

Harrison Heritage News

Published monthly by Harrison County Historical Society, PO Box 411, Cynthiana, KY, 41031

Sept 2004



Vol. 5 No. 9

**Civil War Issue -
Attend the Battle of
Cynthiana Reenactment
Sept. 18-19 Elks Club
Grounds**

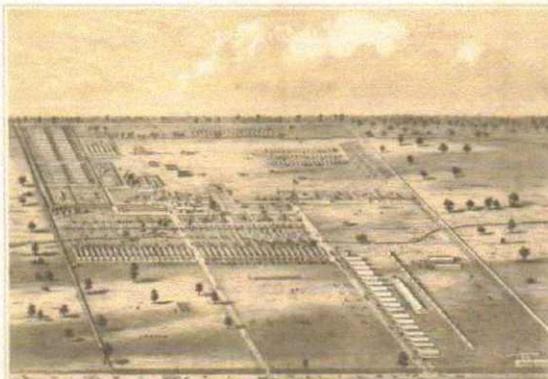
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Lurking Rebels -Civilian Arrests in Harrison County During the Civil War

William A. Penn

During the Civil War, as a means of controlling disloyalty, the Federal government introduced new war measures, including the suspension of the writ of habeas corpus, which was a person's right to be brought before a court or judge to investigate the lawfulness of his restraint. Congress amended the Federal treason statutes to avoid having to apply the death penalty to the many thousands of captured Confederate soldiers and citizens arrested for disloyalty. The Conspiracies Act of 1861 and the Treason Act of 1862 both modified and lightened the law of treason by providing for optional imprisonment and fine. Taking advantage of these laws, military officers were free to arrest and imprison citizens, therefore bypassing the court system. These laws, along with liberal interpretations by field commanders of what comprised traitorous acts, resulted in numerous arrests of private citizens, especially in Kentucky and the other border states. Between 1861 and 1865, over sixty Harrison County citizens were arrested and incarcerated in military prisons. Of these, only five are known to have received indictments in a Federal court, with the balance being military arrests without a trial.¹ Soon after Union soldiers entered Kentucky, they received authorization to issue orders intended to discourage disloyal acts.

On September 24, 1861,



Camp Chase, Columbus, Ohio, was a Union military prison during the Civil War. Besides captured Confederate soldiers, Federal authorities held "disloyal" citizens here, including about thirty from Harrison County, most for about one month. Print, c. 1862, Ohio Historical Society.

the Union commander in Kentucky, General Robert Anderson, stated that no citizen would be arrested who "does not take part, either by action or speech, against the authority of the General or State Government, or does not hold correspondence with, or give aid or assistance to...our enemies." Another order was issued by Brigadier General J. T. Boyle on July 13, 1862, during the alarm of Morgan's first Kentucky raid: "Every able-bodied man take arms and aid in repelling the marauders; every man who does not join will remain in his house 48 hours, and be shot down if he leaves it."

Military commanders and provost marshals received orders from the War Department in August 1862 to detain persons attempting to leave the county, district or state to avoid military duty. Department regulations required the detentions to be implemented with caution and

discretion. State laws enacted the same month provided penalties for advocating secession and for displaying the Confederate flag; and the legislature even forbid ministers to solemnize marriages unless the minister signed an oath renouncing the Confederacy and asserted allegiance to the United States.

It was not long until a loyalty oath or a proof of one's "unconditional Union status" became a common requirement. On April 12, 1863, Colonel S. R. Mott, commander of the 118th Ohio at Cynthiana, forbid the buying, selling or shipping of merchandise or groceries "without first procuring a certificate of six unconditional Union men to the effect that he himself is an unconditional Union man."

Home Guards, serving under the provost marshal, also made arrests and "were a disturbing factor, making arrests with little relation to the public" well-being. Provost marshals "often made arrests without giving reasons or keeping records." As noted before, the Federal provost marshal bureau districts monitoring the 1863 enrollment act received permission to hire four special agents to search for and arrest deserters and alleged spies.

In February 1864 the

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Harrison County Historical Society

Larry Moss, President

GRIFFITH HOUSE RESTORATION Subject of August 19 Meeting

Business mtg: Dave Kennedy, acting Cynthiana Renaissance director, announced that Cynthiana Renaissance has been awarded a grant from the **Kentucky Arts Council for a Community Scholars Training Program**, sponsored by the Ky. Folklife Program. Participants will learn basic skills in fieldwork, photography, oral history, local history displays, re-enactments, and so forth. For information call 234-7184; - 7150.

