

MILITARY GOVERNMENT AND DIVIDED LOYALTIES
THE UNION OCCUPATION OF NORTHWEST TENNESSEE
JUNE 1862-AUGUST 1862

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With the fall of Forts Henry and Donelson and the capture of Nashville by Union forces in February, 1862, Union government commenced for portions of western Tennessee. In the beginning the area of Union control extended along the western bank of the Tennessee River to the Mississippi border. During this time Union forces interfered with local government only when the locals gave assistance to Confederates. However, they did not occupy the area. At the same time Unionists from Tennessee, such as Emerson Etheridge, former congressman from the area, were lobbying Governor Andrew Johnson and military authorities to send aid to northwest Tennessee.

In early March, 1862, even though northwest Tennessee was still under nominal Confederate control, Etheridge began efforts to send Union troops into the area. He obtained a written request from Military Governor Andrew Johnson for military assistance. With this request Etheridge asked Colonel Silas R. J. Noble, commander of the military post at Paducah, Kentucky, for a military force to remove Confederate troops still in the area. In addition, Johnson requested that Noble, if possible, give aid to Unionist Tennesseans in the form of arms and ammunition.¹ Even with this request, as late as June, 1862, Unionist Tennesseans had a difficult time gaining aid.

May, 1862, was a month of uncertainty for the Unionists in the area. O. P. Weigart, a member of the Weakley County Court, described the conditions in northwest Tennessee in the wake of the Confederate occupation:

“. . . the Counties of Henry, Carrol, Gibson, Weakley, Obion . . . are now infested with maurading bands of Rebel Cavalry very much to the annoyance of Loyal citizens—these bands are mostly made up of Soldiers whose time of service expired under the late Conscript law . . . The Union cause is gaining ground here though the Loyal men are greatly harassed . . .”²

Weigart wrote Andrew Johnson on June 3, 1862, asking for military aid. Weigart had talked to Colonel Noble at Paducah and was told that Noble had equipment

¹Leroy P. Graf and Ralph W. Haskins eds. *The Papers of Andrew Johnson 1861-62*. (Knoxville: University of Tennessee Press, 1979), Vol. V. p. 245-46.

²O. P. Weigart to Andrew Johnson, Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V, p. 436.

suitable only for infantry. Weigart requested from Johnson that cavalry equipment be provided to drive the Confederates out of the area. He also related that a meeting had been held among the Union refugees in Paducah in order to request aid from Johnson. Weigart went into detail in his letter on the conditions of the refugees. He related that many of the men at Paducah had "left their homes in great haste & their families Poorley Provided for." He further related that the refugees were unwilling to enlist in the Union army for three years unless they had a guarantee that they could be stationed near their homes. He also suggested that Johnson call upon the loyal Union men in western Tennessee to rendezvous at a convenient point and form companies of men to serve a maximum of twelve months to drive out the Confederate forces.³

The factor that drove Wiegart and other Unionists to ask for aid was the positioning of Union garrisons in the area. These garrisons were stationed at Paducah, Hickman, Columbus, Kentucky, and at Fort Hindman in Henry County Tennessee. These posts however had insufficient troops to patrol the northwest Tennessee area. Many Unionist Tennesseans went into hiding or fled to western Kentucky to escape the unrest. Confederate cavalry patrolled the area arresting Union sympathizers and foraging for provisions.⁴

Weigart apparently had no knowledge of the efforts of Emerson Etheridge to get Union troops for the area. On June 9, 1862, Etheridge wrote Andrew Johnson detailing his efforts to raise troops in western Kentucky from West Tennessee Unionists. Etheridge told Johnson of the efforts of John A. Rogers, a local Unionist in Dresden, to raise a regiment from refugees while West Tennessee was still occupied by Confederate forces. But Etheridge urged that a portion of the troops raised in the area be left there for defense. Etheridge further informed Johnson that he had told William T. Wilson to make Dresden his headquarters for recruiting in the area as soon as the area was free of Confederate occupation.⁵ Etheridge's lobbying efforts were apparently successful because by August 1862, Rogers informed Military Governor Johnson that he had a minimum of five full companies and four half companies in camp at Dresden. This unit was designated the First Tennessee Infantry and listed among the troops serving in the District of West Tennessee.⁶

The advent of formal Union occupation in the area took place in June 1862, shortly after the fall of Memphis. Union forces began to move down the Mobile and Ohio Railroad to repair it for the use of the Union army. The welcome they received from the Unionists in Weakley County was quite warm. A correspondent to the St Louis *Daily Democrat* who was with the First brigade of the First division of the Army

³O. P. Weigart to Andrew Johnson, June 3, 1862, Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V, p. 437.

⁴O. P. Weigart to Andrew Johnson, Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V, p. 436.

⁵Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V, p. 459.

