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## New Book Showcases State's Special Historic Places

This month features the debut of **Historic Tennessee**, an exciting new book showcasing images of some of Tennessee's fabulous historic places—from

December 6, 2010 through January 16, 2011. The book should be available through local retailers and at museum and historic site gift shops.

as well as historic districts and zoning issues. TPT has a committed staff, an active board of directors, and many dedicated volunteers throughout Tennessee. For more information please visit: [www.tennesseepreservationtrust.org](http://www.tennesseepreservationtrust.org)



Robin Hood, *Rippavilla*, 2010

**About the Tennessee Preservation Trust:**  
**The Tennessee Preservation Trust (TPT)** is a membership-based statewide non-profit historic preservation education and advocacy organization. Headquartered in Nashville, TPT represents thousands of the state's heritage supporters through its individual members and organizational affiliates. TPT strives to be the critical link for the state's diverse heritage community. The

**About the Tennessee State Museum:**  
 In 1937, the Tennessee General Assembly created a state museum to house World War I artifacts and other collections from the state, along with the Tennessee Historical Society, and other groups. The museum was located in the lower level of the War Memorial Building until it was moved into the new James K. Polk Cultural Center in 1981. The Tennessee State Museum currently occupies three floors, covering approximately 120,000 square feet with more than 60,000 square feet devoted to exhibits. For more information please visit: [www.tnmuseum.org](http://www.tnmuseum.org)

organization helps monitor and promote preservation-friendly legislation at the local, state, and federal levels, and assists citizens across the state with advocacy issues pertaining to specific historic sites—

archaeological sites such as the Pinson Mounds to lesser known landmarks like the Niota Depot to the Sam Houston Schoolhouse in Maryville. Published in conjunction with the Tennessee Preservation Trust, Pulitzer Prize-winning photographer Robin Hood of Franklin and history author James Crutchfield have profiled a diverse collection of properties, including several of the Tennessee Historical Commission's state-owned historic sites. The book also features introductory passages from Sen. Lamar Alexander, THC Executive Director Patrick McIntyre, Dr. Carroll Van West of the MTSU Center for Historic Preservation, and Tennessee Preservation Trust Chair Greg Vital. The Tennessee State Museum is celebrating the book launch with a companion photography exhibit in the museum's Changing Galleries, located at Fifth and Deaderick streets in Nashville. The exhibition runs October 8 through November 7, 2010 and again from



Robin Hood, *Rocky Mount*, 2010

The Tennessee Historical Commission will meet on Friday, October 15, at the Price Public School Community Center, 111 North Hasson Street, in Rogersville at 9:00 a.m. The meeting is open to the public.

You can find this issue of *The Courier* in an expanded and enhanced version, along with back issues dating from October, 2003, at the Tennessee Historical Commission's web site at [www.state.tn.us/environment/hist](http://www.state.tn.us/environment/hist). Click on the State Programs Menu to find the newsletter. For information on the Civil War in the Volunteer State visit [www.tennessee.civilwarsourcebook.com](http://www.tennessee.civilwarsourcebook.com)



# Historic Sites' News

By Martha Akins, Historic Sites Program Director

## \$1.2 Million Dollar New Visitor Center Dedicated At Alex Haley State Historic Site



Friends and relatives participate in informal ribbon cutting ceremony.

On August 13th, a gathering of dignitaries joined with the family and friends of renowned author Alex Haley and others to celebrate the long-awaited opening of a new first-class visitor center and museum in Henning adjacent to his boyhood home. Funded by the State of Tennessee, the visitor center, designed by Askew Nixon Ferguson Architects of Memphis, has received four awards for its design, including one for the AIA-Gulf States, and AIA Tennessee. Although construction on the visitor center has been complete for some time, new exhibits, at a

cost totaling some \$160,000 were fabricated and installed in late spring. The grand opening was timed to coincide with the annual Alex Haley Celebration that commemorates the anniversary of Haley's birth on August 11, 1921. Prior to the dedication, the site had an overall "sprucing up" project by Design Specialties and Construction of Memphis.

During the Friday events a crowd of approximately two hundred braved the summer heat to witness the presenting of the colors by the United States Coast Guard, followed by an invocation by Bishop William H. Graves and welcome by Henning Mayor Michael Bursey and Lauderdale County Mayor Rod Schuh. Joseph Matthews, III, a senior at White Station High School, wowed the audience with a beautiful musical presentation.



U.S. Coast Guard Color Guard presents colors.

Representative Craig Fitzhugh made remarks followed by Tennessee Historical Commission Executive Director Patrick McIntyre's introduction of the keynote speaker, Department of Environment and Conservation Commissioner Jim Fyke. The Commissioner read a letter written by Governor Phil Bredesen, who was unable to attend the event, but wanted to express his best wishes on this very special occasion. George Haley, who was born in the house in August, 1925, entertained the crowd with moving stories about his childhood and personal reflections on his brother Alex. Following the official ribbon cutting, visitors enjoyed refreshments and the company of others—including many relatives and friends of Alex Haley—while going through the new building and exhibits.



Formal welcoming committee.

The following day, August 14th, featured the official celebration in honor of what would have been Alex Haley's 89th birthday. It included a 5K walk/run, street festival with vendors, musical performers and games for kids, as well as stage performances featuring community talent. A very special guest made an appearance, Tony Award winner and *Roots* actor Ben Vereen. The Alex Haley Boyhood Home and Museum has been open to the public

since 1986. Cathy Ginn, who began the week before the grand opening of the visitor center, is the new Executive Director for the site. Cathy has history teaching experience, and radiates a passion for history and the story of Alex Haley. If you have not visited the site recently, this makes for a perfect day trip.

## Wynnewood Restoration Underway

This ca. 1828 National Historic Landmark in Castalian Springs is currently undergoing a major restoration project due to extensive damage suffered during a tornado in 2008. The restoration project was awarded to the team Wieck Construction/Leatherwood Inc. with their bid of \$2,439,970.00. The project will take approximately a year to complete. Delays due to winter and wet spring weather are an expected, integral part of any construction undertaking, and they will most likely extend the working time allowed. The time expected allows for a quality project in the end. As of September, the team is on site and has begun many aspects of the work, including identifying and labeling the logs that are to be returned to their original locations on the structures. Look for a more detailed article in the next edition of *The Courier*.

## Ducktown Basin Museum and Burra Burra Mine, Ducktown, TN

Roofs on the buildings at the state-owned historic sites are constant, necessary projects. This is certainly true at this former copper mine, which has two buildings in need of new roofs. The roof on the Hoist House is a smaller project consisting of a shed roof needing replacement of the asphalt roll roofing. This project has been awarded and should be underway immediately.

The Change House (where historically miners began and ended their workday by putting on and removing their mining gear) is a much larger project requiring many structural repairs as well. This project is coming just in time, as the approaching winter weather and accompanying heavy snows may have collapsed this severely deteriorated structure. The Department of Purchasing handled the bidding on this costly project and will award the contract to the lowest bidder in the upcoming days.

## Carter House, Franklin, TN

One of the important discoveries at this site was an improperly functioning and inadequate security system. We solicited bids for a new system, which was recently completed, and we now feel confident that the site is protected from fire and theft.

While we are still collecting data for the climate control system needed for the main structure, we instituted a temporary measure of a non-intrusive air conditioner to alleviate excessive humidity. In order to do this, we needed to do some inexpensive minor upgrades to the electrical system.

The visitor center exterior improvement project (painting and siding repairs) finally went out to bid, but it has not been officially awarded yet. The Department of Purchasing is following the necessary procedure of checking the low bidder's insurance, etc., before releasing the contractor's name or the amount of his bid.

## Rock Castle, Hendersonville, TN

The devastating May floods that effected this c. 1790s former home of Daniel Smith caused deterioration of the retaining rock wall on the shoreline of Old Hickory Lake. Rock Castle obtained a grant from the

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## Tennessee Wars Commission Report of Activities

*Fred M. Prouty, Director of Programs, Tennessee Wars Commission, June 18, 2010*

The Tennessee Wars Commission (TWC) is currently involved with many ongoing statewide preservation and interpretation projects. To review those developments please see the February 19, 2010, *Tennessee Wars Commission Report of Activities*, now posted on the Tennessee Wars Commission Gazette web site, [www.tdec.net/hist/tn\\_wars\\_com.shtml](http://www.tdec.net/hist/tn_wars_com.shtml).

The Wars Commission was awarded Federal Enhancement Funding from Governor Phil Bredesen totaling \$3,019,840. Federal "TE" funds, as they are referred to, will facilitate preservation and interpretation projects at Fort Donelson Battlefield in Dover, Shiloh National Military Park in Hardin County, Davis Bridge Battlefield in McNairy and Hardeman Counties, and Parker's Crossroads Battlefield in Henderson County.

Wars Commission Director Fred Prouty is currently working on the Davis Bridge Battlefield TE Project and through the state bid process has obtained the services of the firm of Wilbur Smith and Associates of Franklin, Tennessee. The consultant firm will prepare Categorical Exclusion (CE) reports required by federal and state laws, in which the scope of services must be approved by the Tennessee Department of Transportation (TDOT) prior to giving orders to proceed with TE project activities on site. The Wars Commission has reviewed the proposed TE Enhancement project for the Davis Bridge Battlefield (in Hardeman County) for compliance with federal environment laws and regulations. Our findings have been submitted to TDOT for environmental review and states that the TWC finds and certifies that the Davis Bridge project as proposed will not directly, indirectly or cumulatively have any significant environmental impacts and to be "categorically excluded" from the environmental review required by the National Environmental Policy Act (NEPA). Hopefully we will soon obtain orders to proceed from TDOT Enhancement officials.