Program: Melinda Boyer returned for an update on the **Griffith House (Silver Lake Place)** forest and land restoration project near Broadwell. Native plants and heirloom seeds popular 1850-1890 are being planted, invasive plants removed, all part of a 200 year project. This joint conservation project between the Nature Conservancy and U. K. is expected to be the hub of a national outreach program to preserve and interpret early American plants and landscape. Modern additions to the Griffith house will be removed if promised funding materializes. Harrison County citizens wanting to volunteer in the project should contact Melinda Boyer.

Sally Cammack - September 17th Historical Society Meeting Speaker

Sally Cammack is the owner of Gourd Patch Folk Art Gallery, 120 S. Main, with over 100 artists represented. Sally will relate how she got started in painting gourds, which evolved in opening her gallery. She will have examples of her work, and tell about her experiences displaying her art around the country. Sally will also discuss the Ky. Folklife Program Community Scholar Certification Program.

Harrison County, Ky., History on the Internet:

- www.cynthianaky.com - *Harrison Heritage News* back issues are archived on the "Historical Society link found at cynthianaky.com." (Internet search engine www.google.com searches these back issues.) Church photos, history and other information is on this site.
- Battle of Cynthiana Reenactment Information - www.battleofcynthiana.org
- Hinkson and Ruddle Station Historical Society: www.ramsha1780.org

CYNTHIANA-HARRISON COUNTY MUSEUM

112 S. Walnut St., Cynthiana, Ky. 41031 Hrs: 10-5 Fri-Sat

Martha Barnes

CIVIL WAR EXHIBITS IN MUSEUM

Our museum has a number of interesting items dating to the Civil War era in this community. James Madison Wilson was born on March 4, 1838. When the Civil War began in 1861, he volunteered to the Union Army and eventually became captain of company A, 18th Kentucky Volunteer Infantry Regiment. James Evans Wilson of this county is a great-grandson of the captain. He has loaned his great-grandfather's uniform to the Cynthiana-Harrison County Museum.

Another great-grandson of James Madison Wilson, Richard T. Wilson has loaned to the museum the Civil War sword presented to Lt. J. M. Wilson by the members of his company. A detachment of the 18th was part of Cynthiana's defense when Morgan attacked in 1862. Lt. Wilson's blanket, belt and buckle also are on display.

Cannonballs of three different sizes from the Cynthiana battles are also in the museum's collection. Burton Kimbrough, Charlie Switzer, and the late Hallie and Jim Bob Martin have contributed the cannonballs. According to tradition, during fighting of the Second Battle of Cynthiana, a hole was made by a cannonball in the former Smith-Rees funeral home at the corner of Pike and Court Streets (current site of new Justice Center). The building was torn down in 1929 and the portion with the "hole" was preserved. For many years, this piece of wood was in the collection of the Kentucky Historical Society. Now, the "hole" is back home. Who truly believes the hole was made by a cannonball? It makes for a good story. [*James S. Whaley told me he thought it may only be a hole for a vent pipe. Editor*]

During the second battle of Cynthiana (1864), Federal Adjutant Edmund Wood and another young man were hiding in a dark recess of the courthouse clock tower when Confederates surrounded the building. A bayonet scabbard, later found in the clock tower, is believed to have belonged to one of these men. Bobby Lake added this item to our collection. The museum's most recent acquisition is the set of 103 letters written from William Jones to his beloved, Mary B. Phillips of Oddville during the Civil War. Jones enlisted in the 7th Ohio Volunteer Cavalry on Sept. 1, 1862. He was captured twice by Confederate forces. The museum received the intriguing letters from Bobby Jones and his sister, Joann Whiteker, the great-grandchildren of William Jones. What a gift! We have been blessed recently with visits from a number of our young people. It is exciting to see the schoolchildren and scouts excited about our local history. Have you visited the museum lately?

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Col. Ferdinand VanDerveer, 35th Ohio, established Camp Frazer near Cynthiana in October 1861, and immediately arrested the county clerk, sheriff, judge and newspaper editor for disloyalty, and sent them to Camp Chase. Photo, Butler County Historical Society.