⁶*The War of The Rebellion—A Compilation of the Official Records of The Union and Confederate Armies*. (Washington: Government Printing Office, 1889), Series I, Vol. XVII, Part II, p. 246. (hereafter referred to as *O.R.*)

of the Mississippi under the command of General R. B. Mitchell told of the reception he received upon entering the county:

A strong Union sentiment prevails around us. Yesterday we were greeted for the first time in Tennessee with the waving handkerchief and smiling faces of the ladies. . . . Who can imagine the joy the sight of the old Stars and Stripes waving in victory brings to such people, and who can calculate the effect of the firm and unwavering patriotism and devotion of one man like Etheridge.⁷

While the Union soldiers were in the county, they encamped about a mile from the farm of Emerson Etheridge's mother. They named this encampment "Camp Etheridge" in honor of the Tennessee Unionist. During this time a notice was circulated among the people of the county inviting them to a pro-Union rally to be held at the camp.⁸ This notice probably originated from the local Unionists and not by the Union soldiers at the camp. The correspondent to the *Democrat* reported that "many of the local citizens expressed a desire to hear the great questions that distract our country at the present day discussed by a Union man." General Mitchell responded and invited residents of the area to be present at a meeting to be held on the 22nd of June at the camp. The meeting was started with a cannon salute by the Eighth Wisconsin and the playing of patriotic music by the band of the Seventh Kansas. The first speaker was Marcus J. Parrott, a former congressman from Kansas and Assistant Adjutant General in the brigade. Parrott was introduced by O. P. Weigart who "stated the object of the meeting with a few pithy remarks." Parrott's address brought applause from the audience by praising Andrew Johnson as a patriot who stood out in "bold relief" in comparison to others who had espoused the Union cause. Parrott did not mention the question of slavery except to say "that if they wanted to get back their fugitive slaves they had better apply to Jeff Davis and not to the Union Army." General Mitchell then spoke of his policy towards the inhabitants of the area. Mitchell thought that local Confederate sympathizers should be compelled to repair bridges that had been destroyed in the area, and that "no Northern Soldiers should build any more bridges in this climate." Mitchell did not, however, talk on the subject of slavery or what should be done with escaped slaves.⁹

While the Union forces were encamped in the area citizens came forward to proclaim their loyalty to the Union government. The Provost Marshal's office was reported to be one of the busiest places in the camp with hundreds of citizens coming in to take the oath.¹⁰ The oath was probably in this form:

Abjuring allegiance to the so-called "Confederate States of America" I do solemnly swear that I will support the Constitution of, and bear true and faithful allegiance to the "United States of America," So Help Me God.¹¹

⁷St. Louis *Daily Democrat*, June 26, 1862, p. 1.

⁸Stephen Z. Starr, *Jennison's Jayhawkers*, (Baton Rouge: Louisiana State University Press, 1973), p. 168.

⁹St. Louis *Daily Democrat*, June 26, 1862, p. 1.

¹⁰St. Louis *Daily Democrat*, June 26, 1862, p. 1.

¹¹St. Louis *Daily Democrat*, July 16, 1862, p. 2.

Weakley County received relatively mild treatment from the Union forces probably due to its known loyalist sympathies. In contrast, Madison County in the central portion of western Tennessee was to receive harsher treatment two weeks later. General John A. Logan, commander of the First division of the district of Jackson, ordered all male citizens over the age of eighteen inside the picket lines at Jackson to appear before the provost marshal to take the oath of allegiance to the United States.¹² Persons failing to do so were to be arrested and disposed of as prisoners. The only exceptions to this order were Confederate prisoners already paroled.

The loyalty oath issued at Jackson came in two forms. The first oath, for Confederate soldiers, was combined with a parole until they could be exchanged for Union prisoners of war. It required that the individual provide information as to what Confederate unit he was in, his date and term of enlistment, and also his physical description to aid in identification. The oath required that the individual not bear arms against the United States or aid or encourage the Confederate States until he was exchanged, under pain of death. The Civilian oath required an individual to support the Constitution of the United States and give allegiance to the government. It is unknown what the response was in Jackson to this order but undoubtedly it forced Southern sympathizers to leave the area.¹³

One unit of Mitchell's brigade, the Seventh Kansas Cavalry, was detailed to help defend the bridge and railroad repair work and suppress guerrilla activity in the area. This unit, during its brief sojourn in the area, did much to damage the reputation of the Union occupation forces.¹⁴

Samuel P. Tipton Captain of Company E. of the Second Regiment, Illinois Cavalry, wrote to Military Governor Johnson complaining about the actions of the Kansas troops. Tipton related:

I have more particular reference to some Kansas Troops, truthfully called "Kansas Jayhawkers" which you know is the Military name for Thief. I have seen some of their wagons with negro women and children loaded on them. The impression that one such Regt will give to our would be friends through this country will more than counteract the good effects of half a dozen good union regts. . . . I am satisfied that the general sentiment of the people here is Union if they were assured of there rights and property being protected. As things are going here at present they have no such assurance and feel as though all the falsehoods which have been told them of our coming here to rob and devastate their property was coming true.¹⁵

While at Camp Etheridge, a party of men from the Seventh, under the command of Captain M. J. Parrott who had spoken at the Union rally to the citizens of Weakley County, went out on patrol. The party met the funeral procession of an old widow and despite the orders of Parrott the men demanded to see what was in the wagon.

¹²*O.R.*, Series II, Vol. IV, Ser. 117, p. 162.

¹³*St. Louis Daily Democrat*, July 16, 1862, p. 2.

¹⁴Starr, *Jennison's Jayhawkers*, p. 164.

¹⁵Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V. p. 492.

