S.	Sullivan	6/27/65	7/25/65		12 treason	yes
Duncan	R.D.	Roane	8/1/65	8/19/65	1, 10	postmaster	yes
Dunnington	Frank C.	Maury	8/18/65	8/18/65	1, 12	commissioner;treas	
Dysart	B.G.	Williamson	7/8/65	8/15/65		10	yes
Eames	Curtis	Amherst; Hambl	7/21/65	7/21/65		13	
Earnest	Felix W.	Greene	2/19/66			1 rebel legis.	NO
Eaton	Thomas L.	Jackson	7/13/65			14	
Eaves	James G.	Sullivan	7/19/65	7/25/65	1, 12	enrol. off;aid &com	yes
Edmonds	Anderson R.	Hawkins	7/19/65	9/30/65		1 postmaster	
Effer	Henry	Washington	8/16/65	10/2/65		12 treason	yes

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Ellis	Samuel B.	Washington	7/31/65	11/6/65	1, 12	p.m.;e.r.;treason	NO
Ellison	William R.	Cocke	1/6/66	4/17/66		12 treason	yes
Emmons	William S.	Greene	11/29/65	5/16/66		12 aid and comfort	yes
Eppes	John D.	Tishimingo; Kno	5/23/66	11/13/66		12 treason	
Epps	W.W.	Washington	6/8/65	6/9/65		1 postmaster	
Etter	Joseph	Greene	3/29/66	4/9/66		1 US&reb.p.m.;e.r.	
Evans	T.W.	Davidson	6/21/65	8/26/65		13	
Evans	Thomas	Jefferson	8/1/65	10/26/65	12, 13	treason	NO
Eve	Paul F.	Davidson	6/21/65	8/18/65		10	yes
Fain	Richard G.	Hawkins	6/22/65	10/2/65		8 West Point	
Fain	William D.	Jefferson	2/14/66	2/14/66	1, 13	US&rebel p.m.	
Farley	Thomas W.	Sullivan	7/19/65	11/13/65	1, 12	Confed. coll.;treas	
Farmer	Henry	Anderson	6/12/66	7/6/66		12 treason	yes
Farnsworth	Henry A.	Greene	6/24/65	10/12/65		12 treason	
Faw	George P.	Washington	12/14/65	5/31/65		12 treason	yes
Faw	Thomas A.	Washington	5/31/65	5/31/65		1 postmaster	
Faxon	Charles O.	Montgomery	8/10/65	9/5/65	1, 10	US&rebel p.m.	
Feger	Daniel H.	Shelby	7/26/65	7/26/65		1 super. of W. Divisi.	
Fickle	Robert P.	Sullivan	10/29/65	11/16/65		12 treason	
Findlay	William S.	Bledsoe		8/12/65		1 postmaster	yes
Fine	Abraham	Washington	4/11/66	4/11/66		12 treason	
Finley	John H.	Knox		10/2/65		12 treason	yes
Fite	L.B.	Davidson	8/7/65	8/19/65		13	yes
Folsom	George W.	Carter	7/15/65	8/15/65		12 treason	
Folsom	H.M.	Carter	7/14/65	8/15/65		12 treason	
Foote	Henry S.	Montreal	6/26/65			1 Confederate Cong.	
Forrest	Nathan Bedfor		7/19/65	7/17/68		3 Lt. General	
Foster, III	Robert C.	Davidson	7/8/65	10/30/65		12 treason	
Foster, IV	Robert C.	Davidson	9/2/65	9/5/65		12 treason	yes
Fouste	Wilkerson G.	Sullivan	8/3/65	8/15/65	1, 12	enrol.off; treason	yes
Franklin	Isaac W.R.	Jefferson	6/8/66	6/13/66		12 aid and comfort	
Frazer	John W.	Ft. Warren	6/22/65		3, 8, 12	Brig. Gn.;WP; pow	

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French	Hugh L.W.	Knox	6/14/65	10/2/65		12 treason	yes
French	John L.M.	Hamilton	5/3/66	5/3/66		13	yes
Frierson	Madison S.	Maury	9/22/65	10/12/65	12, 13	conspiracy	yes
Gale	William D.	Davidson	7/6/65	8/12/65		13	
Galloway	M.C.	Shelby	10/3/65	10/3/65	1, 10	US & rebel p.m.	NO
Gammon	A.L.	Sullivan	7/21/65	10/21/65		12 treason	NO
Gammon	Nathan	Knox	7/27/65	9/5/65		12 treason	NO
Gannon	William	Sullivan	5/30/65	6/12/65		1 postmaster	
Gardenhire	E.L.	Overton	8/18/65		1, 2	Confederate Cong.	NO
Gardenshire	George W.	Hamilton	3/24/66	5/5/66	10, 13		yes
George	Isaac W.	Blount	9/6/65	9/22/65		12 treason	yes
Gibson	Francis	Washington		10/19/65	1, 12	e.r.;aid&com;vsTN	yes
Giddens	W.W.	Knox	11/13/65	5/9/65		12 treason	NO
Gillespie	George L.	Hamilton	6/8/66	7/6/66		12 treason	yes
Gillespie	James W.	Rhea	7/21/65	10/9/65		12 treason	yes
Gillespy	James H.	Blount	12/7/66	5/1/67		1 county reg.; p.m.	
Goforth	John S.	Jefferson	8/2/65	8/15/65		12 treason	yes
Good	David	Washington	9/9/65	11/6/65	1, 12	e.r.; aid & comfort	NO
Goodner	John F.	DeKalb	9/28/65	10/27/65		12 treason	yes
Gorin	Franklin	Jefferson;Shelby	7/27/65	9/2/65		14	
Gouchenour	Henry	Cocke	10/23/65;3	4/17/66	1, 12	dpty. mars; aid&co	NO; YES
Grace	John C.	Johnson	11/30/65	12/28/65		12 treason	yes
Graham	Albert	Shelby	7/2/66	7/2/66		13	
Graham	Thomas P.	Claiborne	9/11/65	11/1/65		1 postmaster	yes
Grant	Archibald S.	Johnson	12/14/65	12/28/65		12 treason	yes
Graves	J.R.	Davidson	7/27/65			10	
Green	A.L.P.	Davidson	6/19/65	9/25/65		13	yes
Green	John A.	Madison	12/17/66	12/17/66		13	
Gregg	Thomas M.	Cocke	1/2/66	4/17/66		12 treason	yes
Grider	William H.	Shelby	1/29/66	3/9/66		13	yes
Hale	P.S.	Hawkins	7/19/65	10/23/65		1 postmaster	
Hale	Philip P.	Greene	7/1/65			1 postmaster	

