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WHEN THE RANGERS CAME HOME: RECONSTRUCTING LIVES IN FAUQUIER COUNTY, VIRGINIA, 1865-1866

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WHEN THE RANGERS CAME HOME: RECONSTRUCTING LIVES IN
FAUQUIER COUNTY, VIRGINIA, 1865-1866

A Thesis
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
History

by
Madeleine Claire Forrest
August 2012

Accepted by:
Dr. Paul Christopher Anderson, Committee Chair
Dr. Rod Andrew, Jr.
Dr. Steven Marks

ABSTRACT

Fauquier County, Virginia, is an idyllic spot in the foothills of the Blue Ridge Mountains. However, it has seen its fair share of heartache and pain. It is better known to history as being an integral part of Mosby's Confederacy, the postage-stamped sized area of land in Northern Virginia. It was there in the foothills of the mountains, that one of the most famous guerilla outfits in the Confederate Army operated under the command of John Singleton Mosby. Mosby's men came from many of the leading families in the county and were used to a world of wealth and privilege. Many families in Fauquier had impressive linages; their fathers and grandfathers had helped to shape the fledging United States and controlled Virginia since its early days as a Commonwealth. These families had reluctantly left the United States, yet pledged their loyalty to the Confederacy, and subsequently to Mosby. They had given all they had during four long years of war.

With the war over, the Rangers returned home, eager to see their families, and the people of Fauquier were ready to begin rebuilding their lives. Yet, their last battle had not yet been fought. On May 29, 1865, President Andrew Johnson issued his Amnesty Proclamation, which contained a clause that required men worth over \$20,000 in 1860 to file for a special amnesty pardon. The men of Fauquier County realized that while the bloodshed had ceased, the war was not over. Men who believed their United States citizenship was their birthright had to ask permission from a man they detested to regain it. They needed a pardon if they wished to carry on any type of legal business and, in the months following the end of a war, there was much business to be handled. Even more important, the men could not vote until they were pardoned. For men who were used to

being in control of both local and state governments, who believed completely in republicanism and democracy, who above all wished to finally have some power in their own lives, that pardon was an absolute necessity. And they were willing to do whatever it took to get one.

DEDICATION

For my father, Robert Lewis Forrest, who taught me that history is everywhere;
For my mother, Joan Seaver Forrest, who taught me to appreciate good stories;
And for my grandmother, Jean Northington Seaver, who taught me to never forget
that, “After all, tomorrow is another day.”

ACKNOWLEDGEMENTS

My name may be on the front cover, but this thesis is not mine alone. I owe a great debt to the teachers, friends and family members that gave me the tools to produce this. Dr. Paul Anderson, my advisor and chair of my committee, has patiently answered my hundreds of questions through the years, many of which had nothing to do with this thesis. All of us, at one time or another, have been given a person who not only taught us a lot but gave us the push we needed to follow our hearts. That person for me is Dr. Anderson. He guided me down the scary path of graduate school and has given me the courage to pursue my dream. He challenged me and enabled me to study Southern history in a whole new light. Dr. Rod Andrew, through his courses on Southern history, showed me that it is possible to critique the South while still being proud of it. His strength of faith and character, both in and out of the classroom, are characteristics that I hope to emulate. Dr. Steven Marks demonstrated to me that being a good teacher is all about being yourself and having fun. The lectures he gave in his Western Civilization classes were both informative and entertaining. I hope to carry that over into my own teaching.

My thanks also goes to the Virginia Historical Society and the Clemson Library staff for their assistance in helping me learn as much as I possibly could about Fauquier County in 1865. Additionally, none of this would have been possible without the wonderful education I received at Randolph-Macon College. It is because of the inspiring faculty and staff there that I made it here.

I was told by a wise man when I arrived at Clemson that I would learn more from my peers than from my professors. As is usually the case, he was right. I owe the people I studied with, traded books with, discussed classes with and edited papers with more than I could ever hope to repay. Thank you so very much for making these two years some of the most educationally fulfilling and fun years of my life. Thankfully, I know that the bonds we formed here in Tiger Town will last for the rest of our lives.

Thank you so very much to the friends that visited and called and sent emails. Your love and support has sustained me over these past two years and I am so very thankful to all you. Most especially, I am very thankful for one certain bow-tie-loving, button-down-wearing gentleman who was not daunted by my desire to stay in school for most of my twenties. DQR, thank you for everything. And, finally, to my family, both extended and immediate: thank you for being so supportive of my dream. Mom and Daddy, none of this would have been possible without you.

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Clemson, South Carolina

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Oh, I'm a good old Rebel,
Now that's just what I am;
For the "fair land of Freedom"

I do not care a dam.

I'm glad I fit against it-

I only wish we'd won.

And I don't want no pardon

For anything I done.

- "Oh, I'm a Good Old Rebel"

PROLOGUE

It was a hot day in the middle of summer when ex-Confederate James Hathaway climbed the steps to the Fauquier County Courthouse. Hathaway, a well-known and upstanding member of the community, was a familiar face to the men he passed. A man with a large family and substantial farm, Hathaway was used to running errands into town. There was a sense of both defeat and defiance in the way Hathaway carried himself—he had come to complete a task he dreaded. Hathaway’s clothes might have been a little worse for wear; he had a haggard look about him, as if there were too many sleepless nights in his eyes. On this stifling summer day, the 3rd of August 1865, James Hathaway, diehard Rebel, former supplier to the Confederate Army and loyal friend to John Singleton Mosby, was to swear an oath of loyalty to the United States; a country he had hated for four years.

Hathaway made his way to the office of Mr. John S. Byrne, Clerk of the Court.¹ Byrne was well known in Fauquier, too; but he was known for his Union-sympathies during the War. Nevertheless, he was still a friend to his many Confederate neighbors. Hathaway thus found himself in an interesting situation. Byrne was a familiar face, and Hathaway was comfortable with him. Yet, it was Byrne who would take Hathaway’s official statement of what he had been doing during the war. Hathaway began at the beginning, as did all the men who swore before Byrne: “I am a native of the State of Virginia and county of Fauquier, where I have lived to reach my fifty-fourth year. What

¹ U.S. Department of the Interior, Census Office, Eighth Census, 1860, South West Revenue District, Fauquier County, Virginia, record group 29, roll 1344, p. 45, s.v. "John Byrne."

influence I had was exerted by my votes and otherwise to avert the recent troubles between the South and the North.”² Undoubtedly, Byrne knew exactly what kind of “business” Hathaway had been engaged in during the war. But, if Byrne knew that, he also understood and empathized with Hathaway’s desire to not disclose all of his actions. It must be assumed that Byrne was used to this. Most of the men who passed through his door only told half-truths. It was something Byrne had come to expect, not something he outwardly questioned, and maybe something in which he was complicit. All of them, together, had a past.

The world Hathaway inhabited in the summer of 1865 seemed on the surface identical to the world facing most white Southerners. They were coming to terms with the idea that the country they had spent four years fighting for had disappeared. But the world of Fauquier County was also strangely different. Elsewhere, most white Southerners battled with allegiances to two countries: the Confederate States of America and the United States. The citizens of Fauquier had imagined a third identity: they were citizens and defenders of Mosby’s Confederacy, perhaps the most famous postage-stamp-sized piece of soil in the South. The region, which encompassed the counties of Loudoun, Prince William, Fauquier and Fairfax, was identified with an intense Confederate hyper-nationalism, and made in the image of the partisan leader who gave it his name: John Singleton Mosby. And James Hathaway was a Mosby man. A lot of the men climbing those courthouse stairs in the summer of 1865 were Mosby’s men. Some

² James B. Hathaway, "Application for Amnesty," War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.

served under him. Some, like Hathaway, sheltered him. Their stories were the stories of Fauquier County in war and defeat, stories never more meaningful than in the spring and summer of 1865.

The Gray Ghost was present in spirit with the pardon seekers as they made their way to Byrne's office, just not in form. Mosby had never surrendered them. A week or so after Appomattox, Mosby met with Union Brigadier General George H. Chapman to discuss the possible terms of surrendering his 43rd Battalion, 1st Virginia Cavalry. Mosby told Chapman that until he knew what Confederate General Joseph E. Johnston's plans were, he would not surrender his command. Instead, once Mosby had received word that Johnston had given up, he gathered his men together in Salem, Virginia (present-day Marshall), and had his brother, Lieutenant William H. Mosby, read a farewell address. "The vision we have cherished of a free and independent country has vanished, and that country, is now the spoil of a conqueror," Mosby wrote. "I disband your organization in preference to surrendering it to our enemies."³ The following day most of Mosby's Rangers rode to Winchester and signed paroles, their only official acknowledgement of defeat. Mosby had denied his Union enemies the one victory they were sure they would get and wanted desperately to possess – the surrender of Mosby and his Rangers. Even in defeat Mosby managed to elude the Union Army one final time.

Mosby's defiance is an apt representation of what was occurring in Fauquier and the rest of Mosby's Confederacy in the days and weeks following Lee's surrender. Like their Rangers, the citizens of Mosby's Confederacy did not officially surrender. They

³ Jeffrey D. Wert, *Mosby's Rangers: The True Adventures of the Most Famous Command of the Civil War* (New York: Simon and Schuster, 1990), 288.

understood the war was over and they had no desire to continue fighting; still, they camouflaged their supposed allegiance to the United States or attempted to withhold it entirely as an act of continued defiance. “Many people,” as Anne Sarah Rubin writes, “split their identity after the war: politically, they could become Americans, but emotionally, in their ‘true hearts,’ they continued to remain apart, protecting their memories.”⁴ White Southerners in Fauquier needed neither war nor the Confederacy to continue believing in their cause, and in Mosby’s Confederacy. And they showed their allegiance in different ways.