Being told that it was a dead woman, they burst the coffin and examined the contents and then left saying, "Go on with your d——d secession b——." ¹⁶

Adding to the tensions between the military and civilians in the area was the imposition of military government upon the area. Military government in the area had some features of the normal civilian government allied with some aspects of martial law. This was exemplified by Andrew Johnson having both the office of military governor and the rank of general in the Union army. Johnson's commission from Edwin M. Stanton, Secretary of War, authorized him to perform the duties of military governor of the state with authority extending within the limits of the state. In addition, Johnson was authorized to establish "all necessary offices and tribunals, and suspend the writ of habeas corpus." The Military Governor was authorized to have these powers at the discretion of the President or when the loyal inhabitants of the state organized a civil government that was in conformity with the Constitution of the United States. ¹⁷ In addition, Johnson was given a commission as a Brigadier General in order to give him enough rank to deal with Union occupation troops in the state. ¹⁸

With the civil courts in western Tennessee in suspension due to General Ulysses S. Grant's order of March 1862, the only body that could hear cases was that of the military commission and only if the case fell under martial law. President Lincoln's proclamation of September 4, 1862, directed that "individuals guilty of any disloyal practice affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by courts martial or military commissions. . . . the writ of habeas corpus is suspended in respect to all persons arrested." ¹⁹ The military court system consisted of Courts Martial and Military Commissions. The Court Martial had jurisdiction over martial law under the articles of war first enacted April 10, 1806. The court consisted of officers of the division or brigade. The prosecutor in such questions was called the Judge Advocate. ²⁰ Military commissions had authority over civilians in an occupied area. The commission had authority to try cases in which a civilian breached the articles of war and all breaches of military orders and regulations. If civilian courts were not open the commission would try cases of civil crimes and offenses heard normally by those courts. ²¹ General Grant mentions the use of a military commission at Memphis in late June 1862 to try two civilians for murder. ²² These commissions were also used at Trenton during the latter part of 1862. ²³

¹⁶*O.R.*, Vol. XVII, Part II, pp. 53-54.

¹⁷Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V. 1861-62, p. 177.

¹⁸Clifton R. Hall, *Andrew Johnson, Military governor of Tennessee*, (Princeton: Princeton University Press, 1916), p. 33.

¹⁹Robert S. Rankin, *When Civil Law Fails*, (New York: AMS Press Inc. 1965), p. 56.

²⁰William Whiting, *War Powers Under The Constitution of The United States*, (Boston: Lee and Shepard, 1871. Reprint: Da Capo Press, 1972), pp. 279-280.

²¹Peter Maslowski, *Treason must be made Odious*, (Milwood, N.Y.: KTO Press, 1978) p. 64.

²²*O.R.*, Vol. XVII, Part II, p. 41.

²³John Y. Simon ed. *The Papers of Ulysses S. Grant*, Vol. VI, p. 457.

When Union forces entered the area there was confusion over their specific relationship to the populace. Even General Grant, late in June 1862, wondered what the role of the military was in relation to the civilian government:

As I am without instructions I am a little in doubt as to my authority to license and limit trade, punish offenses committed by citizens, and in restricting civil authority.²⁴

This confusion between the role of the military and civilian officials was to remain unclear until 1863 with the issuance of General Order 100 of 1863, which gave guidelines to commanders on their interaction with civilians in occupied territory. General Order 100 stated that martial law suspended the criminal and civil law of the occupied area. In addition, the administration of those laws by civilian authorities was also suspended. All functions of government, executive, legislative or judicial were suspended until sanctioned by the occupying forces.²⁵

The structure of military government in the area was based upon the military district which formed the basic unit of administration while civilian rule was suspended. The first military division of the area began with the fall of Fort Donelson in February 1862. General Ulysses S. Grant was ordered to take command of the District of West Tennessee. The limits of this district were at first not specified, but included the area along the Tennessee River.²⁶

With the actual occupation of the area by Union forces in June 1862 a more formal structure was set up. On June 8 Major General Halleck, Grant's commanding officer, ordered that the District of West Tennessee would include all of Tennessee west of the Tennessee River including Forts Henry and Donelson.²⁷ This would be the general dimension of the district until the end of the war. This district was subdivided into divisions (later called districts). Northwestern Tennessee was placed under the control of the Central Division of the Mississippi. The extent of the division was "from Columbus, Kentucky, to Humboldt, Tennessee, along the line of the Mobile and Ohio Railroad."²⁸ The geographical boundaries of the divisions of the district were delineated by General Order no. 83 issued September 24, 1862. The First Division embraced all territory south of the Hatchie River and west of Bolivar, Tennessee. The headquarters of this division was to be at Memphis. The Second Division enclosed all of the territory south of the Kentucky border, with its western boundary being the Hatchie River and its eastern boundary Bethel Station on the Mobile and Ohio Railroad. The headquarters of this division could be at either Jackson or Bolivar. The Third Division consisted of northern Mississippi with headquarters at Corinth; the Fourth Division (formerly the Central Division) con-

²⁴O.R., Vol. XVII, Part II, pp. 41-42.

²⁵O.R., Series III, Vol. III, pp. 148-49.

²⁶John Y. Simon ed. *The Papers of Ulysses S. Grant*, (Carbondale: Southern Illinois University Press, 1972), Vol. IV, p. 231.

²⁷O.R., Series I, Vol. XVII, Part II, p. 7.

²⁸General Order No. 6., July 7, 1862, Humboldt, Tennessee *Soldier's Budget*, July 24, 1862, p. 2.

sisted of parts the former military districts of Cairo and the Mississippi. This included Forts Henry and Donelson but did not include the area along the Mobile and Ohio Railroad. Defense of the Mobile and Ohio railroad was entrusted to the Second Division.²⁹ The demarcation between the fourth and second divisions was not very clear and created a divided jurisdiction in northwestern Tennessee. In addition the boundaries between divisions often cut across county and state lines and confused local officials as to which military authorities were in charge of any area.

