

# **THE HUNTSVILLE HISTORICAL REVIEW**

**Winter-Spring 1995**

Volume 22

No. 1

**PUBLISHED BY**

**The Huntsville-Madison County Historical Society**

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HUNTSVILLE-MADISON COUNTY HISTORICAL SOCIETY

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## THE PARDONS OF MADISON COUNTY

by

Norman M. Shapiro

On May 29, 1865, President Andrew Johnson began his attempt at restoration of full citizenship by proclaiming amnesty to all, except certain specified classes of persons. This followed only weeks after the final collapse of the Confederacy in the spring of 1865 and Lt. General Richard Taylor's surrender of the last Confederate armies east of the Mississippi at Citronelle, Alabama, on May 4, 1865. Early in the war, however, the problem of the seceded states was discussed in the Congress and in the country at large and, absent any guides in the Constitution, many theories were proposed on how to accomplish this task. The background of the pardon/amnesty process, and those pardons relating to Madison County, Alabama, which are the subject of this paper, is best explained with the introduction to the microfilm publication, "Case Files of Applications From Former Confederates for Presidential Pardons, 'Amnesty Papers', 1865-1867," [1] which essentially follows.

Federal officials early on recognized a need for new laws to deal with rebellious acts of large parts of the Southern population. Because "treason" seemed too strong a word and death too severe a penalty for many of the acts in support of the Confederate cause, the Congress passed acts of July 31, 1861 (12 Stat. 284), and July 17, 1862 (12 Stat. 589), that fixed penalties for the lesser crimes of "conspiracy" and "rebellion." The latter act also provided for future pardon and amnesty by Presidential proclamation to be extended "to any persons who may have participated in the existing rebellion . . . with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare."

The first such amnesty proclamation was issued by President Abraham Lincoln on December 8, 1863. It extended pardon to persons taking an oath to support the Constitution and the Union and to abide by all Federal laws and proclamations in reference to slavery made during the period of the rebellion. Six classes of persons were excluded from the benefits of the amnesty: (1) civil or diplomatic agents or officials of the Confederacy, (2) persons who left judicial posts under the United States to aid the rebellion, (3) Confederate military officers above the rank of Army colonel or Navy lieutenant, (4) Members of the U.S. Congress who left to aid in the rebellion, (5) persons who resigned commissions in the U.S. Army or Navy and afterwards aided in the rebellion, and (6) persons who treated unlawfully black prisoners of war and their white officers. A supplementary proclamation, issued March 26, 1864, added a seventh exception (persons in military or civilian confinement or custody) and provided

that members of the excluded classes could make application for special pardon from the President.

President Johnson's first amnesty proclamation of May 29, 1865 was issued after Attorney General James Speed had advised the President that while Lincoln's pardons were valid, his proffer of amnesty ceased to function with the end of the war and therefore a new proclamation was necessary. In the new proclamation, Johnson cited the failure of many to take advantage of Lincoln's earlier proclamation and noted that many others had been unable to do so because of their participation in the rebellion after the promulgation of the December 1863 amnesty. Under the new proclamation, 14 classes of persons were excepted from the general amnesty. Johnson incorporated Lincoln's seven exceptions with a few alterations and added the following: (8) individuals who had absented themselves from the United States in order to aid in the rebellion, (9) graduates of West Point or Annapolis who served as Confederate officers, (10) ex-Confederate governors, (11) persons who had left homes in territory under U.S. jurisdiction for purposes of aiding the rebellion, (12) persons who engaged in destruction of commerce on the high seas or in raids from Canada, (13) voluntary participants in the rebellion who had property valued at more than \$20,000, and (14) persons who had broken the oath taken under provisions of the proclamation of December 8, 1863.

Johnson indicated he did not wish to deny pardon to many in the excepted classes, but he "intended they should sue for pardon, and so realize the enormity of their crime." There were, however, motives other than repentance in the minds of many applicants. A Presidential pardon would restore a citizen to his former civil rights and would also provide immunity from prosecution for treason and from confiscation of property. Thus, the President was soon besieged with thousands of applications, and by the fall of 1867 he had granted about 13,500 pardons.

The principal body of records reproduced in the microfilm publication consists of approximately 14,000 files containing pardon applications and related papers submitted to President Johnson, 1865-67, by persons excepted from his amnesty proclamation of May 29, 1865, together with a few applications submitted to President Lincoln by persons excepted under his earlier proclamations (the twelve rolls containing the applications from Alabama are in the microfilm collection of the Huntsville Public Library's Heritage Room). The majority of applications are unsworn statements by petitioners, but there is a large number of statements sworn before a magistrate. Included with each application is an oath of allegiance signed by the petitioner and, in many cases, recommendations from prominent citizens for clemency or letters from relatives or friends containing pleas for compassion. Applications to the President through governors of Southern States bear their indorsements. In some instances, there

are notations by the President or his assistants indicating action on a particular case. The individual files often contain considerable information on a pardon applicant's background, his activities during the war years, and his attitude in defeat under the proclamation of May 29, 1865, because of their ownership of property valued at more than \$20,000.

In Alabama, the excluded classes included practically all Confederate and State officials, for the latter acted as Confederate agents, all the old political leaders of the state, many of the ablest citizens who had not been in politics but had attained high position under the Confederate government or in the army or navy, several thousand prisoners of war, a number of political prisoners, and every person in the state whose property in 1861 was assessed at \$20,000 or more. According to the proclamation, the assessment was to be in 1865 but it was made on the basis of 1861, at which time slaves were included and a slaveholder of very moderate estate would be assessed at \$20,000. In 1865 there were very few people worth \$20,000 (13th exception). Most of the ninety-five applications in the microfilm rolls originating from Madison County were based on the 13th exception. A few applied on the basis of multiple exceptions.

The reconstruction process for Alabama began when President Johnson appointed Lewis E. Parsons of Talladega as provisional governor on June 21, 1865, and one of the principal occupations of the provisional government was securing pardons for those who were excluded from the general amnesty of May 29, 1865. One month after his appointment, Governor Parsons issued ( July 20, 1865) a proclamation which declared in full force the civil and criminal laws of the state as they stood on January 11, 1861, except as to slavery. An election of delegates to a constitutional convention was ordered for August 31, and the convention was to meet on September 10 (actually met on September 12) No one could vote in the election or be a candidate for election to the convention who was not a legal voter according to the law on January 11, 1861, and all voters and candidates must first take the amnesty oath or must have been pardoned by the President. Governor Parsons also ordered those men in office at the war's end to continue in their positions, and this resulted in considerable dissatisfaction especially in the northern part of the state which always had a strong "unionist" element. Instructions were given as to how a person who was excluded from the benefits of the amnesty proclamation might proceed in order to secure a pardon and another proclamation was issued by Parsons on July 25, 1865 with a list of questions by which " an improper person" might test his case and see how bad it was:

"For the purpose of those who desire to apply for a pardon, to do so with as little delay as possible, they will do well to notice the following points in their application:

1st. Are you under arrest? If so, by what authority, and with what offense are you charged?

2d. Did you order the taking of Fort Morgan or Mount Vernon Arsenal, or aid in taking, or advise the taking of either of them? [2]

3d. Have you served on any "vigilance committee" during the war before which persons charged with disloyalty to the Confederate States have been examined or tried? If so, when and where, and how often? What person or persons were tried or examined by you? What sentence was passed or decision made in each case? When, where, and by whom was it carried into execution?

4th. Has any person been shot or hung by your order for real or supposed disloyalty to the Confederate States? If so, by what authority did you give the order? Who have been executed by virtue of such order? When and where was it done? State all the facts you rely on to justify such action on your part.

5th. Have you shot or hung, or aided in shooting or hanging any person for real or supposed disloyalty to the Confederate States? If so, when, where, or how many? State all the facts and circumstances you rely on to justify the action on your part.

6th. Have you ordered, or been engaged in hunting anyone with dogs, who was disloyal to the Confederate States, or supposed to be? If so, when, where, or how many? State all the facts you rely on to justify such action.

7th. Were you in favor of the so-called ordinance of secession at the time it was passed on the 11th day of January, 1861?

8th. No one is bound to criminate himself. Therefore, the applicant can exercise his own pleasure in this behalf as to any one of the foregoing interrogatories, except the first.

9th. The following must be answered in addition to such other facts as the applicant may be advised or thinks proper to state.

10th. Will you be a peaceable and loyal citizen in the future?

11th. Have any proceedings been instituted against your property under the Confiscation Act?

12th. Is any property belonging to you in the possession of the United States authorities as abandoned property or otherwise?"

An editorial in the Huntsville Advocate of July 19, 1865, proclaimed:

"Special Pardons are being sought for by those in the excepted classes in this State, as well as elsewhere, including Congressmen, Generals, late confederate civilians, over \$20,000 taxable men, &c. This is right. We are glad to see them restored to civil and property rights. We trust such cases will be made out as will induce the President sooner or later to grant them amnesty and pardon, restoration of rights of property, &c. He, we are satisfied, will not be found unrelenting, but forgiving to repentant ones, who 'henceforth' will be good and true loyal citizens to the United States. The excepted classes see the situation they are in; they know the confiscation act is a reality, and the courts will soon

execute it, and like wise men want protection and safety from penalties. They do right to go to work to get into a safe position. Those who are not of the excepted classes, should be ready to take the amnesty as soon as the books are open, and then they are safe. Let us all get right again, and keep so - for revolutions like this are no trifle."