The most obvious was continued hero worship of John S. Mosby. For almost three years, Mosby’s daring raids and exploits had given hope and a sense of success to the citizens of Fauquier. Its people witnessed victory and even felt it. They saw Union soldiers killed and a general captured, railroads and supply trains interrupted, and the enemy terrified. His bold guerrilla warfare, besides inspiring a sense of hyper-nationalism in Fauquier County, made Mosby into a symbol of their Confederate and Southern selves. While not physically imposing, Mosby cut an impressive figure. A plume in his hat, manfully astride a striking gray horse, Mosby was a dashing Southern gentleman and horseman. Unlike other chivalrous heroes such as his mentor, Jeb Stuart, or the knightly Turner Ashby, Mosby survived the war. He was the embodiment of a nationalism that outlasted the Confederate nation. In simply surviving, he was breathing defiance.

⁴ Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861-1868* (Chapel Hill, NC: University of North Carolina Press, 2005), 171.

Mosby's guerrilla warfare could not survive without a strong support system, so its proponents had to be completely and totally committed. A guerilla war makes no distinction between home front and warfront, and no distinction between civilian and soldier. Supporting a guerrilla war requires vigilance by all involved; one's guard can never be dropped. It places stress on the local population; guerrillas must be housed and supplied. In conventional warfare, the battlefield is distant, both in actuality and in mind. In guerrilla warfare, that distance does not exist. The battlefield is everywhere. The people involved could lose everything at any moment.

As Hathaway made his way to Byrne's office to plead his application of official pardon required by Andrew Johnson, he knew he was going to have to divulge some of his actions during the war and ask forgiveness for them. Hathaway not only supplied horses to Mosby; his home was also considered a safe house. He was not alone as other Mosby men also had to confess. John Beckham admitted that he worked for the Confederacy: "I have acted during the last war as agent for the Quartermaster and Navy Department of the Confederate States in the purchasing of supplies for the Departments but did not volunteer or bear arms in the Confederate States service."⁵ Luke Woodward, whose son was most likely a ranger in Mosby's command, stated that, "His taxable property is probably excised in value of the sum of twenty thousand dollars all of which he made by his own industry, having started life without a cent and been compelled always to labour hard. He has suffered already very largely by the troops of the Federal

⁵ John G. Beckham, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

Army being encamped upon his land and by sundry impressments.”⁶ These were men who knew that the United States government would not look kindly on what they had done and what kind of war they had supported during the Civil War.

These men, and all the men whose pardons will be discussed in this thesis, were compromised by another set of circumstances. All of them were applying not because they supported Mosby per se, but because they fell under Andrew Johnson’s 13th exception. They had all been worth at least \$20,000 in 1860. That controversial provision captured an entire class of men – the elite planters, who were the aristocrats Johnson (and many in the North) blamed for a treasonous, catastrophic war. While some of the men may not have been serving the Confederacy in an official capacity, their wealth made them conspicuous. As members of the Confederate elite, wealthy planters came to symbolize two things in Union victory: the need to finally purify democratic society of aristocratic corruption and a patriotic desire to humiliate tyrants.

But in Fauquier, this wealth became a very real issue of material support. The wealth of Mosby’s Confederacy represented the bitterness and savagery, as Unionists saw it, of partisan war. In 1860, almost half the people of Fauquier were slaves, a percentage of the population greater than in some of the richest cotton regions of the Deep South.⁷ According to James Ramage, about 40 percent of white households in Fauquier owned slaves, a ratio “considerably higher than the 25 percent in Virginia and the entire South.”⁸ In other words, Mosby operated in a region that not only could afford to support him, but

⁶ Luke Woodward, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

⁷ James A. Ramage, *Gray Ghost: The Life of Col. John Singleton Mosby*, (Lexington, KY: University Press of Kentucky, 1999), 101.

⁸ *Ibid.*

that was filled with people who would never turn on him. Slave-owners, after all, stood to lose the most if the Confederacy lost. Mosby knew that he could rely on them to keep him and his Rangers safe just as they would rely on him to do his part to win the war. The men asking for pardon, in other words, knew that they were symbols themselves, just like Mosby was. They were aristocrats; they were guerrillas; they were hyper-Confederate nationalists.

There seems to be no way that John Byrne, notary public of Fauquier County and long-time resident, was not aware of what his neighbors actions during the war, or who among them was a Mosby man. It also does not seem possible that he did not recognize lies of omission when he heard them. But there also was no way he did not recognize his own complicity. It was not his job to verify the stories, only to verify that men had appeared before him to tell them. He was verifying gray ghosts.

After all, who didn't know Hathaway or his story? The Hathaways were incredibly wealthy; their home, Western View, was one of the most hospitable in Fauquier. John S. Mosby's wife, Pauline, had often come to visit during the war, and Mosby had her stay at the Hathaway home. Hathaway was also a valuable asset to Mosby himself, giving of his food and shelter and even of his stable as Hathaway's horses were renowned in Mosby's Confederacy.⁹ Naturally, as everyone knew it would be, the house became a target. The Union Army arrived one night while Mosby was there and searched the house. Mosby escaped but Hathaway was arrested. That was all common knowledge. In his pardon, James Hathaway swore,

⁹ Wert, *Mosby's Rangers*, 50.

What influence I had was exerted by my votes and otherwise to avert the recent troubles between the South and the North. During this continuance, I remained on my farm in care of my family and private affairs being disabled by physical infirmity from taking any part therein. Notwithstanding which, my position subjected me to several events, and even to temporary imprisonment by the Federal troops.¹⁰

That was his story. The question was not whether he would stick to it, but whether it would stick to him.

This thesis will study the act of asking for a pardon, more specifically those men who were required to file applications because they fell under the thirteenth exemption in President Johnson's Amnesty Proclamation. They were exempted because they were worth \$20,000 or more in the 1860 census. This study will discuss life in Fauquier County, Virginia, and the effect that harboring the most infamous guerillas during the Civil War had on citizens who later had to apply for pardons.

The act of applying for pardon was two-fold: first, the political advantage was that United States citizenship was regained. The second was less straightforward. Writing a pardon was putting to paper what these men wanted the Federal Government to know about their wartime experiences. But there were other consequences. The pardons also allow us to understand in what ways the war affected them and the events they chose to highlight show what they considered important. All of the men filing for pardons shared a past. Yet, not all shared the same events. Writing a pardon was all about choices and it is through those choices that we can learn the most.

¹⁰ Hathaway, "Application for Amnesty."

As Hathaway made his way to the office of Mr. John S. Byrne, Clerk of the Court, he knew he would be seeing a neighbor. The task before him was not an easy one, but one that needed to be completed. He sat down across the desk from Byrne and began, “I am a native of the State of Virginia and county of Fauquier, where I have lived to reach my fifty-fourth year. What influence I had was exerted by my votes and otherwise to avert the recent troubles between the South and the North.”¹¹

¹¹ Hathaway, "Application for Amnesty."

INTRODUCTION

A complete work analyzing the pardon applications written and filed by ex-Confederates in the months following the end of the Civil War has yet to be written. The applications are referenced countless times in various scholarly books and articles, but a study dealing exclusively with them has not been created. The applications offer fascinating insight into the world of ex-Confederates immediately following the end of the Civil War. Many historians have written about Southerners and their lives after the war's end; the ex-Confederates, as historians have discovered, are a hard group to understand and analyze since many factors influenced them. Location, wartime experiences, and social class all affected their thoughts and actions, and the scholarship written about ex-Confederates reflect these challenges. Some historians focus simply on one area of the South; others focus on one social class or the role of politics; still others try to achieve a broader view by studying the South as a whole. All provide insights into the minds and actions of ex-Confederates. However, none of this work includes any significant research into the pardon applications.

Pardon applications enable historians to gain a new understanding and see fascinating facets of the ex-Confederate character. The applications allow for individual stories to be told that in turn tell us a lot about life immediately following the war. Though some historians have discussed the social and political impact of the war, none of them have studied exclusively the language that ex-Confederates used to exonerate themselves and to extricate themselves from having fought against their former nation.

The act of asking a pardon required the applicant to seriously think about his actions during the war and his current beliefs about those actions. The men drafting the applications were doing so because they believed it was necessary in order to survive in a tenuous, post-war world. They did not know what was going to happen to them or their families. They were in limbo.

Under President Johnson's Amnesty Proclamation, issued on May 29, 1865, fourteen classes of people were excluded from general amnesty. Several exclusions, such as former Confederate officers or men who gave up seats in Congress in order to support the Confederacy, made perfect sense. However one exception in particular, the 13th, was more surprising. The 13th exception stated that all men, or widows who had inherited estates, who were worth \$20,000 or more in the 1860 census had to formally apply for pardon. In this way, Johnson distinctly targeted one class in particular. The effect this had on the men and women who fell under that exception cannot be underestimated. Their pardon applications reveal people caught between loyalties; in their hearts, they were Confederates, but they understood that the war was over and they had lost. Therefore, it was necessary for political and social reasons to once more become citizens of the United States. In order to do that, they had to ask for a pardon from a man who detested them and all they stood for. The act of asking to be pardoned brought to the surface all types of beliefs and feelings. The applicant's sense of honor, political beliefs, family, social life, war exploits – topics that historians have been studying – all influenced what information was given. It was with those words that they attempted to

explain their actions; those words shed light on the ambiguity of life in the immediate post-war South.