The Battle of Davis Bridge was fought October 5, 1862. Following their defeat at Corinth, Mississippi on October 4, Confederate troops retreated along the Old State Line Road, an important link between

Corinth and Tennessee. Retreating Southern troops were in the process of crossing the swollen Hatchie River at Davis Bridge when they were attacked head on by Union troops from Bolivar who had been ordered to march east towards Davis Bridge. During the ensuing six-hour battle Union troops forced the Confederates on the west bank of the swollen Hatchie River, back across a small wooden bridge. As Federal troops funneled across the bridge they came under withering fire of Confederate troops now positioned on the high bluffs of the east bank of the river. Of the 1,000 casualties that occurred during the battle over 400 Union troops were killed in their charge across the bridge. Eventually, the Union forced the Confederates to retreat south and make an alternative river crossing. The battle was the second largest in West Tennessee, second only to Shiloh. The Davis Bridge Battlefield is listed in the National Register of Historic Places and it is part of the Siege and Battle of Corinth National Historic Landmark.

The Davis Bridge Battlefield Enhancement Project has three components and is prioritized below as to their importance:

1. The creation of an interpreted pedestrian trails system crossing the Hatchie River.
2. The construction of a pedestrian footbridge across the Hatchie River.
3. The architectural design and rehabilitation of the Pocahontas Schoolhouse historic structure for use as the Davis Bridge Battlefield tourist/welcome center.

Transportation enhancement funds will only be used for the creation and development of the above interpretive pedestrian walking trail system with wayside signs, the construction of a pedestrian footbridge allowing visitors access to newly acquired battlefield property, and the rehabilitation of the Pocahontas Schoolhouse as a tourist/welcome center. The battlefield and schoolhouse property purchases have been obtained with funds other than Federal

Enhancement funding.

Approximately 3.5 miles of interpreted hard-surfaced pedestrian trails will allow visitors to walk from the Pocahontas-Ripley Road across the western portion of the battlefield and across the Hatchie River to the engagement area east of the river. Twenty-two interpretive waysides along the trail will provide information on the battle. The trails include three trailheads. Each trailhead will feature an interpretive three-panel kiosk that will orient the visitor to the battlefield and the events of the battle in respect to the location of trailheads. Each trailhead will present options for exploring the battlefield from that location (see attached proposed trail location map). The location of the trailheads will allow visitors to access the pedestrian trail from different points, allowing them to explore all or part of the battlefield on any given visit.

A pedestrian bridge across the Hatchie River is to be constructed and will be a ten foot wide metal truss bridge approximately 200 feet long, with a pressure treated wood decking. The cost of the bridge includes engineering costs, bridge abutment construction, shipping and installation. The location of the pedestrian footbridge will be placed in an area that will ensure the preservation and historical integrity of the original bridge site and minimize any adverse view shed concerns connected with its original location. By using a recently located historical Civil War era map (drawn in 1862 by a participant of the battle) we have requested that our consultants conduct an archeological investigations to be focused on the possible location of soldier "graves" and the site of the "Davis House" as drawn on the historic map. If the above historic archeological features can be located it will further define the probable site location of the original Hatchie Bridge, which was apparently damaged yearly during the flood season and repaired and/or replaced several times.

With funding from the Tennessee Wars Commission and the State Lands Acquisition Fund from TDEC, a small tract (2.57 acres) has been purchased by the state that includes the historic Pocahontas

*cont. page 17*



## The Supreme Court Justice You've Probably Never Heard Of

By Michael E. Birdwell and John Nisbet

"A Johanine Triumvry were master-builders of the broad foundations of Tennessee jurisprudence. They were John Overton, John Haywood, and John Catron—and the greatest of these was Catron," espoused Henry Hulbert Ingersoll. Joshua W. Caldwell argued that opinions penned by John Catron were "undoubtedly the most learned in our reports... [and] invaluable to the student of history as well as the lawyer." While on the State Supreme Court Judge Catron wrote roughly 350 opinions, far more than his colleagues. Henry S. Foote proclaimed that "John Catron is a name which will long be venerated by all American patriots." John Hallum argued that "Justice Catron, from Tennessee, was the ablest land jurist on the Supreme Bench of the United States.

Unfortunately for most citizens of Tennessee or the nation the name John Catron means nothing. Yet John Catron, whom many scholars have dismissed as unimportant or even peripheral to state and national history, acted as the first Chief Justice of the Tennessee Supreme Court and ranked as the only Tennessean on the U.S. Supreme Court before and during the Civil War. He wrote opinions on the state and federal level that continue to have far reaching implications. Perhaps because he was involved in cases that remain controversial—like *Foreman v. State* involving Cherokee Removal or his concurring opinion in *Dred Scott v. Sandford*—he has been generally written out of history.

Catron read the law in Sparta and in 1815 he gained admission to the bar. He rode all over the Third Judicial District. While Catron studied for the bar Attorney General Isaac Thomas befriended him. Thomas ran for election to the U.S. House of Representatives in the fall of 1815, securing a seat. Presumably due to Thomas's influence, the State Legislature elected the inexperienced lawyer Attorney General for the Mountain District for a two year term.

As district prosecutor he tried cases ranging from petty crimes to capital offenses. Though a novice in the courtroom, guilty of "blundering in my law, if not bad grammar," Catron often prevailed from sheer bluster and arrogance.

In those days attorneys and judges rode together in a pack from one venue to another. Travel from one county to the next began on Sunday. Catron noted that "Each man was well appointed, carried pistols and holsters, and a negro....The pistols were carried...to fight each other...furnishing an occasion for a duel,



John Catron, Supreme Court Justice

then a very favorite amusement...the attorney-general for the circuit was expected to be, and always was, prepared for such a contingency."

Apparently Catron cultivated a relationship with Andrew Jackson during his days as a prosecutor. Jackson encouraged him to move to Nashville and establish a law practice, and in the late fall of 1818, he took up residence there. No longer a prosecutor, Catron spent the bulk of his time in Chancery Court. Moving to Nashville proved fortuitous. Arguing bankruptcy and foreclosure cases caused by because of the Panic of 1819, he carved out a niche in Nashville, perfecting land titles, while fighting for property rights for the less fortunate.

"As to my mode of speaking at the bar," said Catron, "...[i]t was not methodical, [it was] tolerably fluent,...stormy, and often sarcastic, which habit cost me ...on ... occasions." An oft quoted description of Catron held he was "as bold and as rough as the hills he traversed in his circuit... He was a harsh, unpleasant speaker with a squeaking...voice, and his gestures were... of a man engaged in a fight... his argument[s]...were not only interesting, but... convincing. He generally left a black eye before he came out of the battle."

Though John Catron clearly was a man of ability who strove to improve himself, other factors played an important role in his success. While riding circuit Catron often appeared at court in the state capitol in Cannonsburg. At some point he met the well-connected Matilda Childress, granddaughter of James Robertson

and first cousin of Sarah Childress Polk, wife of James K. Polk. The two made an unusual pair. He was tall, stocky, with a full head of black bushy hair. Matilda, by contrast, with her hair piled up on her head and long ringlets was elegant. Matilda opened doors for the ambitious mountaineer and Catron welcomed the cache the Childress name afforded him. The couple wed in 1821, forging an alliance that suited them the rest of their lives.

The State Legislature elected John Catron to the Supreme Court of Errors and Appeals as an associate Justice, to fill the vacancy left by Judge William L. Brown in 1824. While on the bench Catron dispensed justice as he saw fit. He was beholden to no one. He examined cases, and judged them according to their merits. Catron's written opinions mirrored the unadorned and practical frontier philosophy. Catron's decisions reflected the attitudes and the concerns of simple hard-working folk. Like them, and his ally Andrew Jackson, he was wary of big banks and corporations that appeared intent to separate the yeomen from their property.

Judge Catron wrote that "With the floating masses I had nothing in common: I punished...them for crimes, and always severely. They feared...me." He was equally firm with the Gentry and social elites. "Among the great masses of property-owners, thousands have been alienated by decisions adverse to their interests," he noted. As he acknowledged, a "judge may have great cogency and influence...but if he be a stern and unquailing official, it is not in human nature that he should be a popular man..." With his penchant for sarcasm and his refusal to bow to outside influences and his political affiliations, Catron counted few people as his true friends.

Inconsistency and contradiction permeate some of Catron's opinions. On more than one occasion he reversed himself, taking positions directly opposite earlier rulings. Whether that came from a personal desire to correct perceived past mistakes, or forsaking precedent to render a decision he believed appropriate remains open to debate. In some instances, (e.g. *Foreman v. State*) he appears to endorse the general sentiments of the average American and deliver an opinion was then regarded popular. People change over time often renouncing past behavior. Catron, from the Upper Cumberland, amassed experience that allowed him to operate social, cultural and political circles. In some ways he never forgot

cont. next page



## Historic Sites News...continued

National Trust for Historic Preservation to help pay for the majority of the cost of the wall's restoration, and the Tennessee Historical Commission paid the balance. Partnerships such as this help the sites be able to do so much more work, and a sincere thanks goes to the National Trust for their assistance.

In August, Rock Castle hosted a live wedding show, showcasing the site as a beautiful venue for wedding rentals. (The venue has been getting additional wedding reservations since last year, when it served as the backdrop for country star Miranda Lambert's marriage ceremony-themed video "White Liar.") Making much needed improvements, the THC upgraded the restroom facilities in the pavilion.

A much smaller project, but of great necessity, was the restoration of several grave markers in the cemetery.

### James K. Polk Ancestral Home, Columbia, TN

This site has a pathway from the rear of the house, through the garden, to the rear of the site. Here visitors may either be

participating in educational programs or visiting the Presidential Hall, the James K. Polk Memorial Association's changing exhibit space. Because the pathway is a critical path for the site and it is used by so many, it was important to make revisions to it for better accessibility. Greathouse Landscape Company won the bid and has begun work on this project. It should be complete by press time.

### Chester Inn, Jonesborough, TN / Tipton-Haynes, Johnson City, TN / Rocky Mount, Piney Flats, TN

In East Tennessee, three of the state-owned historic sites, Chester Inn, Tipton-Haynes, and Rocky Mount, are the recipients of much needed museum exhibits. A lot of work behind the scenes has been going on—collection of data, graphics, development of storylines, scripts and videos, selection of artifacts to be displayed as well as the physical fabrication of display cases and panels. Installation is expected to begin sometime in late October and may continue until sometime in early December.