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Hambleton	J.W.	Shelby	3/27/66	3/27/66	13		
Hamilton	John B.	Maury	7/13/66	7/14/66	10		
Hammer	John P.	Sullivan	7/19/65	11/13/65	1, 12	e.r.; treason	
Hankal	James C.M.	Washington	8/5/65	9/27/65	1, 12	e.r.; treason	yes
Harbison	Abraham B.	Polk	9/29/66	9/29/66	12	treason	
Harbison	Jefferson M.	Claiborne	2/10/66	2/10/66	1	p.m.	not advised
Harbison	William P.	Knox	6/19/66	7/6/66	12	treason	
Harman	B. Desha	Shelby	10/3/65	10/5/65	13		
Harmon	Philip	Washington	9/9/65	11/6/65	1, 12	e.r.; treason	NO
Harris	Alexander N.	Washington		11/13/65	12	treason	NO
Harris	R.R.	Bradley	9/19/65	10/12/65	12	treason	yes
Harrison	Charles A.	Cocke	10/17/65	10/31/65	12	aid and comfort	yes
Haynes	Landon C.	Iredell	8/18/65	6/11/66	1, 12, 13	Senator; treason	
Haynes	Milton A.	Giles	7/24/65		3, 8	commander; W.P.	
Hays	William N.	Cocke	2/15/66	4/17/66	12	treason	yes
Heartsill	Hiram	Wythe (Blount)	8/12/65	11/13/65	1	e.r.; p.m.	NO
Henderson	John G.	Knox		12/20/65	12	treason	yes
Henderson	Joseph	Greene	8/18/65	8/18/65	12	treason	
Henderson	R.P.	Blount	5/8/66	7/6/66	12	treason	
Henderson	Samuel B.	Sevier	7/19/65	11/13/65	1, 12	purch. agt.; treason	
Henderson	W.A.	Knox	11/13/66	11/13/66	12	treason; &vs. TN.	
Henry	Gustavus A.	Montgomery	7/15/65	11/27/66	1	Confed. Congress	
Hicks	Isaac	Sullivan	10/29/65	11/16/65	12	treason	
Hidell	William H.	Shelby		9/20/65	10		
Hill	Benjamin J.	Warren	8/17/65		3	Brig. Gen.	
Hill	H.L.W.	Warren	7/10/65	9/22/65	10, 13		
Hill	W.H.S.	Williamson	8/7/65	8/18/65	1, 10, 13	legislature	yes
Holland	J.C.	Shelby	3/2/66	3/2/66	12	treason	
Hopper	Richard M.	Washington	10/13/65	10/13/65	1, 12	p.m.; aid&comfort	yes
Hord	Eldridge	Hawkins	9/12/65	9/27/65	13		yes
Horn	Benjamin	Sullivan	12/6/65	12/30/65	12	treason	yes
Horton	Joseph W.	Davidson	7/31/65	8/19/65	12	conspiracy	yes