Those words also shed light on how ex-Confederates viewed the relationship between their dead nation and their new one. The applications were an act of communication and reconciliation between an individual and his conquering government. The applicants, practically all men and die-hard Confederates, had to re-brand themselves. They had to make Johnson understand that they took their loyalty oaths in good faith, even though they spent four years fighting against all that those oaths stood for. Somehow they had to convince the conquerors that they were ready to be loyal citizens once more.

Many books and articles have dealt with the role of ex-Confederates and the South immediately following the end of the war, but none have combined the social and political aspects that constituted asking for a pardon. Eric Foner, in his comprehensive book *Reconstruction*, discusses the pardon applications in light of President Johnson's Reconstruction plan. Foner analyzes the 13th exception and why Johnson included it in his Proclamation. Johnson's hatred for the wealthy planters was well known and he blamed them for beginning the war. Johnson had two goals for including this class in the exceptions; one, Foner writes, was Johnson's "long-time aim of breaking the political and economic hegemony of the 'slaveocracy' and establishing the ascendancy of the South's

Unionist yeomanry.”¹² The second was to “force [the Southern aristocracy] to endorse his terms of Reconstruction.”¹³

However, the very comprehensiveness of Foner’s book does not allow for much detail. There is no in-depth discussion of post-war Southerners and their personal thoughts about becoming American citizens once more. Foner’s focus here is on the North; he only writes about what the pardon applications meant for the Union accepting the former Confederacy back into the fold. He also only discusses the applications in a political light; he does not account for what they meant for the South socially. His is a sweeping view of history that does not allow for the more localized approach that the pardon applications need.

Other works highlight parts of the life ex-Confederates faced in the spring and summer of 1865. Stephen Ash, in *A Year in the South*, wrote a lucid history following the lives of four Southerners: a lady, a former slave, and two white men, one young, one old, throughout 1865. His study illustrates the impact the events of 1865 had on different types of people across the South. He writes, “What this book offers, therefore, is not the whole story but rather a vivid part of the story of four Southerners as they stepped across the threshold between the old world and the new.”¹⁴ Unlike Foner, Ash takes a distinctly social approach, measuring the sense of defeat and loss in individual lives, not in large-scale politics.

¹² Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper & Row, Publishers, 1988), 183.

¹³ Ibid, 184.

¹⁴ Stephen V. Ash, *A Year in the South: Four Lives in 1865* (New York: Palgrave Macmillian, 2002), xiv.

Ash's narrative relies on private documents, such as diaries and letters, and constructs the individual lives through their own words and the words of their close friends and families. This allows for wonderful insight into their private world. The pardon applications, though, give insight into the way they wanted their private lives to be perceived in the public world. The applicants understood that, unlike a letter or a diary entry, their application would be public property and read by many different people. Therefore, they had to pick their words carefully and think about exactly what they wanted to say and how they wanted to say it.

Two other works, Stephen Berry's *All That Makes A Man* and Drew Gilpin Faust's *This Republic of Suffering*, deal directly with the Civil War itself and add two important ideas to the conversation.¹⁵ Berry's is an emotional history, and he focused especially on the Southern concept of manhood. He aims to find out why, exactly, Southern men fought the war. Men in the nineteenth century were searching for two things, he argues, "love in life, immortality after death."¹⁶ Because women played such a large role in both defining love and immortality, Berry constructs his writing around various love stories in order to illustrate what manhood meant before and during the Civil War.

Southern manhood is intrinsically tied up in honor. For the men who returned home in defeat, it was a shock when they realized that the most elementary of concepts – ideas that had been ingrained in them since they were children – needed to be

¹⁵ Drew Gilpin Faust, *This Republic of Suffering: Death and the American Civil War* (New York: Random House, 2008).

¹⁶ Stephen Berry, II, *All That Makes A Man: Love and Ambition in the Civil War South* (New York: Oxford University Press, 2003), 12.

reexamined. Their honor was challenged in many ways following the end of the war, but none more so than when they were forced to ask for forgiveness in a very public way. President Johnson intended to humiliate them. By requiring them to apply for pardon, Johnson was forcing Southern men to swallow their honor. Southern men in the nineteenth century were not fond of acts of humility. After suffering the defeat of war, Southern men were already feeling vulnerable. Having to ask their former enemy for forgiveness was almost too much to bear.

Faust's analysis of the role of death and mourning during the war helps to illustrate exactly what Confederates and Unionists faced in every day life, and how the calamity of death affected them. In analyzing grief, she writes about how the living dealt with the dead, not how the living went on living and surviving. The pardon applicants, however, had to deal with a different type of death. Post-war, ex-Confederates were dealing with social and political death; their nation was gone and their world had come crashing down around them. They were not even citizens of their new country. Faust illustrates the humanity of suffering and exactly how both the United States and the Confederacy attempted to deal with the sorrow and mourning that occurred on such a large scale. The applications, however, show that the suffering did not end once the armies left the battlefield.

The suffering and mourning that occurred in the post-war South manifested itself in the Lost Cause mentality. In *Ghosts of the Confederacy*, Gaines Foster charts the emergence of the Lost Cause and the factors that influenced it. It was the Lost Cause that enabled Southerners to finally have a way to honor their dead and their former beliefs

even though they had been defeated; it was this that allowed ex-Confederates to be able to keep the spirit of the Confederacy alive while at the same time eventually becoming, and remaining, loyal Americans. Foster writes that “the rituals and rhetoric of the celebration offered a memory of personal sacrifice and a model of social order that met the needs of a society experiencing rapid change and disorder.”¹⁷ It provided a way for the South to move forward in the present while still honoring its past.

However, the Lost Cause did not begin in earnest until the 1870s and 1880s. Until then, white Southerners were simply trying to survive. They were focused on reconciliation and learning how to live in the new world in which they found themselves. The pardon applications show them beginning to do this. Southerners were not interested yet in keeping the memory of the war alive because they had to focus on keeping themselves alive first. It is only once they found their footing in social life and politics that Southerners had the inclination to find ways to honor their dead and the cause they represented.

What Southerners faced and felt immediately after the end of the war have been discussed in the most detail in Dan T. Carter’s *When the War Was Over* and Anne Sarah Rubin’s *A Shattered Nation*. Both Carter and Rubin deal explicitly with the South and how Southerners reacted to the world in which they found themselves following the end of the war. Carter focuses on a two-year time span, 1865-1867, and discusses the South in its entirety. Like Foner, he analyzes it with a political bent and illustrates how

¹⁷ Gaines M. Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South* (New York: Oxford University Press, 1987), 6.

Southerners adjusted to life post-war through their politics and their beliefs regarding emancipation. He writes that,

they [white southerners who had been reluctant secessionists] promoted distinctly conservative policies. Their notions about the future of the freed men and women in their midst were an amalgam of despair, frustration, and hatred. But these emotions were often leavened by a dash of antebellum paternalism and a realistic awareness that the nation would never accept a return to those antebellum legal codes that had placed free blacks a half step away from slavery.¹⁸

The political views of white Southerners are an integral part of the post-war story. But because Carter tends to focus on the planter class, it can be assumed that many of the men he studies fell under the 13th exception to Johnson's Amnesty Proclamation. Therefore, until they were pardoned, they were unable to vote or participate in any capacity in the government. The pardon applications prove to be necessary if we are to understand the whole story.

Rubin, by contrast, studies how Southerners adjusted by exploring their changing ideas of patriotism and nationalism and how that process affected Southern memory. Rubin also "explores the ways in which white Southerners held on to vestiges of their Confederate identity."¹⁹ She continues, "Former Confederates negotiated the boundaries of their American identity, struggling to hold on to local (and racial) control."²⁰ Those "boundaries" proved to be tricky as ex-Confederates had to figure out how to define them. They were no longer Confederates; but were they truly Americans? They clung to

¹⁸ Dan T. Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge, LA: Louisiana State University Press, 1985), 3.

¹⁹ Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861 – 1868* (Chapel Hill, NC: University of North Carolina Press, 2005), 2.

²⁰ *Ibid.*

their Southern identity and had to discover how to consolidate that with their new American identity.

Rubin also confronts the act of pardoning and what it meant to Southerners. She writes, “They justified their decision on pragmatic grounds: they no longer had a Confederate government to pledge their loyalty to, and they wanted the rights and privileges that U.S. States citizens had, especially in terms of property and local political (and therefore racial) control.”²¹ The applications illustrate this struggle of how white Southerners attempted to deal with divided loyalty. Rubin, however, studies the entire South in her attempt to understand Confederate, and ex-Confederate, identity. Because she does not focus on one region or locality, it is hard to get a real sense of exactly how Southerners defined their ideas of citizenship. By focusing on one place, Fauquier County, it is possible to gain a more concrete understanding of exactly how those particular Southerners viewed their identity, especially in light of the extreme hyper-nationalism that was present in that area.