To prepare the sites for the exhibit installation, several projects have been

completed or are in progress. Tipton-Haynes needed their exhibit space repainted. Chester Inn needed some wall repairs, and a fresh coat of paint as well. Chester Inn also needs some alterations to their HVAC system, but we are waiting on an engineer's recommendation before we can bid the work. Rocky Mount needed extensive interior work, which is nearing completion, followed by new carpet throughout the exhibit area.

### Clover Bottom Mansion, Nashville, TN

Historic Clover Bottom Mansion is not one of the state-owned historic sites maintained by the Tennessee Historical Commission, but since this wonderful c. 1859 mansion houses our offices, there is interest in its renovation and restoration. Contractors have submitted their bids, and the official bid opening is set for September 22. After the project is officially awarded and the contract has been signed, the successful bidder should be able to begin the work by the first of November. The Tennessee Historical Commission staff is eagerly anticipating a beautiful and safe office.

## Supreme Court Justice...continued

where he came from; whereas in others Catron walked among the giants of his day, influencing the lives of poor and rich.

In 1831 the State Legislature created a new position of Chief Justice and elected Catron as the first Chief Justice of the Volunteer State, a position he held until 1834. Catron's partisan political leanings led to his removal from the State Supreme Court as the Whigs gained control of the state. By the end of Andrew Jackson's Presidency his popularity plummeted.

Conflicting stories attempt to explain or debunk how John Catron was appointed to the Supreme Court of the United States. The Judiciary Act of 1836 increased the number of justices on the Supreme Court from seven to nine, creating two vacancies on the court. Some argued that the only reason Catron was chosen for the nation's high court was because his well-heeled wife begged Andrew Jackson for the position. Others argue that it was Catron's decision to reverse himself concerning the plight of the Cherokee. Before penning the fateful decision in *Foreman v. State*, Catron usually supported the Cherokee in property cases. His opinion in *Foreman* essentially nullified *Cherokee Nation v. Georgia* and *Worcester v. Georgia*, extending Tennessee's jurisdiction over Native American

lands, while providing a legal rationale for their removal west. Thus *Foreman* represented a craven attempt to curry favor with President Andrew Jackson.

These arguments overlook the fact that Catron was a loyal member of Jackson's cadre for years. Catron canvassed for Jackson and other Democrats. As Joshua Caldwell observed, "From 1820 to 1828 the efforts of political leaders of Tennessee were concentrated in the single effort to elect Jackson president, and ... John Catron...displayed a capacity for political management that has never been surpassed." During the Bank War, he wrote editorials that were widely circulated, demanding the bank's destruction. During the Nullification Crisis Catron supported the Union, backing the Force Bill. He wrote editorials demonizing the Whigs. Sitting on the State Supreme Court he sustained Jacksonian policies, and spearheaded the election of Martin Van Buren. All of these factors must have played a part in his appointment. Jackson's expansionist policies and the recent establishment of the Texas Republic created a need for judges intimately familiar with property law.

On March 3, 1837 Andrew Jackson recommended John Catron for one of the new positions on the court. Five days later the Senate confirmed his nomination. John Catron served on the federal bench for the next

twenty-eight years, making him the only Tennessean on the U.S. Supreme Court before the Civil War, working under nine presidents.

Catron remained loyal to the Union during the Civil War but thugs forced him out of the state when it voted to secede. He held court in Louisville, Kentucky and in Washington until 1863 when he returned home to Nashville to hear cases there. Catron divided his duties between Nashville, Louisville, St. Louis, and Washington until his death in Nashville on May 30, 1865. He lived to see the Union preserved.

Catron deserves fresh attention. His opinions in a number of cases still affect the lives of Tennesseans and U.S. citizens to this day. One has to wonder how he would react to current interpretations of the 14th Amendment that claim corporations are people. He believed women could own property. Though a slave owner he recognized that African Americans were people and *had rights*. His humble beginnings in Sparta and Monroe taught him the value of a piece of land to eke out a living, and he fought diligently for property rights for the poor like his Whig antagonist Davy Crockett.

Note: Dr. Michael E. Birdwell and Attorney John Nisbet are currently working on a series of articles about Catron, his legal career, and continuing impact on Tennessee and the nation.





## Differences In Outcome Resulting from Listing in the National Register of Historic Places \_\_\_\_\_ By Brian Beadles

Listing a property in the National Register of Historic Places can serve as a useful starting point in redeveloping or renovating a historic property. Properties listed in the National Register can be eligible for the Investment Tax Credit program and certain grants. Unfortunately listing does not necessarily protect or guarantee continued use of the property. While listing in the register can bring attention to a property, it does not protect against neglect or demolition. Two recently listed properties ultimately met very different fates.

### First Congregational Church Memorial Stadium

#### First Congregational Church

Built in 1905 the church served the African American community that was established along M.L. King Boulevard (formerly 9th Street) in Chattanooga. First Congregational was originally established by Rev. Ewing Ogden Tade to serve the newly freed black population in the years following the Civil War. The congregation continued to grow and by the turn of the century, it became necessary to construct a larger church building. At this time it was noted in a local newspaper that First Congregational was “the wealthiest colored congregation in the city.”

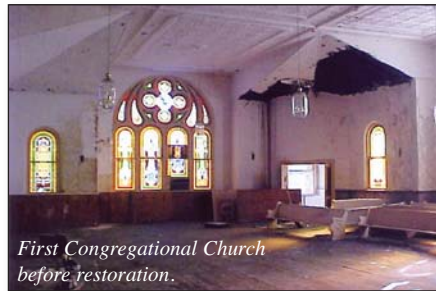
The late Gothic Revival building was designed by local architects George Adams and Charles Bearden. Bearden, in particular, had gained some renown in the region for his designs of religious, office, and school buildings in the area. The church featured a prominent tower, large stained glass windows, a pressed tin ceiling, and an arched stage area. In the 1930s the church was enlarged to create space for a pastor’s office and a choir room.

During the early 1960s the church’s minister, Dr. Horace Traylor, played a role in Chattanooga’s Civil Rights Movement. Dr. Traylor was the first graduate of Zion College, which primarily trained African American ministers. In 1959 Dr. Traylor became president of Zion College, and also served as president of the Council for Cooperative Action. During his tenure as minister of First Congregational he worked with city leaders and local businessmen to help with desegregation in Chattanooga.

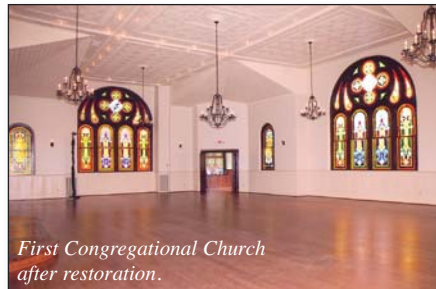
Due to dwindling membership and increased financial strains, the congregation voted to dissolve in 2001. The last worship service was held in the building on September 2 of that year. In 2006, Kenneth Crisp, developer, and his son, Ken Crisp, Jr., purchased the building. In order to redevelop the building for a new use much work needed to be completed including rehabilitation of the pressed tin ceiling, new flooring, plumbing, and a new HVAC system. Also, local craftsman Bob Zakas and his assistant Alayna Kyle worked to clean and refit the old stained glass. Each stained glass unit was disassembled, each piece of

glass was cleaned, and missing pieces were replicated. Today the building serves as a general events venue hosting wedding receptions and various events.

Listing the property in the National Register enabled Crisp to take advantage of the Investment Tax Credit program. Investment Tax Credits are available for income producing properties that are listed in the National Register, and allow for 20% of the cost of rehabilitating a property to count as a credit on the applicants income tax.



*First Congregational Church before restoration.*



*First Congregational Church after restoration.*



*Outside view of First Congregational.*



*Gate to Memorial Stadium*

### Memorial Stadium

Construction on Memorial Stadium in Johnson City began in 1933 as a project of the Civil Works Administration (CWA). The CWA was the first public employment program of the New Deal. It focused primarily on relatively small projects that could be started quickly and provide immediate employment. Despite the fact that the program was short-lived, it had expended close to 900 million dollars and was employing 3-4 million people. Since the CWA was dissolved before the stadium was finished, construction was finished in 1935 under the auspices of the Tennessee Emergency Relief Administration (TERA).

During the short, five-month life of the program, the CWA employed an estimated 59,000 people in Tennessee. Projects ranged from building schools to making road repairs. Even though the CWA was short-lived it set a precedent and raised support for future public works programs.

Having served as the venue for numerous athletic events since its construction in the early 1930s, Memorial Stadium has played host to a variety of athletic teams from the high school and collegiate levels. The stadium served as home to the Science Hill High School Hilltoppers since 1935. Langston High School, which served as the city’s African American high school during segregation, also used the field until integration. Collegiate athletics also impacted life at Memorial Stadium as the Burley Bowl was held here from 1945 to 1956. This event brought colleges together from throughout the region each Thanksgiving Day, with crowds gathering and filling each seat in the stadium and many more standing along the sidelines. East Tennessee State University also used the facility for a period of time (1973-1976) when

construction on the Johnson City campus prevented the team from using its own stadium.

The design of the stadium is characteristic of rural public works projects of the time period. Simple construction forms and materials were used to create the stadium’s concrete seating. The northern entrance features iron gates with concrete supports. The supports have simple, but

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“If a man disturbs the peace, I will kill or remove him...”[1]

## Major-General William T. Sherman and the Occupation of Memphis—Before General Orders, No. 100.

By Dr. James B. Jones, Jr., Public Historian

Major-General William T. Sherman's tenure in Memphis provides an object lesson in the beginnings of U.S. Army policy regarding occupation. The occupation of the Bluff City is facet of Sherman's Civil War career that has received little attention. His actions were made on the basis of local, not international law and before taken to facilitate the Federal cause by transforming the Bluff City from a hotbed of secession into a Union supply depot and base of operations.