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House	John F.	Montgomery	6/16/65	12/27/66	1, 12	Conf.Prov.Cong;tre	
Howard	George A.	Wilson	6/19/65	11/16/65		8 Navy	
Hoyal	John	Rhea	10/7/65	10/9/65		13	yes
Hughes	J.H.	Sullivan	7/28/65	8/12/65		1 mail contractor	yes
Humes	Thomas W.	Knox	9/22/65	9/22/65			yes
Humes	W.Y.C.	Shelby	3/2/66	6/10/67		3 Brigadier General	yes
Humphreys	W.H.	Davidson	10/3/65		1, 12, 13	Conf.judge;conspir	
Hunt	William R.	Shelby	7/15/65	7/15/65		13	
Hurt	Robert B.	Madison	7/24/65	7/25/65		13	
Inman	Charles W.	Jefferson	7/14/65	11/13/65		12 treason	NO
Ivins	Samuel P.	McMinn	7/26/66	7/26/66		12 treason	
Jack	Alvy	Cocke		10/31/65		12 aid and comfort	yes
Jack	William	Cocke	6/20/65	10/31/65	1, 12, 13	purch.agt; treason	yes
Jackson	Alfred E.	Washington	7/19/65	11/16/65	3, 13	Brigadier General	
Jackson	Andrew	Davidson	10/3/65	10/3/65	5, 8	West Point	
Jackson	Howell E.	Shelby	7/1/65; 1/2/66	1/26/66		1 rebel receiver	yes
Jackson	Samuel D.	Johnson	11/29/65	12/14/65		12 treason	yes
James	William W.	Sullivan	7/19/65	9/27/65	1, 12	clk.of ct.; treason	yes
Jarnagin	Milton P.	Amherst; McMinn				13	
Johnson	Bushrod R.	Davidson	3/19/66		3, 8, 12	Mj.Gen;WP;treas	
Johnson	Cave	Montgomery	8/18/65	8/19/65		12 treason	
Johnson	John B.	Davidson	8/19/65	8/19/65		13	yes
Johnson	L.F.	Sullivan	7/15/65	11/16/65	1, 12	US&Conf.mayor;tr	yes
Johnson	P.A.V.	Montgomery	8/18/65	8/19/65		13	yes
Johnson	William S.	Blount	12/9/65			12 treason	NO
Johnston	E.F.	Bradley	8/20/66	8/20/66		10	
Jones	Caleb B.	Fayette	7/18/65	10/2/65		13	yes
Jones	George W.	Lincoln	6/6/65	6/16/65		1 rebel congress	
Jones	Ira P.	Davidson	7/11/65	10/27/65		12 treason	
Jones	John W.	Fayette	7/17/65	10/2/65		13	yes
Jones	Thomas M.	Giles	6/20/65	9/30/65	1, 10	prov. Conf. Cong.	
Jones	Wiley B.	Fayette	7/17/65	10/2/65		13	yes

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Jones	William	Anderson	11/13/66	11/13/66		12 treason	
Jones, Jr.	Chamberlayne	Shelby				13	
Jones, Sr.	Chamberlayne	Shelby	5/10/65	6/16/65		13	
Jordan	Columbus A.	McMinn	8/29/65	10/21/65		1 postmaster	yes
Keeble	Edwin A.	Rutherford	7/22/65; 9	9/18/65	1, 12	Conf.Cong.;treason	
Kennedy	D.N.	Montgomery	6/26/65	6/29/65		1 legis.; coll. of tax	
Kennedy	James	Knox		9/27/65		12 treason	yes
Kennedy	John	Knox	9/11/65	9/13/65		10	yes
Kerr	A.H.	Shelby				13	yes
Key	D.M.	Caldwell (Hamilt	5/25/65	6/15/65		12 treason	
Keyes	William G.	Loudon	4/13/66	4/13/66		1 postmaster	yes
Kinchloe, Jr.	James	Washington	8/25/65	10/2/65		12 treason vs. TN.	yes
King	Alfred	Hamilton	9/15/65	9/18/65		10	
King	James	Sullivan	7/13/65	11/13/65		13	
King	James M.	Rutherford	6/19/65	8/26/65	10, 13		
King	John G.	Sullivan	7/19/65	9/27/65		12 treason	yes
King	L.M.	Sullivan	8/12/65	10/21/65		1 U.S.&reb. p.m.	yes
King	O.C.	Sullivan	8/12/65	10/21/65		12 treason;aid &comf.	
King	R.A.	Hamilton	6/29/65	11/13/65		10	
King	William H.	Sullivan		10/2/65		1 U.S. and rebel j.p.	yes
Kitzmilller	John	Washington	11/24/65	1/6/66		12 aid and comfort	yes
Lane	James T.	McMinn	2/13/66	2/27/67		1 rebel legisaltor	
Lathim	Thomas	Grainger	7/29/65	8/10/65		1 rebel clk. of ct.	yes
Lea	Dr. William	WDavidson	2/17/66			13	
Lea	James C.	Bradley	9/6/65	9/6/65		10	
Leake	B.B.	Davidson	7/27/65	7/27/65		13	
Lee	Elijah	Monroe	7/21/65	11/13/65		10	
Lee	James M.	Monroe	7/21/65	11/13/65		10	
Lee	Thomas			3/8/66		12 treason	yes
Lee	Thomas J.	Rutherford;Hawt	10/30/65	3/28/66		10	yes
Lenoir	W. Avery	Roane				13	yes
Lenoir	William	Roane	7/13/65	8/12/65	1, 13	U.S.&rebel p.m.	yes