The confiscation laws relating to private property, mentioned above, under which the army and Treasury agents were acting in Alabama in 1865 are described in Fleming: "(1) the act of July 17, 1862, which authorized the confiscation and sale of property as a punishment for 'rebels'; (2) the act of March 12, 1863, which authorized Treasury agents to collect and sell 'captured and abandoned' property,- but a 'loyal' owner might within two years after the close of the war prove his claim, and 'that he has never given any aid or comfort' to the Confederacy, and then receive the proceeds of the sale, less expenses; (3) the act of July 2, 1864, authorizing treasury agents to lease or work abandoned property by employing refugee negroes. 'Abandoned' property was defined by the Treasury Department as property the owner of which was engaged in the war or otherwise against the United States, or was voluntarily absent. According to the ruling all the property of Confederate soldiers was 'abandoned' and might be seized by Treasury agents. North Alabama suffered from the operation of these laws from their passage until late in 1865, the rest of Alabama only in 1865." [3] One can surmise that this also encouraged many desertions from the army during the last part of the war.

The threatened and actual enforcement of the confiscation act encouraged many individuals of the excepted classes to apply early for pardons. Another inducement was the constitutional convention which Governor Parsons had called for September 10, 1865. The old "unionist" faction of north Alabama hoped to assume leadership in the reconstruction of the state and there was some urgency to secure amnesty for influential excepted persons so they could be qualified as voters, and even delegates. A prominent participant in this effort was Joseph C. Bradley of Huntsville, Madison County, who prepared personal recommendations to Governor Parsons and/or President Johnson for most of the pardon applications from that County. Indeed, Bradley prepared recommendations for many of the petitioners from north Alabama and quite a few for individuals throughout the state. It is not known whether he was specifically asked to make these recommendations by Governor Parsons or the President or if he did it for his own political purposes. Bradley was apparently more successful as a facilitator than a politician but he knew just about every politician in the state, which is understandable considering his background.

Joseph Colville Bradley, born in Abingdon, Virginia, about 1810, was for a long time a successful Huntsville business man and planter. He was opposed to secession early and made his views known vocally and through letters to public

officials in Montgomery and Washington. He was, however, a member of the rebel State legislature in 1863 and probably financed the raising of a Confederate company, the "Joe Bradley Rebels", early in the war. In his letter of recommendation to the President for clemency for Addison White, Bradley writes, "He was like myself and a good many of your other friends in this region had to talk a little for the rebels or leave the state". Fleming states that, "Bradley was a north Alabama man who had gone over to the enemy to save his property." [4] Later in the war, Bradley was active in a group of prominent "unionists" that hoped to form a peace party and elect one of their number as governor in 1865, and Bradley was one of those mentioned for that position [5]. After the war, his daughter, Susan, married Union General G. M. L. Johnson, one of the two Union generals buried in Huntsville's Maple Hill Cemetery [6]. Bradley makes references in his recommendations to conversations with the President and was, apparently, a long-time friend. He was one of only nine men in Alabama whose pardon was certified "By order of the President". His petition for clemency to the President, which appears later with other examples, was dated, Washington City, June 8, 1865, and may have been delivered personally to the President. It was approved June 17, 1865, the first one approved for Madison County. The Huntsville Gazette of October 9, 1880, reports his death on October 6 and states, "Occupying for many years the position of a leader in the Republican party, his great ability and credit has been of unvalued service to that party and to the country, and in death both sustain a great loss".

Two other prominent men from Madison County who were called on for a some clemency recommendations were David C. Humphreys, several term Alabama State Legislator and later Associate Justice, Supreme Court of the District of Columbia, and Peter M. Dox, a New York State Legislator and Judge before he moved to Alabama in 1856. Dox was a member of the State constitutional convention in 1865 and a member of the U.S. House of Representatives from 1869-1873. It is Bradley's recommendations, however, that make the most interesting reading. He seems to know how everybody voted in 1860 i.e, whether they were Bell, Douglas or Breckinridge Democrats; how they felt about slavery; and just how strong their "secessionist" or "union" feelings were. And some of these facts were expressed in rather down to earth language.

The applications from Alabama and Madison County contain, primarily, the individual's oath of allegiance (sometimes taken more than once), the petitions or letters to the President including answers to the twelve questions posed by Governor Parsons, and the letters of recommendation. The petitions are, in general, rather similar. The individuals indicate whether they favored the union or favored secession and the various gradations thereof, how their feelings may have changed during the war, and they promise to be loyal citizens in the future. Typically a person might state that he was opposed to secession, but after a while sympathized with his neighbors and may have provided food or aid to

Confederate soldiers or their families. Most, in common with the prevailing feeling in north Alabama, were unionists. A few were staunch secessionist or slavery men but now, according to Bradley, were "completely whipped and recognize the new order of things". In any case, it really didn't matter for the pardons were usually granted.

Inasmuch as the persons on the pardon rolls represent, for the most part, the economic and political elite of Huntsville and Madison County during this period, it is interesting to see who they were and what they had achieved. Many of their antebellum homes still stand in Huntsville. The listing which follows includes information from the 1860 US Census Population and Slave Schedules, where available, in the following order: Name; Place and Date of Birth; Occupation; Value of real estate in thousands of dollars; value of personal property in thousands of dollars; number of slaves.- The date of pardon is also given. As reproducing the complete pardon applications or even abstracts of same would require too much space, a few typical and interesting petitions will follow the listing.

Acklen, William: TN 1802; lawyer; 25; 45; 13.- Nov. 6 1865.

Acklen was a grandson of John Hunt and a member of the Alabama House of Representatives 1826-1827 and 1830-1831, and a State Senator 1853- 1857.

Allison, John: Ireland 1803; farmer; 15; 57; 40.- Nov. 6, 1865.

Allison came to America about 1822 and was a resident of the Berkley community.

Barnard, Harriet M.: AL 1836; farmer; 130; 180; 9.- Sep. 2, 1865.

Mrs. Barnard was the widow of Dr. John D. Barnard and the daughter of Dr. David Moore, early Huntsville physician, banker, planter and legislator.

Beadle, Joshua H.: TN 1814; merchant; 25; 80;0,- Sep. 29, 1865.

Beasley, James A.: VA 1820; farmer; 64; 134; 0;- Oct. 21, 1865.

Beirne, George P.: VA 1809; farmer; 55; 235; 103;- Sep.. 8, 1865.

Beirne was a Director of the Memphis & Charleston Railroad and Bradley suggested that pardon was urgent so that Beirne could participate on Board. Beirne applied under the 1st as well as the 13th exception as he was appointed Commissioner to exchange treasury notes for interest bearing bonds.

Binford, Henry A.: NC 1811; physician; 40; 70; 12;- Sep. 29, 1865.

Bradford, Hamilton G.: NC 1815; farmer; 21; 15; 33;- Oct. 21, 1865.

Bradford, William L.: AL 1839; farmer; 10; 16; 0;- no date.

Bradford graduated from the U. S. Naval Academy in 1856; resigned lieutenantcy in 1861; joined C.S.Army and served until end of war with shattered arm; went to South America in 1866.

Bradley, Joseph C.: VA 1813; comm. merchant; 20; 230;0-;- June 17, 1865.

As a member of the rebel State Legislature and Tax Collector, Bradley applied under the 1st exception.

Brickell, Robert C.: AL 1824; lawyer; 20; 60;0-;- Apr. 30, 1866.

Brickell later served as Justice of the Alabama Supreme Court from 1873-1875 and Chief Justice from 1875-1889 and 1894-1898.

Cabaniss, Septimus D.: AL 1815; lawyer; 20; 30; 8;- Sep. 15, 1865.

Cabaniss served in the State Legislature from 1861-1863. He applied under the 1st as well as the 13th exception as he was appointed Commissioner to receive subscriptions to rebel loan.

Chapman, Reuben: VA 1799; lawyer; 85; 200; 27;- Sep. 12, 1865.

Chapman was elected to the Alabama Senate in 1832, the U.S. House of Representatives from 1835-1847, as Governor of Alabama 1847-1849, and the State Legislature 1855-1857.

Clay, Clement C. Sr.: VA 1789; lawyer; 60; 85; 14;- Feb. 12, 1866.

Clay was a member of the Territorial Legislature in 1817, Speaker of the State House of Representatives in 1828, member of the U.S. House of Representatives, 1829-1835, Governor of Alabama 1835-1837, U.S. Senator 1837-1842, and Chief Justice of the Alabama Supreme Court, 1843. Confiscation proceedings had been instituted against his lands.

Collier, Charles E.: SC 1805; farmer; 25; 46; 0;- Dec. 15, 1865.

Charles Collier was a brother of Henry Watkins Collier, Governor of Alabama, 1849-1853.

Coltart, Robert W.: AL 1822; merchant;0; 0; 5;- Sep. 29, 1865.

Coltart was Confederate States Marshall and applied under the 1st and 13th exceptions. He was Mayor of Huntsville for several terms

Davis, Nicholas, Jr.: AL 1825; lawyer; 25; 25; 14;- Sep. 22, 1865.

Born in Limestone County, Davis was commissioned a lieutenant in the Mexican War. He was elected to the State House of Representatives in 1851 from Limestone County. He moved to Huntsville in 1853 and served as solicitor from 1850-1860. He was a member of the secession convention.

Davis, Zebulon P.: KY 1816; farmer; 5; 30; 22;- Oct. 21, 1865.

Zebulon was a brother of Nick Davis and Mayor of Huntsville 1859 and 1860. He applied under the 1st exception as he was appointed Receiver of Public Monies.

Donegan, James J.: Ireland 1800; farmer; 138; 175; 47;- Sep. 22, 1865.

Donegan applied under the 1st as well as the 13th exception as he was Receiver of subscriptions to a loan to the Confederate government which were payable at the Northern Bank of Alabama of which he was President.

Drake, George W.: AL 1815; Comm. Merchant; 10; 13; 13;- May 9, 1866.