The first arrests in Harrison County occurred within a week of the establishment of Camp Frazer by the 35th Ohio, commanded by Col. Ferdinand VanDerveer, and four days after General Anderson's proclamation warning against disloyal activities. On September 30, 1861, a group of influential pro-South sympathizers and county officials became the first of many arrested in Cynthiana for "affording aid and comfort to the enemies of the government." Major J. R. Curry, judge of the Harrison County court, Perry Wherritt, county court clerk, William B. Glave, sheriff, and A. J. Morey, editor of the *Cynthiana News*. After being processed at the U. S. Barracks at Newport, Kentucky, the prisoners were transported to Camp Chase, which was near Columbus, Ohio.¹ They remained confined there from three to twenty-five days, except Wherritt, whose release was in late November 1862. The prison log does not record the charges against these men.

State representative General Lucius B. Desha, John Harmon Dills and others fled to Tennessee to avoid arrest during this roundup. A 35th Ohio soldier wrote to his hometown newspaper that two armed secessionists fled Cynthiana the day before his regiment arrived, probably referring to Desha and Dills, and claimed local Union activity would now flourish without the intimidating presence of the leading Southern sympathizers in the county, which was a correct prediction. In this one sweeping maneuver the commander of the 35th Ohio suddenly removed the influential and apparently pro-South



Union Colonel George W. Berry, Berry, Ky., was a Federal Provost Marshal whose duties included enforcing orders discouraging disloyalty and treason. Previously unpublished photo c. 1861, courtesy of Frances Hammond.

county officials from office and nearly apprehended the county's allegedly "secesh" state representative. Although only temporarily imprisoned, the arrested persons represented a forewarning of what could be expected: There would be no toleration of actual or perceived aid to the Confederacy. Desha was subsequently indicted in Federal court for treason in January 1862, and in May 1862 he was again indicted for the misdemeanor of recruiting for the Confederate army. W. W. Cleary, the county attorney and former state representative, was arrested but released after being briefly detained at Camp Frazer.

Perry Wherritt, the county clerk, contended he had broken no laws and blamed his "would be friends" for fabricating charges against him. In a letter to his daughter from Camp Chase, Wherritt wrote: "The only reason I have to complain is that the Government does not examine into the charges preferred against me. If my would be friends that had me arrested were compelled to substantiate the charges giving me a chance to meet them face to face, I know they would not do it as no overt act has been committed by me. Malice aforethought is the only cause of my arrest and the Government does not inquire into the cause."

In September 1861 Union soldiers arrested Francis Lewis McChesney along with editor A. J. Morey. As the former editor of the *Cynthiana Age* and the *Louisville Daily Courier* shortly before the Civil War began, he had advocated the protection of slavery and supported the right of secession. McChesney was taken to Camp Frazer at Cynthiana where he met W. W. Cleary who had also been arrested for disloyalty. McChesney recalled the event in later years: "These arrests caused much excitement, and large numbers of citizens were starting off, intending to go to the South fearing that, if they remained, they would be sent to Camp Chase, or to some other Northern prison. The Federal authorities soon discovered that they had made a mistake, and, in order to quiet the fears of the people, through the influence of Judge W. W. Trimble and John W. Peck, two prominent Union citizens of Cynthiana, both Cleary and McChesney were unconditionally released, and their release caused universal rejoicing. For several months McChesney was left undisturbed; however, in the following June 1862, he was again placed under arrest and made his escape, going at once to Canada." The arrest of newspaper editors Morey and McChesney represented an attempt to control the disloyal press, for no newspaper was printed in the county for the duration of the Civil War. Morey, who served briefly as postmaster in May 1861, had earlier enraged local Unionists in an editorial "to the effect that, as the dagger had accomplished so much good in the late Italian revolution, it was to be hoped it would not be neglected in this [Civil War]." Historian E. M. Coulter has written, "Newspapers early came in for control and suppression." By December

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1864 seventeen northern Kentucky newspapers had ceased publication, leaving only four.

