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AN  
ACCOUNT  
OF THE ASSASSINATION OF  
LOYAL CITIZENS  
OF  
NORTH CAROLINA  
FOR  
HAVING SERVED IN THE UNION ARMY  
WHICH TOOK PLACE AT KINGSTON  
IN THE MONTHS  
OF FEBRUARY AND MARCH 1864

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BY  
RUSH C. HAWKINS

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NEW YORK

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## EXPLANATORY.

THE following account of an atrocious crime was written thirty-one years ago, at a time when all the incidental facts attending and preceding it were fresh in my mind. It would be difficult to state the exact *why* it was written. But probably because there had to be a vent for an outward pressure of suppressed indignation which could not be controlled. An wanton and cruel assassination of twenty-two perfectly innocent men had been perpetrated, practically, by the order of an inhuman monster who had been placed beyond the reach of the power to punish, by the operation of an entirely unnecessary compact, flowing from the final defeat of the rebel army.

From no standpoint either of politics, policy or humanity, could the terms, in their entirety, granted at the time of the surrender be defended.

Holding myself, though unwittingly, responsible for placing these murdered victims in a position which caused them to be assassinated; indignant that their murderer, by an untoward blunder, had been placed beyond the reach of the infliction of a just punishment, my grief and chagrin knew no bounds. These feelings had burned within me until the oppression of silence was too much to bear, and under the full glow of feverish heat, this narrative was written; and now, thirty years and more since it was penned, I am not disposed to change a single word or phrase save in the interest of better expression.

I believe to-day as I did thirty-two years ago, that

General GRANT's terms at Appomatox, were unnecessarily lenient and under the circumstances, uncalled for ; not in regard to the rank and file, but for including the leaders who were largely responsible for a perfectly causeless, useless and merciless (at least on one side) war.

In 1870 Henry B. Dawson, a well known writer and publisher of out-of-the-way incidents relating to American history, had planned to publish a series of such incidents growing out of the rebellion. The copy now used was made for him, has remained unseen for upwards of a quarter of a century and is now permitted to come to the surface—because a friend of sound judgment who heard a part of it read, regards it as a contribution to history of sufficient importance to be preserved.

R. C. H.

New York, December 1, 1897.

*Letter to Mr. Dawson.*

HENRY B. DAWSON, Esq.,

My Dear Sir :

The accompanying paper relating to the execution of loyal North Carolina soldiers by the order of the rebel General Pickett, was written early in the year 1867, during the infamous administration of Andrew Johnson. Those who read it will naturally come to the conclusion that my feelings were strongly enlisted, and that some of my expressions are more remarkable for strength than either good taste or elegance.

I have never been a convert to the policy of our Government, relating to the rebels after they were compelled to surrender. The consequence of their acts cost the National Government nearly seven billions of money, the States nearly as much more and entailed a loss to of about three hundred and fifty thousand of valuable lives ; besides grief, poverty and individual suffering which it is impossible to estimate; and yet, up to this time the men who brought about this great loss of life and untold misery to thousands of households, have escaped all punishment, and a majority of them, no doubt, feel that they are at liberty as soon as they regain sufficient strength, to undertake another rebellion.

I have yet to learn of any good results to the Nation, in consequence of this indiscriminate, senseless and unprecedented-

ed pardoning of rebels. On the contrary it has led them to believe that our respect for their individual superiority and bravery, has caused us to sheath the sword of justice which should have fallen upon many of their necks ; nor have I been able to ascertain that there is any more liberty of speech, or protection for person or property in the rebel States to-day than there was in 1861. In many districts, I believe that the hatred against the Northern people is greater than ever, and the open expression of it more violent. If the truth of this statement in relation to present conditions in the South is admitted, then we may inquire what good has been accomplished by the exercise of this uncalled-for and unusual clemency?

Yours faithfully,

RUSH C. HAWKINS.

N. Y., November 1, 1870.

IN the month of February, 1862, I was placed by Gen'l Burnside in command at Roanoke Island, North Carolina. This gave me control of the towns on the Albemarle, Croatan and Carratuck Sounds, and also those on the Roanoke, Chowan, Columbia, Hertford and Pasquotank Rivers. Lieut.-Commander Charles W. Flusser, U. S. Navy, originally from Maryland, was left in command of the naval division in those waters. Soon after assuming control of my district, I ascertained that there were among the non-slaveholding population, many who professed sentiments of loyalty to the Union, and that they had expressed a determination never to serve in the ranks of the rebel army. In fact, so strong were their expressions of loyalty that Lieut.-Commander Flusser became deeply impressed with their truthfulness and sincerity, and constantly urged upon me the importance of enlisting these unionists in the cause of their country; and the more extensive his intercourse with them, the more he became convinced that nearly all of the non-slaveholding inhabitants of certain parts of my district were still devoted to the old Government. He found that many of them had successfully resisted rebel conscription, and had never given their allegiance to the rebel cause. Very few of them were interested in slavery, and consequently had no reason for aiding the rebellion. They worked in their fields in parties, with arms near at

hand, during the day, and at night resorted to the swamps for shelter against conscripting parties of rebel soldiers; and by thus constantly being on the alert succeeded in rendering unavailing all efforts of the rebels to force them into the ranks of their army.

In several interviews which I had with Lieut.-Commander Flusser, he urged me to occupy the town of Plymouth, and to organize the Union men of that vicinity into a regiment of soldiers. In a letter to me of May 28, 1862, he said:

“There is nothing new of interest except a very strong expression of Union sentiment. We will miss the golden opportunity if we do not promptly send small detachments of men to the towns on the Sound and arm the loyal people. They are eager to be enlisted, and we seem to be indifferent—apathetic.”

“It must be by the act of the people of a State that that State shall be brought back to its allegiance. Then it seems to me to be the part of wisdom to foster and encourage the feeling, and expression of the feeling of loyalty whenever found, and to the utmost of our power.”

“If I had 350 or 400 muskets, with ammunition, I could soon find Union-loving men to take them and use them well in our cause.”

In a letter dated June 2, 1862, to General Burnside, I wrote:

“Lieut.-Commander Flusser is exceedingly anxious to put arms in the hands of the Union citizens of Washington

County. He says he can raise 350 men in a very short time. I shall go to Plymouth on Wednesday and see for myself, and if I think there are competent leaders who can be trusted, I will supply them with arms and ammunition, unless you should otherwise order."