With the arrival of Union troops the loyalty of the civil officials in the area had to be assured. On July 7, 1862, General G. M. Dodge ordered that all persons who held "State, County, City, Town or Township" offices had to file the oath of allegiance to the United States at Union headquarters in Trenton, Tennessee. If the office holders failed to do this they were to be "arrested, suspended from office" and sent to Trenton for detention.³⁰ One of the ironies of Trenton as a military headquarters was its reputation for being a secessionist hotspot. General Dodge wryly noted that the men of the town had nothing better to do "but play marbles and plot mischief."³¹

Another aspect of the arrival of Union troops exemplifies how vicious a civil war can be. Unionist residents of the area wanted revenge for the injustices they felt had been inflicted upon them during the Confederate regime. Concurrent with the arrival of Union troops, a Henry County farmer Littleton Palmer, wrote to Military Governor Andrew Johnson. Palmer demanded revenge for the death of John A. Farris who had guided Union troops through Paris, Tennessee, on March 11, 1862. Farris had been seized by Confederate authorities and hung after the Union forces had left, leaving his family destitute. Palmer demanded the arrest of an individual named Hampden McClanahan who had been the United States Marshal for West Tennessee in 1861. He was described by Palmer as one "who has bin clamoring, & threatening to have Union men shot, hung or murdered in some way or other." There were, in all probability, incidents of this type all over the area.³²

A source of irritation to both civilians and the military was the problem of escaped slaves. On their way into Tennessee the Seventh Kansas had liberated the slaves of a Mr. A. G. Simms of Hickman, Kentucky. Simms noticed that his slaves were missing the day after the Kansas troops had been in his neighborhood and followed in pursuit. Simms caught up with the brigade at Union City. He then proceeded to search the camp with a member of General Mitchell's staff identified as Captain Lawrence. At the campsite of the Seventh Kansas he was met by an officer who warned, "it would be unhealthy for him to search that camp." To avoid trouble Captain Lawrence escorted Simms away from the camp. This prompted an order from General J. F. Quinby, commander of the District of the Mississippi to escort the slaves out of the camp and the parties who had brought or allowed them to enter the

²⁹*O.R.*, Series 1, Vol. XVII, Part II, p. 237.

³⁰Humboldt, *Tennessee Soldier's Budget*, July 24, 1862, p. 2.

³¹Jacob Randolph Perkins, *Trails Rails and War*, (Indianapolis: Bobbs Merrisll, 1929), p. 94.

³²Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V. p. 439.

camp to be punished. The justification that the Kansans used was that Simms had been "an active and notorious secessionist." They alleged that the slaves had been used for the construction of Confederate fortifications at Columbus, Kentucky. However, during the temporary absence of General Mitchell, Colonel Anthony of the Seventh Kansas issued an order that countermanded the one of Quinby in regards to reclaiming slaves. Anthony barred individuals from searching the camp for escaped slaves and ordered punishment for any man who would help them.³³ This order was nullified by General G. M. Dodge on July 2, 1862, when he ordered the Seventh to turn over the slaves to Mr. Simms and arrested an officer of the Seventh for opposing it.³⁴

Adding to this confusion the initial wave of Union troops also requisitioned food and supplies from the civilian populace with little regard for compensating them for their loss. B. P. Chenoweth who was Provost Marshall at Trenton reported that General Mitchell's brigade had taken supplies and given the civilian owner a receipt in the following form:

Received of Robert Green 117 Bushels of corn
William Ross
Wagon master Second Battalion, Second Illinois Cavalry

Chenowith complained that this was part of an "irregular and perfectly unwarrantable system of foraging." He related that the Seventh Kansas had turned their horses loose in a grass lot in Trenton and had not even bothered to give a receipt to the owner for the forage consumed. Mitchell's men sometimes used more direct means of requisitioning goods. According to Chenoweth, on the night of June 24, a party of soldiers from Mitchell's brigade went to the house of a widow, Mrs. Emily Tyree, residing in the vicinity of Trenton. The troops demanded admission to her house but broke down the door before it could be answered. The troops then demanded her money, "in a most abusive and insulting manner." Mrs. Tyree gave them all her money but this did not satisfy them and they searched the house. When the troops left they informed Mrs. Tyree that if she told anyone of the incident they would return and burn Mrs. Tyree and her son in the house. Even Unionists in the area were not safe. Chenowith reported that a "Mr. Davis of this town, one of the oldest citizens and a staunch outspoken Union man from the beginning, had three valuable negroes taken from him by Jennison's men (Seventh Kansas) when they were through here."³⁵

By July 1862 Confederate sympathizers in the area had begun to resist Union troops. This led to judicial measures being used against individuals convicted under martial law for crimes against Union forces. On July 7, 1862, Lieutenant George M. Reeder, acting as the Adjutant General for the Central Division of the Mississippi, had ruled that Robert Masley, Samuel Baker, and Gilbert Patterson of Weakley

³³St. Louis *Daily Democrat*, June 26, 1862, p. 2.

³⁴*O.R.*, Vol. XVII, Part II, pp. 66-67.

³⁵*O.R.*, Vol. XVII, Part II, pp. 53-54.

County and Samuel Abbott, Doctor Gardner, and an individual named Letts and his sons were found to have encouraged the burning of a road bridge over the Obion River. They were ordered to take the oath of allegiance to the United States and rebuild the bridge at their own expense. If these persons did not obey they were to be arrested and sent to division headquarters in Trenton, Tennessee. These orders were similar in spirit to the speech General Mitchell had given at Camp Etheridge.