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Lewis	S. Duffle J.	Knox	5/5/66	5/5/66	1, 12	emply.of p.o.;treas.	
Lillard	N.J.	Meigs	6/27/65	1/6/66		12 treason	yes
Link	Ephraim	Greene	5/15/66	5/15/66		10	yes
Little	John N.	Humphreys	8/27/67	8/27/67		1 TN. rebel legis.	
Long	J. Benjamin	Madison		11/13/65		13	NO
Long	William H.	Madison	8/25/65	10/2/65		13	yes
Longmire	Charles	Washington	10/25/65		1, 12	postmaster;aid&co.	yes
Lotspeich	Charles	Monroe	11/1/65	12/29/65			yes
Lotspeich	John W.	Monroe	11/1/65	12/29/65			yes
Love	John S.	Greene	1/9/67	1/9/67		12 treason	
Luckey	Cornelius E.	Washington	7/19/65	8/28/65		12 treason	
Luttrell	Caswell D.	Hamilton	12/9/65	12/9/65	10, 12, 13	treason	
Luttrell, Jr.	James C.	Knox	9/9/65	9/11/65		12 treason	yes
Lyle	John	Washington	11/24/65	12/4/65		12 treason	yes
Lyons	Clinton	Hawkins	10/14/65			12 treason	yes
Lytle	Frank H.	Rutherford	11/4/65	11/13/65		13	yes
Magee	Green T.	Carter	7/15/65	10/2/65		12 aid and comfort	yes
Malone	Charles W.	Shelby	7/21/66	7/21/66		13	
Maney	George	Davidson	8/17/65	6/13/66		3 Brigadier General	yes
Marchbanks	A.J.	Warren	7/10/65	8/30/65	1, 12, 13	judge;consp&treas	
Mark	James M.	Washington	8/14/65	9/11/65		12 treason	yes
Marshall	Thomas L.	Davidson	7/11/65	9/19/65		12 conspiracy	
Martin	Rev. Joseph H.	Knox		11/13/65		12 aid and comfort	NO
Martin	William V.	Mauy	9/30/65	10/2/65		12 conspiracy	
Mason	A.G.	Washington	7/13/65	9/22/65	1, 12	co.assess;treason	
Mast, Sr.	Jacob	Caldwell;Johnso	2/11/66			10	
Matthews	Robert	Bedford	9/13/65	9/13/65			yes
Maxwell	Anthony S.	Bibb;	6/24/65			13	
McAffry	John A.	Knox	10/1/65	10/1/65		12 treason	yes
McBee	Houston	Claiborne	6/19/66	7/6/66		12 treason	
McCall	J.K.	Davidson	8/16/65			5 resigned from army	
McCallum	James	Giles	9/11/65	9/30/65	1, 12	Conf.Cg.;trea,cons	

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McClanahan	Samuel	Madison	8/17/65	8/19/65			
McClellan	George R.	Sullivan	7/19/65	7/25/65		12 treason	yes
McClellan	William	Sullivan	5/30/65	6/12/65		1 postmaster	
McClung	Franklin H.	Knox	8/18/65	9/6/65		12 treason	
McClung	Hugh L.	Saltville (Knoxvil	8/28/65	11/1/65	12, 13	aid and comfort	yes
McClure	John F.	Washington	11/16/65	11/21/65		12 treason	yes
McColloch	Robert P.	Giles	9/20/65	1/5/66		10	yes
McComb	William	Montgomery	7/1/65			3 Brigadier General	
McCorkle	Joseph	Meigs	5/10/66	7/6/66	1, 12	postmaster; treason	
McCown	J.P.	Knox	7/8/65		3, 5, 8	Major Gen; W.P.	yes
McFarland	Robert	Jefferson		8/27/65		12 treason&vs. TN.	
McFerrin	J.B.	Davidson	6/26/65	6/28/65		13	yes
McLin	Alexander	Washington	8/12/65	10/2/65	1, 12	j.p., e.r.; aid&comf.	yes
McLin	James A.	Knox	12/11/65			12 aid and comfort	NO
McLin	John B.	Washington	6/18/66	6/18/66		12 treason	
McMahon	M.B.		6/6/65	6/6/65		12 treason	
McManus	James C.	Shelby	11/1/65	1/26/66		13	yes
McNish	W.D.	Davidson	6/19/65	8/19/65	1, 12	US&reb.p.m.; tr&c	yes
McPherson	William	Sevier	11/29/65	5/16/66		12 treason	yes
McTea	Joseph T.	Knox	9/25/66	5/1/67		12 treason	
Meek	Charles W.	Washington	7/21/65	7/21/65	1, 12, 13	tax coll.; treason	yes
Menees	Thomas	Shelby	7/29/65	9/18/65		1 Confederate Cong.	
Meredith	Joseph	Sullivan	11/14/66	5/1/67		12 treason	
Meroney	N.R.	Maury	5/15/66			12 treason	
Michie	Charles	Fayette	7/1/65			13	
Millard	A.M.	Sullivan	7/1/65	7/25/65		12 treason	yes
Miller	Cornelius C.	Hawkins	7/19/65	11/13/65		1 postmaster	
Miller	James	Washington	10/30/65	11/13/65		12 treason	yes
Miller	William	Union	12/1/65	7/6/66		12 aid and comfort	
Miller	William M.	Hamblen	9/14/65	9/15/65		1 postmaster	yes
Mims	Aaron L.	Cocke	12/28/65	4/1/66		12 treason	yes
Moffatt	James S.	Obion		10/14/65		13	yes