Previous to this communication I had had several conversations with General Burnside in relation to this matter; and the final result was that he placed the details of forming a North Carolina Union regiment in my hands, and gave me full power to do whatever I might deem best for the interests of the service.

Word was sent to Commander Flusser to notify the Union citizens to be present at Plymouth a certain day, when Commodore Rowan and myself would meet them for the purpose of ascertaining the extent of existing Union sentiment, and to see to what use, if any, this sentiment might be put for the public service. And accordingly, upon the day fixed, we met some two hundred and fifty Union men, and a free interchange of views in relation to the affairs of the country took place; patriotic addresses were made by Commodore Rowan and myself, eliciting the most hearty approval from nearly all present.

Many questions were asked and answered; but there was evidently one matter of great concern with them. The anxiety of these loyal North Carolinians seemed to hinge upon one point, and that was, "What will become of us in case we are captured by the rebels?" *We assured them that the Govern-*



*ment of the United States would protect them and their families to the last extreme ; and that the Southern men who placed themselves under the protection of the flag would, by fighting in the ranks of our army and upholding the authority of the country, be looked upon as special wards of the Government ; and that any outrage perpetrated upon them, or upon their families would be severely punished.* This, to them the all-important point, being settled to their satisfaction, they expressed their willingness to become soldiers in the ranks of the Union army. An enlistment roll was accordingly made out, and about one hundred men signed their names at once for service in the army of their country. Others returned to their homes to confer with their families and embrace them, perhaps for the last time, and with renewed confidence they returned to join their companions in arms.

To me this was one of the most solemn and interesting occasions I had thus far witnessed in the public service. The confiding simplicity and earnestness of these humble, uneducated people, made a deep impression upon me. Patriotism in the North, at that time, was one thing, while loyalty to the flag in the South was quite another. In the Free States, everywhere unless perhaps in New York City, it was an easy matter to be loyal and to talk and act in accordance with ideas of patriotic devotion to duty ; but in the South, even to breathe one word in favor of the old Government, or to do a single act which might awaken a suspicion that one was not committed body and soul for the success of the rebel cause, might bring the infliction of every kind of fiendish



insult and outrage, from which neither age nor sex was ever spared. Yet these "poor whites," as they were called by the planters, living in the swamps of North Carolina, oppressed, unprotected, braved all; exhibiting the highest order of courage, patriotism and devotion to the cause of their country; remaining true in the midst of the false, and faithful when all around were faithless.

Out of the North Carolinians who had thus offered for service, the "FIRST NORTH CAROLINA VOLUNTEERS" was assembled at Plymouth and placed under the command of Captain W. H. Hammill, of my regiment, for instruction and discipline. I continued in control of enlistments and formation until July 10, 1862, when General Burnside, with the Coast Division, of which my command was a part, was ordered to join the Army of the Potomac, and I heard nothing more of our North Carolinian soldiers until the spring of 1864. But during this time it is certain that from the beginning, which we have thus described, two regiments of loyal North Carolinians, trusting to our word and promise as officers of the United States service, had come into existence.

With these preliminary remarks the reader will clearly comprehend the narration of facts which <sup>is</sup> ~~are~~ to follow.

On the 1st of February, 1864, a large rebel force under the command of Major General G. E. Pickett, a native of Virginia and a graduate of West Point, made an advance upon Newbern, N. C., and after destroying the gunboat Underwriter, burning a bridge or two and capturing a con-

siderable number of prisoners, they withdrew to the town of Kingston, some twenty miles off, where a halt was made and General Pickett's headquarters established. It was soon ascertained by the rebel commander that among the prisoners captured, there were several natives of North Carolina, who had enlisted in our service. This, in his opinion, was the most unpardonable of crimes, and deserving of speedy and cruel punishment. Accordingly, a court martial was convened, which was composed of Virginians, and these unfortunate North Carolinians, guilty of no other offense than loyalty to their Government, were placed upon trial—a perfect mockery of all justice—on the charge of deserting from the rebel cause and entering the service of the United States. It is needless to say that a large number of them were condemned and sentenced to be hung, as will appear from the action of the Union General Ruger, commanding the district of Eastern North Carolina, who, learning of these outrages, ordered a board of officers “to inquire into and report the facts concerning the murder of United States soldiers at Kingston, N. C., by the rebels during the winter and spring of 1864.” This Board, during their several sittings, examined some twenty-eight witnesses, and finally rendered a report which tells a plain story. In brief, that twenty-two of these loyal North Carolinians were convicted of and executed for *constructive* desertion. A few extracts from it will show how trials involving the death sentence were *managed* under rebel rule.

## EXTRACTS FROM THE REPORT OF THE BOARD.

## GENERAL:

\* \* \* \* \*

There was a large number of Union soldiers hung at Kingston, N. C., by the rebels during the months of February and March, 1864. There is a discrepancy as to the number of men executed, but the testimony is substantially as follows, viz.:

“The rebels executed twenty-three or twenty-four men, said to have been United States soldiers, at Kingston, N. C. Two men were hung first, thirteen next and five lastly.” [Testimony of Josiah Wood.] Other evidence shows that twenty-two United States soldiers have been hung; two at first were executed together, afterwards thirteen and lastly seven [testimony of W. F. Huggins]. All the testimony agrees that there were three separate executions; also that the number hung at the first two executions were two and thirteen, and, in the opinion of the Board, seven is the number of those who were the victims of the last execution, which gives a total of twenty-two.

The first of these executions took place between the 1st and 15th of February, 1864; the second, the 15th of February, 1864; and the last one in the month of March, 1864.

\* \* \* \* \*

The following list of names includes all the enlisted men of the Second North Carolina Volunteers believed to have been hung by the rebels, viz.: W. D. Haddock, William

Jones, William H. Dougherty, John I. Brock, John Freeman, Mitchell Busick, Wm. L. Bryan, Wm. Irvine, Wm. I. Hill, Lewis Taylor, Calvin I. Haigman, Jesse L. Lummerlin, Joseph Brock, Andrew I. Britton, Stephen Jones, Elijah Kellum, John Stanley, Lewis Freeman, Amos Aymlett, David Jones, Charles Cotterell and Joseph Hackett.