Arrests of Harrison County civilians escalated throughout the war from this small group in 1861 to an excess of sixty persons for various allegedly disloyal acts. This number includes a few who were arrested more than once. The arrests in Harrison County can be generally grouped around two occasions: the first arrival of Union soldiers in the county and the periods when there were Confederate invasions or raids. In 1861 ten arrests took place around September when Camp Frazer was established at Cynthiana; about thirty arrests between July and September 1862 occurred when the Confederates invaded the state; and in 1863, sixteen arrests resulted generally between April and July, when various Confederate detachments operated in the state and Morgan was making his Ohio raid. Some arrest dates are unknown.

The large grouping of twenty-eight civilians arrested or held in prison between August and September 1862 (nearly fifty percent of known arrests) may be partially attributed to General Order 104 by Secretary of War Edwin Stanton and a subsequent proclamation by Lincoln. Stanton issued the order on August 8, 1862, and Lincoln proclaimed on September 24, 1862, that during the existing insurrection all persons guilty of any disloyal act were subject to martial law and the habeas corpus privilege was suspended. The administration intended to discourage opposition to the Militia Draft of 1862, which was signed July 17, 1862, as the first draft in American history. Historian Mark E. Neely Jr. concluded: "From the autumn of 1862 to the end of the war, persons who discouraged enlistments, impeded the draft, or afforded aid and comfort to the enemy were theoretically subject to martial law: arrest, trial, and punishment by the U. S. Army. Once imprisoned, these persons might have no recourse to civil courts, for the writ of habeas corpus was suspended for any such person. Trials by military commission were fully established."

The various Federal and state laws and Federal military orders referred to earlier gave ample reasons to arrest anyone suspected of aiding the secession movement; caution and discretion in detaining citizens and making arrests received little attention in many cases. Except for the five known Federal court indictments, the military arrests in Harrison County seem to have been under martial law without a civil court trial.

The charges against Harrison County prisoners ranged from "aiding and abetting the rebels" and "attempting to arrest a Union preacher" to treason for joining the Confederate army. Federal soldiers even targeted members of the clergy for arrest. Robert J. Breckinridge, the leader of the pro-Union faction of the Presbyterian Church in Kentucky, accused some ministers of being "turbulent traitors" and believed "the peace of society requires their own incarcerating." Breckinridge's daughter lived in Harrison County; she was the wife of George Morrison. The only known Harrison County clergyman arrested was Elder William Conrad, minister of the Twin Creek Church. Conrad was imprisoned two months in the Louisville Prison beginning in July 1864, with the only charges against him being "Confederate sympathizer."

The prison logs in many instances did not list the charges against arrested civilians, which would indicate some prisoners were unjustly incarcerated, but undoubtedly not all could be designated arbitrary arrests. For example, a few former Confederate soldiers were arrested when they returned after becoming ill or wounded. Among these can be named John Harmon Dills, William Francis Martin, Paul King Sr. and B. A. Taylor. Most arrests of people from Harrison County took place within the county, but soldiers seized some in Lexington or Louisville. Federal officers charged two Harrison County men arrested in Louisville with being "spies sent to Camp Chase." A few individuals managed to be apprehended more than once. Mrs. Minerva Rees, while in male attire, was arrested twice for carrying messages destined for Southern friends past the Union road guards. She was held fifty-eight days at the McClean Barracks.

Another Harrison County woman, Mrs. Mary Faulkner Hoffman, was arrested February 1863 by Colonel S. R. Mott, 118th Ohio for passing through Confederate lines. The previous summer she had successfully eluded Union sentinels and visited her husband, William R. Hoffman, who was a Confederate soldier in Georgia. Colonel George Berry arranged her transportation papers to Camp Chase, but after Federal soldiers questioned the papers at Cincinnati, she was returned to Cynthiana. Before Berry could make the necessary corrections to comply with military regulations,



Federal courts indicted, but later acquitted, Lucius B. Desha for treason, however sent him to Camp Chase on unspecified charges. Photo, c. 1860, courtesy of John Desha Breslin.

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Mrs. Hoffman escaped and went into hiding. She finally returned home after her husband's discharge because of illness and was again arrested in 1864. Federal officials initially banished her "north of the Ohio River" but later paroled her after she paid a \$2,000 bond. Mr. Hoffman, a "prisoner on parole," was "shot and killed by a [Union] soldier who called him to the door of his home" in Cynthiana on March 4, 1864. Hoffman may have been armed or resisted arrest.