While none of these works deal explicitly with pardon applications, they all illustrate the necessary parts of the act of asking pardon. Questions of manhood and honor; of divided loyalties, of political control, and of a changing social order were all issues facing ex-Confederates who climbed the steps of various courthouses in the spring and summer of 1865. The applications take on even more significance when the applicants lived in an area marked by guerrilla warfare. Fauquier County, Virginia, changed hands several times throughout the war, but was always overwhelmingly in

²¹ Rubin, *A Shattered Nation*, 2.

support of Mosby and his Rangers. One of the wealthiest areas in the South, it was more than just a county in Virginia. It was also a part of Mosby's Confederacy, a region that encompassed Loudoun, Prince William, Fauquier and Fairfax counties, and so was part of the guerrilla battlefield in Northern Virginia.

Michael Fellman's *Inside War* and Daniel Sutherland's *A Savage Conflict* are influential works on guerrilla warfare. Sutherland, whose focus is on guerrilla warfare throughout the South, captures it this way:

First, there was the 'irregular' way they attacked, harassed, and worried their foes, quite unlike the methods used by regular soldiers in conventional armies. Second, their principal responsibility, their very reason for being in most cases, was local defense, protection of their families or communities against both internal and external foes.²²

That definition highlights the importance of Fauquier County. The citizens of Fauquier were not only recovering from a war; they were recovering from a guerrilla war. More than most Southerners, the people of Fauquier had had a much larger stake in the final outcome. They had risked their lives and their livelihoods in order to protect Mosby and his Rangers. They were no ordinary Confederates, and their sense of hyper-nationalism, because of their support for Mosby and his Rangers, makes these applications especially interesting when they are made to seek pardon from the very government they spent four years fighting.

Fellman, however, focuses on the guerrilla war in Missouri. While the guerrilla war fought there was very different than the one fought in Virginia, there was one critical

²² Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War* (Chapel Hill, NC: University of North Carolina Press, 2009), xii.

similarity.²³ The people in both Missouri and Fauquier County developed what Fellman calls “survival lies.” He defines a survival lie as, “Not letting on, telling the questioner – from either side – as little as possible but enough to placate him [...] I would call that political technique of trying to live on through terror survival lying...”²⁴ Although Fellman develops the survival lies as a wartime tactic, it survived into the post-war period, if the pardons from Fauquier are an indication. Most of the men applying from Fauquier were well versed in survival lies as it was they who had defended Mosby and his men for two years. That well honed practice served them well when it came time to apply for a pardon. They had the ability to share as little or as much information as they wanted and still make their application suitable. The applicants had survived several years of guerrilla warfare and were applying those survival techniques to their post-war lives.

These pardon applications are significant for many reasons, especially when read in the context of a former guerrilla area such as Fauquier County. Unless these pardon applications are included, no discussion of life in the post-war South is complete. By focusing on Fauquier County, one is given the opportunity to study not only what life was like in the immediate post-war South, but what life was like in an area that had been hyper-Confederate, unlike Missouri which was notoriously divided. This is a very local approach that ultimately will allow for the creation of a social history of the experience of

²³ Mosby and his men were a recognized outfit of the Confederate States Army and operated as such. In 1863, General Robert E. Lee appointed Mosby first a major of Partisan Rangers and finally a major of the 43rd Battalion 1st Virginia Cavalry; see Ramage, *Gray Ghost*, 73. In Missouri, the guerrilla war was much more grassroots and mainly fought between neighbors and, at times, the Union Army that was stationed nearby.

²⁴ Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri during the American Civil War* (New York: Oxford University Press, 1989), 48-9.

surviving the war. By studying the pardon applications, one will be able to learn what the ex-Confederates were thinking and how they were attempting to survive the days and months following the end of the war. The applications are also important for what they do not say. The experiences or events they choose not to share illustrates just as much about them as the ones they do share. The applicants used very specific words and phrases to paint an exact picture they wanted Andrew Johnson to have. Those words and phrases chosen can themselves shed new light on what the former Confederates were thinking and feeling.

This thesis will be divided into two chapters. The first chapter studies reunion applications and will discuss the applications made by men whose first desire was to reunite Virginia with the United States and regain American citizenship. These were the standard applications: the type constructed by most men who fell underneath Johnson's 13th exception. It was the most popular type written and it involved the applicant giving just as much information as he thought necessary in order to receive a pardon.

Additionally, this chapter will discuss Anne Sarah Rubin's idea of split identities, which appeared in the applications in two ways: practically and personally. On a practical level, the men understood that the act of filing an application was necessary and that they had to say and do certain things, such as taking an amnesty oath, even if they did not believe in them. They tried to keep their personal feelings to themselves, yet wanted Johnson to understand their way of life. Therefore, they had to share some personal things but framed them with practical wording.

The second chapter focuses on rebel applications. In this type of application men shared more of their feelings and used the application to tell Johnson exactly what they thought about the events that had occurred in the previous four years. They used the applications to explain to Johnson their reasons for supporting Virginia's secession from the Union. These applications also actively incorporate Michael Fellman's idea of "survival lies." However, given the context of ex-Confederates trying to live in a post-war world, this survival tactic transformed into "survivor lies." These men had already survived the war; now they needed to survive in a new world that was both unfamiliar and unstable.

With the end of the war came the desperate need to simply go on living in whatever way they could, doing whatever they had to do to accomplish that goal. The men applying for pardons in Fauquier County had lost everything. They were once some of the wealthiest men in Virginia; their horses, livestock, and grain had supplied one of the most infamous guerrilla outfits in the war. They had opened their homes to Mosby and his Rangers and defended and protected them when the Union Army came calling. They had survived the war and now had to survive in a world in which their actions could be considered treason. Once more, they had to learn how to survive in a hostile environment. How did they respond when they not only had to take an Oath of Allegiance to the United States but also had to ask a man who hated their wealth, their stature, and their guerrilla war for a pardon? That question needs to be answered.

CHAPTER I

REUNION APPLICATIONS

Fauquier Co., April 21st 1865.

Soldiers –

I have summoned you together for the last time. The vision we cherished of a free and independent country has vanished, and that country is now the spoil of a conqueror.

I disband your organization in preference to surrendering to our enemies. I am no longer your commander. After an association of more than two eventful years, I part from you with a just pride in the fame of your achievements and grateful recollections of your generous kindness to myself. And now, at this moment of bidding you a final adieu, accept the assurance of my unchanging confidence and regard. Farewell!

*John S. Mosby
Colonel*

These words brought to an end one of the most notorious guerrilla outfits of the Civil War. For the final time, John S. Mosby and his men eluded the Union Army and did not grant them the satisfaction of surrendering. It was their final act of defiance. In the coming days and weeks, though, Mosby's men signed parole documents at various courthouses throughout Virginia. They were protected under the terms of Robert E. Lee's surrender at Appomattox, and so faced no extra persecution when submitting to the Federal authority.²⁵

The return home of Mosby's men signified to the people of Fauquier the official end of the war. If Mosby's Rangers had laid down their arms, then the Confederacy was really dead. That did not mean, however, that their belief in the Cause was dead. Just as Mosby refused to surrender his men to the Union Army, the people of Fauquier refused to

²⁵ James A. Ramage, *Gray Ghost: The Life of Col. John Singleton Mosby* (Lexington, KY: University Press of Kentucky, 1999), 267.

surrender their beliefs and become Americans. They may have become United States citizens once more, but they were not about to forget or give up their citizenship in Mosby's Confederacy.

Besides refusing to surrender his men, Mosby also refused to surrender himself for several weeks after Appomattox. Mosby did not immediately ride to the nearest Quartermaster's office to be paroled, as he had encouraged his men to do. Instead, he decided that if General Johnston would continue to fight, he would ride to North Carolina and assist. Mosby and several of his men first rode to Richmond where one of them acquired a newspaper and learned of Johnston's surrender. Now, Mosby was stuck. By waiting to turn himself in, he had lost his opportunity to be paroled and there was now a bounty of \$2,000 on his head.

From April to June, Mosby stayed with various family members, never remaining too long in one place. Thankfully, however, both Generals Grant and Lee interceded on his behalf and Mosby received word that he would be paroled just like the rest of his men. On June 17, 1865, more than three weeks after Andrew Johnson's proclamation, the Gray Ghost surrendered to Federal authorities and received the protection of Grant's terms at Appomattox.²⁶ Mosby's Rangers were officially a part of the past.

The world that Mosby and his men returned to was in turmoil. The men requesting pardons from President Johnson had no idea whether they would be pardoned and what it would mean for their families if they were not. People across the South were

²⁶ The terms states that "each officer and man will be allowed to return to his home, not to be disturbed by United States authority so long as they observe their paroles and the laws in force where they may reside." "Modern History Sourcebook: Terms of Lee's Surrender at Appomattox, 1865," Fordham University, accessed April 16, 2012, <http://www.fordham.edu/halsall/mod/1865RELee-surrender.asp>.

disorientated and shocked that the Confederacy, an idea and reality they had been fighting for over the course of four years, was no more. “The soldiers considered the civilians as ‘spiritless’ as themselves,” Gaines Foster writes. “One veteran observed that during the first months after Appomattox all seemed ‘steeped in a fatal lethargy, unwilling or unable to resist or forward anything.’”²⁷ The South experienced a vast amount of change in the months following the end of the war, and many people, black and white, had trouble adjusting. Even former Confederate leaders had a hard time making a living.²⁸ However, by the end of 1865 and into the beginning of 1866, the South, including Fauquier County, began to regain its footing and developed a new sense of purpose.