\* \* \* \* \*

After the capture of these men at Beechgrove, N. C., they were confined in the Court House at Kingston until they were removed to the dungeon of the old jail, where they remained until they were executed under the most cruel and debasing treatment, and were rescued from starvation only by their friends supplying them with food. Nor did the outrages perpetrated upon the victims of this wholesale slaughter cease with cruel treatment or death itself. Their dead bodies were stripped of their clothing almost or quite to a state of nudity, to be contemptuously left for their relatives to gather up and inter, delivered to experimenting surgery like common felons, or scooped into a common grave at the foot of the gallows, while their families were insulted, robbed of their property and left to depend upon the charity of friends (while those who defended them were themselves in danger), or to suffer for mere subsistence.

The testimony of J. H. Nethercutt proves conclusively that these men belonged to the local North Carolina service, and that they never had been Confederate soldiers; therefore, in the opinion of the Board, a Confederate States court martial had no jurisdiction over them; and, further, the court

martial virtually acknowledged its incapacity in the case of Clinton Cox, who was arraigned upon the same charge, but who, it appears, was saved from the fate of the others by the testimony of Capt. G. W. Cox (of a local N. C. company), which was to the effect that Clinton Cox had belonged to his company, but that he had not deserted, because he did not consider leaving a local company to be desertion from the Confederate service. Witnesses and counsel were denied to the other men, and they were hung; while their cases were parallel or as aggravated. It is the opinion of the Board that further investigation would prove that Elijah Kellum never had been in the local or Confederate service, but that he was fraudulently reported as conscripted by a Captain Wilson of Jones Co., N. C., enrolling officer in the rebel service.

\* \* \* \* \*

The rebel General Pickett was in command of the Department of Eastern North Carolina, and approved the sentence of death passed by the court martial and ordered the execution of these United States soldiers; Gen. Hoke in command at Kingston, N. C., was charged with the execution, aided by Pickett's Provost Guard and several volunteer hangmen, one of whom was known as Blunt King of Goldborough, N. C. The person who hung the thirteen is known as a tall dark-complexioned man with a cross or squint eye—a resident of Raleigh; his name the Board has been unable to learn. The proof of the unparalleled barbarities of the last two men above mentioned is very positive and abundant.

The object of this sacrifice of human life, perpetrated

by rebel officers, was, in the opinion of the Board, to terrify the loyal people of North Carolina; to make them subservient to the scheme of rebellion, and to bring contempt upon the Government its victims represented. The way the bodies of these murdered men were treated; the contempt shown to the persons and property of the widows; also the contemptuous language with reference to the uniform of the United States used by Gen. R. F. Hoke in appealing to the pride and sensibilities of Bryan McCullum, is sufficient evidence that they were determined to take the lives of these men for the purpose of intimidation, which is further evident from the fact that they were refused either counsel or the taking of testimony favorable to them. It appears that those who volunteered to put these men to death were actuated by a spirit of fiendish thirst for blood. Those directly implicated in the execution were, viz.:

“The court martial, of which the Board are unable to learn the names of the members; the rebel General Pickett, who ordered the execution; the rebel General R. F. Hoke, who performed the execution; Colonel Boker, who robbed and persecuted their widows; Blunt King and another volunteer hangman unknown.      \*      \*      \*

“It is the opinion of the Board that these men have violated the rules of war and every principle of humanity, and are guilty of crime too heinous to be excused by the Government of the United States; and therefore there should be a Military Commission immediately appointed for the trial of these men and to inflict upon the perpetrators of such



crimes their just punishment.

\* \* \* \*

(Signed) W. H. DOHERTY, Capt. and A. Q. M.,

President of the Board.

BURTON S. MILLS, Capt. 14th U. S. C. A. (Heavy).

JONATHAN HOPKINS, 2d Lieut. U. S. C. A. (Heavy),

Recorder to Brevet Major-Gen. RUGER,

Raleigh, N. C.

Brief extracts from the testimony of some of the witnesses will throw additional light upon some of the facts and conclusions set forth in the report. The widow of Jesse Summerlin, one of the victims, testifies:—

“That she was only allowed to see her husband in his dungeon the day before his murder and a short time before he went to the scaffold. When the dead body of her husband was handed over to her by the Sheriff, it had been stripped of all but pantaloons. She carried it home, got a coffin, and buried it. Some time after, Colonel Baker, of the rebel army, visited her house, took away her horse, all her provisions, and left her with five children in destitute circumstances.”

The widow of William Jones “saw her husband in jail the evening before he was hung; could not take his body home for want of a conveyance. At first the Union men were afraid to help her, and the rebels cursed her; said ‘it was too good for him.’ She sent her boy of 15 and her nephew of 17 years to bring home the body. They searched

for a long time, and at last found it in an old loft in charge of a sergeant and guard, who at first refused to give it up, but at last the surgeon gave it to them. It was stripped of all covering except socks; this was a week after the execution. The son took the body home and buried it. She was obliged to walk five miles; has five children and no home."

The widow of John Brock "saw her husband one week before he was executed; he was confined in the dungeon of the jail; he told me he only got one cracker a day, and all the other prisoners said they only got one cracker a day each. She fed her husband and the others, or they would have starved. Her husband's body, when delivered to her, had been stripped of the most of its clothes."

J. H. Nethercutt testified: "these men were members of my local battalion and were consolidated into the 66th N. C. rebel troops. These men who were in this command never consented to the change, were greatly dissatisfied with it, never appeared at the muster of said regiment, never answered to their names, nor were in any way active members. The men complained that they were unfairly dealt with. Witness believes that these men were *not in sympathy with the rebellion*, and wanted to get away from the rebel ranks, using the change of service as a pretext; witness asked Hoke to relieve these men; Hoke said he had orders to hang them and he would do so."

Mr. Wm. F. Huggins "knew Elijah Kellum, a man of deformed body and broken constitution. I knew he never was received in any rebel regiment, *and believe he never was a*



*soldier ; no mustering officer would receive him."*

James B. Wells "was present at the court martial that condemned William Haddock. His sister, Mrs. McCullum, requested him to accompany her there, as she was trying to get a summons for a witness to free her brother." *All was refused by the court, and neither counsel nor witnesses for the prisoners were admitted."*

Mr. G. W. Cox "went to the court to bear testimony in favor of Clinton Cox, who was among the prisoners, and had been a member of the bridge guard, and who was judged not guilty of desertion, *but was detained a prisoner by the rebels, and died in prison ; thinks the court was composed of Virginians from Pickett's division.*

Mr. Bryan McCullom "went to see Gen. Hoke before the execution, and asked for an order for the body of his brother-in-law, in order to bury it. Hoke inquired if he wanted to bury him in a Yankee uniform. He replied that he did. Hoke then expressed surprise that so respectable a man would bury his brother-in-law in a Yankee uniform."

