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Yankee Occupation - 1862

Huntsville, 3000 population, raged and then turned red in the face over the insult invading Yankees heaped upon its populace during its occupation in the Civil War. Safely tucked away in prison were eleven of the town's leading citizens - the wise-heads and "fathers" as well as a prominent visitor.

They were jailed in an attempt to force the community to change its rebellious attitude toward Federal troops, to stop firing at pickets from ambush, and to extend to Gen. O. M. Mitchell, commanding officer, as well as his staff, customary social courtesies.

The prisoners were requested to do only one thing - to sign a statement urging local residents to cease their acts of hostility. That was the condition. They could accept it, or remain behind bars.

These eleven town "fathers" were William McDowell, William Acklen, A. J. Withers, George P. Beirne, the Rev. J. G. Wilson, William H. Moore, Samuel Cruse, T. S. McCalley, G. L. Mastin, Stephen W. Harris and Thomas Fearn. The prominent visitor was none other than Bishop Henry C. Lay of the Episcopal Church.

Men of good reputation. God-fearing, upright, influential, they were to become the lever by which the town was controlled. They would be the leaders behind whom their fellow citizens would trail into the fold. That was why they were singled out for this unhappy plight. But, above all, the Yankee leader wanted to show his power.

Mitchell's invaders burst into Huntsville early on the morning of April 11, 1862. Their arrival was so unexpected that not an armed man opposed them.

But Federal troops were not permitted to keep possession

of this section of the state without interference. Confederate cavalry, moving swiftly, inflicted injury or annoyance upon them.

During the latter part of April, a vigorous Confederate attack drove the Yankees out of the neighboring town of Athens. General Mitchell was there, but he made his escape by way of the railroad.

Upon his return to Huntsville, he was in no mood for trifling. Added to his ill temper over the inglorious retreat from Athens was the aggravating worry brought by guerrillas who kept his camp in a hotbed of unrest, and who were so smooth with their movements that he knew of no plan of action by which he could repel them. He decided to try a system which might stop these predatory bands.

A Northern sympathizer gave him the names of the 12 men whose prominence and influence in the community were undisputed.

A guard detachment, bearing an order in writing from the general was sent to arrest these individuals. That was on May 2.

At first, eight of the men were confined in the office of the probate judge at the courthouse, while the other four were held at the "Johnson House", but the two groups later were joined. No notice was taken of them until the morning of May 4 - Sunday. Then they were notified that General Mitchell wished to see, at his headquarters, Bishop Lay and two others of the prisoners, to be designated by themselves. Messrs. McDowell and Mastin were named.

When the delegation arrived at Mitchell's headquarters, located in the Henry Chase home on Adams Avenue, the general addressed them at length. He told them that he had made great sacrifices in behalf of his country, explaining that he was a man of science, a lonely, star gazer when the war occurred.

"I am not to be disturbed in my peaceful pursuits," he told the trio. "My highest ambition is to do justice, to love mercy, and to walk humbly with my God. Military glory has no charms for me. But, having satisfied myself that the rebellion is wicked and causeless, I am determined, at every sacrifice, to crush it out."

The general, stern-faced, hushy-haired, then reviewed the triumphs he had directed. He said that his army always

had held the post of difficulty and danger, had led the advance in Bowling Green, Nashville and Huntsville.

"We have conquered your county and we cannot be dispossessed!" he bellowed, then continued in a more settled tone.

"I have sent for you men in the hope that you will help me bring about a better feeling in Huntsville. You see, I have two causes of complaint.

"One is that the community does not exchange social courtesies with me and my officers."

The prisoners glanced at one another knowingly. It was a matter of general gossip about the town that a family to whom the Federal general had brought letters of introduction would not invite him to its house.

"I expect you men to promote kind social relations. I want you to encourage the citizens to regard me as their friend. Even if I do say it myself, I'm a very clever fellow."

Mitchell named as his second cause of complaint the acts of hostility committed against him by the citizens. He recalled some of these "injustices" and expressed in strong terms their wickedness.

"I don't suppose a one of us which you have imprisoned," McDowell remarked, "is in favor of such guerrilla warfare. Certainly you don't hold us guilty."

"I have no charge against any of you," Mitchell replied. "I believe this war should be carried on according to law and civilized usage, as a war between our respective governments."

"But, General," Bishop Lay broke in, "admitting the principles you just stated, I find it difficult to associate with them the imprisonment of 12 persons who have not had it in their power to pass your guards and pickets."

"I repeat, I have no charge against you," Gen. Mitchell continued. "You have been arrested in a time of some excitement, in order to show that no one in the community is beyond arrest."

Bishop Lay pressed his point. "General," he said, "you are the strong man and you can afford to set the example of magnanimity. But if the country people learn that you are destroying private property and imprisoning non-combatants, they naturally will infer that you do not intend to

wage a civilized war."