It was also during this time that the people of Fauquier County began to forge a post-war identity. They had come to terms with the end of the Confederacy, but that did not mean they were going to simply move on. Instead, their intense patriotism and support for Mosby and his Rangers manifested itself in other forms, namely in how best to remember those men and their notorious deeds. According to Anne Sarah Rubin, “Many people split their identity after the war: politically, they could become Americans, but emotionally in their ‘true hearts,’ they continued to remain apart, protecting their memories.”²⁹ It was what they had to do to survive. They had to create a separate place where they could recognize and honor their lost hopes and dreams, a place where their

²⁷ Gaines M. Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South* (New York: Oxford University Press, 1987), 13. See also: Stephen V. Ash, *A Year in the South: Four Lives in 1865* (New York: Palgrave Macmillian, 2002).

²⁸ Foster, *Ghosts of the Confederacy*, 14.

²⁹ Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861 - 1868* (Chapel Hill, NC: University of North Carolina Press, 2005), 171.

actions were not dishonorable, a place where they could teach their children about the Confederacy without being called traitors.

The split identity that Rubin describes manifested itself in the pardon applications in two ways: practically and personally. On a practical level, the men characterized themselves in ways they hoped would guarantee them a pardon. They understood that filing an application was necessary and that they had to say certain things, even say them in a certain way, though they did not wholeheartedly believe in what they were saying. However, on a personal level, they clung to their identity as Confederates. They still believed in the ideals represented by that life. For practical purposes, many attempted to keep their personal beliefs and actions during the war to themselves; but, strangely, they also wanted Johnson to understand their world. They ended up sharing personal stories but framed them with practical wording in order to secure that very important, and necessary, pardon.

Several times, that wording involved telling lies. In describing guerrilla war in Missouri, Michael Fellman uses the term survival lie, which he defines as “not letting on, telling the questioner – from either side – as little as possible but enough to placate him [...] I would call that political technique of trying to live on through terror survival lying...”³⁰ In Northern Virginia after war, that practice morphed into what might be called survivor lies. Fellman’s guerrillas were trying to survive the war, but the people of Fauquier were trying to survive in the immediate post-war world. The people of Fauquier needed to find their place in the spiritless new world described by Foster, and

³⁰ Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri during the American Civil War* (New York: Oxford University Press, 1989), 48-9.

they believed it necessary to lie in order to do that. A more in depth discussion of survivor lying will take place in the following chapter.

Ironically, Mosby himself, though some ways the living symbol of post-Confederate identity, did not seem to have faced this struggle. After he was finally paroled in June, Mosby returned home like the rest of his men. Like them, he had spent very little time with his family during the past four years, and no doubt they were relieved to have him home safe at last. Also like his men, Mosby had to pick up the pieces of his old life and put them back together. But he seemed to have done so very quickly. His family had spent the war years with family and friends because Mosby and his wife Pauline did not have a home of their own. After the war, Mosby first lived in Culpeper, Virginia, but soon relocated to the area that had made him famous. He settled his family in Warrenton, in a rented house in town while practicing law in the county seat.

He then proceeded to enjoy the most lucrative four years of his life. His name had entered the pantheon of Southern leaders and since he had the added bonus of also surviving the war, he was able to reap the benefits of his daring exploits during the war. People across Virginia sought Mosby's assistance with their legal issues – of which there were plenty after the war. Pauline and Mosby were wealthy enough by 1866 to purchase their own home in Warrenton; Pauline even spent over a thousand dollars furnishing it.³¹ By 1869, it appeared that Mosby would suffer none of the adjustment that had and still was tormenting his former countrymen and country.

³¹ Ramage, *Gray Ghost*, 272.

However, his fellow citizens and many of his former Rangers were not so lucky. The very Amnesty Proclamation that protected Mosby when he finally surrendered was troubling to many in Fauquier. On May 29, 1865, President Andrew Johnson issued his Amnesty Proclamation, granting general amnesty to the majority of citizens and soldiers who had lived and participated in the Confederacy. Johnson's proclamation was similar to the one issued by President Lincoln in December of 1863. Both proclamations granted general amnesty to the majority of Confederate soldiers, yet both made exceptions: high-ranking Confederate Officers and Government officials had to apply for a pardon, as did men who had left their seats in Congress to aid the Confederacy.

However, Johnson added an additional exception that required men worth over \$20,000 in 1860 to apply for a pardon, regardless of whether they had participated in the war. Johnson added the so-called thirteenth exception because he believed, “that the rebellion was the work of the slaveholders; and ... [that] he was sure ... to catch in his twenty-thousand-dollar drag-net some great offenders' not in the other classes.”³² A self-made man, Johnson had a vendetta against elite planters even while governor of Tennessee, and his dislike of the planter class only intensified as the war continued. His Amnesty Proclamation gave him the opportunity to embarrass the aristocracy and force them to grovel before the government they had betrayed.³³ A large number of Fauquier citizens fell underneath the thirteenth exception. More than 13 percent of families in

³² Jonathan Truman Dorris, *Pardon and Amnesty Under Lincoln and Johnson: The Restoration of the Confederates to Their Rights and Privileges, 1861-1868* (Chapel Hill, NC: University of North Carolina Press, 1953), 222.

³³ See Eric L. McKittrick, *Andrew Johnson and Reconstruction* (New York: Oxford University Press, 1960); and Hans L. Trefousee, *Andrew Johnson: A Biography* (New York: W. W. Norton & Company, 1989).

Fauquier County owned twenty or more slaves, a greater proportion than the 11 percent in all of Virginia and 12 percent for the South.³⁴

At a glance, the applications appear to be nothing more than necessary legal documents. The similarity of language among the applications leads one to conclude that they are lawyers' briefs. Many of the applicants, in fact, were attorneys themselves and they served a hothouse legal industry that grew up around the pardon process. All applications had to first be sent to the governor of the state who would review it, approve it if he thought it worthy, and then send it on to the national administration and President Johnson. Applicants could pay around \$150.00 to have a broker deliver their application to the necessary authorities and speed up the approval process.³⁵

Adding to their *pro forma* appearance was the urgency of the appeal. The men who were required to file them understood that the act was necessary to regain their rights as United States citizens. Without a formal pardon from the United States government and President Johnson, the men might not have been able to begin rebuilding households ruined by the ravages of war. On a deeper level, these men also wanted to repossess all the rights afforded to citizens of the United States. In a world where universal suffrage did not yet exist, but universal white manhood suffrage did, citizenship was critically important. Not only was it a white man's duty to vote: citizenship was how he exercised control over his life outside the home, and, indirectly, was the source of his power and authority inside the home as well.

³⁴ Ramage, *Gray Ghost*, 101.

³⁵ Dorris, *Pardon and Amnesty Under Lincoln and Johnson*, 144.

The language of the applications also illustrates that the men were wary. Many included the phrase, “but not knowing what construction the courts may place upon the twenty thousand dollar class (the thirteenth of the excepted cases) in your proclamation...”³⁶ This statement illustrated that they knew receiving a pardon was not a sure thing. Applicant Rice W. Payne wrote, “that [the] petitioner is without any means whatever of maintaining a large family except by a sale of a portion of his property, which cannot be effected until he shall have received special pardon and amnesty at the hands of your Excellency.”³⁷ And, of course, until their citizenship was restored, the men could not participate in the rebuilding of their state governments.³⁸ Historian John Dorris writes:

Naturally the disfranchised and otherwise proscribed Southerner was anxious to be pardoned and have his rights and privileges restored. Until this was done, he could neither acquire nor transfer titles to properties; nor could he obtain copyrights and patents. [...] The Southerner often found it difficult to secure employment and to engage in any business whatsoever. He even hesitated to marry. Moreover, his property was in danger of confiscation; and, worst of all, he was threatened with indictment and conviction for treason. The desire to participate in the program of reconstruction, however, was the impelling motive in the applications of many.³⁹

In a sense, the men were stuck in a kind of civic limbo. Previously, upon “coming of age,” as it was called, they had considered citizenship a birthright. But they also felt it was theirs to give and take as well – an ironic effect of their Confederate

³⁶ Richard Cary Ambler, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

³⁷ Rice W. Payne, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

³⁸ Dorris, *Pardon and Amnesty Under Lincoln and Johnson*, 136.

³⁹ *Ibid.*

experience. After all, they had withdrawn citizenship from their birth country, the United States, and given it to the newly formed Confederate States when Virginia, which they also considered their birth country, joined the Confederacy. Yet, now they no longer had a choice; their defeat had taken that away from them. The Confederacy no longer existed and Virginia no longer existed apart from the United States. They were beginning to understand exactly what the surrender at Appomattox meant. They believed that their citizenship was theirs to give but the United States government disagreed, instead implying by the pardon process that U.S. citizenship must be granted. It was humiliating to have to ask for the very citizenship that they believed to be theirs by right from the government that defeated them.

These, indeed, were not just ordinary men. They were wealthy men who before the war had enjoyed a prominent position in society and politics; they were the old guard whose grandfathers and fathers had built and shaped both the governments of the Commonwealth and of the United States. And now they were in danger of not being able to participate in post-war government. At this point in 1865, unless they were pardoned, there was a profound fear of the deepest humiliation – that their former slaves would rule them. That could not be allowed. Urgently then, before they could reestablish their authority in Fauquier, and in the state, they had to regain their citizenship.