Several witnesses testify that many of these men went inside the Union lines for the double purpose of escaping conscription, and of fighting against the detested and cruel rebel rule. Civilians testify that they were placed in jail and treated in the most cruel manner, because they were *suspected of entertaining Union sentiments.*

The testimony throughout proves most conclusively that the most of these men who were executed had never

been in the rebel service; that some of them were in State organizations for the purpose of doing local guard duty, and that they enlisted in these local companies with the *distinct understanding that they were not to go out of the State*. Major J. H. Nethercutt, who commanded the battalion in which some of these men were enrolled, says that they were consolidated into the 66th N. C. rebel troops by order of the rebel Secretary of War, *without their consent*. And it was understood that those who should not acquiesce in the consolidation were to be conscripted as soon as they were mustered out of the State service. So there was no way left to escape serving in the rebel army, unless they could make their way inside of the Union lines. Others had never been in either State or rebel military service; consequently had never committed any offence against the laws of State or rebel government. But Pickett acted upon the theory that all men ought to be hung or put out of the way who were not in the ranks of the rebel army."

Judge Advocate General Holt, to whom the proceedings of the Board were submitted, after a careful review, in a communication of Dec. 12, 1865, to the Secretary of War, says: "The record furnishes no evidence that the unhappy victims of this outrage were not deserters, so far as an abandonment of a constrained and hated service would warrant their being stigmatized as such; but, on the contrary, the little evidence on that point furnished by the record tends to show *that they were*."

These men, in thus refusing, as every good citizen

should, to aid a traitorous cause, could not have had any of that *guilt* which constitutes *desertion*. The word *desertion*, in a military sense, implies *guilt* and *crime*, but assuredly the abandonment of a rebel cause is neither guilt nor crime; but, on the contrary, it is a merit and virtue, and ought to be so held and maintained by a just government. Desertion implies that the authority from which the desertion takes place has a right to the deserters service, which was not the case in the present instance. There are thousands of men now living who went to Canada from the United States during the rebellion to avoid serving in the army, and the government has never, in any instance, claimed that these skulkers could be punished as deserters. But if caught in the United States after they had been drafted, they could have been made to serve their full term of service. There can be no desertion unless the deserter has been regularly mustered into some branch of the service before the act of desertion takes place.

Upon the recommendation of Genl. Holt the Board was required to make a "further and more minute investigation," which they did, and succeeded in bringing to light many more very important facts. Among the witnesses examined was ex-Governor Z. B. Vance, of N. C., who testified that—

"These troops were raised for local defence. I am inclined to think the Confederate Government *did not keep faith with these local troops*, who were found to be of *little benefit to the service*."

"I know Col. Farrabee, who raised a command for local service on the Chowan River, was forced into the regular service by the Confederate Government."

"I did, at various times, make appeals to the Confederate authorities in behalf of the men of this State. *These men were enlisted entirely for local defense*, and every effort was made to transfer these organizations into the regular service of the Confederacy when they were found *to be worthless*."

"I myself favored transfer to the regular service where it could be done without violation of good faith; but in these instances of Nethercutt's battalion it was *a violation of their enlistment agreement*."

Drury Lacy, adjutant to one of the brigades in Hoke's division, testifies that "they deserted *before* the consolidation; when they were *executed* the consolidation had taken place."

Judge Battel, of the N. C. Supreme Court, testifies that "several men from Lenoir and other localities came before me, claiming that they had volunteered for 'local service,' and had been taken off into the regular Confederate service by General Hill. It was not pretended that they had been conscripted under a conscription law. These petitioners in every instance, some twenty or thirty, *I discharged on habeas corpus, on the ground that they were subject to duty only for local defence*; for bridge guards and other local organizations in which they had volunteered under the Confederate Act of Congress. This was in the summer and fall of 1863. I thought it a great outrage for General Hill to take them off."

John B. Nethery, Assistant Adjutant-General in the office of the Adjutant-General of the State at Raleigh, testifies that he was at Kingston a few days after the execution in April, and recollects that the people expressed great regret at the execution, feeling that it was for a small offence. When they were found to be of little use, an order was issued for their transfer to the 66th Regiment. The order was considered a violation of the terms of their enlistment, and opposed by the men. The men were given their choice of going into the 66th Regiment or being mustered out and conscripted, which amounted to the same thing—whipping the devil around the stump. It was understood by the Confederate authorities as their organized enlistment; it was considered merely a change of position on paper, as they would have been sent to the regiment all the same under the Confederate conscription. I think there was some objection by the State authorities. The dissatisfaction of the State authorities was evinced by protest. The legality of the order transferring them was declared (by Judge Battel) *null and void*. Some were discharged under writs of habeas corpus; some were dragooned into the service, and others succeeded in effecting their escape to the woods. My impression is that they were not allowed to return to their homes. The pressure was for men, and they were compelled to go into the 66th or be discharged and conscripted *on the spot* into the regiment. The whole thing was on paper, and ultimately meant service in the 66th *anyway*.

Lieutenant-Colonel S. McD. Tate, of the 6th N. C. rebel regiment, testifies to “seventy odd executions at Kings-

ton," and says: "Well, it was a sort of general hanging down there. There were so many executions that I was considerably worried at having to take my men over so often, as there was such deep sand. At one time I think there were a dozen hung. My impression is that these men were executed in the presenee of Hoke's Brigade, *as an example to such as might be weak-kneed among the North Carolina soldiers.*"

Question: How many of these executions did you attend?

Answer: "Three or more. *They began and increased until they got to be frightful.* I think there were twenty odd hung the first time, but I am not positive to more than twelve, as I wish to be particular. In our service we shot men for desertion; but for desertion to the enemy, which was a higher offence, we hung them, and I think that is why these men were hung."

John Hughes, Quartermaster of General Hoke's Brigade, says: "I think the court was composed of Virginians; no North Carolinians or Georgians."