Drake, John R.: AL 1812; farmer; 35; 56; 44;- Sep. 29, 1865.

Eason, Alcuin: NC 1812; farmer; 25; 45; -;- Oct. 21, 1865.

Echols, William H.: AL 1834; pardoned Nov. 22, 1865.

Echols graduated West Point in 1858, resigned his commission in March, 1861 and served as Major of Engineers in the Confederate forces until Aug 25 1865. He was later President of the First National Bank of Huntsville. As a graduate of West Point, Echols applied under the 9th exception

Edwards, William B. : VA 1804; farmer; 5; 35;0;-Sep. 29, 1865

Fackler, John J.: VA 1802; comm. merchant; 14; 150; 17;- Jan. 4, 1866.

Fackler was Joe Bradley's business partner.

Fariss, John L.: VA 1810; farmer; 20; 43; 0;- Oct. 21, 1865

Fearn, Robert: TN 1830; farmer; 100; 145; 13;- Nov. 4 1865.

Robert Fearn was also a lawyer and a nephew of Dr. Thomas Fearn.

Fennell, Isham J.: NC 1812; farmer; 30; 100; 74;- Sep. 29, 1865.

Ford, Marianne Mrs.: VA 1806; farmer; 35; 45; 69;- Dec. 23, 1865.

Hammond, Ferdinand L.: TN 1814; farmer; 50; 150; 5;- Oct. 21, 1865.

Hammond, a Confederate States Agent in 1863 and a member of the rebel State Legislature in 1861 and 1863, applied under the 1st and 13th exceptions.

Harris, George M.: AL 1821; physician; 35; 75; 0;- Sep. 29, 1865.

Harris was also a planter and cotton manufacturer.

Harris, Louisa M. Mrs.: GA 1820; farmer; 52; 118; 113;- Oct. 4, 1865.

Louisa Harris was the wife of Stephen W. Harris.

Harris, Stephen W.: GA 1818; farmer; 52; 118; 113;- Sep. 29, 1865.  
Harris applied under the 13th exception and his property was registered as abandoned.

Hewlett, Thomas H.: TN 1810; 18; 25;0;- Jan. 24,1866.  
Hewlett applied under the 1st and 10th exceptions. He was a Confederate Conscript Agent and left his home and went across the Tennessee River to farm.

Hobbs, Isham H.: VA 1815; 15; 50; 44;- Oct. 21, 1865.

Holding, William H.: 0; 0; 89;- Sep. 29, 1865.

Hollowell, William D.: NC 1800; farmer; 14; 18; 0;- Oct. 17, 1866.

Hundley, Mary E. Mrs.: AL 1836; farmer; 18; 46; 34;- Oct. 21 1865.  
Mary Hundley was the wife of Capt. Orvil M. Hundley of Wheeler's cavalry.

Jolley, Benjamin: VA 1810: farmer; 8; 61; 20;- Sep. 12, 1865.  
Jolley was a personal and political acquaintance of President Johnson.

Jordan, Fleming: GA 1804; physician; 50; 230; 134;- Jan. 4 1866.  
Jordan was also a wealthy planter.

Kelly, Russell, J.: GA 1806; farmer; 53; 77; 76;- Sep. 29, 1865.

Lacy, Theophilus: NC 1805; farmer; 20; 80; 66;- Sep. 29, 1865.  
Thophilus Lacy was Cashier of the Northern bank of Alabama.

Lanford, William: 1797;- Sep. 29, 1865.

Lanier, Burwell C.: TN 1821; farmer; 14; 33; 9;- Sep. 29, 1865.

Lesslie, William: AL 1825; physician, 0; 0; 0;- Sep. 29, 1865.

LeVert, Francis J.: VA 1791; merchant; 10; 80; 0;- Sep. 29, 1865.

Lewis, David P.: VA 1823; lawyer; 42; 185; 33;- Sep. 29, 1865.  
Lewis was formerly a resident of Lawrence County. and was Governor of Alabama, 1872-1874. His petition for amnesty appears later.

Lowe, Mattie Mrs.: AL 1841; housewife;0; 30; 0;- Oct. 21,1865.  
Mrs. Lowe was the widow of Robert J. Lowe, lawyer and state legislator, 1859-1861. He was a private in the 4th Alabama and died of "camp fever".

Lowry, John T.: AL 1822; merchant; 10; 14;- Oct. 7, 1865.

John T. Lowry was a member of the firm of Lowry & Hamilton.

McCalley, Thomas S.: VA 1808; farmer; 94; 160; 48;- Sep. 29 1865.

Thomas McCalley was also a dry goods merchant.

McCalley, William J.: VA 1821; farmer; 40; 65; 11;- Jan. 4 1866.

McDonnell Archibald: AL 1815; farmer; 49; 99; 0;- Sep. 29, 1865.

McDowell, Priscilla W.: VA 1805;- Jan. 4, 1866.

Priscilla McDowell was the widow of William McDowell who died June 9, 1865. In the 1860 Census: William McDowell, VA 1801; comm. merchant; 12; 142; 14.

Malone, Nashville: NC 1800; farmer; 29; 42; 0;- Jan. 4, 1866.

Mastin, Francis T.: AL 1813; farmer; 40; 35; 77;- Sep. 22, 1865.

Mastin, Gustavus L.: VA 1815; farmer; 21; 40;- Sep. 22 1865.

Francis T.( Frank), Gustavus L.and James H.(below) were sons of Captain Francis Mastin. According to the 1860 Slave Schedule, Gustavus and James jointly owned 43 slaves.

Mastin, James H.: VA 1815; farmer; 20; 35;- Sep. 22, 1865.

Mills, Thomas B.: LA 1836; 0; 0; 0;- Sep. 27, 1866.

Mills was formerly Sailing Master of the U.S Sloop of War, Brooklyn. He resigned after Sumter and entered Confederate service. Lt. Mills was captain of C.S.S. Sampson in the Savannah River. He applied under the 1st and 13th exceptions.

Moore, Benjamin T.: NC 1813; lawyer; 39; 80; 0;- May 17, 1886.

Moore was Clerk of the District Court of the Confederate States in the Northern District and applied under the 1st as well as the 13th exception.

Moore, David L.: AL 1838; farmer; 14; 180; 85;- Oct. 12, 1865.

Moore was a son of Dr. David Moore. He served six months in the Confederate Army and then provided a substitute.

Moore, Samuel H.: AL 1843; student; 60; 27; 0;- Sep. 7, 1865.

Samuel H. Moore was another son of Dr. David Moore. He was a private in the 4th Alabama Infantry for thirteen months and then lieutenant in the 20th Alabama Infantry.

Moore, William H.: NC 1822; lawyer; 120; 150; 1;- Nov. 3, 1865.  
William Moore's property had been confiscated.

Neal, George W.: AL 1816; banker; 10; 125; 8;- Dec. 29, 1865.

Norment, John H.: GA 1800; farmer; 3; 10; 2;- Jan. 4, 1866.  
Norment was commissioned U.S. Postmaster at Berkley in 1847 and continued as Confederate Postmaster. He applied under 1st exception.

Patton, Charles H.: VA 1806; farmer; 120; 400; 0;- Sep. 29, 1865.  
Dr. Charles Hays Patton was also a physician and manufacturer (president of the Bell Factory Cotton Mill). He and John Patton below were brothers of Robert Miller Patton, Governor of Alabama from Dec 1865 to Jul 1868. Robert Patton was a resident of Huntsville from about 1818 until 1829 when he moved to Florence.

Patton, John: VA 1814;;- Sep. 29 1865.

Patton, William R.: AL 1819; farmer; 12; 25; 0;- Sep. 29, 1865.

Peete, Samuel: VA 1795; farmer; 30; 65; 0;- Sep. 29, 1865.

Powers, William: VA 1788; farmer; 30; 61; 65;- Oct. 21, 1865.  
Powers served in the War of 1812.

Rice, Mary P. Mrs.: VA 1800; farmer; 15; 60; 17;- Nov. 9, 1865.  
Mary Rice was the widow of Elisha H. Rice.

Robertson, John M.: MD 1804; minister; 32; 25; 5;- Mar. 15, 1866.  
An Episcopal Minister, Robertson was arrested by the Federal authorities for "praying for the President of the Confederate States". He was imprisoned and then transported across the Tennessee River and forbidden to return. His property was cited for confiscation (presumably for abandonment).

Robinson, James: TN 1805; lawyer; 9; 33; 0; Aug. 14, 1865.  
In his recommendation, Bradley states that Gov. Parsons wanted to appoint Robinson Chief Justice of the Alabama Supreme Court. This James Robinson was a first cousin of brothers James B. and John Robinson, below.

Robinson, James B.: VA 1810; farmer; 15; 32; 0;- Sep. 15, 1865.  
James Robinson also owned large properties in Marengo County, Al. His home, Forrest Field, which later burned, was supposedly similar to brother John Robinson's Oak Lawn.

Robinson, John: VA 1803; farmer; 40; 83; 0;- Sep .15, 1865

Sales, Dudley: VA 1782; farmer; 24; 83;0;- Apr. 30, 1866.

Scruggs, John W.: AL 1818; comm. merchant; 40; 30;0;- Oct. 21, 1865.  
Scruggs was a member of the Alabama State Legislature, 1863-1865.

Severs, Stephen B.: AL 1830; blacksmith; 0; 1;0;- Aug. 29, 1865.  
Severs had a contract under the U. S. and then the Confederate government to carry mail between Huntsville and Montevallo, and applied under the 1st exception.

Sheffev, Lawrence B.: VA 1819; physician; 10; 15; 12;- Aug .17, 1866.  
Proceedings had commenced to confiscate his land.