Thus, the legal function and even the legal language of the pardons are important. But these documents are also like palimpsests. There is a deeper story under the legalese. Instead of viewing the applications simply as legal documents, they can be studied as the historical relics they are. Looking beyond the legal language shows us a group of

anxious, elite men, singled out for a reason they perhaps grasped but did not yet comprehend. Their word choices become striking narratives, not legal instruments. Simple formalisms such as, “Your petitioner would most respectfully represent that he is a native and citizen of the County of Fauquier, state of Virginia, that he is fifty-one years old,”⁴⁰ or, “I voted for the Union candidates Scott and Marr to the state convention of 1861, which passed the Ordinance of Secession taking the state of Virginia out of the Union,”⁴¹ can take on a new level of meaning. The words begin to reveal an unsettled world; a world these men knew was changed forever.

Most of these applications are not unique, but by reading all the available ones from Fauquier County, which were drafted in the spring and summer of 1865, it is possible to chart both similarities and differences. For example, most of the applications begin by declaring where the applicant lives and by establishing petitioners as residents of Fauquier County. Stating where one lives makes absolute sense in a legal document. But, to study how they stated it takes one to another world from which we can discern what being a resident of Fauquier County meant in 1865.

The applications that follow are practically untouched historical documents. They allow a glimpse into a part of white Southern life that has not yet been seen. These applications will be broken down into specific sections in order to better explain the applicants’ words and what they mean in a larger context. They are being called reunion applications because first and foremost, the men wished to be reunited with the United

⁴⁰ William Cocke, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

⁴¹ J. A. Marshall, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

States, and thus reunited with their citizenship. The applications have many layers of meaning; but, for this group of applicants, their main concern was receiving back their United States citizenship so they could begin to shape and control their post-war world.

* * * *

*“Your petitioner Edward C. Marshall of Fauquier County, Virginia respectfully states that he is sixty years of age, is now and has been a farmer from the time of his coming of age, residing in Fauquier County.”*⁴² Edward C. Marshall

*“I am a native of Virginia and have been a citizen of Fauquier county for more than twenty years and by occupation a farmer.”*⁴³ Richard Cary Ambler

*“Your petitioner, Dempsey Padgett, of the County of Fauquier and State of Virginia, aged about seventy-eight years, respectfully represents to your Excellency that his pursuit is now and for many years past has been that of a farmer.”*⁴⁴ Dempsey Padgett

*“I am a citizen of the County of Fauquier, State of Virginia and have been since my birth, am now sixty years of old.”*⁴⁵ Lewis Porter

Words like this produce a picture; suddenly the applicant is more than just a name. He is an old man – a man who more than likely has lost most, if not all, he had of value, both practically and personally, during the past four years. On a practical level, if farming was all he had known, he faced an uphill battle to get his fields in working order once more, as they were more than likely destroyed by both armies. Additionally, the labor on which he relied to do the work, his slaves, was also gone. The life he had established, the life he fully expected to live until death, had vanished. Personally, the applicant might have lost a family member or had several wounded during the war. Life

⁴² Edward C. Marshall, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

⁴³ Ambler, "Application for Amnesty."

⁴⁴ Dempsey Padgett, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

⁴⁵ Lewis Porter, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

in 1865 would never return to the way life was in 1860. In five years, everything had changed.

Richard Cary Ambler led a good life. Born into a wealthy family, Ambler was educated at the University of Virginia and the University of Maryland Medical School. He was a doctor in Richmond until his marriage to Susan Marshall in 1843, at which time he moved and began farming at an estate called The Dell in Fauquier County.⁴⁶ Both Ambler and his wife came from well-known Virginia families so it comes as no surprise that Ambler identified himself first and foremost as a Virginian. It was integral to his identity as a man. To him, Virginia was much more than just a place; it was home. It was where his ancestors had lived and where he raised his own children. There had been Marshalls and Amblers present in the state since its earliest colonial days; these were the first families. Ambler's pride of ancestry was evident in the first sentence of his application: "I am a native of Virginia and have been a citizen of Fauquier county for more than twenty years..." He needed Johnson to understand that he could not just say that he lived in Virginia; he was a native in the most fundamental sense and "a citizen of Fauquier county." Both of those places defined who he was as a person; he was just as much a part of Virginia as Virginia was a part of him.

Fauquier was a land of rolling hills, green pastures, and fertile farmland, interrupted only by the occasional comfortable white farmhouse. Ninety miles from Richmond and fifty miles from Washington, D.C., Fauquier was removed from the hustle and bustle of the cities and was a tranquil place where men discussed their stables of

⁴⁶ Jean L. Cooper, "Ambler Family (Virginia) - Part 1," in *Students of the University of Virginia, 1825-1874* (blog), posted July 22, 2011, <http://uvastudents.wordpress.com>.

horses and the women chatted excitedly about upcoming social events. For white people, Fauquier County, Virginia, was an idyllic place to live.⁴⁷ Thomas A. Ashby, a cousin of Turner Ashby, another famous Fauquier citizen, described the Fauquier countryside as “one of great natural beauty, of fertility, and healthfulness. The foothills of the Blue Ridge surround Markham [in Fauquier County] on all sides, dividing the landscape into valleys and elevated plateaus, covered with forests, grazing fields and rich farmlands.”⁴⁸

However, the lives of Fauquier natives would be turned upside down by the events that occurred on April 12, 1861, in Charleston, South Carolina. Once news of the firing at Fort Sumter reached Richmond, men of the old guard who had been championing Unionism suspected all was lost. As in most counties, the men elected by the citizens of Fauquier County to the Secession Convention in Richmond were Unionists. John Q. Marr and Robert C. Scott were well known in Fauquier and traveled to Richmond originally to support the Union and Virginia’s place in it. However, secession fever swept across Virginia, fanned by President Lincoln’s call for troops on April 15 from all states that had not seceded, Virginia included. The Secession Ordinance passed in Richmond on April 17 and was immediately put up for ratification by popular referendum. An overwhelming majority of the state supported it when it

⁴⁷ Excluded from that serenity, however, were the slaves who made up 45% of the population in the County. See Ramage, *Gray Ghost*, 101.

⁴⁸ Thomas A. Ashby, *The Valley Campaigns: Being the Reminiscences of a Non-Combatant While Between the Lines in the Shenandoah Valley During the War of the States* (New York: The Neale Publishing Company, 1914), 35.

passed on May 23, 1861. When Fauquier County voted on the Ordinance, 1,809 men voted for it, while just four men voted against it.⁴⁹

To an outsider, the brief time it took Virginians to move from favoring the Union to staunch Confederates was shocking. But, to the Virginians themselves it made perfect sense. “As Confederates went about the work of nation-building,” Anne Sarah Rubin writes, “they self-consciously drew on a ready-made myth of national origin, rejecting the recent American history of sectionalism and centralization and instead seizing on the American Revolution as the defining moment of their past.”⁵⁰ Because they were simply repackaging a past with which they were already well acquainted, many Southerners easily embraced the new Confederacy. Their first loyalty had always been to Virginia, the place most of their families had called home for generations. To turn their backs on her was unthinkable. Like Robert E. Lee, they could not raise arms against the land they loved.

Yet, that is not to say they rejoiced at the break up of the Union. Their loyalty, like most Confederates, was complicated. An example of this internal struggle is best illustrated in the diary of Edward Carter Turner, a wealthy farmer in Fauquier County. Turner had no patience for the radical secessionists of South Carolina. He believed that Virginia would be doomed if it left the Union. Like many across the South, he had family members in the Federal Army and had no desire to fight against them. Writing in

⁴⁹ Jeff Weaver, “Virginia County Vote on the Secession Ordinance, May 23, 1861,” *New River Valley Historical Notes*, accessed April 17, 2012, <http://www.newrivernotes.com/va/vasecesh.htm>. See also: Gray Carroll, “Application for Amnesty,” War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.; and John Marshall, “Application for Amnesty,” War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.

⁵⁰ Rubin, *A Shattered Nation*, 14.

1862, he revealed that he was not ashamed to have argued against secession, still believing that he did the right thing:

In conclusion I own that while I would rather see the last man of section stretched in death than see the Union restored with disgrace to my State, it is the wish nearest my heart that an honorable settlement may at length be effected and the States one and all North and South cluster again around a common government and resume their march upon the road to prosperity and power.⁵¹

Compared to other remarks made at the beginning of the war by such radicals as Edmund Ruffin and Thomas R. R. Cobb, Turner's words were subdued, at some places even treasonous to those fire-eaters. Yet, Turner was not alone. Although his remarks have a timeless quality, they were written in 1862, the year most Confederates, indeed most of the country, realized the war was not going to be over quickly. Turner's remarks did not make him any less an ardent supporter of the Confederacy. He represents that internal struggle that many white men experienced. They would not turn their back on their home state, but they were not enthusiastic about the start of the war. In the end, though, many gave the ultimate sacrifice – Turner's eldest son, Thomas, was killed while riding as one of Mosby's Rangers. In a passage written after his son's death, Turner mourned the spiritless world in which he lived, writing,

Oh! Unhappy, victimized, ruined Virginia, how hast thou suffered in the loss of the flower of thy youth, in the destruction of the cream and essence of thy population.⁵²

Yet he still gave, and continued to give, all he had to his land.

⁵¹ Edward Carter Turner, "The Border Between," in *The Years of Anguish: Fauquier County, Virginia, 1861-1865* ed. Emily G. Ramey & John K. Gott (Warrenton, VA: The Fauquier Democrat, 1965), 31-2.