The rebel commander, no doubt, knew how well these "Virginia gentlemen" would do their whole duty, and the court was selected with special reference to devotion on the part of its members to the interests of the rebel cause.

But not the least interesting of the developments brought to light are those illustrating the inhumanity and savage brutality of General Pickett, who seems to have been a most willing tool in the hands of the rebel leaders.



Blunt King, a private in the 10th N. C. rebel troops, testifies that he "heard a lieutenant say that they belonged to his company." General Pickett then walked up to the prisoners and said: "What are you doing here?" They answered something which I did not hear. General Pickett then said: "God damn you. I reckon you'll hardly go back there again. You damned rascals, I'll have you shot, and all the other damned rascals who desert." When I was sitting on a log at the door, after the prisoners had been taken away, General Pickett said: "We'll have a court martial on these fellows pretty soon, and after some are shot, the rest will stop deserting." I heard General Pickett say when within four miles of Newbern, when we went down on the march, "that every God-damned man who did not do his duty, or deserted, ought to be shot or hung."

General John J. Peck, then in command of the district of North Carolina, as soon as he ascertained that some of our loyal N. C. troops had been captured and fallen into the hands of the rebel commander, forwarded to General Pickett a copy of the President's order of July 20, 1865, in which it is "ordered that for every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed," and at the same time protested against our captured soldiers of the North Carolina regiments being treated otherwise than as prisoners of war, and furnished a list of loyal North Carolinians then supposed to be in his hands, captured during the attack upon Newbern.

In another communication to the same officer, General Peck stated that he refrained from executing a rebel soldier until he should learn definitely what action had been taken by General Pickett. In answer to these several communications the rebel General wrote four letters, all of them showing beyond a doubt that he was not animated by a sad sense of duty alone, but that he was criminally forward in taking human life, and was thus aiming at the reputation of a worthy officer in a rebel cause.

The people of the slave States have always claimed that their special sort of civilization is far superior to that of the free States; and the natives of Virginia, with its great abundance of "First Families," assert that they, of all the South, are the keystone of the noble Southern arch, which all who know must admit is unique among the structures known to the history of the social compact. It must be borne in mind that these letters were written by an officer of high rank in the rebel army, a brave soldier who was a scion of the better Virginia stock, and a typical Southern gentleman. The reading of them ought to convince the most tender-hearted, among the loyal people of the North, that at least one among our "erring brothers" who wanted to "depart in peace" ought not to be deprived of that punishment which his crimes so richly deserve; not if every general in our army should recommend it.

We give extracts from several of Pickett's letters, showing the malignity of his disposition in the execution of these men.



“HEADQUARTERS, Department of N. C.,  
PETERSBURG, Va., February 17, 1864.

GENERAL:

\* \* \* \* \*

To your threat expressed in the following extract from your communication, viz.: “Believing that this atrocity has been perpetrated without your knowledge, and that you will take prompt steps to disavow the violation of the usages of war, and to bring the offenders to justice, I shall refrain from executing a rebel soldier until I learn your action in the premises.”

“I have merely to say that I have in my hands, subject to my orders, captured in recent operations in this department, some four hundred and fifty officers and men of the United States Army, and for every man you hang *I will hang ten* of the United States Army.”

G. E. PICKETT,  
Maj.-Gen. Commanding.

To MAJ.-GEN. JOHN J. PECK,

U. S. Army, commanding at Newbern.

HEADQUARTERS, Department of N. C.,  
PETERSBURG, Va., Feb'y 17, 1864.

GENERAL:

Your communication of the 13th inst. is in hand. I have the honor to state that you have made a slight mistake in regard to numbers; three hundred and twenty-five having “fallen into (our) your hands in (our) late hasty retreat from Newbern,” instead of the list of fifty-three which you have

so kindly furnished me, *and which will enable me to bring to justice many who have up to this time escaped their just deserts.*

I herewith return you the names of those who have been tried and convicted by court martial for desertion from the Confederate service, and taken with arms in their hands, "duly enlisted in the Second N. C. Infantry, United States Army." They have been duly executed according to the law and custom of war.

*Your letter will, of course, prevent any mercy being shown any of the remaining number, should proper and just proof be brought of their having deserted the Confederate colors.*

Many of these plead in extenuation that they have been forced into the ranks of the Federal Government (not true). *Extending you my thanks for your opportune list,*

I remain, very respectfully,

Your obedient servant,

G. E. PICKETT,

Maj.-Gen. Commanding.

Maj.-Gen. J. J. PECK,

Commanding U. S. Forces at Newbern, N. C.

In a letter addressed to Adj.-Gen. Cooper, of the rebel army, dated Feb'y 26, 1864, this humane Major-General says:

"I hope the whole of the prisoners captured in this department will be held at my disposal."

This request, if complied with, would have enabled him to make good his threat of hanging "ten for one."

Let the reader mark with what fiendish gusto this

willing butcher in the inhuman cause of slavery, this pretended vindicator of the laws of warfare, contemplates a real feast of cold-blooded murder! How sincerely he thanks General Peck for his "opportune list"! How superfluous the remark, "Your letter will, of course, prevent any mercy being shown any of the remaining number," as though any one acquainted with the rebel way of doing business could for one moment suppose that mercy would be shown to any one, once fairly in their clutches, who had been guilty of the crime of loyalty to the Union cause. If any there be who doubt the truth of this assertion, let them visit the thirty-five thousand graves around the prison pens of the Union soldiers, situated in the rebel States!

In March, 1864, the Board of Officers made a further report, setting forth clearly and conclusively many important facts tending to fix the guilt of these unwarrantable executions upon General Pickett. They find the facts in relation to the local service of these alleged deserters to be as follows:

"Aside from these two classes of troops, the so-called Confederate Congress passed an act of August 21, 1861, "To provide for local defence and special service," whereby certain volunteer forces were organized for specific purposes, with certain privileges. Their muster rolls specified that they were raised under this act, setting forth distinctly the services to be performed. They were not considered as being in actual service for the purpose of receiving pay and subsistence, except when called out by the rebel President. They were

not to be called out until a necessity arose for their services, and they were not to be required to go beyond the limits of the State to which they belonged. They were expected to serve when called out only so long as the emergency existed, and then to return to their ordinary pursuits again."