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Montgomery	Andrew J.	Shelby	3/28/66	4/15/66	13		yes
Moore	Green	Johnson		3/8/66	12	treason	
Moore	William A.	Fulton; Hamilton	5/1/66	5/1/66	13		
Moore	William M.	Madison			13		
Morgan	Irby	Davidson	8/31/65	9/20/65	1, 13	sold goods to q.m.	
Morgan	Samuel D.	Davidson	9/15/65	9/20/65	12, 13	conspiracy	
Morris	Drewry	Hamblen	6/20/65	11/10/65	1, 12	purch.agt; treason	
Morrow	John M.	Washington	8/21/65	10/21/65	12	treason	
Morrow	William	Knox	5/24/66	5/29/66	12	treason	yes
Moses	Frank A.	Knox	7/19/65	11/13/65	12	treason	yes
Mullendore	Abraham L.	Sevier	2/23/66	5/16/66	12	treason	NO
Mullendore	John	Sevier	2/23/66	5/16/66	12	aid and comfort	NO
Mumford	E.W.	Shelby	1/10/66	4/30/66	13		yes
Munday	William S.	Sumner	7/14/65	8/12/65			yes
Murphy	J.J.	Shelby	6/30/65	8/2/65	13		
Murphy	John A.	Sullivan	7/17/65	7/31/65	12	treason	yes
Murray	John P.		6/19/65	6/20/65	1	Confederate Cong.	
Myers	Leonard D.	Maury	12/9/65	12/14/65	12	conspiracy	yes
Nance	William H.	Giles	2/1/66	2/1/66	13		
Nave	Henry V.	Washington	8/10/65	10/5/65	12	aid and comfort	yes
Neil	John C.	McMinn	9/6/65	9/6/65	1	ex US &rebel p.m.	yes
Newell	William C.	Sullivan	5/19/65	6/6/65	1	ex US &rebel p.m.	
Newton	Joseph C.A.	Sullivan	5/9/65	6/12/65	1	enrolling officer	
Nicholson	A.O.P.	Maury	6/4/65		12	conspiracy	
Oldham	Thomas E.	Knox	9/15/65	9/15/65	1	ex US &rebel p.m.	yes
Osborne	Henry T.	Maury	9/17/65	10/6/65	1, 12	rebel legis.;conspir.	yes
Overton	John	Davidson	8/12/65	8/14/65	13		yes
Palmer	Joseph B.	Rutherford	6/22/65	10/27/65	3	Brigadier General	
Parham	John	Fayette	9/25/65	9/25/65	13		
Parker	George B.	Knox	4/20/66	5/5/66	12	treason	
Parker	John H.	Knox	8/2/66	8/2/66	12	treason	
Parry	G.M.D.	Greene	7/3/65	10/2/65	1, 12	enrol.off.;treason	yes

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Pattison	George	Shelby	8/31/65	8/31/65		12 treason	
Patton	J.N.	Rutherford	8/26/65	8/26/65		13	
Payne	Banyan	Tipton	10/18/65	10/18/65		13	yes
Payne	Edwin D.	Davidson	6/19/65	6/30/65		13	
Pearl	E.G.	Davidson	7/1/65			13	
Peoples	Madison T.	Carter	9/19/65	9/19/65		12 aid and comfort	
Peoples	William	Carter	11/6/65	11/6/65		12 aid and comfort	NO
Person	Richard J.	Shelby	10/30/65	11/1/65		13	
Pettigrew	Corry	Decatur	3/31/66	6/27/66		13	
Phillips	Harvey T.	Fulton;Hamilton	9/22/65			1 postmaster	
Pike	Albert	Shelby	6/24/65	4/23/66	3, 13	Brigadier General	
Pillow	Gideon J.	Davidson	6/19/65	8/28/65	3, 13	Brigadier General	yes
Pogue	John	Knox	7/29/65	7/31/65		1 rebel mail contract.	yes
Polk	Marshall T.	Hardeman	7/19/65			8 West Point	
Poore	William	Sullivan	7/19/65	10/2/65	12, 13	treason	
Porter	Alexander J.	Davidson	7/19/65	7/21/65	10, 13		
Powel	George R.	Terrell; Hawkins	8/21/65		12, 13	treason	
Powel	Samuel	Hawkins	10/14/65	10/23/65		12 treason	NO; then Yes
Powell	John	Knox	5/31/65	5/31/65		1 ex US & rebel p.m.	
Preston	James	Sullivan	8/4/65	8/15/65		13	yes
Quarles	W.A.	Montgomery	10/11/65	12/27/66		3 Brigadier General	yes
Quenichet	John W.	Shelby	6/9/65	10/27/65		13	
Ragsdale	L.F.	Knox		11/28/65		12 aid and comfort	yes
Ramsey	F.A.	Shelby	10/13/65	10/13/65		12 treason	
Ramsey	F.W.A.	Davidson	7/28/65	7/31/65		12 treas.;aid&comfort	yes
Ramsey	J.C.	Davidson	8/1/65	11/10/65		1 Confed. Dist. Atty.	NO
Rankin	Charles G.	Greene	7/3/65	10/2/65		12 treason	yes
Rankin	James	Cocke	10/17/65	10/31/65		12 aid and comfort	yes
Ray	John E.R.	Shelby	7/21/65	7/21/65	1, 12	Conf.sec.of st.;cons	yes
Reese	Asa	Johnson	12/20/65			12 treason	NO
Reese, Jr.	William B.	Knox		6/12/65		12 treason	
Reeve	Jesse S.	Washington;Gre		9/20/65		1 postmaster	