Sherman took command of Federal forces in Memphis seven weeks after the city's fall on June 6, 1862.[2] He would quickly discover that the pro-Confederate elements of Memphis had not yet been pacified and that civil government was unable to maintain the peace.

Sherman sought the cooperation of the city's municipal authorities to maintain order. In a letter to Mayor John Park, on July 27 he addressed the question of restoring civil government. He respected law and order as well as the notion and practice of democratically elected civilian rule, yet he reminded Park that “necessarily the military for the time being must be superior to the civil authority, but...Civil courts and executive officers should still exist and perform duties, without which...municipal bodies would soon pass into disrespect...” To Sherman this meant the city would maintain its police force and collect taxes to secure the quiet of the city.[3]

But the Memphis' constabulary was not adequate to the task, and it was clear the Army had to act. On August 14 he issued General Orders, No. 72, [4] establishing “assistant provost-marshals of Memphis.” These had the power to burn or pull down disorderly houses, and to suppress all rioting “by blows, the bayonet, or firing when necessary.” Yet matters did not improve to his liking. On October 25, 1862, Sherman[5] made the city fathers an offer they could not refuse. It was a system whereby he appointed newer assistant provost marshals, one to each ward each commanding a regiment of infantry and a squadron of cavalry. The city police force would be placed under the authority of the provost marshal and augmented by 100 civilian peace officers. These officers were held responsible for any crime on their beat. If suspected of a crime a police officer would be immediately suspended from duty and tried by a military commission. The city would continue to pay the municipal force and appoint new police officers, subject to the approval of the Provost Marshal.

Civilians violating military orders would be tried by a military commission. Civil courts continued to try civil matters. Soldiers were free from arrest by the city police.[6] All citizens detected in the commission of any crime would be arrested by either city police or military guard. Vagrants, thieves, “or men of bad reputation,” would be arrested and put to work “on the trenches, roads, or public streets.” More serious was charge of spying. Sherman was clear about what he considered spying activity in Memphis:

Citizens found lurking about the camps or military lines will be arrested and treated as spies. None will...approach Fort Pickering...and...are cautioned that the sentinels have loaded muskets and are ordered to use them....A midnight to dawn curfew was established and all citizens found “in alleys, by-ways, lots not their own, or unusual places...will be locked up for the night.

Sherman also had to control the press.[7] on July 24[8] he wrote to the editor of the Memphis Union Appeal, Samuel Sawyer: “I should come to an understanding at once with the press as well as the people of Memphis...which means control for the interim for the interest, welfare and glory of the whole Government of the United States.[9]

Outrage was expressed by the Union Appeal, demanding city officials take the oath[10] of allegiance. The editor thundered there must be one ruler of Memphis, not two codes of laws, not two corps of military and civilian police responsible to different authorities.[11] Sherman refused to dismiss the city fathers, instead urging the press in Memphis to work for a re-establishment of order. He warned:

If I find the press of Memphis actuated by...a sole devotion to their country I will be their best friend; but if...abusive...then they had better look out, for I regard such as greater enemies...than the men who...have taken muskets and fight us about as hard as we care about.”[12]

One reporter who continued to write under a pseudonym was arrested and sent to military prison. This would serve as an example for all reporters who might write articles under a “false names.” He regarded “all these newspaper harpies as spies” and thought “they could be punished as such.”[13]

On October 11, 1863, Sherman was personally involved in a fight at Collierville, Tennessee. The newspaper account of the story irked him because the author was not

identified. He warned the editor: “Don't publish an account...unless the name of the writer is given in full and printed.”[14] Newspapers, he said, should “[e]ncourage business advertisements, improvements in the arts, narrations of events abroad in the past or, when well authenticated, of the present. In other words, let the Government and its agents do their business in their own way.”[15]

On November 9, 1863, Sherman, on his way to relieve Federal forces in Chattanooga, stopped at Fayetteville (Tennessee) and took time to address letter to J.B. Bingham, editor of the Memphis Bulletin. He admitted that he found it hard to define his wishes about press conduct. Freedom of the press, thought and speech were all well and good, but they must have limits because “they generate discord, confusion, and war, resulting in military rule, despotism, and no freedom at all...” Proof was found in the previous four decades of American history. “[T]he press has gradually intensified...jealousy and hatred between the North and the South, till war...was bound to result.” Sherman closed telling Bingham: “If a man disturbs the peace, I will kill or remove him...all must act in concert to stop war...”[16]

Another unique problem faced by Sherman was that of the swelling contraband population. First, Sherman declared all contrabands were subject to the laws of the State and city applying to free Negroes. He allowed them to work at any trade or calling, to hire out, or, if they chose, to return to their former masters “but no force will be used one way or the other.”[17] However, Sherman wanted it known that he was not an abolitionist. It was a matter for the courts, but since the courts had “been destroyed here by our enemy” claims would have to be settled later. Only masters loyal to the Union would be compensated. [18]

The best example of the enforcement of this policy occurred when Sherman was covertly approached by Confederate Brigadier-General Gideon J. Pillow. [19] Pillow, who seemed to have forgotten he was a sworn enemy of the United States, wrote about the return of some 400 slaves missing from one of his plantations. He was certain they were living in Memphis and threatened “proper reprisals” if they were not returned.[20] Sherman chided the thick-witted Confederate Brigadier-General that it was “not

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## Major-General Sherman...continued

proper in war thus to communicate or to pass letters." Pillow, had no rightful claim.[21]

A fundamental legalistic matter faced by Sherman surfaced when local "Judge Swayne" charged a jury to make a finding on all cases involving runaway slaves. The problem was that Swayne utilized old state statutes and charged a grand jury to indict all those who had aided or hired runaway slaves. Sherman wrote to the magistrate saying old runaway slave laws were contrary to recent congressional legislation. He urged the Judge to stick to prosecuting civil cases, and not use a grand jury to test Federal law. Sherman would obey the law of Congress which his army would enforce.[22]

Sherman next faced the matter of capital and confiscation of property.

Depositors at the Memphis Branch of the Union Bank of Tennessee discovered the assets of the bank had been, according to Sherman, "removed by force and fraud by Beauregard and others, who have property here which is liable for their unlawful acts." He insisted the bank officers confiscate those collateral properties and then pay back their depositors. If the bank officers could not "declare boldly and openly against the parties who robbed them," then he had "no alternative but to conclude that they are in complicity with our enemies and treat them as such." [23]

Another concern was currency. A Memphis banker wanted to know which currency would be the most valuable in occupied Memphis, greenbacks, Confederate or state notes. "Money," wrote Sherman, "is a thing that cannot be disposed of by an order." It reached its value as a result of trade. It was best to let Union men "feel confident the determination of our Government" and "despise the street talk of Jews and secessionists." [24]

The cash scarcity in Memphis led the Memphis City Council in November 1862, to propose the issuance of municipal paper money. This violated the Constitution, and Sherman suggested the city fathers emulate the example of Mexico where "the people do their marketing through the medium of cakes of soap." Why not use cotton for money? It had a very convenient price of 50 cents a pound. "Put it up in pounds and fractions and it will form a far better currency than the miserable shinplasters you propose to issue. If cotton is king" suggested Sherman, "it has the genuine stamp and makes money, is money...I suggest that...you set to work and put up cotton in little parcels of 5, 10, 25, and 50 cents." [25]

With the construction of Fort Pickering Sherman initiated what might well be an early

instance of urban displacement and use of eminent domain in Tennessee and American military history. On July 22, 1862, he ordered that all houses inside the area of the planned fort must be vacated. Loyalty was not an issue, military necessity was. A real estate assessment board composed of army officers was empowered to affix a value and issue a certificate stating the worth of the property and the fact that the owner or tenant had been forcibly dispossessed.[26]

Before Sherman assumed command in Memphis his predecessor, Brigadier-General Alvin P. Hovey, issued Special Orders No. 10 [27] compelling draft age Confederates beyond Federal lines. Sherman was presented a protest petition signed by physicians "and others" in Memphis to rescind the order. He refused.

According to Sherman "it grieves my heart thus to be the instrument of adding to the seeming cruelty and hardship of this unnatural war." Hovey's order would stand. All "who remain in Memphis are supposed to be loyal and true men...all people who are unfriendly should forthwith prepare to depart in such direction as I may hereafter indicate." [28] Since Memphis was a Federal base of operations the presence of a disloyal population posed unacceptable risks. Such logic escaped Confederate-sympathizers who imagined the opposite conclusion was warranted.[29] On July 25 Sherman reported to Grant that he was not satisfied that rebel sympathies in the Bluff City had been adequately discouraged. "All in Memphis who are hostile to us should be compelled to leave," he wrote. He would deal summarily with any who had aided the Confederate army. Likewise, Grant's orders "that when the head of a family is in the South the family too must go" would be enforced.[30] In an effort to ease shortages of food Sherman loosened travel restrictions slightly, allowing "free and unobstructed" daytime travel, subject to inspection. [31]

Concerning civilian property rights Sherman ordered his officers to take "possession of all vacant stores and houses...and have them rented at reasonable rates..." The question of rents and property were not involved, only the problem of possession. Therefore "the rents and profits of houses belonging to our enemies...we hold in trust...according to the future decisions of the proper tribunals....So long as they remain quiet and conform to these laws they are entitled to protection in their property and lives." [32]

Vacant property had been confiscated.[33] the peace was maintained. Notwithstanding these successes Sherman complained "still

cases are daily referred to me of the most delicate nature" as was epitomized in a confiscation case involving Mrs. Lizzie A. Meriwether.

Mrs. Meriwether was under one government and her husband under another. Her property was improperly confiscated, she said, because it did not matter who ruled Memphis, since her husband deeded their property to her. Moreover, Mrs. Meriwether had small children dependent on her. The family's holdings had been confiscated after it had been determined that the property was substantially that of the absent husband. [34] Sherman regarded her argument as an evasion,

[35] but in a moment of compassion, he was "willing to stretch the rules as wide as possible to favor distressed women and children..." Still, he had forebodings that "a single departure from the rules of severe justice may lead us into many inconsistencies..."