The inference is correct that the men who composed these local companies or battalions of guards were only in the service of the rebel States when assembled together and ordered to duty by the rebel President; and so soon as the special service had been performed, they could retire to their homes, and, if they saw fit, go inside the Union lines or anywhere else. *So long as they were not in actual service they could not be considered deserters.* But General Pickett had no scruples in that direction.

The two last paragraphs of this report set forth the most important of all the conclusions of the Board.

"The evidence tends towards showing that the court martial before which they were brought was a general court martial ordered by General Pickett, composed principally of Virginians, although there seems to have been more than one court in session at the same time."

While other prominent rebels seemed to have been concerned in these shameful transactions as accessories, the evidence clearly shows that General Pickett was the prominent authority under whose direction everything connected with the murder of our soldiers took place; and the Board are therefore unable, from the evidence they have been able to

collect, to fix the guilt upon any subordinate in such a manner as to contain grounds sufficient for preferring personal charges.

All of which is respectfully submitted.

Judge-Advocate Holt seems to have changed his mind since his first communication to the Secretary of War, for in another letter to the same officer, after reading the further evidence, speaking of General Pickett, he says :

“Not only does the imperious and vaunting temper in which these letters are written indicate his readiness to commit this or any kindred atrocity, but his boastful admissions that he was in command at the time, and that twenty-two men had been executed, and his threat that he would retaliate in proportion of ten to one by executions among the 450 officers and men whom, he says, ‘I have in my hands, and subject to my order,’ all tend to show that he was in responsible command, and furnish evidence upon which it is believed charges can be sustained against him.”

“It is therefore recommended \* \* \* \* that charges be preferred against the said G. E. Pickett, and such other persons as may be shown to have been in complicity with him in these murders, and their trial ordered. As a preliminary step, it is suggested that Pickett be at once arrested and held to await it, upon the evidence furnished in his correspondence adverted to, which is deemed abundantly sufficient to warrant such arrest.”

J. HOLT,  
Judge-Advocate-Genl.

To the Secretary of War.

Captain W. H. Doherty, one of the members of the first Board of Investigation, in a letter to Judge-Advocate-General Holt, says:

"I assure you that it would strengthen the hands of the Government immensely, could this bad and cruel man be brought to condign punishment, and our poor, murdered soldiers be avenged." \* \* \* "I thus venture to trouble you, because I know you share my feelings of indignation at this horrid crime, and I know that a lasting disgrace will attach to the United States Government if it is permitted to pass unpunished. The poor whites of the South will lose confidence in the federal power if thus forsaken and their murdered friends unavenged."

And again this officer, in a communication to the Secretary of War, urges that—

"The authors of this inhuman murder shall be brought to trial. \* \* \* Thus only can the honor of the Government be vindicated, and the cruel enemies of the Union punished, and the friends of the federal authority sustained and encouraged in these Southern States."

Here we have the opinion of an intelligent and earnest officer who served through the rebellion, and has resided in the vicinity where these outrages occurred.

Soon after these communications were received General

Holt again urged upon the Secretary of War the importance and necessity of having General Pickett arrested and brought to trial.

In a communication under date of Dec. 10, 1864, to the President, the Secretary of War gives his reasons why he has not followed the course suggested by General Holt, which are set forth in the closing paragraph of his communication, and are as follows, viz.: "Taking into consideration the action of the Supreme Court of the United States in the case of Milligan and others, who had been tried and convicted by a military commission, and the doubts cast upon the jurisdiction of such tribunals, the Secretary of War has not felt authorized to pursue the course recommended by the Judge-Advocate-General until the opinion of the Supreme Court should be formally promulgated. The magnitude of the offence alleged against Pickett is such that there should be no reason to contest the jurisdiction of the tribunal to whom his trial may be committed."

A more perfect and complete case of atrocious guilt was never proved in any court of law than is here made out against this great criminal. Testimony is multiplied to such an extent that the most common understanding cannot fail to identify the monster who ordered this Dahomean feast of murder, fit only to disgrace the pages of barbarian history. It would seem bad enough that this man should escape justice; but now comes his application for pardon, with the much-abused oath of allegiance, all in due form, presented in



the coolest possible manner, with the humiliating indorsement of the highest officer in our army, urging that the pardon asked for shall be granted.

For the more perfect elucidation of this case, and in order that the reader may see how the highest functionaries of his country are stooping from their lofty position of vindicating authority to the degrading condition of compounding with treason and taking from the basest of crimes its legitimate sting—eradicating from the public mind all idea of the possibility of crime against a free government, we give this Pickett's application for pardon; the endorsement upon it by our Secretary of War; Pickett's pathetic appeal to General Grant, and finally General Grant's favorable endorsement upon the appeal.

#### PICKETT'S APPLICATION FOR PARDON.

RICHMOND, Va., June 1, 1865.

SIR :

I have the honor to state that your amnesty proclamation of the 29th day of May, 1865, has just been read. I find myself among the classes of persons excepted from the benefits of the proclamation under exceptions third, fifth and eighth. Having held the rank of major-general in the Confederate States Army, resigning my position as captain United States Army, and being a graduate of West Point, I write, making a special application.

At the commencement of our domestic troubles I was



stationed on the disputed island, San Juan, occupying it conjointly with the British forces, and did not leave till my resignation had been sent in, and I properly relieved by the commanding officer of the Department of the Pacific, and leave granted me to proceed to my home, and then only through the conscientious duty (as I conceived) to my mother State—Virginia. Had *she* not have seceded, *I* should not have been in the Confederate army, as no one was more attached to the old service, nor ever stood by, and fought for it with more fidelity, nor could any one have been sadder and more loth to leave it than I, who from my youth had been so devoted to it; and I now am, and have been since the surrender of General Lee (to whose army I belonged), willing and ready to renew my allegiance as a loyal citizen to the United States Government, and have advised and counselled all men belonging to my division to return to their homes and the peaceful pursuits of life; to take the oath of allegiance, and observe with scrupulous truth its stipulations, and to faithfully obey the laws of their country. My wish as expressed is a *sincere* one, and this communication addressed with the hope that the liberality spoken of in the amnesty proclamation may be extended to cover my case.

I have the honor to be, sir, very respectfully,

Your obedient servant,

G. E. PICKETT,

Major-General C. S. Army.