Sledge, Oliver D.: NC 1801; farmer; 117; 172; 94; Oct. 21, 1865.  
Sledge's property had been cited as abandoned.

Spragins, Robert: AL 1824; circuit clerk; 8; 14; 0;- Sep. 29 1865.  
Spragins had moved across the river to safeguard the court records and applied under the 10th exception.

Springer, Josiah: TN 1808; farmer; 11; 32; 21;- Jan. 4, 1866.

Strong, Charles W.: VA 1825; farmer; 36; 46; 0;- May 16, 1866.

Taber, William B.: CT 1811; manufacturer, 25; 35;0;- Apr. 10, 1866.

Taylor, Morris K.: PA 1812; farmer; 2; 3; 0;- Oct. 21, 1865.  
Taylor was appointed Tax Assessor and applied under the 1st exception.

Timmons, William H.: AL 1840; farmer;0 ; 0 ; 0;- Oct. 21,1865

Todd, David H.: KY 1832; merchant; 0; 0; 0;- Jun. 22, 1867  
Todd was Abraham Lincoln's brother-in-law. He served in the Mexican War and was Captain, Co. A, 21st LA Infantry.

Toney, Edmund: VA 1805; farmer; 39; 50; 52;- Jan. 4, 1866.

Townsend, Parks L.: AL 1835; farmer; 30; 75;- Sep. 29, 1865.

Turner, James B.: VA 1814; physician; 10; 51; 43;- Oct. 2, 1865.

Walls, Allen: SC 1802; farmer; 1; 17; 0;- Jan. 4, 1866.

Walls was a U.S. and then Confederate Postmaster and applied under the 1st exception.

Watkins, James L.: GA 1814; farmer; 200; 210; 0;- Sep. 12, 1865.

White, Addison: VA 1824; farmer; 91; 115; 16;- Sep. 12; 1865.

Addison White served in the U. S House of Representatives from Kentucky from 1851 to 1853.

White, Thomas W.: VA 1818; farmer; 85; 75; 15;- Aug. 19, 1865.

Thomas White was Mayor of Huntsville in 1881 and 1882 and a brother of Addison White.

Wiggins, Richard A.: NC 1810; 0; 0; 94;- Jan. 4, 1866.

Withers, Augustine J.: VA 1805; farmer; 53; 47; 13;- Sep. 29, 1865.

Transcripts of typical examples of amnesty petitions from Madison County including letters of recommendation from Joseph C. Bradley appear below. One is Dr. James Blunt Turner, who favored secession, and another is Alcuin Eason, who opposed secession. Following these are the rather detailed petitions (also with Bradley recommendations) of "unionist", David P. Lewis, and "secessionist", Septimus D. Cabaniss. A photocopy of Cabaniss' actual pardon signed by President Johnson is also shown.[7] It is instructive to see how these two distinguished gentlemen coped with their diverging viewpoints. Lewis served as Republican Governor of Alabama from 1872-1874 and is one of the five Alabama Governors buried in Huntsville's Maple Hill Cemetery. It is interesting to note that Lewis joined Cabaniss' law firm after his term as Governor.[8]

The last example is Bradley's petition which is dated Washington City, June 8, 1865, and may have been delivered personally to the President. It was approved June 17, 1865, the first one approved for Madison County. Bradley was one of only nine men in Alabama whose file action was certified "By order of the President". It should be noted that as prominent southern Republicans, Bradley and Lewis were also considered to be "scalawags".

TURNER: To His Excellency, Andrew Johnson, President of the United States,  
Washington, D. C.

Your Petitioner James Blunt Turner respectfully represents unto your Excellency, that he is now and has been for the last forty years & upwards a citizen of the State of Alabama and in the county of Madison. That he is by profession a

physician: That he has never served in the Confederate army, or been connected with it in any capacity: Nor has he ever held any civil office under said Government: Yet he acknowledges that his sympathies were with the South, during the Rebellion.

Now that the rebellion is closed, your Petitioner readily accepts the new order of things in regard to slavery, and promises that he will become in the future, a peaceable and loyal citizen of the Government of the United States, with all the rights and privileges of a citizen restored to him, which he may have forfeited by his former sympathy with said rebellion. Your Petitioner is not under arrest. Nor did he order the taking of Fort Morgan or Mount Vernon Arsenal, or aid in the same, or advise the taking of either of them. Nor has he served in any Vigilance Committee during the War, before which persons charged with disloyalty to the Confederate States have been examined or tried. Nor has any person been shot or hung by his order. Nor has he shot or hung or aided in the same - any person for real or supposed disloyalty to the Confederate States. Nor has he hunted or aided in hunting any one with dogs, for real or supposed disloyalty to the Confederate States. Nor have any proceedings been instituted against his property under the Confiscation Act. Nor has any of his property been taken possession of by the United States Authorities as abandoned property.

Your Petitioner further states, that he may be included in the 13th exception of your Proclamation, dated May the 29th, 1865; as the estimated Value of his taxable property may be \$20,000. And now he having taken the oath of amnesty, as prescribed by the Proclamation, before alluded to; he prays your Excellency to grant him a special pardon, according to the provisions thereof.

s/ James B. Turner

Sworn to & subscribed before me

this 29th day of August 1865

s/ John H. King

U.S. Commissioner for the

Nor Dist of Alabama

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Huntsville, Alabama

Sept 4 1865

Gov'r L. E. Parsons  
Montgomery, Ala

The petitioner, Dr. James B. Turner, of this County is a man of character amongst us. He was in 1860 a Secessionist & supported that policy. He now

acknowledges himself whipt, and is willing to conform to the present condition of affairs. If the President will grant him a pardon he says he will make a true and loyal Citizen of the United States Government. It is my opinion that "nigger on the brain" has been cleaned out of this man, and if he lives 100 years he will never again be caught in another Rebellion.

Yours respectfully,  
s/ Joseph C. Bradley

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EASON: To His Excellency, Andrew Johnson, President of the United States:

The undersigned, a Citizen of the United States, residing in Madison County, in the State of Alabama, where he has lived for upwards of fifty years, -respectfully petitions for the benefits of the amnesty and pardon offered by your Proclamation bearing date the 29th day of May 1865. The necessity for this Special application arises from the fact, that my taxable property if assessed, would probably exceed \$20,000 in value, thereby including me in the 13th Exception to your Proclamation. I am not included in any other of its exceptions. A planter by occupation, I remained at my home during the entire rebellion. I never held office under the so called Confederate Government, civil or military. Nor was I a soldier in any of the armies of the Confederacy. I was opposed to the ordinance of Secession whereby the State of Alabama was attempted to be taken out of the Union. But when my State, and a majority of my neighbors drifted into the rebellion, my personal sympathies followed them, and under the influence of those sympathies, I may have contributed to aid those engaged in the effort to establish the Confederate Government, but never by conviction or in sentiment have I been a secessionist. I am not under arrest, nor have I been accused of treason, or for inciting insurrection or rebellion against the United States, nor have any legal proceedings under the laws of the United States providing for the confiscation of the property of persons engaged in the late rebellion, been instituted against me. I also acknowledge the overthrow of the late rebellion, and accept the consequences following that overthrow to the peculiar institutions of the South. And besides taking the amnesty oath prescribed by your proclamation - a certified copy of which oath accompanies this petition - I hereby pledge myself to support, and in future defend, the Government and Constitution of the United States, and the Union of the same under the Constitution.

Madison Co: Ala, near Huntsville, 11th August 1865.

s/ Alcuin Eason

Sworn & subscribed before me  
this 11th day of August 1865

s/ John H. King  
U.S. Commissioner for the  
Nor Dist of Alabama

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Huntsville, Alabama  
August 11 1865

Gov'r L. E. Parsons  
Montgomery, Ala

The petitioner, Alcuin Eason, was among one of the strongest Union Men in the County & done all he could to oppose the secession of our State from the Union. After the rebellion commenced Mr. Eason sympathized with the people of his own State & may have contributed something to the Confederate cause. Mr. Eason will make a loyal citizen of the United States Government.

Yours Respectfully,  
s/ Joseph C. Bradley

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LEWIS: To His Excellency Andrew Johnson, President of the United States of  
America

Your petitioner David P. Lewis, a citizen of Huntsville, Alabama, formerly of Lawrence County, Alabama, begs leave to represent to your Excellency, that he owns taxable property over the amount of twenty thousand dollars.

Your petitioner was elected to the Convention of the State of Alabama, in 1860, from the County of Lawrence, as an avowed union man, in opposition to secession & dis-union. His speeches and circulars in connection with James S. Clark, his co-delegate, were unequivocal & undisguised over the subject. As a member of the Convention, he was one of the Committee who opposed the report of the Committee presenting said ordinance, & presented a minority report against said ordinance. He voted against the ordinance of secession & and in favor of referring it to a direct vote of the people. Under special instructions from his constituents, he and his co-delegate affixed their signatures to the ordinance.

Petitioner was elected by said Convention a member of the Congress of the so called Confederate States. He did not solicit the same, and as is well known to the members of the Convention from North Alabama, did not know that he would be

nominated. He did not know that he would be thought of in that connection, & was never consulted in reference to it. He accepted the office at the request of union members of the Convention, who desired that some members of the Provisional Congress to be of their political faith. The records of said Congress will show that petitioner did not vote for the Constitution of the so called Confederate States. Nor has petitioner ever taken an oath to support the same, nor any other oath in conflict with his loyalty to the United States of America. On the adjournment of the State Convention, petitioner resigned his seat in the Provisional Congress & was succeeded by Hon. Henry C. Jones of Florence, Ala.