General Dodge also issued on July 7th orders that all Confederate officers and soldiers returning to the area after their enlistments had expired were compelled to take the loyalty oath. Individuals in the area who threatened Unionist citizens were to be placed under arrest.³⁶ These orders were probably based on a proclamation issued by Military Governor Johnson on May 9, 1862, on the subject of guerrilla raids. This proclamation stated that for every Union man mistreated by these guerrillas there would be five Confederate sympathizers arrested in retaliation. In addition, destroyed property of loyal Tennesseans was to be compensated for from the property of Confederate sympathizers who had, "given aid comfort, information or encouragement to the parties committing such depredations."³⁷ Political prisoners, such as Confederate sympathizers, were to be handed over to the Provost Marshal. Their cases were to be examined and the results reported to the Adjutant General for the department. In addition, the Provost Marshal was in charge of passes in and out of Union lines and on the railroads of the district.³⁸

As the activities of guerrillas and Confederate sympathizers became more damaging to the Union cause in the area, General G. M. Dodge issued this statement:

The general commanding has undoubted knowledge that the sympathizers with this rebellion within the limits of this command are aiding in a species of warfare unknown to the laws and customs of war, the suppression of which calls for more rigorous and decisive measures than have been heretofore adopted. The allowing of bands of guerrillas to encamp in the neighborhood without giving information of the fact, the firing upon pickets, the feeding of parties who are hiding from our forces and the carrying of information to and from the enemy have become matters of daily occurrence.

Dodge ordered that any area allowing guerrillas to camp nearby, without warning Union authorities, would have a fine assessed and taken from the property of all Confederate sympathizers in the area where guerrillas camped. In addition, citizens would be held responsible for the acts of any guerrilla group. If a Union picket was fired upon, Confederate sympathizers in the area were to be arrested and held until the guilty party was found; if the picket was injured a fine of no more than \$10,000 was to be assessed. If persons sheltered Confederate deserters or discharged soldiers in order to form guerrilla bands they could be held responsible for their acts. If the individual was a relative of a Confederate soldier he could be held hostage until the

³⁶O.R., Series I, Vol. IV, Serial 117, POW etc., p. 146.

³⁷Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V, p. 375.

³⁸O.R., Series II, Vol. IV, Ser 117, POW etc. p. 286.

soldier surrendered. Dodge also encouraged informers by promising a liberal reward for information concerning guerrillas. If a slave gave information General Dodge promised that protection from retribution would be given.³⁹

An example of this tougher policy was seen when fifteen people were arrested near Humboldt for assisting in destroying bridge work on the Mobile and Ohio Railroad near the town during the week of July 30, 1862. It was reported that four of the prisoners were to be hung at Jackson for their crimes. One disturbing factor about these individuals was that most of them had taken the loyalty oath but had not acted by its provisions. This could only arouse suspicion by the Union army that the local populace was not sincerely loyal.⁴⁰ In practice, orders such as these were used to suppress Confederate aid to guerrillas. On August 12, 1862, Captain Davies of the Sixth Illinois Cavalry was ordered to proceed from Trenton to Dyersburg for the purpose of suppressing southern support. Davies was ordered to administer the loyalty oath to citizens of the town who desired it. In addition, he was to disarm all known southern sympathizers. Anyone who had aided guerrillas was to be arrested and their property seized for the use of the government.⁴¹ Goods seized on these patrols were auctioned by the government at Trenton. People buying these seized goods did so at some risk of retribution by Confederate sympathizers.⁴² One area of governmental regulation which was undertaken by the Union occupation forces was that of trade. The civilian population were desperate to get goods that had been so long in short supply. In return northern traders came into the area looking for cotton and other raw materials needed by the northern war industries. By July 23rd it was reported at Trenton that, "Business of different kinds is being resumed, cotton is being bought up in large quantities at this and other points on the Mobile and Ohio Railroad."⁴³ With the revival of trade in the area came the problem of smuggling and the flow of gold southward to the Confederacy. Union commanders in the area were concerned about this practice and urged it to be stopped. On July 26, General G. M. Dodge telegraphed to General I. M. Quinby, commander at Columbus, Kentucky:

the gold paid out here by cotton buyers finds its way to the Southern army immediately. Hundreds have left for that army in the counties around here lately, carrying every dollar of gold paid for cotton. The circulation of gold must be stopped.⁴⁴

Similar complaints from other division commanders prompted Major John A. Rawlins, Adjutant to General Grant, to issue General Order 64 which became effective on August 1, 1862. This order prohibited the purchasing of goods from the

³⁹*O.R.*, Series II, Vol. IV, Ser 117, POW etc. p. 291.

⁴⁰*St. Louis Daily Democrat*, August 4, 1862, p. 2.

⁴¹*O.R.*, Vol. XVII, Part II, p. 164.

⁴²*O.R.*, Vol. XVII, Part II, p. 207.

⁴³*St. Louis Daily Democrat*, August 5, 1862, p. 2.