⁵² *Ibid.*, 44.

Even before Fauquier became the home base for the most famous guerilla outfit of the war, the county suffered more than many others in the South, mainly because of its location. As John A. C. Keith writes in *The Years of Anguish*,

Fauquier, however, deserves particular attention in its sufferings because it was the largest of the four counties composing the territory which has been called the 'Debatable Land' and 'Mosby's Confederacy.' Stretching more than 50 miles from the crest of the Blue Ridge nearly to tidewater it lay within a few miles of many major battles and suffered from their impact.⁵³

Indeed, as early as 1862, the people of Fauquier were eager for the North to experience what they were going through. With the majority of the fighting between the Army of the Potomac and the Army of Northern Virginia occurring in Virginia, both armies relied on the fertile farms of Virginia for food and supplies. To the armies, Fauquier was the land of milk and honey. There was much to be taken from the rich fields filled with both crops and healthy livestock, from the well-stocked stores, and from the stables which held well-bred horses. As a result, both armies plundered Fauquier many times. Turner wrote in September in his diary,

Will it be to exasperate the Northern people and make them more determined to prosecute the war and to this end supply men and money with vastly increased spirit, or will the approach of a formidable army burning for revenge for many injuries received alarm them for the safety of their own border and cause them to sue for peace? 'Tis generally believed that the latter will be the consequence, but I confess I fear the former. Compared to ourselves, the Northern people have not felt the cruel consequences of this war. They are still rich and powerful and if their heart is in it, as appearances indicate, they may carry it on for years to come. Why should they, any more than ourselves tamely submit to invasion.⁵⁴

⁵³ John A. C. Keith, "The Home Front," in *The Years of Anguish: Fauquier County, Virginia, 1861-1865* ed. Emily G. Ramey and John K. Gott (Warrenton, VA: The Fauquier Democrat, 1965), 52.

⁵⁴ Turner, "The Border Between," 22-3.

By 1865, the county was devastated. Homes and barns were burned, fields were ruined and livestock was depleted. The destruction the citizens of Fauquier saw around them only mirrored what they felt inside. To those that whole-heartedly supported Mosby and his Rangers to the point that they were willing to risk everything, defeat was almost more than they could handle. They were white Southerners; their honor and strong sense of independence did not let them comprehend defeat. When it finally happened, they were utterly lost and found themselves in a world they no longer recognized. They were not only tasked with rebuilding the material parts of their lives, but were still also dealing with the deaths of loved ones.

For two years Fauquier also had to feed, board and hide Mosby and his Rangers. Many of the Rangers were local boys eager to fight on their own home front. But their actions placed Fauquier in even greater danger. Rather than just plundering whenever they were in the area, the Union Army began to target families and farms in the county as punishment for harboring Mosby and his men. With their own sons, brothers and husbands involved, the people of Fauquier became even more invested in the war. No longer were the battlefields a day's ride away: Fauquier County became both the battlefield and the home front, a place of safety and a place of fear. Land that was not destroyed by battle soon bore scars of a different sort – those of scavengers that tore it apart. In 1862, Edward Turner recorded in his diary that “the fighting portion of the army has passed, but the whole country is swarming with stragglers or deserters who are

making themselves extremely troublesome to the people.”⁵⁵ Mosby’s safe houses were in Fauquier, yet it was in those same houses that he was almost captured several times. The citizens had to deal with not only feeding and supplying Mosby and his Rangers, they also had to modify their homes in order to conceal the men from searches by the Union Army.⁵⁶

This is the world that the people of Fauquier inhabited when Lee surrendered on April 9, 1865. And the pardon applicants for President Johnson’s Amnesty came from this current reality. This was what it meant to be “a citizen of Fauquier county.”

Like Richard Ambler, Edward Carrington Marshall was also a member of an illustrious Virginia family and was, in fact, a cousin of Ambler’s wife Susan. He was a son of Chief Justice John Marshall and was raised in a world of wealth and privilege. As one might expect from the son of a Chief Justice, Marshall also had a strong sense of civic duty. He served in the Virginia Assembly for three terms, a fact he stated in his pardon application. He married Rebecca Peyton, a member of another powerful Virginia family, and they had eight children. One son, James Keith Marshall, died in Pickett’s infamous charge at the battle of Gettysburg.

Marshall was a powerful man in business as well; he served as the president of the Manassas Gap Railroad Company from 1850 to 1861. Following the end of the war, he was the agent for the Board of Public Works, having been appointed by Governor Pierpont, the provisional governor of Virginia. Also like Ambler, Marshall remained true to his Virginia roots. He had a lot to lose by supporting the Confederacy and indeed

⁵⁵ Turner, “The Border Between,” 20.

⁵⁶ See Ramage, *Gray Ghost*, 102.

lost two very important things as a result: his occupation and, more tragically, his son. However, he only mentioned one of those losses in his application, writing that “said [rail]road having been since rendered useless by the devastation of both armies.”⁵⁷ There is no mention of the loss of his son.

At the war’s end, Marshall was an old man and meant to be understood that way.⁵⁸ He “respectfully states,” according to his application, “that he is sixty years of age...”⁵⁹ As the pardons being examined were those filed under the thirteenth exception, in which the excluded classes of applicants were worth \$20,000 or more in 1860, it makes sense that applicants such as Marshall were of an older generation. They had a lifetime to build wealth and they were the patriarchs of both their families and the society in which they lived.⁶⁰ These were the men who had shaped Virginia’s politics throughout the past tumultuous years. It was these men who argued in favor of Unionism but who nonetheless voted for the Secession Ordinance. With their sons and grandsons on the battlefield, these men kept things running, as best they could, back at home.

Not only were the men in charge of protecting and providing for all the women and children in their care, they also were tasked with feeding and supplying the armed forces that sprang up around them. And for the men of Mosby, it was Fauquier and the surrounding counties that kept them alive. John A. C. Keith writes,

⁵⁷ E.C. Marshall, "Application for Amnesty."

⁵⁸ According to the Economic History Service, the average life expectancy in the United States in 1860 was 43.6 years. See: Michael Haines, “Fertility and Mortality in the United States,” *EH.net*, last modified February 4, 2010, <http://eh.net/encyclopedia/article/haines.demography>.

⁵⁹ E.C. Marshall, "Application for Amnesty."

⁶⁰ Generational differences are discussed in Peter Carmichael, *The Last Generation* (Chapel Hill, NC: University of North Carolina Press, 2005). Carmichael examines the young men of Virginia, the last antebellum generation to be raised with slavery present. He attempts to “explain how young Southerners of a certain class exerted authority during the Civil War and why they identified so strongly with the Confederacy.” See page 6.

Marching Confederate armies had to be fed with local farm produce, while the invaders merely took what they wanted. In addition to being separated from their menfolk serving in Lee's army and caring for wounded and burying dead these people had to provide for their families and what servants remained, to try to hide their livestock from the invaders when they came, to carry on what farming they could and to try somehow to live normal lives, and just survive.⁶¹

In their pardon applications, many men mentioned debts they accrued as a result of the war or, like Marshall, stated that their farms and businesses suffered. Very few detail exactly how that happened. Dempsey Padgett wrote, "that before the war he estimated his property as considerably over twenty thousand dollars but that owing to losses occasioned by the war, it now barely exceeds that amount."⁶²

But, if they did not detail exactly what they lost, they did emphasize loss of position. And they did so by describing a lost world. These were the sons and grandsons of the men who had fought in the Revolutionary War, the birth moment of the golden era of the republic. They had been taught since an early age to revere independence and the Union that represented it. Understandably, they were hesitant to withdraw their beloved state from the country their fathers had fought to form. They had been taught to venerate their fathers as demigods of virtue and wisdom and they wanted to be seen in the same light.

The words they chose in the pardon applications evoked an earlier, more sentimental and ancient time. Using the words, "respectfully states," Edward Marshall was being polite in the oldest, most genteel sense of that term; he was honoring Johnson

⁶¹ Keith, "The Home Front," 52-3.

⁶² Padgett, "Application for Amnesty."

by writing him as a gentleman should. By choosing the words he did, Marshall illustrated to Johnson that even though the Confederacy failed, and even though the world as he had known it was shattered, he had not forgotten his manner as a Southerner of the old tradition. He could be trusted. For Johnson, who sought just such conservative white men to rebuild the state governments, that was no small matter. Regardless of how he felt in private, Marshall showed Johnson that he was the consummate Southern gentleman, even in the end, and addressed Johnson as such.

Earlier times were also evoked by the use of Marshall's phrase, "from the time of his coming of age..."⁶³ These words also marked a difference between the generations of men filing pardon applications. None of the younger men referred to their "coming of age;" only the older men did. The words "coming of age" bring to mind a time when men were forced to take control of their lives and their destiny. It was less about actual age and more about boys becoming men, a social and personal rite of passage. It was in this context that Marshall wrote those words.

Every word Marshall used in his application allows the reader to gain a better understanding of him. Describing himself as a farmer and the fact that he has been one "since his coming of age" says more about Marshall and the time in which he was raised than he would ever tell on his own. His word choices tell the story of an era gone by, of men who believed that by holding on to these ancient terms and ways, they became the heirs of the best kind of citizenship. They were men of republican virtue.

⁶³ E.C. Marshall, "Application for Amnesty."