In the excitement which followed in the Spring of 1861, petitioner connected himself with a volunteer company, raised for twelve months service in the Confederate Army, of which he was elected Captain. Said company was never mustered into service, nor accepted by the Confederate authorities. But on being required to enter the service for three years or during the war, as Captain of the same, he disbanded it, & it dispersed, & the members then went home, as citizens. No oath was administered to any member of the Company.

Petitioner then became convinced that the points aimed at by Secession leaders were something entirely beyond the rights of the States or of Citizens under the Constitution of the United States, & he kept aloof from any voluntary participation in a plan which his heart nor judgement never for one moment, sanctioned, nor approved.

In December 1862, petitioner was offered, unsolicited, a Lt Col'cy in Roddey's Regiment of Confederate Cavalry, which he promptly declined. He submits the papers connected therewith as part of this petition.

In the Summer of 1863 petitioner, being a few months under forty five years of age, became liable to conscription, & without solicitation, through the kindness of Hon. Joseph C. Bradley of Huntsville, Ala, received the appointment of Judge of the 4th Judicial Circuit, in which he then resided. He accepted it, & held the office until he became forty five years of age for the express and sole purpose of exemption from liability to Service in the Confederate Army, resigning the same to take effect on Jan'y 1, 1864. Petitioner never took any oath of office (the Commission was sent by hand) and Dr Carlos Smith, now a citizen of Huntsville, then of Lawrence Co, in which petitioner resided, & Wm. Skinner of Franklin Co, both men whose loyalty is & always has been above suspicion, both of these know, that he resigned said office for the reason that he would embarrass his conscience & duty by taking the oath of office, & that he deemed it wrong to hold the office after the necessity of avoiding present conscription had passed.

Petitioner further states, what is notorious in his circuit, that the honest, conscientious, & correct discharge of his imperative judicial duty, in disposing of many cases of application for relief under Hab. Corpus, provoked from certain secession officers not only censure, but threats of arrest & violence, as he was frequently informed, though petitioner avers that he could in no single case have handed the petitioner over to the Conscript Bureau without committing plain & manifest perjury. The records of said trials may be found in the Circuit Courts of Lawrence and Franklin Counties.

Immediately after the petitioner resigned, the conscript act was raised to the age of fifty years. While on the bench, petitioner had become the owner of a mill. And to avoid going into the rebel service, he obtained a detail as miller, & personally attended to the mill in that capacity for the sole purpose of being exempt from liability to rebel service. But in consequence of being engaged as attorney in prosecuting a writ of Habeas Corpus (as he supposes) to liberate Capt. Rand of Franklin County from the rebel service, he received a peremptory notice from the Conscript Agent that in November, " he (petitioner) would be obliged to go into the (rebel) Army". Thereupon petitioner made his escape to Decatur, & has ever since been in the Federal lines, going to Tennessee with Gen. Granger's Command when North Alabama was evacuated. The original letter of S. C. Timothy, Conscript Agent, is made a part of this petition.

Petitioner is the only descendant of an aged mother ( 73 years of age ) his only surviving parent, for whose sake alone he remained at home as long as he did. But when a stern necessity demanded a separation, he chose to come into the Federal lines from principle & convictions of duty.

Petitioner further shows that there are no indictments, nor proceedings of any nature against him, nor have there been, in the Federal tribunals, nor has any of his property been confiscated, nor seized, nor any steps being taken to that end, by the Federal authorities, to his knowledge or belief; That he now & always has preferred the Union of the States to any other projected or possible form of government; That he not only heartily accepts, but prefers the emancipation of the slaves & if he had the power would not remand them to servitude; That he rejoices at the overthrow of Secession and treason & will give the Federal Government his unqualified & active support in reestablishing the authority & dignity of the Union against all enemies & in reorganizing the industrial resources & prosperity of the South.

Petitioner prays the Special pardon of Excellency restoring him to his rights of citizenship of the United States, & his rights of property.

(s) David P. Lewis

Sworn & subscribed to before me this 9<sup>th</sup> day of August 1865.

(s) John King

US Comm N.District of Alabama

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Huntsville, Alabama

August 9 1865

Gov'r L. E. Parsons  
Montgomery, Ala

Hon D. P. Lewis is one of the most loyal men to the United States Government in North Ala. Recommend the President to grant him a pardon without delay as the Union party here needs his influence and services at this time. Judge Lewis can be relied on in any statement he may make in his petition.

Yours Respectfully,  
s/Joseph C. Bradley  
s/D.C. Humphreys  
s/E.E. Douglass, Marshal  
North. Dist. Ala  
s/J.J. Giers

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CABANISS: To his Excellency, Andrew Johnson  
President of the United States

The undersigned, Septimus D. Cabaniss, a citizen of Huntsville, Alabama, aged about fifty years, and by profession a lawyer, believing that he is within the first, and possibly the thirteenth, exception of your Excellency's Amnesty Proclamation of the 29th Day of May, 1865 makes this his Special application for a Pardon thereunder, and respectfully submits the following statement of facts for your consideration.

He was a private in the Military Service of the Confederate States, having belonged to the class of troops known as Alabama State Reserves; was paroled at Marion, Alabama, on the 16th Day of May, 1865 by order of Gen'l Grierson, to whom he voluntarily surrendered after the capitulation of the Confederate troops in Alabama.

That in the spring of the year 1861, at the request of Memminger, then acting as Secretary of the Treasury of the Confederate States, in connection with three other citizens of Huntsville, he acted, for two or three weeks, as a Commissioner

for the receiving of Subscriptions of Stock in a loan to the Confederate States known as the "Fifteen Million Loan", and supposes that he was, whilst so acting, a domestic agent within the meaning of said first exception; but he states, that he never held, or sought, any other office or agency, civil, diplomatic, or military, under said Confederate Government; and that agency was unsolicited on his part, and without compensation.

That he will not be worth Twenty Thousand Dollars, after discharging his pecuniary liabilities and does not think it certain that his taxable property is worth Twenty Thousand Dollars; but at this time it is difficult to arrive at a satisfactory opinion as to the value of several Species of his property; and it may be assessed at more or less than Twenty Thousand Dollars.

That so far as he knows or believes, no proceedings have commenced against any of his property under the Confiscation Act, nor is any of it in the possession of the United States Authorities as abandoned property. Some of his property, consisting of household furniture, cattle, plank & post fencing, materials of frame buildings, and some other articles of perishable property, were taken and carried from his residence for the use of the Federal Army, as he is informed & believes; but he does not know what has become of it, nor does he expect to seek its restoration. His losses, however, as a consequence of the war, will, as he believes, be more than twice as much as he is now worth. He presumes that it is not improper to state, in this connection, that his wife and six minor children, are all of frail constitution, and that his own health is becoming infirm.

He further states, that whilst he does not construe the Tenth (10th) Exception of said Amnesty Proclamation as being intended to apply to any persons whose homes were within the Confederate States, and especially not to those in said States who left their homes before they fell within the Federal Military lines; yet, having learned that a different construction is placed upon it by Attorneys at Law residing in Huntsville, the undersigned, in deference to their opinions, and for greater certainty, thinks it proper to state in this application that during, & for many years prior to the war, his home was in Huntsville Ala; that upon the reported approach of the Federal Military Forces toward Huntsville in 1862, and again in 1863, he left his home & went South of the Tennessee River, leaving his family at home where they continued to reside during the whole period of the war.

That he left Huntsville mainly because he was at the time a member of the Alabama Legislature, elected after the Secession of the State, and he did not think it proper that he should, whilst holding that relation to the people of his County & State, voluntarily fall under the control of the Federal Authorities.

That after the term of office as a representative had expired, and he had

become liable to Military Service under an Act of the Confederate Congress passed in February, 1864, he was enrolled in the Military Service of the Confederate States in the class of troops known as Alabama Reserves, & continued in that service until he was surrendered & paroled as aforesaid; but he did not pass beyond the Federal Military lines when leaving his home, nor was he at any time after at his home whilst it was within the said Federal Military lines, until he had been paroled as aforesaid. He admits, however, that when leaving his said home as aforesaid, he was friendly to the said Confederate Government, and disposed to aid it.

In conformity with the suggestions of Governor Parsons, he further states that he is not under arrest; that he did not order the taking of Fort Morgan or Mount Vernon Arsenal, or aid in the taking, or advise the taking of either of them, no person has been shot or hung by his order, for real or supposed disloyalty to the Confederate States, - he has not shot or hung, or aided in the shooting or hanging any person for real or supposed disloyalty to the Confederate States, he has never ordered the hunting, nor engaged in hunting anyone with dogs who was disloyal to the Confederate States, or supposed to be so.

He never served on any "Vigilance Committee"; but in as much as that term and "Committee of Safety" are generally regarded as synonymous, it is perhaps proper that he should state the fact that in the latter part of the spring, or early part of the summer of the year 1861, he did serve for a short period of time on a Committee which, according to his recollection, had the latter name, and in as much as he is aware now, as he was then, that such committees have been most commonly, in times of excitement, the instruments of the bad passions & prejudices of others, rather than a safeguard against them, and being always averse to doing anything not in conformity with law, he deems it due to himself to state the circumstances under which it was organized, & to say that he would not have consented to serve upon it but for his knowledge of the high character of the gentlemen associated with him for intelligence, integrity & discretion, and the belief that the existence of that Committee could serve to allay excitement, and to prevent less discreet persons from taking the law in their own hands.