Mrs. Hoffman had risked being arrested once before. One snowy winter day earlier in the war, while Union soldiers camped nearby, she aided a few Confederate soldiers dressed as civilians sneaking a meal in a Cynthiana hotel. Before a suspicious Federal soldier could notify an officer, she gave the Rebels "Yankee" overcoats and pepper-box pistols for protection. Later, when it was safe, she led them to their horses which she had concealed two miles from town. There they retrieved their uniforms and military arms which Mrs. Hoffman had placed in a carpet bag.

Some arrests arose from events surrounding Morgan's raids. Alexander Garnett was arrested after being in a group of citizens accused of firing at Union soldiers during Morgan's July 1862 Cynthiana raid. On July 26, 1862, Lucius Desha and ex-mayor Samuel January of Cynthiana and "hundreds of prominent citizens" in the state were put under arrest for disloyalty. Perry Wherritt was arrested a second time after Morgan's June 1864 raid.

Wherritt, who was elected mayor of Cynthiana in April 1864, became embroiled in a controversy stemming from a vindictive article in the June 20, 1864, *Cincinnati Gazette* that accused many of Cynthiana's citizens, some by name, of treasonous acts during Morgan's recent raid. The townspeople treated the Union dead and wounded with disrespect, said the article, and declared "Cynthiana is today the headquarters for lurking rebels." The reporter said Wherritt participated in the June 8 burning of Townsend Bridge, directed the Confederates to a store which they robbed, and buried the Union dead in the "Negro quarter of the graveyard...in most cases without coffins." In contrast, the Confederate dead "have been buried in coffins decked with flowers."

Wherritt was subsequently arrested in mid-July 1864, and contrary to the original orders from General Halleck, was placed in the Louisville Prison July 29 and not transported to Washington. Although he originally believed there was "no charge on file," he soon became aware of the *Gazette* article. Wherritt then wrote a letter to General Burbridge arguing that he could disprove the "burying charge" and other charges by the newspaper with affidavits he had enclosed. Wherritt was involved in the burial of some soldiers based on a receipt from the surgeon of the 7th Ohio cavalry dated June 14, 1864. It stated Wherritt had "performed all the duties necessary to burying seven Federal soldiers who died in hospital at Cynthiana."

The burials alluded to by the newspaper took place when a Home Guard, Michael Stapleton, buried some soldiers. His affidavit stated he buried the dead from the battle that took place on the morning of June 11, 1864, "as an act of humanity, unbidden by any one," and cleared Wherritt of any responsibility. Stapleton believed that none of the Union dead was "buried in the grave yard by the side or among the Negroes as charged in the *Gazette's* correspondent." Wherritt countered the other charge against him with affidavits placing him in Cynthiana at the depot and a store while the Confederates burned Townsend Bridge. Wherritt's letter and affidavits must have convinced Burbridge, for he was released from prison shortly after August 21, 1864.

Besides Wherritt, other "secessionists guilty of this outrage" (of treating the Union dead with disrespect) named by the newspaper included Leon Cuson, L. Oxley, L. S. Withers, W. L. Northcutt, and R. C. Wherritt. The "wives of rebel soldiers" helped the wounded Confederates, "yet these women are defiant rebels" whose actions bordered on treason. Felix Ashbrook and Isaac T. Martin, the article continued, prevented their slaves from joining the Union army, and Ashbrook even had his slave whipped.

Union military arrests of civilians without a civil trial could be considered unfair, but they became an effective war measure that balanced expediency with justice. The "lurking rebels" arrested by the military in Harrison County eventually attained their release after a hearing, and Federal courts never convicted any of the five men arrested for treason.



Perry Wherritt, Harrison County clerk, was arrested for allegedly having Union soldiers buried in the "Negro quarter of the graveyard" and for other disloyal acts. Photo, c. 1870s, Harrison Co. Historical Society.

1. This article was originally published in *Rattling Spurs and Broad-Brimmed Hats: The Civil War in Cynthiana and Harrison County, Kentucky* (William A. Penn, 1995), pp. 35-50. Used by permission.

CALENDAR OF HARRISON COUNTY HISTORY EVENTS

E-mail the editor of upcoming history-related events to include in the calendar at pennwma@aol.com.

September 17 - Harrison County Historical Society meeting, 7 PM, Cynthiana-Harrison Co. Library meeting room.