[36] By early August dispossessed tenants were provided other houses in Memphis of equal value. Some of the properties appropriated had to be destroyed while others became hospital facilities. Guards on most major roads into and out of Memphis had been significantly bolstered. New regulations regarding the status of confiscated personal property by the provost guard were set in place. Now any officer or soldier who improperly took any civilian property was "deemed guilty of peculation or pillage and [would be] tried by a general court-martial."

[37] The editor of the Memphis *Bulletin* had printed articles about so-called illegal seizures of property by the Federal army. Sherman responded differentiating between depredations committed by Federal soldiers and excess resulting from "the natural consequence[s] of war." Sherman lectured the editor that:

"When people...speak contemptuously of the flag...I will not...protect them or their property....war is destruction and nothing else. ...bear...in mind, that...we are really at war, and much that looks like waste or destruction is only the removal of objects that obstruct our fire, or would afford cover to an enemy."

[38] Sherman enthusiastically endorsed counter-insurgency missions, but worried they would result in guerrilla attacks against ships on the Mississippi River. [39] On the 23d of September 1862, the steamer Eugene was fired upon by guerrillas near the town of Randolph.[40] The next day Sherman ordered the Forty-sixth Ohio Volunteers "to visit the town of Randolph" and "destroy the place, leaving one house to mark the place." This was necessary to let "the people know...we must

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### Major-General Sherman...continued

protect ourselves and the boats which are really carrying stores and merchandise for the benefit of secession families, whose fathers and brothers are in arms against us." on the 26th it was reported: "The regiment has returned and Randolph is gone."

The next day Sherman issued Special Orders, No. 254, upping the ante so that entire families were liable for guerrilla attacks on Mississippi River shipping. According to the no-nonsense general:

Whereas many families of known rebels...reside in peace...in Memphis, and whereas the Confederate authorities...sanction...the firing on unarmed boats...it is ordered that for every boat so fired on ten families must be expelled from Memphis.[41]

No one was marked for banishment until a guerrilla attack upon the steamships *Gladiator* and *Catahoula* on October 19, 1862. Sherman reported to Grant two days later: "I shall compel ten families to leave for every boat fired on, and let them try whether they prefer to live with their own people or with ours...it is not to be expected that we should feed and clothe the families of men who are engaged in firing upon boats engaged in peaceful commerce." [42]

A few days later a Miss P. A. Fraser of Memphis wrote to Sherman saying his policy was inhuman. In reply he suggested he might lift his sanctions if Confederate authorities would deny that "firing on unarmed boats is...part of the warfare against the Government of the United States." Since rebel generals had claimed "Partisan Rangers" were part of the Southern army they could not disavow these attacks. This being the case "all their adherents must suffer the penalty." Sherman told Miss Fraser:

...when the time comes to settle the account we will see which is most cruel-for your partisans to fire...through steamboats with women and children on board...with the curses of hell on their tongues, or for us to say the families of men engaged in such hellish deeds shall not live in peace where the flag of the United States floats.

Either it was Confederate policy to fire upon unarmed steamboats or it was not. In neither case were such attacks warranted. It was a circumstance that forced people to "appreciate how rapidly Civil War corrupts...the human heart." [43]

Sherman went the extra mile and wrote Confederate General Theophilus T. Holmes, informing him of his policy, and asking if such attacks were part of Confederate strategy. [44] He would wait fifteen days for a reply.

On November 7, 1862, he penned a

lengthy reply to a letter from a Mrs. Valeria Hurlbut [45] explaining Special Orders, No. 254. The fifteen day grace period was about up and he had received no answer to his query to General Holmes. Consequently, expulsion was justified because the Confederate

Government...assumes the full responsibility of the acts of these Partisan Rangers. These men have...fired on steamboats...taking the lives...of peaceful citizens...We regard this as inhuman...and if the Confederate authorities do not disavow them, it amounts to a sanction...of the practice.

The example of Randolph could be but a start. Sherman believed the "absolute destruction of Memphis, New Orleans, and every city, town and hamlet of the South would not be too severe a punishment to people for attempting to interfere with the navigation of the Mississippi." The Major-General claimed he was responding "mildly by requiring the families of men engaged in this barbarous practice to leave and [go] to their own people." As bad as exile was, it was not as bad as "if [Federal forces]...were to fire through the houses of their wives and families." His order was by comparison easygoing, and he promised that in future cases he would not "be so easy." [46]

Another difficulty Sherman faced in occupied Memphis was that of illegal trade with the enemy, particularly in cotton. [47] In a letter to Grant dated July 30, 1862; he justified his restriction of this commerce and forcible expulsion of Jewish traders from Memphis. According to Sherman:

I found so many Jews and speculators here trading in cotton, and secessionists had become so open in refusing anything but gold, that I have felt myself bound to stop it. This gold has but one use -- the purchase of arms and ammunition...I have respected all permits by yourself or the Secretary of the Treasury, but in these new cases (swarms of Jews) [sic] I have stopped it.

The demand for salt was so great that "many [Jews] succeeded in getting loads of salt out for cotton....Without...gold, silver, and Treasury notes...[the Confederates] cannot get arms...without salt they cannot make bacon and salt beef. We cannot carry on war and trade with a people at the same time." [48]

But he was wrong. The need for cotton in Yankee textile mills far exceeded the need to deny the enemy arms and ammunition. In less than a week, Commander-in-Chief of the Army, Major-General H. W. Halleck wrote to Grant saying he had seen "it stated in the newspapers that Gen. Sherman has forbidden the payment of gold for cotton...the Secretary of War...directs me to say...the payment of gold

should not be prohibited. Instruct Gen. Sherman accordingly." [49]

Sherman would of course obey orders. For the time being his dispersion of "the flock of Jews" would curtail such trade, but "the whole South...want[s]...arms and provisions...if trade be opened Memphis is better to our enemy than before it was taken." [50]

In late January 1864, a year and a half after his direct involvement in ruling the Bluff City, the command of the District of Memphis, Department of the Tennessee was given over to Brigadier-General R. P. Buckland. Sherman's advice to Buckland provide a good summary of the kinds of things to be wary of when engaged in occupying a city.

He advised Buckland to look out for any officer whose "style of living [indicates]...he is spending more than his pay, or if you observe him interested in the personal affairs of business men, stop it and send him to some other duty. It was important to keep officers in regimental camps. No new arrival should be allowed to stay in Memphis for more than 24 hours without permission. It was also essential to assure Memphians that if they acted in good faith the government would reciprocate. It was a mistake to have the army serve as the police force. He advised Buckland to "gradually do less and less of it till finally the city and county authorities can take it all off our hands." Fort Pickering should be made impregnable, and the river, levee and "incidentally the town" should be protected. He observed: "I know the poorer classes, the workingmen, are Union, and I would not mind the croaking of the richer classes....power is passing from their hands and they talk of the vulgarity of the new regime....Power and success will soon replace this class of grumblers, and they will gradually disappear as a political power." Buckland should thus encourage "the influx of good laboring men, but give the cold shoulder to the greedy speculators and drones. The moment these...trouble you conscript them...if gamblers, pickpockets, and rowdies come, make a chain gang to clean the streets and work the levee."

During his tenure over Memphis from William Tecumseh Sherman tried to blend civilian with martial rule, in order to secure Memphis as base of operations. He used a heavy hand to be certain, but he could not do otherwise. Securing Memphis meant dealing with a hostile, disloyal, disorderly population and complex issues including property confiscation, expulsion, contraband slaves, the oath of allegiance, civil and martial corruption, judicial and monetary policy, war and civil government. Since it is implausible that he or any antebellum West Point graduate ever took

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**Major-General Sherman...continued**

course work designed to prepare army officers for the administrative difficulties of occupation, Sherman had no formal model to rely upon and, in Memphis at least, broke new ground.[51]

**ENDNOTES**

- [1] *OR*, Ser. I, Vol. 31, pt. III, pp. 97-98.  
 [2] *OR*, Ser. I, Vol. 17, pt. II, pp. 110-111, General Orders, No. 56.  
 [3] *OR*, Ser. I, Vol. 17, pt. II, p. 127.  
 [4] The Memphis Union Appeal, August 27, 1862, printed the same order, but it was identified as "SPECIAL ORDER [sic] No. 180."  
 [5] *OR*, Ser. I, Vol. 17, pt. II, pp. 294-296.  
 [6] Except when caught in the act of committing a crime by a city cop.  
 [7] Not extant.  
 [8] *OR*, Ser. I, Vol. 17, pt. II, pp. 116-117.  
 [9] *OR*, Ser. I, Vol. 17, pt. II, pp. 116-117.  
 [10] There was no officially sanctioned oath, but the version then used in New Orleans was most likely used in Memphis: "I solemnly swear that I will bear true allegiance to the Government of the United States of America, that I will support and obey the constitution and laws thereof-and I hereby renounce all fealty and allegiance to the so-called "Confederate States of America." See: Memphis Union and Appeal, July 1, 1862.  
 [11] Memphis Union Appeal, July 23, 1862.  
 [12] *OR*, Ser. I, Vol. 17, pt. II, pp. 116-117.  
 [13] *OR*, Ser. I, Vol. 17, pt. II, pp. 178-179  
 [14] *OR*, Ser. I, Vol. 31, pt. I, p. 766.  
 [15] *OR*, Ser. I, Vol. 31, pt. I, p. 848.  
 [16] *OR*, Ser. I, Vol. 31, pt. III, pp. 97-98.  
 [17] *OR*, Ser. I, Vol. 17, pt. II, pp. 294-296  
 [18] *OR*, Ser. I, Vol. 17, pt. II, pp. 158-160.  
 [19] Pillow had earlier made an appeal to President Jefferson C. Davis. He must have thought that his luck would be better by getting in touch with Major-General Sherman. OXFORD, July 28, 1862.  
 JEFFERSON DAVIS, President, Richmond, Va.:  
 The Federals are sweeping this country of its negroes. They have, with bodies of armed men, driven off nearly all the negroes in Arkansas. Phillips County they have neither work stock, corn, nor meat, and rob and plunder the houses. They shoot the negroes attempting to escape, and handcuff and chain those refusing to go. They have driven off all I had--men, women, and children--nearly 400 in number. Can no retaliatory measures be adopted?  
 G. J. PILLOW, Brig.-Gen.  
*OR*, Ser. I, Vol. 52, pt. II, p. 32.  
 [20] *OR*, Ser. I, Vol. 17, pt. II, pp. 169-170