In the winter & spring after the election of Mr. Lincoln, there was an apprehension in the minds of many of our citizens, & especially the Ladies, that there would be an insurrection among the slaves. This increased, after the companies of Volunteers had gone to the Confederate Army, leaving no military organizations in the county. To allay this excitement, nearly every male citizen of Huntsville & vicinity between the ages of fourteen & eighty years, voluntarily united in a Military Association, forming a small battalion. As a consequence of this uneasiness & the state of the country, there was, as is usual in times of high excitement, a disposition on the part of some of the community to take the law in their own hands; and when the Military Association was formed, it was agreed

that it should be under the control & direction of a Committee of nine citizens, selected at the time of its organization, who should be charged with the duty of investigating any matters which the safety of the Community might seem to require. Several startling reports were brought before the Committee of insurrectionary plots which, when calmly investigated, proved to be without foundation; and a considerable excitement was also aroused against several persons charged with, or suspected of, disloyalty to the Confederate States; but it was allayed by the Committee, and no one was punished, except one person whose name is not now remembered. The sentence in his case was, that he should, within a certain time, leave the County or State, & not return. According to the recollection of the undersigned, it was proved that this person had been in Huntsville but a few months, was a gambler by profession, & came from Memphis or New Orleans. Robert K. Dickson, a citizen of Huntsville, was also before the Committee, charged with uttering disloyal sentiments. The facts charged against him were investigated. The Committee advised him to be more discreet in his language, & he agreed to do so in future. Excitements arose against others who were charged with disloyalty, & were allayed through the instrumentality of the Committee; but the undersigned does not recollect any other persons whose cases were tried; and he is satisfied that the object of the Committee in those cases was prompted by a desire to preserve good order in the Community, & not to punish persons for their political sentiments. A large majority of the Military Association, &, according to his recollection, a majority of the Committee, had been opposed to the secession of the State. He does not remember how often he served on said Committee, was probably at eight or ten meetings - possibly more; they were held in Huntsville.

He states that he was in favor of the Secession of the State at the time the ordinance of Jan'y 11 1861 was passed, but not in favor of it in the form in which it was passed. He was not in favor of it unless it should be manifest that a majority of the people of the State were in favor of it; & he desired that the ordinance should be passed subject to its ratification by a vote of the people; but not believing that the ordinance was rendered invalid because it was not submitted to a vote of the people, he gave it his support.

He thinks it is not out of place to add that he was opposed to the disruption of the Union so long as he had a hope that the antagonism between the two sections could be removed. Having despaired of that after the election of 1860, he sincerely believed that it was best for both sections that they should separate. He preferred separate State Action to the Co-operation policy, because he believed that there could be no effectual co-operation among the slave States, whilst in the Union, without the formation of a compact which would be obnoxious to the Constitution. He was not influenced by a hatred of the people of the Northern States, & would have preferred a Convention of all the States of the Union prior to separate State action, if he had believed it practicable to get it. He never

engaged in political life until the year 1861, when with some reluctance he consented to be a candidate to represent his County in the Alabama Legislature, he was elected , & served out his term, but refused to be a candidate again. He will be a peaceable and loyal citizen in the future. He has taken the oath of Amnesty prescribed by your said Proclamation, which is herewith enclosed.

The premises considered, he respectfully asks your Excellency to grant him Amnesty and Pardon, with restoration of all rights of Property except as to slaves, and such other relief in the premises as you may be authorized to grant.

s/ S. D. Cabaniss

Sworn to & subscribed before me at Huntsville Alabama this 18th day of August 1865.

s/ John H. King  
N States Commissioner  
N District of Alabama

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Huntsville, Ala  
August 18, 1865

Gov'r L. E. Parsons  
Montgomery, Ala

The petitioner, S. D. Cabaniss, I have known from boyhood, has always been considered an honest and industrious citizen respected for candour [sic] & truthfulness.

I believe he was honest in his politics for I have great confidence in him as a man, but surely he was a deluded one, which I often told him was a fact patent to my own mind. He was an extreme secessionist, and having been born in Old Verginia [sic] - had "Nigger" on the brain to an alarming extent.[9] He believed that the perpetuity of slavery depended altogether on the seperation [sic] of the Slave from the Free States,- hence his delusion in regard to his extreme States Rights view. Cabaniss is a clever man and neither would he personally or politically do any person injustice, and knowing the man as I do, I believe that he was honest in politics, and done what he did from and honest conviction of heart & conclusion of his mind. Whenever Cabaniss will take the oath of allegiance or amnesty he will observe them strictly, & I believe hereafter he will make a true and loyal Citizen of the United States Government. The suppression of the Rebellion has so completely cured him of his delusions and corrected his errors - that henceforward our Country will find him a good Citizen. He gives up

the Negro & secession questions. I therefore recommend him for Executive clemency.

With Respfy  
Yr Obt Svt  
/Joseph C. Bradley

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BRADLEY: Washington City, June 8, 1865.

To Andrew Johnson, President US

The undersigned, a citizen of Madison Co. Ala will respectfully state to your Excellency that he has never been in the Military service of the so called Confederate States. That he was opposed to the attempted secession of Ala from the Union and done all he could to defeat the ordinance of Secession. That after the Presidential election of 1860, he was in favor of the inauguration of Abraham Lincoln as President of the US & zealously advocated a Submission to his Administration. That after the Convention of Ala had passed the ordinance of Secession, he Telegraphed the delegates from his County to retire from that body, & that North Ala would resist the action of the Convention. The Telegram was suppressed by the late Jere Clemens, until after the Convention took a recess for a few weeks, when the Delegates from Madison returned to their homes in the recess a public meeting of the people of the Co. was called, & in said meeting your petitioner introduced union resolution which were indignantly voted down & resolution passed instructing Nick Davis, one of the Delegates to sign the ordinance of secession. When Tennessee voted sepperation [sic], the union men in North Ala, as they considered had no alternative left - but to submit to the action of the State Convention, or leave the State. Your petitioner among a large number of other union men, in our action, submitted [sic] - but not in our feelings & opinions, which are openly and publicly declared, regardless of consequence to ourselves -until overarmed & overpowered by Confederate Troops & authority. Your petitioner was offered many Military & Civil offices under the Confederate Government all of which he declined except one, The Collectorship of the War Tax for Ala. This office he at first declined, but being persistly importuned by the best union men throughout the State to accept the office so as to give men of their belief some protection, your petitioner yielded to their entreaty, accepted the office, and afforded all the protection in his power to union men against secessionist & Confederate Troops. Your petitioner, immediately after appointing sub-Collectors and assessors, resigned the Chief Collectorship & refused to accept one cent of the salary of the office. Your petitioner is now a member of the Rebel Legislature of Ala, and on all questions, the record will shew that his votes in that body were cast with the Union Conservative party. Your petitioner, on all occasions, aided with money & advice, the Families of union men who had to

flee from Confederate to Federal lines in Ala, and in every instance when called on, regardless of threats from secessionist and the Confederate Authorities has been the bail & friend of every union man that has been arrested or indicted in the Confederate Court of Ala for Treason or violation of laws.

Your petitioner in his heart has never entertained any malice or rebellious feelings against the US Government, and he trusts that it will not be considered out of place in your petitioner to call the attention of Your Excellency to the fact that at heart he has never been considered by the union men of Ala in any other light than a loyal man to the Federal Government. The undersigned is sincerely desirous of returning to his allegiance to the United States Government and to be reinvested with rights of Citizenship and having accepted the office of Chief Collectorship from the State of Ala as above stated from the Rebel authorities or powers, and by reason thereof, is excepted from those entitled to avail themselves of the benefits of your proclamation of May 29th 1865, now for his relief your petitioner respectfully submits the foregoing statements of facts for your consideration and decision of his case, preying [sic] Your Excellency to extend to him the Clemency of the United States Government, by the exercise of the pardoning powers in his behalf, vested in you as President, for all offenses committed & from all penalties incurred by reason of his participateing [sic] as before stated in said Rebellion - indulging [sic] the hope of a favorable decision your petitioner as in duty bound will ever prey [sic].

(s) Joseph C. Bradley

(Statement not sworn)

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On September 7, 1867, Johnson issued a second amnesty proclamation narrowing the number of excepted classes to 3 and reducing the number of those unpardoned to about 300. His third proclamation which excluded only Jefferson Davis, John C. Breckinridge, Robert E. Lee, and a few others, was issued July 4, 1868. On Christmas day of that same year, Johnson's final amnesty proclamation was extended "unconditionally and without reservation" to all who had participated in the rebellion.

House of Representatives Executive Document No. 16, 40th Congress, 2d Session, dated Dec 4, 1867, is a final report of the names of persons who lived in Alabama, Virginia, West Virginia or Georgia and pardoned by the President from April 15, 1865 to that date. The report has been reproduced as a book [10] and lists the names, the exemption under the amnesty proclamation of May 29, 1865, by whom recommended, and date of pardon. For Alabama, the report does not, in all cases, accurately reflect what is in the application files.

The President in the end granted pardons to nearly all persons who applied for them, but not a great number applied. The total number pardoned in Alabama from April 15, 1865 to December 4, 1868, was less than 2000, and of these most were those who had been worth over \$20,000 in 1861 and had provided aid to the Confederacy. Before the general amnesty of 1868, 1456 of these people (of whom 72 were women) were pardoned. How many of this class of excepted persons did not ask for pardon is not known.

#### ENDNOTES

For background and details of the early reconstruction period we have relied extensively on Fleming [3] and two other books which derive much information from [3]: Wiggins, Sarah Woolfolk. *The Scalawag in Alabama Politics, 1865-1881*. The University of Alabama Press, University, Alabama, 1977; and Moore, Albert Burton, *History of Alabama and Her People*. The American Historical Society, Inc. Chicago and New York, 1927.

[1] *Case Files of Applications From Former Confederates for Presidential Pardons ("Amnesty Papers") 1865-1867*, National Archives Microfilm Publication M1003, The National Archives, Washington D.C., 1976.