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Reeves	Daniel L.	Bedford	8/24/65	8/26/65		13	
Reeves	William P.	Washington	8/5/65	8/19/65		12 treason	yes
Reid	Martin V.	Polk	12/12/65			10	NO
Reynolds	John T.	Greene	8/12/65	11/13/65		12 treason	
Reynolds	Richard F.	Knox	10/31/65	11/13/65	10, 12	treason	NO
Reynolds	Robert B.	Knox	8/13/65	5/1/67	1, 13	commissioner	NO
Rhea	James A.	Sullivan	8/1/65	8/15/65		12 treason	yes
Rhea	John	Grainger	8/16/65	10/2/65		1 rebel tax collector	yes
Rhea	John L.	Sullivan	5/30/65	5/30/65		1 rebel register	
Rhea	Joseph S.	Washington	6/26/65	4/30/66		12 treason	yes
Rhea	Robert B.	Sullivan	7/22/65	7/25/65	1, 12	prov.marsh;treason	yes
Rice	Orville	Hawkins	12/2/65	6/19/66			
Richardson	Robert V.	Shelby	11/10/65	11/10/65		13	NO
Ridley	Bromfield	Rutherford	7/22/65	7/24/65	10, 12, 13	conspiracy	
Riley	John D.	Hawkins	12/8/65	1/19/66		10	NO
Rivers	James W.	Giles	6/28/67	6/28/67		13	
Roberts	John C.	Monroe		11/15/65		12 treason	yes
Robertson	George	Shelby	12/19/65	4/30/66		13	yes
Robertson	J.D.	Sullivan	7/17/65	8/19/65		1 rebel route agt.	yes
Robertson	Samuel D.	Davidson				12 p.o.w.	
Rogers	Charles G.	Giles	6/28/65			8 West Point	
Roller	George	Sullivan	7/19/65	10/2/65	12, 13	treason	
Royster	F.W.	Shelby	8/18/65	8/19/65		10	yes
Rudd	Joseph R.	Monroe	1/6/66	4/17/66		12 aid and comfort	yes
Russell	John	Blount		8/19/65		12 treason	yes
Russell	John	Greene	11/29/65	5/16/66		12 treason	yes
Russell	Joseph	Hawkins	7/1/65	11/13/65		13	
Russell	R.M.	Gibson	8/21/65			8 West Point	yes
Russell	Thomas	Greene	11/29/65	4/16/66		1 ex US&rebel p.m.	yes
Rutledge	Arthur M.	Franklin	7/15/65	9/18/65		8 West Point	
Saffarans	John L.	Shelby	8/7/65	8/18/65			yes
Sanborn	John S.	Knox	11/6/65	11/6/65		13	yes

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Sandusky	Granville C.	Meigs	10/2/65	10/24/65		12 treason	yes
Saunders	John E.	Davidson	9/20/65	10/2/65		13	yes
Schooler	William S.	Roanoke; Morgæ	7/31/65	8/7/65		10	
Scott	William S.	Obion		11/20/65		1 rebel sheriff	yes
Scruggs	Abijah	Greene	7/1/65			1 postmaster	
Seal	Nelson	Hancock		3/28/66		12 treason	yes
Sears	C.W.	Davidson	6/18/65		3, 8	Brig. Gen.;West Pt.	
Seed	Charles C.	Tuscaloosa;She	7/6/65	11/4/65		13	
Sehon	E.W.	Davidson	8/14/65	8/14/65		13	yes
Sehon	John L.	Madison (David)	8/14/65	8/14/65	1, 13	rebel dist. atty.	yes
Seiper	John	Rutherford	8/10/65	8/10/65		13	
Sharp	James M.	Sevier	7/7/65	8/18/65		1 rebel postmaster	yes
Sharp	Thomas	Davidson	9/11/65	9/27/65		1 rebel foreign agt.	yes
Shaver	John	Sullivan	5/30/65	5/30/65		1 ex US&rebel p.m.	
Shewn	William	Johnson	11/28/65	12/24/65		12 treason	yes
Shields	James	Grainger		11/5/65		1 rebel postmaster	yes
Shields	John	Greene		3/19/66		12 aid and comfort	yes
Shook	G.A.	Franklin	8/15/65	10/2/65		1 ex US &rebel p.m.	yes
Shultz	George	Cocke	11/20/65	1/19/66		1 justice of peace	yes
Simpson	James K.	Cocke		4/17/66		12 treason	yes
Simpson	James K.	Polk; Hawkins	1/5/66	5/3/66		10	
Sinclair	B.A.	Lauderdale	8/1/65	8/2/65		1 rebel postmaster	
Sinclair	Matthew H.	Lauderdale;Way				14	
Slemons	W. Charles	Washington	12/14/65	5/2/66		12 treason	yes
Sliger	Henry	Washington	8/5/65	8/8/65		12 treason	yes
Sliger, Jr.	Adam	Washington	8/5/65	8/8/65		12 treason	yes
Smith	Albert J.	Norfolk; Davidsc	7/11/65			5	
Smith	Alexander E.	Cocke	7/8/65	11/8/65	12, 13	treason&aid&comf	
Smith	Francis M.	Knox	5/18/68			12 treason	
Smith	Frank	Shelby	10/28/65	10/28/65		13	
Smith	Granville P.	Davidson	7/17/65	10/25/65		12 conspiracy	yes
Smith	Gustavus W.	Bibb	7/12/65	11/21/67	3, 8, 12	Mj.Gen;WP;treas.	