- [21] *OR*, Ser. I, Vol. 17, pt. II, pp. 170-172. Pillow would in November 1864, make another attempt to gain Sherman's permission to cross enemy lines to protect his plantation property in Maury County, Clifton. The ingenuous request was approved, conditional to Pillow's taking the oath. See: *OR*, Ser. I, Vol. 39, pt. III, pp. 640-641.  
 [22] *OR*, Ser. I, Vol. 17, pt. II, pp. 863-865. It was apparently an offer Swayne could not refuse. Sherman later spoke to the President Washington Union Club in Memphis reiterating many of the same notions. See: *OR*, Ser. I, Vol. 17, pt. II, pp. 869-870. See also: *OR*, Ser. I, Vol. 17, pt. II, pp. 865-866.  
 [23] *OR*, Ser. I, Vol. 17, pt. II, pp. 161-162. See also: Papers of Andrew Johnson, Vol., 5, pp. 606-607.  
 [24] *OR*, Ser. I, Vol. 17, pt. II, p. 868.  
 [25] *OR*, Ser. I, Vol. 17, pt. II, p. 875.  
 [26] *OR*, Ser. I, Vol. 17, pt. II, pp. 112-113.  
 [27] Not found. This was apparently Special Orders, No. 14 issued on July 10, 1862. The *OR* does not reference this order directly, although correspondence from M. Jeff. Thompson, M. O. S. G., Brig.-Gen. on Special Service, C. S. Army to Major-General U.S. Grant on July 14 does reference the order. According to Confederate Brigadier-General Thompson, he had read a "copy of your Special Orders, No. 14, of July 10, ordering the families of certain parties therein named to leave your lines within five days." In essence, those who would not take the oath of allegiance to the United States, would be expelled from Memphis. Thompson lectured the Federal commander that "must not for a moment suppose that the thousands who will be utterly unable to leave and the many who will thus be forced to take the hateful oath of allegiance to a despised government are to be thus converted into loyal citizens of the United States or weaned from their affections for our glorious young confederacy; and whole to 'threaten' were unsoldierly, yet to 'warn' is kindness, and therefore, general, I would tell you to beware of the curses and oaths of vengeance which the 50,000 brave Tennessee who are still in our army will register in heaven against the persecutor of helpless old men, women, and children, and the general who cannot guard his own lines." Neither Grant nor Sherman were impressed with the sermon. *OR*, Ser. I, Vol. 17, pt. II, pp. 98-99. See also: *OR*, Ser. I, Vol. 17, pt. II, pp. 121-123.  
 [28] *OR*, Ser. I, Vol. 17, pt. II, p. 114.  
 [29] Federal generals were not the only ones making such edicts. For example, Confederate General E. Kirby Smith in Knoxville issued on April 23 1861. See: *OR*, Ser. I, Vol. 10, pt. II, pp. 640-64; *OR*, Ser. II, Vol. I, pp. 882, 884.

- [30] *OR*, Ser. I, Vol. 17, pt. II, p. 122.  
 [31] *OR*, Ser. I, Vol. 17, pt. II, pp. 117-118.  
 [32] *OR*, Ser. I, Vol. 17, pt. II, pp. 156-157.  
 [33] See *Ibid.*, Ser. I, Vol. 17, pt. II, p. 156.  
 [34] *OR*, Ser. I, Vol. 17, pt. II, pp. 169-171.  
 [35] *OR*, Ser. I, Vol. 17, pt. II, pp. 156-157.  
 [36] *OR*, Ser. I, Vol. 17, pt. II, pp. 169-171.  
 [37] *OR*, Ser. I, Vol. 17, pt. II, pp. 200-202, 204, 219-220.  
 [38] William Tecumseh Sherman, *Memoirs of General W. T. Sherman*, (NY: Library Classics of the United States, 1990), pp. 298-301. Sherman's reply is found only in these memoirs.  
 [39] *OR*, Ser. I, Vol. 17, pt. II, pp. 201-202.  
 [40] In Tipton County.  
 [41] *OR*, Ser. I, Vol. 17, pt. II, p. 240.  
 [42] *OR*, Ser. I, Vol. 17, pt. II, pp. 285-286. There seems to be no information available regarding any expulsion resulting from this order. General Orders, No. 65, however, was explicit. GENERAL ORDERS, No. 65., HDQRS. SIXTEENTH ARMY CORPS, Memphis, Tenn., May 26, 1863.

VIII. An entire year of occupation of this City by the United States has given abundant opportunity for all persons to make their deliberate election of the sovereignty to which they owe their allegiance. The so-called Confederate Congress by acts passed at an early period of the rebellion ordered peremptorily form the limits of the revolted States those true citizens who adhered to the country of their fathers. The same sentence will be pronounced after one year's patient waiting upon all who while denying their allegiance to the United States yet have found protection beneath its flag. These persons will be sent where their affections are.

IX. Giving aid and comfort to the public enemy is punishable with death and the leniency with which such persons have been treated must cease. Any person who shall hereafter offer insult by word or act to the United States or who shall express sympathy with the enemy or satisfaction at any imagined or real success of the Confederate arms will be arrested at o--nce and severely punished.

By order of Maj. Gen. S. A. Hurlbut:  
*OR*, Ser. II, Vol. 5, p. 711. These orders were more comprehensive, according to a Confederate source:  
 HDQRS. 16th Army Corps  
 Memphis, May 26, 1863  
 General Orders, No. 6I. All persons residing within the city of Memphis, not in the service of the United States, are hereby required to enroll and register their names with the Provost Marshal, Lieut. Col. M. Smith within

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**Major-General Sherman...continued**

twenty days.

II. Such registry must show the character of each person registered under one of these heads:

1. Loyal citizens of the United States;
2. Subjects of foreign, friendly powers
3. Enemies of the United States.

III. Each person who shall enroll him or herself as a loyal citizen shall take and subscribe to the following oath:

United States of America

State of Tennessee

Provost Marshal's Office for the \_\_\_\_ of \_\_\_\_ day of \_\_\_\_ 1863.

I do solemnly swear, in the presence of Almighty God, that I will bear true allegiance to the United States of America, and will obey and maintain the constitution and laws of the same, and will defend and support the said United States of America against the enemies foreign and domestic, and especially against the rebellious league known as the Confederate States of America.

So help me God.[42]

Chattanooga *Daily Rebel*, June 28, 1863.

[43] Sherman also hoped Confederate women in Memphis would realize their role in preventing guerrilla attacks. "Would to God ladies better acted their mission on earth; that instead of inflaming the minds of their husbands and brothers to lift their hands against the Government of their birth and stain them in blood, had prayed them to forbear, to exhaust all the remedies afforded them by our glorious Constitution, and thereby avoid 'horrid war,' the last remedy on earth."

[44] *OR*, Ser. I, Vol. 17, pt. II, p. 288. (Sherman signed the letter "Your friend.")

[45] Apparently no relation to Federal Major-General S. A. Hurlbut.

[46] *OR*, Ser. I, Vol. 17, pt. II, p. 860.

[47] Memphis Union Appeal, July 10, 1862; *OR*, Ser. I, Vol. 17, pt. II, pp. 120, 123.

[48] *OR*, Ser. I, Vol. 17, pt. II, p. 140-141.

[49] *OR*, Ser. I, Vol. 17, pt. II, p. 150.

[50] *OR*, Ser. III, Vol. 2, p. 349. See also: *OR*, Ser. I, Vol. 17, pt. II, pp. 178-179; *OR*, Ser. III, Vol. 2, p. 382; *OR*, Ser. I, Vol. 17, p. 189; *OR*, Ser. I, Vol. 17, pt. II, p. 171; *OR*, Ser. I, Vol. 17, pt. II, pp. 187-188.

[51] See: *OR*, Ser. I, Vol. 17, pt. II, pp. 351-352. *OR*, Ser. I, Vol. 32, pt. II, pp. 238-239. Sherman's superior, Major-General U. S. Grant, carried out similar occupation policies in Paducah, Kentucky, in 1861, complete with offensive references to Jews. Thus, it can be argued that Sherman's efforts were largely derivative. Moreover, before the Civil War General Winfield Scott carried out what some historians have anecdotally called "a model"

or "text-book" example occupation of Mexico City. Grant was in Mexico at the time, serving as a regimental supply officer, and so may have learned "how to occupy" a city from his experience there. One question that remains is whether or not the actions of Scott, Grant, Sherman, Butler and other Federal as well as Confederate generals in this regard helped form the basis for future occupation policy in impending wars in which America would become involved. If they provided "textbook" examples, in what textbooks are they found? Research into the evolution of occupation policies pursued in the Mexican-American War, the Civil War, the Spanish-American War and Filipino Insurrection, up through the War in Vietnam and the Gulf War could prove an avenue of useful research. In a more immediate sense a comparison of Sherman's policies with those carried out by Confederate Major General E. Kirby Smith in Knoxville may prove an excellent place to start, at least insofar as Tennessee Civil War history is concerned.

**INSTRUCTIONS FOR THE  
GOVERNMENT OF ARMIES  
OF THE UNITED STATES IN THE  
FIELD**

Prepared by Francis Lieber, promulgated as  
**General Orders No. 100** by  
President Lincoln, 24 April 1863.

**SECTION I**

Martial Law - Military jurisdiction - Military necessity - Retaliation

Article 1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its Martial Law.

Art. 2. Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

Art. 3. Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and

government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

Art. 4. Martial Law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not Martial Law: it is the abuse of the power which that law confers. As Martial Law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity - virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

Art. 5. Martial Law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist, or are expected and must be prepared for. Its most complete sway is allowed - even in the commander's own country - when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion.