[2] Fort Morgan and Mount Vernon Arsenal were ordered seized by Alabama Governor Andrew B. Moore on January 4, 1861. The rationale for the first part of this question is obscure.

[3] Fleming, Walter L. *Civil War and Reconstruction in Alabama*. The Macmillan Company, New York, 1905, p.284.

[4] *Ibid.*, p.146.

[5] *Ibid.*

[6] Jones, John Rison Jr. "Do We Purposely Forget? The Unknown Generals in Our Midst." *The Huntsville Historical Review*, Vol. 18, No. 2, Summer-Fall 1991, p. 4.

[7] Courtesy of Dr. Frances C. Roberts.

[8] Personal communication with Dr. Frances C. Roberts

[9] Cabaniss was born in Huntsville, Alabama.

[10] *Pardons by the President*. Heritage Books. Bowie, Maryland, 1986.

**ANDREW JOHNSON,**  
**PRESIDENT OF THE UNITED STATES OF AMERICA,**

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, *S. D. Cabaniss*  
of *Keuntoville, Alabama*, by taking part in the late rebellion against the Government of the United States, has made himself liable to heavy pains and penalties;

And whereas, the circumstances of his case render him a proper object of Executive clemency;

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby grant to the said *S. D. Cabaniss* a full pardon and amnesty for all offences by him committed, arising from participation, direct or implied, in the said rebellion, conditioned as follows:

1st. This pardon to be of no effect until the said *S. D. Cabaniss* shall take the oath prescribed in the Proclamation of the President, dated May 29th, 1865.

2d. To be void and of no effect if the said *S. D. Cabaniss* shall hereafter, at any time, acquire any property whatever in slaves, or make use of slave labor.

3d. That the said S. D. Cabaniss, first pay all costs which may have accrued in any proceedings instituted or pending against his person or property, before the date of the acceptance of this warrant.

4th. That the said S. D. Cabaniss, shall not, by virtue of this warrant, claim any property or the proceeds of any property that has been sold by the order, judgment, or decree of a court under the confiscation laws of the United States.

5th. That the said S. D. Cabaniss, shall notify the Secretary of State, in writing, that he has received and accepted the foregoing pardon.

~~In testimony whereof,~~ I have herunto signed my name and caused the Seal of the United States to be affixed.

Done at the City of Washington, this  
Fifteenth day of September  
> A. D. 1865, and of the Independence of the  
United States the Ninetieth,  
Andrew Johnson

By the President:

Will A. Sewan  
Secretary of State.



PRISON MEMORIES  
An Introduction by Charles S. Rice

Colonel John David Weeden, who wrote the following short sketch of his life as a prisoner of war in the North, was a distinguished Huntsville citizen in the nineteenth century. Born in Huntsville on July 27, 1840, Weeden was an older brother of the famous poet-painter Maria Howard Weeden. John David Weeden received his early education at the Green Academy on Clinton Street. He graduated from the University of Alabama in 1858 and began the practice of law in Huntsville in 1860. With the outbreak of the War Between the States, Weeden volunteered as a private in Company K, 9th Alabama Infantry Regiment. He was commissioned a second lieutenant three weeks later. Weeden was soon transferred to the 49th Alabama Infantry Regiment and was promoted to major in May 1862. He rose steadily through the ranks to colonel, and was captured while leading his regiment on the second day of the Battle of Nashville.

John Weeden returned to Huntsville after his release at the end of the war and resumed his law practice. He received his master of arts degree from the University of Alabama in 1884 and became a professor of law there in 1885. He resigned from the faculty in 1888 and opened a law practice in Florence, where he resided until his death on November 16, 1908. Weeden was active in both the United Confederate Veterans and his Masonic lodge.

John Weeden probably wrote his prison recollections some time around the turn of the century. The Heritage Room of the Huntsville-Madison County Public Library has an undated typewritten copy which bears a handwritten note across the top: "copy of original ms. given by Mary Weeden [illegible word] a granddaughter." He begins his tale with a lament for the removal of General Joseph E. Johnston from command of the Army of Tennessee and his replacement by General John Bell Hood. Johnston had been following the tactic of forcing the enemy to attack him, thus sparing his own men and causing Sherman's invading army to suffer heavy casualties. However, Confederate President Jefferson Davis became impatient with this Fabian policy and replaced Johnston with the daring Hood, a gambler who was willing to risk everything in toe-to-toe combat with the larger Union force. Disaster followed and the Confederate Army of Tennessee was virtually destroyed under Hood's leadership. After the crushing defeat at the Battle of Nashville, General Johnston was recalled to pick up the shattered pieces of his once great army. There was little he could do with his few remaining troops to oppose Sherman's destructive march across the South.

Sources:

Thomas McAdory Owen, History of Alabama and Dictionary of Alabama Biography. Chicago: S. J. Clark, 1921, vol 4, p. 1741.

Compiled Service Record, John David Weeden, 9th Alabama Infantry and 49th Alabama Infantry Regiments.

## RECOLLECTIONS OF JOHNSON'S ISLAND

by Colonel John David Weeden

Some evil genius had suggested the removal, while in front of Atlanta, of General Joseph E. Johnston, that gallant soldier who "lacked nothing in scholarship, except good fortune." The disaster at Franklin, Tennessee, soon followed and the morning of December 15, 1864, found our Army under General Hood in front of Nashville vainly resisting an overwhelming force of the enemy sweeping down our left flank and driving our gallant little army from its entrenchments. The close of the next day found our Army in retreat, much of the fighting that day have been done with the enemy pressing us on the flank, in front and in rear.

Numbers were killed, wounded, and captured in these two days fight. Those captured were carried back to Nashville and confined that night in the old Penitentiary, and the next morning were sent on the way to Fort Warren, [1] Johnson's Island, and other Prisons of the North. The greater number of the officers were sent to the U.S. Military Prison on Johnson's Island.

When we reached Sandusky City, Ohio, we found Lake Erie frozen over--the ice being about thirty inches thick, with the thermometer twenty-five degrees below zero. We marched three miles over the ice to Johnson's Island, many of the men with only the short coat round about, and their feet almost on the ice. The boots of the writer were frozen to his feet and had to be cut off. It was thought he would not be able to walk again, but a day or two after a clever Yankee Sergeant of the 128th Ohio Regt. brought him a pair of heavy brogan shoes a size or more too large, but after that he never missed a roll call while there, and he has never suffered from this terrible experience. This is attributable to the fact that for an hour or more after reaching the prison he stood in the snow to his knees waiting for his turn to be examined. When the Sergeant brought the shoes he offered an apology, saying he knew it was the same that we issued to our slaves in the South, but was the best his poor Government could do. It was the only time while there that the writer knew of Quartermasters stores being issued to a prisoner, and he suspected they were smuggled in at the instance of his comrades. The morning after reaching there, Gen. Sam Moore [2] of Huntsville, Alabama, brought the writer a suit of heavy under clothing which was most acceptable, as we came in with only what we had on.

Johnson's Island, consisting of about 300 acres of land, is at the mouth of Sandusky Bay, overlooking Lake Erie, three miles from Sandusky, Ohio. The prison grounds included three acres enclosed by a fence twelve feet high, with a platform on the top for the sentinels guarding the prisoners. On this the guard walked day and night. Sometimes they were relieved every half hour on account

of the severe cold, as was the case in the winter of 1864-65. There were from first to last about fifteen thousand prisoners there, and in the winter of 1864, there were four thousand there. The buildings were weather boarded on the outside, but neither sealed nor plastered on the inside, and during severe winds would rock like a ship in a heavy gale. On one occasion, I remember the wind was so furious that many, fearing it would turn over, left the building in their night clothes--and that was one time, at least, when they showed the white flag fluttering in the breeze. There were thirteen blocks for the prisoners, each two stories high--guard house, kitchen, and Sutler's store, where those who were fortunate enough to have friends on the outside [who] could deposit money for them at Head Quarters, might purchase what they needed by paying high prices. No money was allowed to be in the hands of the prisoners, though sometimes they managed to smuggle it through.

I remember to have seen a young officer from Tennessee while on the cars, just before reaching Sandusky City, with his coat off and busily engaged in sewing in the lining of his coat a lot of greenbacks, which he had picked up on the battle field. He had a good bank account, if in searching him it was not found, but if he was searched as carefully as the writer was, it certainly did not escape them. In the small room where each was taken to be searched, Confederate money was thrown on the floor several inches deep--the greenbacks, the Federal officer appropriated.

At one time prisoners were allowed to have a limited supply of money in their possession. A friend of the writer from Huntsville, Ala., who has been several times Mayor of that beautiful city, for the time being, became an expert at handling cards. It was not long before he owned the greater part of the money in the prison. Afterwards the authorities became stricter and reduced the amount of currency to two postage stamps to each man, and it was not long before the clever gentleman [3] from Huntsville owned all the stamps, and correspondence was done only by his permission.

The food of the prisoners consisted of pickled beef and salted white fish with but little bakers bread--the very kind of food to produce scurvy, which was making terrible havoc among them. Once a week one Irish potato would be issued to each man, which was eagerly eaten as an anti-scorbutic. I may have seen men cry from hunger who had braved death on many battle fields. An officer who called the roll at one of the blocks would sometimes bring a little rat terrier, which was instantly seized by the prisoners, taken to the mess hall, and made to catch rats which were made into pies, which they seemed to relish. The U.S. authorities issued orders forbidding any boxes of supplies to be received by the prisoners, and forbade sutlers to sell other articles than combs, soap, tobacco, and writing material. No healthy man can well subsist on less than thirty-eight

ounces of food per day, but our prisoners received less than twenty-eight ounces

The Masonic fraternity among the prisoners did much good. The hospital within the grounds was made comfortable for the sick and wounded. The writer several times aided in the last sad duty to deceased Masons. Neat head and foot-boards were placed at their graves with name, rank and date of death cut in the boards.