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Smith	J.A.	Shelby	8/26/65		3, 5, 8	Brig. Gen.; West Pt	
Smith	John	Cocke	10/17/65	10/31/65		12 aid and comfort	yes
Smith	Sydney P.	Williamson	8/14/65	8/15/65	10, 13		yes
Smith	Thomas	Davidson		12/30/65	10, 13		yes
Smith	Thomas B.	Fort Warren	7/12/65	7/1/68		3 Brig. Gen.	
Snapp	James P.	Sullivan	7/19/65	10/19/65		12 treason	
Sparks	James L.	Washington	7/6/65	10/2/65		1 rebel postmaster	yes
Speed	John H.	Bibb; Shelby	7/20/65			13	
Speed	John H.	Shelby	9/20/65	10/5/65		13	
Speed	Mary H.	Shelby	9/20/65	10/5/65		13	
Sperry	J. Austin	Knox	8/2/65			12 treason&aid&comf	
Spicer	Burrell B.	Humphreys	12/19/66	12/19/66	1, 13	rebel sheriff	
Spotswood	Janette	Shelby	10/2/65	10/5/65		13	
St. John	Charles J.	Sullivan	7/19/65	7/25/65		12 treason	yes
Stevenson	V.K.	Davidson	8/12/65	8/14/65	12, 13	conspiracy	
Stewart	Alexander P.	Wilson	7/22/65	2/19/68	3, 8	Lt.Gen.; West Pt.	
Stewart	D. Ward	Cocke	9/26/65	10/18/65		12 treason	
Stokeley	Charles	Cocke	6/13/66	6/13/66		12 aid and comfort	yes
Stokeley	William M.	Monroe	8/3/65	9/27/65		1 ex US &rebel p.m.	yes
Stone	Littleberg L.	St.Clair;Lincoln				13	
Stratton	Madison	Davidson	7/8/65	10/26/65		12 conspiracy	yes
Stringfield	William W.	Jefferson	7/7/65	11/13/65		12 treason	
Stuart	Alexander	Cocke	10/13/65	10/31/65		12 treason	yes
Sullins	Morris C.	McMinn	10/6/65	10/21/65		12 treason	yes
Swagerty	James	Cocke	10/12/65	10/24/65		12 aid and comfort	yes
Swan	Hannah Wetts	Knox		10/27/65		13	yes
Swan	William G.	Knox	9/18/65			1 rebel congress	
Swann	Samuel C.	Knox	12/27/65			12 treason	yes
Sykes	William J.	Maury	12/20/65	12/20/65		1 commissioner	
Talbot	James L.	Madison		10/2/65		.1 rebel clerk of ct.	yes
Taliaferro	George	Blount	11/22/65	7/6/66		12 treason	
Taliferro	William H.	Loudon (?)	11/28/65	12/20/65		12 treason	yes

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Tate	John C.	Jefferson	7/21/65	11/13/65		1 ex US&rebel p.m.	
Tate	Samuel	Shelby	5/24/65	5/31/65		10	
Taylor	George D.	Carter		9/27/65		12 treason	yes
Taylor	Henry H.	Carter		10/2/65		10	yes
Taylor	N.M.	Carter	7/3/65	8/31/65		12 treason;aid&comf	yes
Thomas	Dr. Nicholas	Montgomery		10/12/65		13	
Thomas	Jesse	Davidson	8/1/65		1, 10	civil officer	NO
Thomas	John S.	Carter		8/25/65		12 treason;treas vs.TN	yes
Thomason	John Scott	Grainger	5/9/65	6/12/65		1 enrolling officer	
Thompson	R.A.	Washington	7/21/65	10/2/65		1 postmaster	yes
Tibbs	William H.	Pike; Bradley	8/23/65		1, 13	Confed. Cong.	
Tipton	J.P.	Carter	7/15/65	10/2/65		12 aid and comfort	yes
Titus	Frazor	Shelby	8/12/65	8/14/65	10, 13		
Torbitt	Granville C.	Davidson	10/28/65	10/28/65		13	
Totten	A.W.O.	Madison	1/18/66			13	yes
Trammel	Caswell S.	Gordon; Hamilto	8/15/65			10	
Trice	T.H.	Shelby	6/20/65	8/19/65	1, 10	collector of customs	yes
Turley	Thomas W.	Jefferson	10/7/65	10/9/65	10, 12, 13	treason	yes
Upton	William A.	Monroe	12/29/65	12/29/65		10	
Upton, Jr.	William A.	Monroe	11/1/65	12/29/65		12 treason	NO
Vance	Charles R.	Sullivan	7/21/65	11/1/65	1, 12	rebel com.;treason	
Vance, Sr.	James	Washington	12/7/66	3/6/67		13	
Vaughn	John C.	Fulton (Monroe)	7/27/65		3, 12	Brig.Gen.;treason	
Vestal	Robert	Davidson	9/9/65	11/13/65		12 treason	yes
Vestal	William P.	Knox		11/13/65		12 treason	
Vinson	F.M.	Knox	11/28/65	7/6/66		12 treason	
Voorhies	William M.	Maury Johnson's	6/22/65			12 p.o.w.	
Wagner	David	Watauga;Johnsc	2/11/66	5/3/66			
Wagner	Jacob	Caldwell;Johnso	6/25/66	6/25/66		13	
Wagner	Jacob	Johnson	2/26/66	2/26/66		12 treason	yes
Walker	John	Hawkins		11/13/65		12 aid and comfort	
Wallace	Campbell	Oglethorpe	7/19/65	5/16/66		13	