September 18 - Kentucky Folklife Community Scholars Training Program, Licking Valley Community College Center, 319 Webster Avenue, 10 AM to 3 PM. Information: 234-7184; 234-7150; 234-0050.

September 18 - 19 - Battle of Cynthiana Re-enactment, Elks Club grounds, Oddville Pike, with tours of campsite, artillery demonstrations, battle reenactments in afternoon of both days, Civil War camp displays, and several sutlers selling replicas of Civil War-era clothing, camping supplies, firearms, music CDs, old-time toys, and books.

Harrison County, Kentucky, Historical Publications

available from Cynthiana-Harrison County Museum, 112 South Walnut Street, P.O. Box 411, Cynthiana, KY 41031 (859-234-7179); open Fridays and Saturdays 10 AM - 5 PM:

- Boyd, Lucinda, *Chronicles of Cynthiana*. This is a reprint of the rare 1894 edition, which includes family histories, the famous account of David Sheely and his ghost, and other historical sketches and scattered accounts of persons and events connected with Cynthiana and Harrison County. 262 pp. Hardbound. \$20.00.

- June 1896 *Cynthiana Democrat* reprint. This was a special edition with biographical sketches and photographs of prominent men and women; many photographs of buildings; city/county government, church and school information is included. 24 pp. Paperback, 12"x18". \$5.00

- *Cynthiana Since 1790*. Virgil Peddicord (1986). Mr. Peddicord attempted to list the owners/businesses located on each lot from the founding of the city through the mid-1980s, including subdivisions added through 1923. 171 pp. (See separate index below). Paperback. \$20.00

- *Index - Cynthiana Since 1790* (William A. Penn). Mr. Peddicord did not prepare a comprehensive index for his book. This supplemental index contains about 3,500 names and a reference city street map. 30 pp. Paperback. \$3.00

- *Writings of Colonel William M. Moore, (1837-1927)* compiled by Andrew B. "Andy" Peak (2002). Includes 1921-1922 articles he wrote for the *Cynthiana Democrat* about his life. He was born in Harrison Co., but his family soon moved to Lewis Co., Mo.; in 1849 he moved back to Harrison Co., and he wrote much about life in Cynthiana in the early 1850s; he joined the CSA army in 1861 and fought in battles at Lexington, Mo.; Pea Ridge, Arkansas; and Shiloh, Tenn. The book includes several family obituaries and two letters that contain Moore genealogy. 10 family photographs; index; paperback, 71 pp. \$10.00/ \$3.00 shipping. Limited supply.

- *This Old House* by Katherine Wilson. Now back in print, this book tells the stories of twenty-six early Harrison Co. houses and the families who have occupied them. Much material on Harrison Co. history. Exterior and interior b & w photos of each house. Originally printed 1956-1957. 70 pp., new index, paperback. \$15.00 (An index is available for earlier editions, which had no index).

- *Cromwell's Comments*, by John M. Cromwell (1862-1951) is a reprint of Cromwell's 1928-1941 *Cynthiana Democrat* columns on the history of Cynthiana (Harrison Co., KY). A fine writer and historian, Mr. Cromwell covered many topics, including fairs, horses, fires, churches, businesses, cemeteries, government, Civil War, social events, and the Licking River. Sometimes he quoted old county histories, updated the information, and then added his personal reminiscences of interesting personalities from his career as banker and mayor. William A. Penn and George D. Slade, editors. Paperback; preface; 2 maps; 21 photos; 4 illus.; annotated; index; 200 pp. (*Cynthiana Democrat*, 2002), \$10 plus \$3 shipping.

Shipping/handling for above books: Please include a handling and shipping fee of \$4.00 for first book (unless otherwise noted above), \$2.50 for each additional book; you will be notified if special shipping fees apply. No shipping fee on *Index - Cynthiana Since 1790*, if ordered with the book. Make checks/money orders payable to "Cynthiana-Harrison County Museum." No credit cards. Prices/fees subject to change.

Membership - Harrison County Historical Society- Join Today

Send name and address with dues to: Harrison County Historical Society, P. O. Box 411, Cynthiana, Kentucky 41031. Membership fee \$5.00 (includes Harrison Heritage News subscription) due annually January 1. Or, pay at monthly meetings held at the Cynthiana-Harrison County Library third Thursdays 7 P.M.