⁴⁴*O.R.*, Series I, Vol. XVII, Part II, p. 123.

area with gold or silver by speculators who wanted to export these goods north. The legal tender for such transactions was to be treasury notes. If an individual refused to receive these notes they were to be arrested and their crops seized, excepting enough for the sustenance of the person's family. The seized goods were to be sold by the quarter master at the nearest military post with the funds from the sale given to the owner of the seized crops. If a speculator was found to have used gold or silver in such transactions he was to be arrested and sent north, and the purchased goods seized by the government.⁴⁵ A similar order issued by General Dodge at Trenton had the effect of interfering with the activities of the cotton buyers, but was seen by a Union soldier in the area as a wise policy.⁴⁶ A further refinement of this order was issued on August 6, 1862. General Order No. 69 stated that no coin money was to pass south of Cairo, Illinois except for use by government agents or for government business. Cash payment for goods deemed to be useful to the Confederacy was to be discouraged.⁴⁷

Colonel W. W. Lowe, commander at Fort Henry, suggested a method to implement the order. He proposed that if an individual purchased cotton in the area, he should have to report to the nearest local military commander and state under oath where and from whom the cotton was bought and the amount paid for it.⁴⁸ This measure did not last long for it was countermanded one week later when Rawlins received orders from Washington to expedite the movement of cotton to the northern markets.⁴⁹

This tangle of regulations forced Tennesseans in the area to use any means possible to get needed goods from the north. E. J. White of Dresden went to St Louis to purchase goods for resale at Dresden. White's shipment of goods was held up at Hickman, Kentucky due to trade regulations. White informed his friend Colonel John A. Rogers of Dresden, who was in Command of the First Tennessee infantry, of his dilemma. Rogers wrote to General Grant urging him to grant White authorization to ship the goods to Dresden and vouching for the loyalty of its inhabitants.⁵⁰

By November, 1862, more regulations on trade in the area were forthcoming from the Military district level. Starting November 19, 1862, all persons in the district had to have a permit from local military authorities to trade in the area, in addition to the permit from the Treasury Department. With these permits, the bearer was permitted to purchase or trade cotton or other southern products in the area and ship them north. Any trade outside Union lines was discouraged by declaring it to be an act of disloyalty and any contract involved voided. The needs of loyal persons in the district were not ignored. These individuals were to be granted licenses by district commanders to buy goods needed by their families. The restrictions were that the

⁴⁵Simon, *The Papers of Ulysses S. Grant*, Vol. V, p. 239.

⁴⁶St. Louis Daily Democrat, August 5, 1862, p. 2.

⁴⁷*O.R.*, Series 1, Vol. XVII, p. 155.

⁴⁸Simon, *The Papers of Ulysses S. Grant*, Vol. V, p. 240.

⁴⁹Simon, *The Papers of Ulysses S. Grant*, Vol. V, p. 241.

⁵⁰Simon, *The Papers of Ulysses S. Grant*, Vol. VI, p. 441.

individual had to take the loyalty oath and obey the Treasury Department regulations. If a person with a permit resold the goods or gave them to an individual not named by the permit, they were liable to be brought to trial by a military commission and could be punished by fines, imprisonment, and loss of the permit.⁵¹

One of the problems that dogged the administration of the area was the lack of a civilian court to deal with criminal and civil matters. To make matters even more confusing, after the fall of Forts Henry and Donelson General Ulysses S. Grant issued General Order No. 7 which suspended courts under the authority of the State of Tennessee but implied that some system of justice would be established under Federal authority. In addition, Grant declared West Tennessee to be under martial law until enough citizens in the area returned to their loyalty to the Union government.⁵² This combination of orders from two differing governments left the area without any legal authority besides the Union occupation authorities.

The re-establishment of courts in the area was to present many difficulties. Samuel Williams, Circuit Court Judge of the Fifteenth Judicial Circuit that included Obion and Gibson counties, encountered difficulty in holding court. When Union forces entered the area in June 1862, Williams wrote to Military Governor Andrew Johnson to ask about his status in office:

I am not informed as to whither I am now considered in or out of office. You will do me the kindness to inform me how that is. If I am to be superseded I would prefer to resign as I don't want it understood that you have turned me out. If that is the course to be taken immediately on hearing from you I will send you my resignation & I shall do this with the kindest feelings . . .⁵³

Judge Williams apparently tried to hold court without the permission of Military Governor Johnson. On October 27, 1862, Judge Williams held court at Troy the county seat of Obion County. Williams, on the first day of the session enpaneled a grand jury to bring indictments. The next day Williams heard a case brought to him by E. D. Williams the revenue collector for Obion County. Williams wanted the court to render a judgment that he could sell property of delinquent taxpayers to settle their debt on the taxes. Judge Williams ruled that the land could be sold and the revenue collector could receive the proceeds. One aspect of this was bound to arouse controversy among Unionists in Obion County: the delinquent taxes were imposed while the county was under the Confederate government. At the same session Judge Williams swore in a new circuit court clerk who had been elected in March 1862. The clerk swore that he would support:

. . . the Constitution of the United States and the Constitution of the State of Tennessee and that I have not directly or indirectly accepted a change in writing or otherwise to any person, being a citizen of the state, or aided or abetted therein since the adoption of the constiution in 1835.⁵⁴

⁵¹O.R., Series 1, Vol. LII, Part I, p. 303.

⁵²Simon, *The Papers of Ulysses S. Grant*, Vol. IV, p. 265.

⁵³Graf and Haskins, *The Papers of Andrew Johnson*, Vol. V, pp. 501-2.

⁵⁴Obion County Circuit Court *Minutes*. 1849-1865. (microfilm) pp. 669-710.

By swearing in the court clerk, Judge Williams gave tacit admission that the March 1862 county election was valid even though it was under Confederate auspices. Williams appeared to split the difference between the Confederate and Union governments by recognizing the election and then making the candidate swear an oath to the United States Constitution.