The Northern papers were at this time publishing such harrowing accounts of the alledged bad treatment of their prisoners at Andersonville, Georgia, that they were using retaliatory measures on us--forgetting that Andersonville was getting the same rations as were issued to Confederate soldiers.

The per-cent of Federal deaths in Southern prisons was under nine, while the per-cent of Confederate deaths in Northern prisons was over twelve. This shows where there was most cruelty. Judge [Robert] Ould, our Commissioner for Exchange, offered to purchase medicine in the North for Federal prisoners paying therefor in gold, cotton or tobacco, but this offer was not accepted. In his book, "The War Between the States," Mr. [Alexander] Stephens says, "Had Davis' repeated offers been accepted, no prisoner on either side would have been retained in confinement a day."

Near the large gate of the prison, artillery was planted which could sweep the prison grounds, and a block house with loop holes for the Infantry. The 128th Ohio Infantry was on guard that winter with Colonel Charles W. Hill commanding the post, and a gunboat on the Lake.

One bright morning, April 15th, 1865, the writer and an Officer from Virginia were exercising in the grounds. As we approached the large gate we saw the artillery run out, and the guards standing on their posts ready. Soon an officer came in and announced that President Lincoln had been assassinated the night before, and the orders were to shoot down any man who should cheer or make any demonstration showing gratification at his death; further announcing that we were shortly to have been exchanged, but that he could not then tell when, if ever, we would be released. A few nights before there had been speech-making, drinking and carousing among the guards on the outside over the surrender of Lee's army, and they were at the time the above announcements were made, in an exceedingly angry mood.

At nine o'clock each night the Sentinels on guard would order "Lights out!" -- and if not instantly obeyed, would shoot into the rooms. One night a young Lieutenant from Virginia, while lying asleep on his bunk was killed instantly when a shot from one of our sentinel's guns pierced his heart. A short time afterwards a shot was fired into the same room and went through a candle box on

which a prisoner was seated. Sentinels were generally promoted for these wanton acts of cruelty.

Under such circumstances, it was not to be wondered at that prisoners would sometimes make the effort to escape--though successful escape was next to an impossibility. As soon as a prisoner was known to have escaped, a cannon was fired as a signal to the Home Guard on the mainland. This Home Guard searched the country for miles; and telegrams were sent to all Marshals on the Northern border. The prisoners attempted to dig tunnels and by this means to escape, but invariably were betrayed by informers who were placed to act as spies, dressed though they were in Confederate soldier garb.

Early in January, 1865, Colonel D. R. Hundley [4] of the 31st Alabama Regiment, who had been in captivity since the fall of Vicksburg, becoming tired of the restraint, determined upon a plan of escape. He procured a blue uniform and one morning, feigning sickness, was absent from roll-call. The officer visited his room and found him in bed. As soon as he left, Colonel Hundley put on his blue uniform and carried a book under his arm--looking, for all the world, the image of the roll caller. He appeared on the scene thus; and by pre-arranged agreement, a sham fight was started among his friends. When the attention of the Yankee guard was directed to the sham fight, Colonel Hundley boldly walked past the sentinel at the gate--and the "fight" ceased.

We watched Colonel Hundley's progress from an upper story window, until he had safely crossed the Lake. He was out of prison about one week, and during that time underwent much suffering--walking by night, and sleeping in hay lofts during the day. He was but one time warmed by a fire while he was out, and that at Fremont, Ohio, where driven by hunger and cold, he went to a hotel, registered, and was assigned a room. He was soon asleep, and when he awoke next morning a Yankee guard was seated near him. The guard said, "Colonel, if you have finished your nap, we will go back to prison." Colonel Hundley was a *handsome*, intelligent man, and he must have favorably impressed Colonel Hill, for he was returned to prison without punishment.

A short time after this episode, Adjutant [John U.] Shorter [5] of the same Regiment, seeing that his Colonel had escaped punishment, concluded to try the stunt himself. Procuring a blue uniform, he stationed himself at the Mess-Hall, where a wagon came to deposit wood. Getting on the wagon he went whistling, as he rode out. The sentinel at the gate challenged him, and demanded to know what Company he belonged to. He stopped whistling only long enough to reply, "Company C." The guard said, "Oh, you come down from there. I belong to Company C myself." The guard took him to Colonel Hill who sent him back to prison and placed him on the head of a barrel near the gate, where he was required to stand all day (one of the coldest of that very cold winter). This

punishment put a stop to all efforts to escape for a long time, at least, though there were several men who did--during the entire imprisonment--escape, including Captain [Robert] McKibben [6] of Alabama. The Captain was one of five--all told--prisoners who made a successful escape. He reached Canada with frosted feet and untold hardships.

One of the prisoners, suspected unjustly by the authorities of complicity in the assassination of President Lincoln, upon learning the night before we were released that he was not to be among the number, escaped from the prison and went to the Lake shore. There he procured a plank and threw himself on it and attempted to swim across the Lake, but the waves beat him back time and time again. Exhausted, he returned to the prison, and the next day when we marched out, we left poor [Charles H.] Cole [7] in the Block House with a ball and chain fastened to his leg.

On the 25th day of July 1865 one General officer and 115 Field officers were released, and Johnson's Island ceased to be a prison for Confederate soldiers.

#### ENDNOTES

- [1] Fort Warren, sometimes called the "American Bastille," was located on an island in Boston Harbor, Massachusetts.
- [2] First Lieutenant Samuel H. Moore was the adjutant of the 26th Alabama Infantry Regiment. He was captured near Atlanta on July 20, 1864, and sent to Johnson's Island prison. Moore was fortunate enough to be exchanged on February 20, 1865, for a Union adjutant--Lieutenant J. Howard Jenkins. Moore was paroled at Meridian, Miss., on May 12, 1865, at the war's end. General was a postwar title. Source: Compiled Service Record, Samuel H. Moore, 26th Alabama Infantry.
- [3] The card-playing gentleman evidently was 1st Lieutenant Edmund Irby Mastin (1841-1894), who served as Huntsville's mayor for three terms between 1883 and 1889. A cadet at Lagrange College when the war began, young Mastin was first assigned as a drill-master. However, he was soon commissioned as adjutant of the 8th Arkansas Infantry Regiment. Mastin was captured at Charleston, Tennessee, on December 28, 1863, while serving as adjutant general of the 4th Division Cavalry under Gen. Joseph Wheeler. Mastin had the misfortune to be one of the 600 Confederate prisoners sent to Morris Island, South Carolina, and placed under fire. The South had protested the North's shelling of civilian targets in the city of Charleston, South Carolina, and had moved Union officer prisoners into Charleston to draw attention to the

situation. The North responded by sending Confederate officers to Morris Island and placing them in the line of fire. Both sides eventually removed their prisoners, and the North went back to shelling the civilians. See the entry on Mastin in North Alabama Historical and Biographical, Birmingham: Smith & De Land, 1888, p. 280.

[4] Daniel Robinson Hundley (1831-1899) was Colonel of the 31st Alabama Infantry Regiment. A native of Madison County, Hundley graduated from both the University of Virginia and Harvard Law School. He began practicing law in Chicago, but returned to his family home at Hundley Hill, near Mooresville, when Alabama seceded from the Union. Although Hundley fought at Vicksburg in 1862 and was wounded at Port Gibson in 1863, he was actually captured at the Battle of Atlanta in the summer of 1864. Hundley describes his escape attempt in some detail in his Prison Echoes of the Great Rebellion, published in New York by S. W. Green in 1874.

[5] First Lieutenant John U. Shorter had been appointed adjutant of Colonel Hundley's 31st Alabama infantry Regiment on May 3, 1863. He was captured at the Battle of Baker's Creek (Champion Hill), Mississippi, just two weeks later. Colonel Hundley wrote that Shorter had "displayed signal gallantry, charging into the enemy's lines and being taken prisoner." Hundley wrote that Shorter "will be twenty years of age in January next [1864], and his present place of residence is Columbus, Georgia. He is a Cadet of the military, University of Alabama..." Col. D. R. Hundley to Gen. S. Cooper, Camp on Lookout Mountain, November 22, 1863. Hundley's letter can be found in Shorter's Compiled Service Record. Shorter was fortunate enough to be sent from Johnson's Island for exchange on February 25, 1865. He surrendered in Florida at the end of the war.

[6] *Captain Robert McKibben* of Company F, 31st Alabama Infantry Regiment, had been captured at Baker's Creek on May 16, 1863. McKibben escaped from Johnson's Island on Christmas Eve of 1864, walking out of the prison in a Federal uniform. His success encouraged Colonel Hundley to attempt the same feat. "The Yankees are very much puzzled to learn how McKibben escaped," Hundley wrote in his diary on December 26, "but they seem to be entirely unable to discover any thing about it. It is circulated pretty extensively in the prison that he was taken out in a barrel at the watergate, and as one other prisoner is said to have actually escaped thus recently. I think this story will be likely to obtain credence outside. At least I hope it may until I can get off." Hundley, Prison Echoes, pp. 194-195.

[7] Captain Charles H. Cole was captured in the unsuccessful September 1864 attempt to seize the Federal gunboat Michigan and use it to free the Confederate prisoners at Johnson's Island. Transferred to Fort Lafayette in New York harbor when Johnson's Island was closed down in September, 1865, Cole was not released from captivity until February 1866. Weeden is probably mistaken about Cole's being suspected of involvement with Booth. Cole was apparently regarded as a spy.

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