OFFICE OF PROVOST MARSHALL,

RICHMOND, VA., June 16, 1865.

I, G. E. PICKETT, of Nansemond Co., Virginia, do solemnly swear or affirm in presence of Almighty God, that I will henceforth faithfully support 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.

G. E. PICKETT,  
Major-General C. S. Army.

ENDORSEMENT OF STANTON.

G. E. PICKETT, Va.—Rebellion.

Ex-U. S. A.—Filed June 19, 1865.

The Secretary of War reports that Genl. Pickett stands charged with the unlawful hanging of twenty-two citizens of North Carolina, and the case is now under investigation in North Carolina.

EDWIN M. STANTON.

PICKETT'S APPEAL TO GRANT.

WASHINGTON, D. C., March 12, 1866.

GENERAL:

I have the honor to state that shortly after the surrender of the Confederate forces under command of Gen. R. E. Lee to Gen. U. S. Grant, Commander-in-Chief United States Army, in the past year, being at the time paroled by the last-

named officer, I made a communication to his Excellency the President of the United States, asking for his elemency.

The papers in the case were presented by ex-Senator O. H. Browning, of Illinois, for the consideration of the Executive.

They consisted of the application above referred to, the required oath, a recommendation from Gov. Pierpoint, of Virginia, and certain statements from officers of the Confederate service—members of a general court-marshal—in reference to the execution of a number of deserters from said service while I was in command of the Department of North Carolina, in 1863.

My object now, General, in presenting this paper, is to ask your favorable consideration of my case, and that you will, if you believe in my sincerity, for which I have pledged you my honor as an officer and a gentleman, put such an indorsement upon it as will obtain from his Excellency the President a guarantee that I may be permitted to live unmolested in my native State, where I am now trying to make a subsistence for my family (much impoverished by the war), by tilling the land.

It has come to my knowledge that certain evil-disposed persons are attempting to re-open the troubles of the past, and embroil me for the action taken by me while the commanding officer of the Confederate forces in North Carolina.

I acted simply as the general commanding the Department.

Certain men, deserters from a North Carolina regiment, were taken with arms in their hands fighting against the colors under which they had enlisted.

Charges were preferred against them, a regularly organized court-marshal was assembled, composed of officers from North Carolina, Georgia and Virginia, before whom the men were tried. The evidence in the cases being perfectly unmistakeable, the men being identified by members of their old regimental comrades, they were found guilty and condemned to be hung.

The sentences were approved by me, and they were duly executed according to the custom of war in like cases. My action was sanctioned by the then Confederate Government. If the time has not arrived for the executive clemency to be extended to my case (and which point I am not now pressing), I merely wish some assurance that I will not be disturbed in my endeavors to keep my family from starvation, and that my parole, which was given in good faith, may protect me from the assaults of those persons desirous of still keeping up the war which has ended, in my humble opinion, forever.

Appealing to you as a soldier, and feeling confident you will appreciate my position, I sign myself, which much esteem,

Your obedient servant,

GEORGE E. PICKETT.

LIEUT.-GEN. U. S. GRANT,

Commanding Armies United States, Washington, D. C.

## INDORSEMENT BY GENERAL GRANT.

“Respectfully forwarded to his Excellency the President of the United States, with the recommendation that clemency be extended in this case, or assurances given that no trial will take place for the offences charged against G. E. Pickett.

During the rebellion, belligerent rights were acknowledged to the enemies of our country, and it is clear to me that the parole given by the armies laying down their arms protects them against punishment for acts lawful for any other belligerent. In this case I know that it is claimed that the men tried and convicted for the crime of desertion were Union men from North Carolina, who had found refuge within our lines and in our service. The punishment was a harsh one, but it was in time of war, and when the enemy, no doubt, felt it necessary to retain by some power the services of every man within their reach. *Gen. Pickett I know personally to be an honorable man, but in this case his judgment prompted him to do what cannot well be sustained, though I do not see how good, either to the friends of the deceased, or by fixing an example for the future, can be secured by his trial now.* It would only open up the question whether or not the Government did not disregard its contract entered into to secure the surrender of an armed enemy.”

U. S. GRANT,

Lieut.-General.

March 16, 1866.

Let the reader who has once gloried in the best and proudest title of General Grant—in his title of “Unconditional Surrender Grant”—observe with what solicitude he now urges that assurances should be given this rebel Pickett that he shall not be disturbed. Let the reader note this, and then think of that rebel “dead line,” established by such as Pickett, to which, if the prisoner approached too near with rotting feet and idiotic brain, to reach, perhaps, the garbage beyond for which he was famishing, he was shot dead, and often considered it a mercy even so to die. The inhuman and atrocious severities practiced upon Union soldiers, when made prisoners, placed the rebel leaders beyond the pale of Christian warfare, and yet this *honorable* traitor claims the exercise of the laws of war in his own case, while he refused it to others. General Grant claims to have made a “contract” with these traitors, rebels and assailants of free government, to procure the protection of the guilty parties; that is, the rebel leaders, in order to secure their surrender to our arms; and, as a condition, he consents to give up, abandon, sacrifice twenty-two of those humbler servitors of our cause, by whose generous efforts he has been raised to the position which he now holds, and the country has thus far been sustained against its foes! What government can ever thus abandon its defenders to its foes and have the respect of its subjects or of mankind? What would be more humiliating to a people than to think that it owes its peace to the craven sacrifice of its defenders—yes, and not only of its defenders, but of the principles of justice, and even of mercy itself?

And what, let it be asked, have we gained by this disgraceful abandonment of our friends? Who, in truth, can give a satisfactory answer to this pertinent living question?

There are, probably, but a small proportion of the intelligent people of the world who believe that truth is stranger than fiction; and yet fiction, to a considerable degree, is only the startling incidents of all ages brought together, and woven into romances and tales written to amuse.

Those who live a hundred years hence will, if the history of our country for the last six years is truly written, believe that this was the great age of fiction, and that our rebellious citizens, and many of their acts, were not realities. A few years ago they would have been thought impossible beings, but it was left for the great war of the nineteenth century to tear the mask from slavery, and expose the monster in all its horrible aspects. The scarred, bleeding and naked forms of its victims have been laid before us, and the sword of vengeance fallen not only on those who have sinned most, but also on those who have permitted a long series of unspeakable atrocities to tarnish the history of our so-called civilization.