Major General Stephen A. Hurlburt informed Johnson that "Judge Williams attempted to hold a court but as I learned he was not commissioned by you I closed the court."⁵⁵ A committee of citizens from the town of Troy, in Obion County, where Judge Williams attempted to hold court sent a petition to Military Governor Johnson describing an unfavorable view of the legal proceedings. William F. Bradford, a lawyer in Obion County, sent a cover letter with the petition describing the events in Williams court:

In Judge Williams charge he stated that they had only to enforce state laws and had nothing to do with either the Federal or Confederate Governments and he almost if not entirely ignored the authority of the Federal Govt. in regard to said court and state many other things that was obnoxious to union men in both his speech and charge.⁵⁶

The Thirteenth Circuit Court in Weakley County was presided over by William Fitzgerald. Born in 1799, Fitzgerald had lived in Weakley County for several years and had been one of the County's earliest lawyers. Fitzgerald had also served in the United States Congress, having defeated David Crockett. He served from 1831 to 1833 until he was in turn defeated by Crockett. Fitzgerald had been elected Judge of the 13th district in 1841 and served until 1861.⁵⁷ Fitzgerald made no effort to revive his court like Judge Williams had tried in Obion County. The Henry County Circuit Court Minutes record that Fitzgerald did not attempt to hold court at Paris even though it was the place where he resided.⁵⁸ The Weakley County Circuit Court Minutes were interrupted after the October 1861 session and were not resumed until 1866.⁵⁹ It appears that Fitzgerald went into retirement. He died at Paris in Henry County in March 1864.⁶⁰

The Chancery Court of Weakley County had suspended operations in January 1862. Weakley County was part of a larger chancery district encompassing all of northwestern Tennessee and possibly all West Tennessee outside of Memphis. Chancellor William M. Smith was elected in 1860 to serve in the third or Western District

⁵⁵Graf and Haskins, *The Papers of Andrew Johnson*, Vol. VI, p. 51.

⁵⁶Graf and Haskins, *The Papers of Andrew Johnson*, Vol. VI, pp. 99-100.

⁵⁷*Tennessee Biographical Dictionary*, Vol. I, pp. 249-50.

⁵⁸Henry County Circuit Court *Minutes*, 1851-1866 (microfilm) p. 428. Fitzgerald is listed in *Miller's Official Manual of Tennessee* as being the Judge of the 9th Judicial circuit but Weakley County Circuit court Records list Fitzgerald as presiding over the 13th district. This error is repeated in *Biographical directory of the Tennessee General Assembly* p. 249-50.

⁵⁹Weakley County Circuit Court *Minutes* 1858-1866.

⁶⁰*Tennessee Biographical Dictionary*, Vol. I, pp. 249-50.

of Chancery Court for the State.⁶¹ Smith resided in Haywood County and was at the same time attorney for the Memphis and Ohio Railroad. After his election he moved to Memphis and resided there during the war.⁶²

Concurrent with the efforts by judges such as Williams to revive courts on the state level, efforts were made in at least Weakley County to revive the Justice of the Peace courts. These courts had been suspended since March 1862 but by August of the same year the records show that at least one case was heard. On October 15th, 1862, Justices of the Peace Jephtha Gardner, Samuel Steele, and L. Z. Anderson heard a case brought before them by William R. Ross, Chancery Court Clerk. Ross presented the Court a Writ of Unlawful entry against Marena Pryor and Mary Long. The specific charge was that the two women had been living in a house without the owner's permission. The women's agent, D. M. Duke, presented the Court with a paper from the Union commander Lieutenant Colonel G. M. Mitchell at Union City, Tennessee which stopped the legal proceedings:

"Miss M. Pryor & Miss Mary Long will be allowed to remain in peaceable possession of the house now occupied by them at least until the restoration of the Civil Law of Tennessee. All persons molesting or interfering with their possessions will be arraigned and dealt with by the military authorities."

This order was used by the plaintiffs to ask for a continuance until October 28th of the case. The Court moved that the case be continued until that date but it is unknown what the final outcome was due to the following pages being cut out of the Docket Book.⁶³

Another problem facing the Justices of the Peace in the county was that of their legitimacy to hold office. Some of the county officials had been elected after the State had seceded and there was some question of their loyalty to the Union. A petition was sent to Military Governor Andrew Johnson asking that one former County Justice W. D. Scates be reinstated as a County Justice. The petition stated:

. . . we beg of your excellency to recommission W. D. Scates to act as Justice of the Peace in Civil District no. 8 Weakley County Tennessee. He having been forced to resign his office and leave the State in consequence of his fidelity to the government of the United States . . .

The petition was signed by William Hornbeak, one of the Quorum Justices of the County Court, along with Ben Ivie and D. M. Duke. In addition the petition was

⁶¹Goodspeed, *History of Tennessee*, (Nashville: Goodspeed Pub. Co., 1887), *History of Weakley County* p. 838. Obion County p. 825. In Charles A. Miller's *The Official and Political Manual of the State of Tennessee* (Nashville; Marshal and Bruce, 1890) Smith's name does not appear. Instead Miller lists Issac B. Williams as Chancery Judge until the war. However in Chancery court Records of Weakley County Williams does not preside after 1860 and in some sessions of that year is replaced by William Fitzgerald the Circuit Court Judge.

⁶²Robert McBride and Dan M. Robinson, *Biographical directory of the Tennessee General Assembly* Vol. 1 1796-1861, (Nashville: Tennessee State Library and Archives, Tennessee Historical Commission, 1975), p. 686.