<u>Last name</u>	<u>First name</u>	<u>County</u>	<u>filed</u>	<u>pardoned</u>	<u>exception(s)</u>	<u>specific</u>	<u>Brownlow</u>
Wallace	Jessee G.	Williamson	7/19/65	11/13/65	1, 12	dist. atty; treason	yes
Walling	H.L.	Warren	6/21/65	7/6/65		1 rebel postmaster	
Warren	Barton L.	Blount	8/1/65	8/16/65	12, 13	treason	NO
Waters	John	Jefferson;Davidson	3/25/66				
Watkins	Albert G.	Jefferson	10/17/65	10/17/65		12 treason;aid&comf.	yes
Watson	John M.	Davidson	7/8/65	10/2/65		10	yes
Webster	Thomas	Hamilton	11/17/65	11/17/65	10, 13		yes
Welcker	Benjamin F.	Roane	8/17/65	9/15/65		13	yes
Welcker	Henry J.	Roane	8/17/65	9/15/65		13	yes
Welcker	William T.		8/12/65		5, 8	West Point	
Wells	B.C.	Maury	7/11/65	11/13/65	1, 12	enrol.off.;conspirac	
West	George R.	Perry	6/8/66	6/8/66		13	
Wheless	Alexander	Davidson	8/7/65	8/8/65	10, 13		yes
Whillock, Jr.	Payton B.	Washington	7/22/65	10/2/65		12 aid and comfort	yes
White	Isaac A.	Blount	6/11/67	6/28/67		12 treason	yes
White	James P.	Knox	9/12/65	9/13/65		12 aid and comfort	yes
White	O.M.	Sullivan	6/28/65	8/8/65	1, 12	enrol.off.;aid &com	yes
White	Richard J.	Davidson	9/14/65	9/14/65		13	
Whitman, Jr.	W.S.	Davidson	8/18/65	8/19/65		13	
Whitthorne	M.C.	Maury	7/22/65	7/25/65		12 treason	
Wicks	Moses J.	Shelby	1/31/66	3/2/66		13	yes
Wilkinson	T.J.	Wilson	12/7/66	12/7/66		1 ex US&rebel p.m.	
Williams	J.J.	Franklin	5/3/66	5/3/66	10, 12	treason	
Williams	James	Davidson	5/17/66	6/27/66			
Williams	John E.	Washington	11/15/65	4/30/66		1 postmaster	yes
Williams	Thomas L.	Greene	1/21/67	1/21/67		12 treason	
Williams	William	Davidson	7/19/65			13	NO
Williams	Willoughby	Davidson	8/8/65	8/8/65		13	
Williams	Samuel	Hamilton	10/7/65			13	yes
Wilson	Isaac E.	Johnson	7/18/65	10/2/65	1, 12	rebel sher.;aid&com	yes
Wilson	Richard J.	Blount	8/31/65	11/13/65	10, 13		NO
Wilson	Richard Thornton	Loudon	8/14/65	8/15/65		10	yes

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Winchester	George W.	Sumner		11/17/65		13	yes
Witt	Coleman M.	Jefferson	11/21/66	11/21/66		1 rebel postmaster	
Wood	John	Cocke	1/6/66	4/17/66		12 aid and comfort	
Wright	Archibald	Shelby	7/6/65	7/26/65		13	
Wright	John	Washington	7/26/65	10/27/65		12 treason	
Wright	Marcus J.	Shelby	6/19/65	8/3/66	3, 13	Brigadier General	
Wright	Moses H.	Madison (Carroll	10/31/65		5, 8	West Point	yes
Yeatman	Henry Clay	Davidson	8/18/65	8/19/65		13	yes
Yelt	Hamilton	Cocke	1/1/66	4/17/66		12 treason	yes
Yelt	James H.	Cocke	3/28/66	3/28/66		12 treason	NO
Yoe	B.F.	Jefferson	8/1/65	10/30/65		12 treason	yes
Young	Milton B.	Jackson				14	

## VITA

A native of Lake Charles, Louisiana, Kathleen Rosa Zebley graduated from St. Louis Catholic High School in 1987 and then entered the University of Southwestern Louisiana where she graduated *magna cum laude* with a B.A. in History in 1990. After earning an M.A. in history at Kent State University in 1992, she entered the doctoral program at the University of Tennessee, Knoxville. While a doctoral student, she worked as a research assistant for the Office of the University Historian and worked as a teaching assistant and later teaching associate for the History department. Her dissertation research was funded in part by an Archie K. Davis fellowship granted by the North Caroliniana Society and a Bernadotte Schmitt Research Award from the University of Tennessee's History department. Upon defending the dissertation in August of 1998, she moved to Geneseo, New York to teach history classes at the State University of New York at Geneseo as a visiting assistant professor.