To save the country is paramount to all other considerations.

Art. 6. All civil and penal law shall continue to take its usual course in the enemy's places and territories under Martial Law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government - legislative executive, or administrative - whether of a general, provincial, or local character, cease under Martial Law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader.

Art. 7. Martial Law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.

Art. 8. Consuls, among American and European nations, are not diplomatic agents. Nevertheless, their offices and persons will be subjected to Martial Law in cases of urgent necessity only: their property and business are not exempted. Any delinquency they commit

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against the established military rule may be punished as in the case of any other inhabitant, and such punishment furnishes no reasonable ground for international complaint.

Art. 9. The functions of Ambassadors, Ministers, or other diplomatic agents accredited by neutral powers to the hostile government, cease, so far as regards the displaced government; but the conquering or occupying power usually recognizes them as temporarily accredited to itself.

Art. 10. Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.

Art. 11. The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting powers.

It disclaims all extortions and other transactions for individual gain; all acts of private revenge, or connivance at such acts. Offenses to the contrary shall be severely punished, and especially so if committed by officers.

Art. 12. Whenever feasible, Martial Law is carried out in cases of individual offenders by Military Courts; but sentences of death shall be executed only with the approval of the chief executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

Art. 13. Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military

commissions.

Art. 14. Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

Art. 15. Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God.

Art. 16. Military necessity does not admit of cruelty - that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

Art. 17. War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

Art. 18. When a commander of a besieged place expels the noncombatants, in order to lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

Art. 19. Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that the noncombatants, and especially the women and children, may be removed before the bombardment

commences. But it is no infraction of the common law of war to omit thus to inform the enemy. Surprise may be a necessity.

Art. 20. Public war is a state of armed hostility between sovereign nations or governments. It is a law and requisite of civilized existence that men live in political, continuous societies, forming organized units, called states or nations, whose constituents bear, enjoy, suffer, advance and retrograde together, in peace and in war.

Art. 21. The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

Art. 22. Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

Art. 23. Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

Art. 24. The almost universal rule in remote times was, and continues to be with barbarous armies, that the private individual of the hostile country is destined to suffer every privation of liberty and protection, and every disruption of family ties. Protection was, and still is with uncivilized people, the exception.

Art. 25. In modern regular wars of the Europeans, and their descendants in other portions of the globe, protection of the inoffensive citizen of the hostile country is the rule; privation and disturbance of private relations are the exceptions.

Art. 26. Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel everyone who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or

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country, at the peril of their lives.

Art. 27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.

Art. 28. Retaliation will, therefore, never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

Art. 29. Modern times are distinguished from earlier ages by the existence, at one and the same time, of many nations and great governments related to one another in close intercourse.

Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

The more vigorously wars are pursued, the better it is for humanity. Sharp wars are brief.

Art. 30. Ever since the formation and coexistence of modern nations, and ever since wars have become great national wars, war has come to be acknowledged not to be its own end, but the means to obtain great ends of state, or to consist in defense against wrong; and no conventional restriction of the modes adopted to injure the enemy is any longer admitted; but the law of war imposes many limitations and restrictions on principles of justice, faith, and honor.

**SECTION II**

Public and private property of the enemy - Protection of persons, and especially of women, of religion, the arts and sciences - Punishment of crimes against the inhabitants of hostile countries.

Art. 31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of

real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

Art. 32. A victorious army, by the martial power inherent in the same, may suspend, change, or abolish, as far as the martial power extends, the relations which arise from the services due, according to the existing laws of the invaded country, from one citizen, subject, or native of the same to another.

The commander of the army must leave it to the ultimate treaty of peace to settle the permanency of this change.

Art. 33. It is no longer considered lawful - on the contrary, it is held to be a serious breach of the law of war - to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own and make it a portion of its own country.

Art. 34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

Art. 35. Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.

Art. 36. If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace.

In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured.

Art. 37. The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women; and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and churches, for temporary and military uses.

Art. 38. Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the army or of the United States. If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

Art. 39. The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war - such as judges, administrative or police officers, officers of city or communal governments - are paid from the public revenue of the invaded territory, until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped.

Art. 40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

Art. 41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

Art. 42. Slavery, complicating and confounding the ideas of property, (that is of a thing,) and of personality, (that is of humanity,) exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal."

Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial

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decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

Art. 43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.

Art. 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.

A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

Art. 45. All captures and booty belong, according to the modern law of war, primarily to the government of the captor.

Prize money, whether on sea or land, can now only be claimed under local law.

Art. 46. Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

Art. 47. Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at

home, but in all cases in which death is not inflicted, the severer punishment shall be preferred.

**SECTION III**

Deserters - Prisoners of war - Hostages - Booty on the battle-field.

Art. 49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising en masse of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

Art. 50. Moreover, citizens who accompany an army for whatever purpose, such as sutlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war, and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe conduct granted by the captor's government, prisoners of war.

Art. 51. If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise, under a duly authorized levy en masse to resist the invader, they are now treated as public enemies, and, if captured, are prisoners of war.

Art. 52. No belligerent has the right to declare that he will treat every captured man in arms of a levy en masse as a brigand or bandit. If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war, and are not entitled to their protection.

Art. 53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses and servants, if they fall into the hands of the

American Army, are not prisoners of war, unless the commander has reasons to retain them. In this latter case; or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

Art. 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

Art. 57. So soon as a man is armed by a sovereign government and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding, or other warlike acts are not individual crimes or offenses. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

Art. 58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

Art. 59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war are liable to the infliction of retaliatory measures.

Art. 70. The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

Art. 71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States, or is an enemy captured after having committed his misdeed.

Art. 72. Money and other valuables on the person of a prisoner, such as watches or

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jewelry, as well as extra clothing, are regarded by the American Army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited. Nevertheless, if large sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the army, under the direction of the commander, unless otherwise ordered by the government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they have been placed in the private luggage of the prisoners.

Art. 73. All officers, when captured, must surrender their side arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored can not wear them during captivity.

Art. 74. A prisoner of war, being a public enemy, is the prisoner of the government, and not of the captor. No ransom can be paid

by a prisoner of war to his individual captor or to any officer in command. The government alone releases captives, according to rules prescribed by itself.

Art. 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

Art. 76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity. They may be required to work for the benefit of the captor's government, according to their rank and condition.

Art. 77. A prisoner of war who escapes may be shot or otherwise killed in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously

punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow prisoners or other persons.

Art. 78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

Art. 79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

Art. 80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

## P U B L I C A T I O N S T O N O T E

Linda T. Wynn, Assistant Director for State Programs and Publications Editor

Publications of the University of Georgia Press, 330 Research Drive, Athens, Georgia 30602-4901 includes the following:

**Rabble Rousers: The American Far Right in the Civil Rights Era** by Clive Webb turns established top-down models of massive resistance on their head by conveying the story of five far-right activists—Bryant Bowles, John Kasper, Rear Admiral John Crommelin, Major General Edwin Walker, and J. B. Stoner—who led grassroots rebellions. Kasper and Stoner were active in leading massive resistance campaigns in Chattanooga, Clinton, and Nashville, Tennessee. In reviewing the historiography of the black freedom struggle, when noted, these far-right activists are restricted to the margins at best. *Rabble Rousers* sheds new light on such controversial issues as the role of white churches in defending and shielding segregation, the influence of anti-Semitism in southern racial politics, and the divisive impact of class on white unity. Webb not

only analyzes how the far right reacted to the black freedom movement, but also how they affected the broader political dynamics of white southern resistance. Paper, \$24.95.

Publications of the University of Illinois Press, 1325 South Oak Street, Champaign, Illinois 61820-6903 include:

In chronicling the uneven ascendancy and dilatory waning of segregation in American college athletics, Charles H. Martin's **Benching Jim Crow: The Rise and Fall of the Color Line in Southern College Sports, 1890-1980** reveals how southern colleges imposed their policies of racial exclusion on accommodating northern teams. The author adroitly utilized and augmented extant arguments and documentation on the desegregation of college sports with considerable original research, including previously unpublished papers and correspondence of college administrators and athletic directors. Paper, \$30.00.

Publications of the University Press of Kentucky, 663 South Limestone Street,

Lexington, Kentucky 40508-4008 include:

Harvard Sitkoff's **Toward Freedom Land: The Long Struggle for Racial Equality**. In this tome, Sitkoff, a renowned civil rights historian and Professor Emeritus of history at the University of New Hampshire, assembles fifty years of essays on the struggle for racial equality and justice in America. Written between 1969 and 2008, each essay reflects his ongoing efforts to grapple with the changing times and shifts in historical scholarship on the subject of race relations during the civil rights movement, as well as the progression of his views and philosophies as a student, citizen, and historian. Printed as they originally appeared, the essays offer a sense of the changes throughout history while at the same time providing an account of the evolution of a historian's mind over time. Cloth, \$50.00.

Another work published by the University of Kentucky Press is

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**Publications to Note...continued**

**Reconstructing Appalachia: The Civil War's Aftermath** edited by Andrew L. Slap, an associate professor of history at East Tennessee State University. Reconstructing Appalachia features a broad geographic focus, covering postwar events in Georgia, North Carolina, Tennessee, West Virginia, and Pennsylvania. These historians add original and crucial information and research to comprehending Appalachia and its past. Cloth, \$40.00.

Louisiana State University Press, Post Office Box 25053, Baton Rouge, Louisiana 70894-5053 has published the following:

Andrew M. Bell's **Mosquito Soldiers: Malaria, Yellow Fever, and the Course of the American Civil War** focuses on two specific diseases rather than a broad array of Civil War medical topics, which offers a lucid understanding of how environmental factors served as agents of change in history. Of the 620,000 soldiers who met their demise during the American Civil War, the overwhelming majority died from disease. malaria and yellow fever. Bell explores the impact of these diseases on the major political and military events of the 1860s, revealing how deadly microorganisms transmitted by a small insect helped influence the course of the Civil War. Malaria and yellow fever not only sickened thousands of soldiers on both sides of the Civil War but also affected the timing and success of certain key military operations. Cloth, \$29.95.