History is full of wonderful truths, many of them far too sublime for the common understanding to comprehend, and others far too inhuman for the cultivated and good to believe. To the latter class belongs the history of the cruel and bloodthirsty slaveholders' rebellion, and the future his-



torian, if he tells one-half of the whole truth, will be doubted by many, and condemned by others, as the relator of imaginary horrors.

How many are there among us now who can believe that a human being with a fair share of natural gifts, highly educated at an institution under the care of a paternal and enlightened Government, could, in these times, take pleasure in ordering twenty-two human beings to an ignominious death! We search in vain, through the whole length of the sickening narration, for the evidence of one touch of humanity on the part of those who were chiefly instrumental in bringing about this unspeakable horror. But, on the contrary, the chief criminal acted like an insatiable fiend, and those who were under his orders seemed most eager to do their master's bidding.

And now comes the injured innocent, unconscious of having done any wrong, and asks for pardon; and when he is informed that some meddlesome persons question the propriety of granting him Executive absolution, and restoring him again to full communion in the union which he tried so long to destroy, he complains to the general of all our armies that: "*It has come to my knowledge that certain EVIL-DISPOSED persons are attempting to re-open the troubles of the past, and embroil me for action taken by me while commanding officer of the Confederate forces in North Carolina.*" Was there ever anything more delightfully cool? And with what innocent amiability he arrays his suffering family to public view, in an



affecting tableau attitude, asking for that mercy which he and the usurped authority which he served so recklessly and inhumanly withheld from thousands of famishing and rotting Union soldiers! And were the families of those North Carolina soldiers of no account ?

Not less remarkable than the letter itself is the indorsement of General Grant upon the back of it. Let us imagine Benedict Arnold at the end of the revolution asking pardon and writing a similar personal letter to General Washington. How would this language appear, coming from him in answer to the application :

“GENERAL ARNOLD I KNOW PERSONALLY TO BE AN HONORABLE MAN, BUT IN THIS CASE HIS JUDGMENT PROMPTED HIM TO DO WHAT CANNOT WELL BE SUSTAINED, THOUGH I DO NOT SEE HOW GOOD, BY FIXING AN EXAMPLE FOR THE FUTURE, CAN BE SECURED BY HIS TRIAL NOW.”

A strange model for an “honorable man”! And yet, Benedict Arnold was not educated at the expense of the Government; he had never caused the murder, in cold blood, of twenty-two innocent men; nor committed one-twentieth of the crimes traced to the hands of this man Pickett. Arnold was a traitor only. When he lived, treason was treated as an infamous crime, and would have been punished as such had he been caught. Now it seems to be looked upon by a considerable number of our higher officials as rather an honorable distinction.

The last two or three lines of the indorsement of Gen-

eral Grant deserve more than a passing notice. Writing, evidently, after careful deliberation, he says: "It would only open up the question whether or not the Government did not disregard its contract entered into to secure the surrender of an armed enemy." What contract did the Government enter into when it enlisted those loyal North Carolinians in its service?

It may well be asked: What was the necessity for entering into a "contract" to induce a surrender, practically in sight and ready to be made? It is time that a patient and far too lenient nation should understand some of this unmanly juggling by which their rights are forfeited. There ought not to be but one voice throughout the loyal States in relation to the surrender, at Appomatox, of the right to meet out justice to rebel leaders.

All agree in one fact; and that is, that there was not the least necessity for a capitulation, or a "contract." If General Grant had demanded an unconditional surrender, he would have done what the army desired, and were ready to enforce, and what the loyal people had a right to expect he would do. Many of his friends claim for him that President Lincoln gave him instructions as to what terms were to be granted to defeated rebels. Others say it was Seward. If this be so, it is time that the fact should be known; for the nation is still passing through hours of trial and peril, its life rests upon sincerity and truth, and no respect of persons should weigh against its safety. Let it be known *who it is*

that has prevented justice being done to criminals who have committed crimes and inflicted tortures which would disgrace the annals of the darkest deeds of the middle ages. An outraged and patriotic people look to the men whom they have placed in positions of power, not to aid and abet in compounding with criminals, however honorable or high-minded, but to see that all the nation's sacrifices have not been made in vain, and that those who were the instigators and the great moving spirits in the causeless rebellion shall be punished as their crimes deserve. They ask "that treason shall be made so odious, and traitors so severely punished," that those who have embarked in it once and failed will never again dare to undertake such a perilous enterprise as the destruction of a nation.

If we go back a few years more than a century, we find English authorities executing three or four hundred of the followers of the Pretender, and among them a score of the principal nobles of Scotland. Then, if we keep on in our investigations of British history, we shall overtake the so-called Indian mutinies, where an obliterated people tried to regain a whole nationality stolen, and, failing, were blown up in their houses and blasted from the mouths of cannon, in order that English ideas of justice might be satisfied. A few short months ago, British officers gave the world another example of justice, and streams of blood poured down the sides of the mountains in the island of Jamaica. And now there are a reasonable number of Fenians under sentence of

life-long transportation. It is quite evident that treason—unsuccessful rebellion, or revolt of any kind—is treated by the English as a crime. And wherein does Republican government differ in this respect from any other form of government; except only in this, that treason against a *free* government is more criminal than against any other?

Hungary, Poland and other submerged nations have often paid the penalties of rebellion. No fact is better settled than that traitors and rebels have always been punished. But we, in the assumed perfection of our asserted superior civilization, have invented some sort of a maudlin idea about wholesale, indiscriminate magnanimity, and high Christian forgiveness. Wholly mistaking the spirit of Christian charity, we throw down every bar to the progress of licentiousness, and deceive ourselves with the fancy that we are practicing the Christian virtues. In a wild chase after impracticable chimeras, in a course directly opposed to reason and to the experience of mankind, which have recognized the necessity of punishing crime in all ages, we are giving way to unworthy expedients, stratagems and empty demonstrations of all kinds, and wholly forgetting that it is JUSTICE that exalteth a nation.

NOTICE—In its appropriate connection ought to have been mentioned, the fact, that Mr. DAWSON died without having published any of his rebellion material.

In the second line of the third paragraph page eleven, read *is* for *are*.

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ASSASSINATION OF  
LOYAL NORTH CAROLINIANS  
SERVING IN THE  
UNION ARMY.

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