⁶³Weakley County Justice of the Peace *Settlement Book and Docket* 1857-1870, p. 279.

signed by Colonel W. T. Wilson of the Seventh Tennessee Volunteers (USA). The petition asked for the removal of James Freeman who had been elected to fill out the term of Scates.⁶⁴ County Court Records show that at the July 1861 meeting of the county court Scates had "handed his resignation in writing as Justice aforesaid which resignation was received and ordered to be spread upon minutes of court." The minutes make no mention of why he resigned. The election of James Freeman as successor to Scates was not recorded on the Court minutes, but apparently he was elected in January 1862 in a special election.⁶⁵ The first recorded instance of Freeman attending the County Court was in April 1862.⁶⁶ Freeman might have been the last member of the County Court with Confederate sympathies. At the August 1862 Court meeting there occurred a mass resignation of Court Justices. D. D. Peoples, D. W. Roberts, E. J. Atkins, and L. W. Blake turned in their resignations in writing. These justices might have been forced to resign due to Unionist pressure in the county and in the County Court, but the Court minutes give no details.⁶⁷

The situation of the county governments at the time was summed up in a letter by a native of Henry County who informed Military Governor Johnson on the state of government in his county. He related the divisions of the Henry County Court and noted that the County Court chairman was a "strong secessionist." He also noted that some officials in the county had been elected under the Confederate Government and had taken the oath of loyalty to it. In addition the civil affairs of the county had been neglected with no new civil officers being certified or vacant offices filled. The county government had also neglected to maintain the roads and bridges of the county and travel in the area had become difficult.⁶⁸

Evidence of ineffectiveness of the County Court was obvious in Weakley County. The County Court in 1862 met regularly in monthly sessions but only for a limited amount of business. The court took two months to install elected county officials from the March 1862 election. In April Issac Reavis was installed as the new county trustee in charge of the county's finances. At the same meeting W. S. Carlton was installed as revenue collector for the county.⁶⁹ It took Reavis another two months to assume control of the county's school fund in June.⁷⁰ The court records are silent on the amount of funds the county had available, and whether or not the local government had means to raise taxes. In comparison to the previous years appropriation of funds, the court appropriated funds only for the pay of county justices for 1861 and to pay the county coroner for the March 1862 election.⁷¹ Whenever money

⁶⁴Andrew Johnson Papers, (microfilm) Roll 18, document 6431.

⁶⁵State of Tennessee, County Elections, Justice of Peace 1862, Tennessee State Library and Archives, Box 12 B.

⁶⁶Weakley County Court Minutes, 1853-66 (microfilm) p. 408, p. 442.

⁶⁷Weakley County Court Minutes, August 1862, p. 474.

⁶⁸Graf and Haskins, *The Papers of Andrew Johnson*, Vol. VI, p. 96.

⁶⁹Weakley County Court Minutes, April 1862, pp. 451-453.

⁷⁰Weakley County Court Minutes, May 1862, p. 467.

⁷¹Weakley County Court Minutes, April 1862, p. 458.

was appropriated for an official it was given with the notation that it be paid "out of any money in the hands of the county trustee not otherwise paid out."⁷² The closest the county came to collecting revenues in 1862 was to assess the list of taxable items in the county. The County Court paid the revenue officers in April for their efforts.⁷³ The only work done on the county roads was the authorization for bids to repair a bridge on the middle fork of the Obion River.⁷⁴ The October meeting of the court authorized bids on more bridge repairs with the commission in charge to report at a subsequent meeting of the court.⁷⁵ The lack of revenue collection in the county crippled any efforts of local government to pay its officials or carry out any of its functions. This situation would continue throughout the remainder of the war.

Conditions in western Tennessee differed depending upon location. After the initial incursion of Union forces, guerrilla warfare by Confederate forces was waged with differing intensity. By the end of July, General Dodge reported that his forces were able to deal with the guerrillas north of the Hatchie River but that the forces were small and hard to intercept. Dodge went on to say that activity among the guerrillas was on the upswing and he was putting small blockhouses near railroad bridges on the Mobile and Ohio to make them more defensible.⁷⁶ The efforts to suppress this activity seemed to be successful. By the beginning of August 1862, General Grant was able to report no guerrilla activity north of the Hatchie River in western Tennessee. Grant noted that:

There is abundant evidence that many citizens who appear to be quiet noncombatants in the presence of our forces, are regularly enrolled and avail themselves of every safe opportunity of depredating upon Union men and annoying our troops in small bodies.

The situation in western Tennessee by the end of August 1862 was, on the surface, favorable to the restoration of civilian government. Besides small guerrilla units, no major Confederate activity occurred in the area. The political activity of the Unionist element of the population gained momentum with the enlistment of troops and attempts at restoring civilian government. Public support of the Union cause in the area reached its high water mark during this time. These conditions gave the local Unionists hope that civil government could be restored. Unionist efforts culminated in the attempt to elect congressional representation for the area in December 1862.⁷⁷

⁷²Weakley County Court *Minutes*, April 1862, p. 461.

⁷³Weakley County Court *Minutes*, April 1862, p. 461.

⁷⁴Weakley County Court *Minutes*, September 1862, p. 476.

⁷⁵Weakley County Court *Minutes*, October 1862, p. 480.

⁷⁶*O.R.*, Vol. XVII, Part II, p. 131.

⁷⁷*O.R.*, Vol. XVII, Part II, p. 160.