Another work published by Louisiana State University Press is **Haunted by Atrocity: Civil War Prisons in American Memory** by Benjamin G. Cloyd. The first study of Civil War memory to focus exclusively on the military prison camps, **Haunted by Atrocity** offers a cautionary tale of how Americans, for generations, have constructed their recollections that protect cherished ideals of and the deeply rooted faith in American exceptionalism. Approximately 56,000 Union and Confederate soldiers died in enemy military prisons. Cloyd analyzes how Americans have remembered the military prisons of the Civil War making a strong case for the continued importance of the great conflict in contemporary America. Memories of the prisons prolonged the process of national reconciliation well into the twentieth century. Cloth, \$37.50.

**Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890-1908** by R. Volney Riser documents numerous lawsuits challenging the restrictive voting requirements, including twelve that

went to the United States Supreme Court. The author contends that southern blacks fought against Jim Crow earlier than conventional histories reveal. This daring and courageous group of individuals staged an indispensable and edifying prelude to the Civil Rights Movement. Cloth, \$40.00

Publications of Ohio State University Press, 19 Circle Drive, The Ridges, Athens, Ohio 45701 includes:

**The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law** edited by David Thomas Koing, Paul Finkelman, and Christopher Alan Bracy is a part of the press's series on Law, Society, and Politics in the Midwest. Containing fourteen chapters, it presents research and the reflections of scholars who gathered in to mark the Sesquicentennial of one of the unjust decisions handed down by the United State Supreme Court in 1857. The nation's first civil rights case decided by the U. S. Supreme Court held that blacks were not citizens and had no rights under the Constitution. The contributors to **The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law** revisit the case and its aftermath in American life and law. Paper, \$26.95.

Publications of The University of North Carolina Press, 116 South. Boundary Street, Chapel Hill, North Carolina 27514-3808 includes:

**Confederate Minds: The Struggle for Intellectual Independence in the Civil War South** by Michael T. Bernath, the Charlton W. Tebeau follows the activities of a group of Southern writer, thinkers, editors, publishers, educators, and ministers whom he labels Confederate cultural nationalists. He traces the rise and fall of a cultural movement dedicated to liberating the South from its longtime dependence on Northern books, periodicals, and teachers. Professor Bernath make provocative arguments about the nature of Confederate nationalism, life within the Confederacy, and the perception of Southern cultural distinctiveness. Cloth, \$39.95

Among other works, the University of North Carolina Press published

Shearer Davis Bowman's **At the Precipice: Americans North and South during the Secession Crisis**. In this volume, Bowman attempts to answer such questions as, why did the eleven slave states withdraw from the Union in 1860-61 and, why did the eighteen free states loyal to the Union deny the legitimacy of secession and take steps after Fort Sumter to considered treasonous rebellion? Bowman (1949-2009), takes the reader into the thinking of the leading actors. He also provides a glimpse into how less

known men and women in both the North and the South thought about themselves and how their thoughts informed their actions in the secession period. In doing so, Bowman provides account of how a more intricate tapestry of Americans North and South, male and female, black and white, known and unknown, dealt with a challenge to the nation and their provincial identities. Cloth, \$30.00

Publications of The University of Tennessee Press, 110 Conference Center, 110 Henley Street, Knoxville, Tennessee 37996-4108 included the following:

**The Papers of Andrew Jackson, Volume VII, 1829** edited by Daniel Feller, Harold D. Moser, Laura-Eve Moss and Thomas Coens is the first presidential volume. This volume begins with Jackson's triumph over incumbent John Quincy Adams in the 1828 presidential campaign. The seventh President of the United States entered office with two objectives: purging the federal bureaucracy of recreant officeholders and removing the southern Indian tribes. By the end of the year, President Jackson had added two additional objectives, purchasing Texas and destroying the Bank of the United States. This volume presents full texts of more than four hundred documents. Volume VII offers a view not only into Andrew Jackson but also into the nation itself in 1829. Cloth, \$79.00.

As a part of a new series, **Confederate Generals in the Western Theater: Classic Essays on America's Civil War**, Volume 1, edited by Lawrence Lee Hewitt and Arthur W. Bergeron Jr., is the first of several projected volumes that will provide insights into not only the South's campaigns in the West but also the eventual outcome of the larger conflict. These essays by historians from the mid-to-late twentieth century reach a wider audience. **Confederate Generals in the Western Theater: Classic Essays on America's Civil War** reaffirms that discerning the outcome of the war can be garnered through knowledge of the western campaigns and the generals who waged them. Cloth, \$45.95.

The second volume in the series is **Confederate Generals in the Western Theater: Essays on America's Civil War**, edited by Hewitt and Bergeron is based on the latest scholarship that examines the careers and missteps of several of the Western Theater's key Confederate commanders. Cloth, \$45.95.

Brian Craig Miller's **John Bell Hood and the Fight for Civil War Memory** is the first biography of Hood in twenty years. Offering a new, original perspective Miller looks at the

cont. next page





## National Register of Historic Places...continued

distinct, Art Deco detailing. However, the stadium's most unique architectural characteristics are the landscape features which form the playing field itself, and surround the concrete bleachers. The field is a sunken bowl, created by excavation and creation of a surrounding raised mound ring. This creates the effect of being more removed from the surrounding area. The raised mound allows for



access to the upper sections of the concrete stands as well as concession and restroom facilities and the main entrance.

While a National Register nomination was being prepared for the stadium, the City of Johnson City voted to build a new football stadium on the grounds of Science Hill High School and demolish Memorial Stadium to make room for new development. Despite the efforts of a local group dedicated to saving the stadium, demolition began less than a month after Memorial Stadium was listed in the National Register.

## Publications to Note...continued

general's entire life. Miller offers a new and original perspective that directly challenges those historians who have pointed to alleged personality flaws, supposed use of painkillers, and other assertions as corroboration of his ineffectiveness as a military leader. Cloth, \$37.95.

Virginia Broughton: *The Life and Writings of a National Baptist Missionary* edited by Tomeiko Ashford Carter is another book published by the UT Press. Born of free parentage into an elite Black American family

in Nashville, Broughton began her professional career as a teacher and later became one of the foremost domestic missionaries in the National Baptist Convention, USA. For more than fifty years, she worked uplift black women throughout Tennessee. Broughton, an accomplished speaker and writer, anticipated current-day feminists and womanists theologians. Carter, places the religious scholar among the nation's black elite. Cloth, \$42.00.

The University of Tennessee Press also published John C. Shields' *Phillis Wheatley and the Romantics*, which extends the

argument of *Phillis Wheatley's Poetics of Liberation: Backgrounds and Contexts* (2008) that holds Wheatley is a largely misunderstood yet brilliant author. In this work, the author contends that the young poet made a significant impression Europeans of the Romantic age such as Samuel Taylor Coleridge, who borrowed liberally from her works. Shields Professor of English at Illinois State University, demonstrates how certain Wheatley texts, particularly her "Long Poem," helped shape the face of Romanticism. Cloth, \$34.95

## Wars Commission Report...continued

Schoolhouse, listed in the National Register of Historic Places. The historic Pocahontas Schoolhouse (c1924) will be rehabilitated for use as a tourist/welcome center for the Battle of Davis Bridge. It is located at the intersection of SR 57 and the Pocahontas-Ripley Road approximately 1.5 miles north of the battlefield and is easily accessible from US 45, US 64, and SR 125. The tourist/welcome center will house a retail space, offices, and an interpretive/museum area where the visitor will learn about the Civil War Battle of Davis Bridge. When reopened, the schoolhouse will become the only public building in the Town of Pocahontas since it closed in the 1960s. All revenues from sales at the schoolhouse gift shop will be used to help maintain the building. Restoration work at the historic schoolhouse will be completed in accordance with the Secretary of the Interior's, *Guidelines for Preserving, Rehabilitating, Restoring and Reconstruction of Historic Buildings*. All trails will meet standards established by

Tennessee Department of Transportation (TDOT) for pedestrian trails.

During Governor Phil Bredesen's opening remarks at the October 2009 National Preservation Trust Conference in Nashville, the Governor acknowledged, "The Tennessee Wars Commission, which is a part of our Tennessee Historical Commission, continues to help protect the important battlefields of the Civil War (in our state). In all, the Wars Commission has protected more than three thousand acres of threatened Tennessee battlefields in the past 15 years." The Governor further stated that, "I am a strong believer in developing partnerships to leverage resources for conservation efforts and we've been able to protect a lot of priority tracts of land this way, including several important battlefield sites. Just this summer, the purchase was finalized on 650 acres at the Davis Bridge Battlefield; meaning now 98 percent of the site of this important 1862 battle is permanently protected. In addition to the Tennessee Wars Commission, partners in that effort included the American Battlefield Protection Program, the Civil War

Preservation Trust, the Davis Bridge Memorial Foundation, Tennessee Civil War Preservation Association and the Tennessee Heritage Conservation Trust Fund."

On behalf of the Tennessee Wars and Historical Commission, along with all historically minded Tennesseans, we are deeply indebted to our Governor and state legislative officials who have contributed time, effort and funding to help save thousands of acres of endangered "Hallowed Grounds" for future generations.

Your comments and suggestions are welcome:

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## Entries to the National Register from Tennessee

Since the last issue of *The Courier* there have been eight entries to the National Register of Historic Places from Tennessee. The properties are: Long Rock Methodist Episcopal Church, South, Carroll County; Woman's Club of Nashville, Davidson County; Bonds House, Gibson County; First Congregational Church, Hamilton County; Ridgedale Methodist Episcopal Church, Hamilton County; Beasley Mounds, Smith County; Fairmont Historic District, Sullivan County; Memorial Stadium, Washington County; and Varsity Theatre, Weakley County. There are now 2,040 entries in the National Register from Tennessee including 268 districts for a total of 41,483 resources now listed.