"Bishop, Providence has decreed that the innocent must suffer for the guilty," the Federal leader replied. "In order to stop these outrages, I must retaliate on innocent citizens, because they are the only ones I can lay my hands on."

Mitchell then sent the delegation back to prison with a promise that they would be released if they signed a pledge which he would send to them immediately. That afternoon, the provost marshal brought them the following document:

"We, the undersigned, citizens of Northern Alabama, hereby solemnly pledge ourselves that so long as our state, north of the Tennessee, is in possession of the armies of the United States, we will not only abstain from any act of hostility, but will do our utmost to persuade others to do the same.

"We disapprove and abhor all unauthorized and illegal war, and we believe that citizens who fire upon railway trains, destroy the telegraph lines, and fire from concealment upon pickets, deserve and should receive the punishment of death.

"We even disapprove all guerrilla warfare, as calculated to embitter feelings already too much excited, as destructive of the best interests of the communities in which such war is waged, and is in no degree calculated to bring to a close the great contest between the North and the South, to settle which a legitimate warfare should alone be waged."

After lengthy deliberation, the imprisoned men prepared an answer which they each signed. It was dated May 4, 1862, and sent to the general, as follows:

"Today, by your order, Bishop Lay and two of our number delegated by us were summoned before you. A free conference was held between yourself and these gentlemen, in which you stated that you had no charge against any of the parties under arrest. In concluding this interview, you declared your purpose to send us a written communication. This document is now before us.

"The undersigned are citizens. They do not belong to any military organization. They have never engaged in unauthorized or illegal war. They have not attacked the guards of bridges, fired upon railway trains, destroyed telegraph lines or fired from concealment upon pickets.

"Thus conscious of innocence as to the past, and in view of your own disclaimer of any allegation against us, we respectfully disclaim the responsibility of condemning to the punishment of death any of our countrymen for acts, the method, motives and circumstances of which are utterly unknown to us."

Bishop Lay added the note: "I subscribe the above with the explanation that I am a citizen of Arkansas, accidentally present in Huntsville."

General Mitchell wrote back immediately: "At your request, I sent you a paper for your consideration. You neither adopt it nor suggest any modification.

"If the form drawn by me is such that you cannot subscribe to it, modify or reconstruct it to suit your own views, and send me the communication which may be satisfactory to yourselves.

"You are at liberty to decline this, though I understood you to express a willingness to state your views to me on the subject of the illegal warfare which has been waged against my troops in Northern Alabama."

The next day, the prisoners replied that "we deem our arrest and confinement, being parties confessedly not obnoxious to the military law, as a violation of the usages of civilized war, and of the pledges formally given in army orders published and circulated by the Federal authorities."

They continued that, "under these circumstances, and as (in the terms of the proclamation) 'peacable citizens, are not to be molested in their persons and property,' we are at liberty to say that we are not willing to express opinions touching matters in which we are not implicated."

There the correspondence ceased. As the same pledge was demanded of all who passed in and out of the town, residents awaited the verdict in anxiety. Several of them visited the imprisoned men, among them Jeremiah Clemens, former major general of the state and a cousin of "Mark Twain". After reading all of the correspondence, Clemens urged them to sign. He said that he had been assured Gen. Mitchell planned to send them to Fort Warren if they persisted in their refusal.

On the afternoon of May 6, Bishop Lay and the Rev. J. G. Wilson were placed in solitary confinement. The next morning, the remainder of the prisoners were locked in

separate rooms.

After several days, the group was taken to the courthouse under guard for a conference. At the start it was proposed that they retract their refusal. Then followed a lengthy discussion over the deplorable situation of the country.

It was pointed out that as soon as a train was fired upon, Mitchell's soldiers arrested residents and often burned houses in the vicinity of the shooting. Prisons of the town were filled with overseers and farmers which was attributed to a desire on the part of the invaders to demoralize the Negroes by removing all restraint.

The conference continued into the next day and ended after the group had drawn up a pledge that was not as rank as that prepared by the general. In Mitchell's absence, this was sent to the provost marshal, who permitted the prisoners to go home on parole to report at his office the next morning.

The next day, May 15, however, the paroles were revoked by General Mitchell and the men again were imprisoned. A few hours later, an officer of the provost guard brought them the following document:

"You will communicate to the prisoners who have been arrested by my order that they will be allowed up to 12 o'clock to sign the paper drawn up by me denouncing all illegal and guerrilla warfare by citizens, in the exact language first used, without change or modification."

The letter was accompanied by the paper prepared for their signatures. This they reluctantly signed, expressing the unanimous opinion that it was "difficult to deal with a man who, while thus pretending inflexible resolve, disingenuously evaded the most important issue of the controversy!"