Many applicants continued in that vein by identifying themselves as “by occupation a farmer.”⁶⁴ To the eye of a Northerner, or Johnson, the statement should have read “by occupation a *planter*.” Yet Marshall, and others, chose “farmer.” Perhaps they did this in hopes of diverting attention from their elite status, and in the process have it appear that they were just ordinary men. But, probably not. Instead, they were invoking the Jeffersonian ideal of agrarianism. These men were taught and believed that working the land was the most noble of occupations. In his *Notes on Virginia*, Jefferson wrote, “Those who labor in the earth are the chosen people of God, whose breasts He has made His peculiar deposit for substantial and genuine virtue.”⁶⁵ This virtue was bestowed on farmers because they were independent, prosperous and stable. They were the perfect kind of citizens.

Like their neighbors and fellow citizens of Virginia, they were simply living off the land, just like their ancestors. They were a peaceful people whose lives were interrupted by war. If Johnson granted them a pardon, they would go back to being simple farmers. Because farmers were the most virtuous citizens, the United States, and subsequently Virginia, would be safer if they were citizens once more. Whether the men were farmers or not, they did attempt to portray themselves as no different their farming neighbors.

Thus, the word choice again takes center stage. A man worth \$20,000 was not just a “farmer.” The amount of land that he needed to own in order to have his property

⁶⁴ Ambler, "Application for Amnesty."

⁶⁵ Lisi Krall, "Thomas Jefferson's Agrarian Vision and the Changing Nature of Property," *Journal of Economic Issues* 36, no. 1 (2002): 131.

valued at that amount practically guarantees that he had slaves to work it; and as slaves were considered property in 1860, they would have been included in a man's wealth and worth. The men may have considered themselves just farmers, but no one else in the world did. By using the term "farmer" the men were also hoping to minimize their role in the war – a role of which that they knew Johnson did not approve. However, on a practical level, the men wished to make themselves appear less threatening to Johnson and to downplay their probable assistance to the Confederate Army.

For these men, "farming" was done by slaves with an overseer on horseback making sure everything was running smoothly. These men owned hundreds of acres and substantial farmhouses. While they might have been cash poor, they were land rich, and they believed in an idyllic, harmonious society where authority, stability and prosperity flowed from the top down. Of course, this was exactly the type of man that Johnson detested. His constituency, in fact, was the yeoman of eastern Tennessee. So it is possible, although not probable, that was the reason why the elite of Fauquier were lying to minimize their role in the war. They were hoping to appeal to Andrew Johnson's democratic sensibilities by describing themselves as simple farmers. They wished to paint themselves as the type of men that Johnson respected.

* * * *

*"that he has never sought or had any political, civil or military office whatever..."*⁶⁶ Decatur B. Hall

*"I have never sought or held any political office whatever."*⁶⁷ W. J. Morgan

⁶⁶ Decatur B. Hall, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

⁶⁷ W. J. Morgan, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

*“I voted for the Union candidates Scott and Marr to the State convention of 1861, which passed the ordinance of Secession taking the State of Virginia out of the Union. I subsequently voted for the ratification of said ordinance by the people as did nearly ever other in my County.”*⁶⁸ J. A. Marshall

*“that in his political antecedents he was connected with the Union party, having voted for R.E. Scott and John Q. Marr, for the convention called in 1860, but that afterwards voted for the ordinance of secession, together with almost the entire mass of voters of this county.”*⁶⁹ Mandley Pierce

*“He belonged to the union party, having voted for Scott and Marr, as the representative of his county in the Virginia Convention of 1861, but afterward voted for the Ordinance of Secession being ratified by the people.”*⁷⁰ William Cocke

Some of the men may never have sought political office, but that did not mean they did not participate in the government. It can be assumed that the men voted in the referendum regarding the Ordinance of Secession. By stating that he had never held a civil office, the applicant hoped to paint a picture of a man who minded his own business, who kept his head down. Similarly, as many of the applicants were older, they did not hold a military office during the war. Stating that fact hopefully reaffirmed to Johnson that they were not actively involved in military affairs.

On one level, this admission can be seen as a kind of humiliation. To men like Edward Marshall and Richard Ambler, it was their duty to participate in politics on the local, state and national levels. By tradition, authority belonged to them. Additionally, the simple fact that they were all wealthy meant that they more than likely had more than just a passing interest in local government affairs, yet they confessed a lack of power and

⁶⁸ J. A. Marshall, "Application for Amnesty."

⁶⁹ Mandley Pierce, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

⁷⁰ William Cocke, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

authority. By stating something they did not do, the applicants were placing themselves in direct contrast to “active Confederates,” or those men who were very much involved in the Confederate Army and Government. They were simply bystanders not participants in the Confederacy. Yet, in a very important sense, they were not admitting humiliation so much as emphasizing their fitness. They did this by constant allusion to the complementary piece that fit alongside their age and their occupation – their whiggish sentiments.

Two important votes were held in Fauquier County in the winter of 1861. The first, held on February 4, 1861, elected Robert E. Scott and John Q. Marr to Virginia’s Secession Convention. The second was held on May 23, 1861, for a referendum vote on the Secession Ordinance passed by the Convention. The pardon applicants discussed both votes.

Robert E. Scott and John Q. Marr were well-known Fauquier citizens. Scott was an attorney who had served both as the Virginia Commonwealth’s Attorney and in the Virginia Assembly. In addition, President Lincoln and Secretary of State William Seward considered him for the position of Secretary of the Navy in Lincoln’s cabinet. An invitation was extended, but Scott, who seemed to represent the ambivalent feelings of many Virginia conservatives, turned it down. Like most in Fauquier, Scott was a Unionist until Virginia seceded. He voted for the Secession Ordinance and was a member of the Provisional Congress of the Confederate States that met in July of 1861. He was also a candidate for the Confederate States Congress, although, perhaps significantly, he did not win. Two deserters from the Union Army killed him at his home

in Fauquier in May of 1862. The murder was brought before the U.S. Congress, such was Scott's notoriety, and the Secretary of War was called upon to provide more information. It was determined the two men who killed Scott were privates in the 7th Regiment Wisconsin Volunteers who had been captured by Confederates and were attempting to return to the Union Army.⁷¹

John Quincy Marr was also a native of Fauquier and, after graduating in 1846 from the Virginia Military Institute, served as the Assistant Professor of Mathematics and Tactics for two years before returning home. Following John Brown's raid, he organized the Warrenton Rifles, a local militia group. He was commissioned as a Lieutenant Colonel in the Volunteer Forces in Virginia in May of 1861, but never officially received the commission as it was sent mistakenly to Harpers Ferry. His family finally received it after his death. He was considered by some to be the "First Blood of the War," as he was killed in a skirmish with the U.S. Cavalry at Fairfax Court House on June 1, 1861. He was a widely respected citizen of Fauquier and received many more votes than Scott when elected to the Secession Convention.⁷²

On a practical level, the applicants mentioned Scott and Marr to show Johnson concrete proof of their supposed Unionism. In fact, almost every application included the statement, "I voted for the Union candidates Scott and Marr..." and hardly any applicant leaves out the words "Union candidates." Moreover, that statement was also almost always followed up with the words, "I subsequently voted for the ratification of said

⁷¹ John K. Gott, "Lincoln Wanted Him in His Cabinet," in *The Years of Anguish: Fauquier County, Virginia, 1861-1865* ed. Emily G. Ramey and John K. Gott (Warrenton, VA: The Fauquier Democrat, 1965), 155-6.

⁷² Carlton Staples, "First Blood of the War," in *The Years of Anguish: Fauquier County, Virginia, 1861-1865* ed. Emily G. Ramey and John K. Gott (Warrenton, VA: The Fauquier Democrat, 1965), 148-50.

ordinance by the people as did nearly every other in my County.”⁷³ While they do go so far as to admit they voted for the ordinance, they also illustrated to President Johnson that they were not alone in that voting; practically everyone else had voted the same way. In fact, several applicants made sure to explain in part by adding a specific and highly effective defense. They admitted to voting for the ordinance, “as did every other voter in my County, who cast his vote except four.”⁷⁴ By stating that fact, the men illustrated to Johnson that it was a community decision. They had a duty to follow the wishes of their locality.

These were not men like Edmund Ruffin who could not wait for war to start, or so they wished to be seen. These men were conservatives, not fire-eaters. They believed in the Union and acted as long and as prudently as they could to save it. Indeed some of them may have been aware that Johnson was partial to just such men – that he wanted white conservatives to control Southern state governments. As Dan T. Carter shows, “collectively, therefore, the seven men [the provisional governors in the South in 1865] represented that substantial body of southerners who had opposed secession until late 1860 but had then either gone with their state or avoided public condemnation of the new Confederate government.”⁷⁵ Those were exactly the type of men in Fauquier County applying for pardon.

A second layer of meaning is there, behind the emphasis on conservative credentials. By stressing that only four people in Fauquier voted against the Ordinance,

⁷³ J. A. Marshall, "Application for Amnesty," emphasis mine.

⁷⁴ John Marshall, "Application for Amnesty," emphasis Marshall's.

⁷⁵ Dan T. Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge, LA: Louisiana State University Press, 1985), 27.

they were emphasizing some of the major tenets of democracy, the kind of tenets that Johnson so loved and for him were valued by the Democratic Party. Local decisions, local control, community will – these were not just tenets of the Southern code of honor, but of the political period in which democracy evolved from its Jacksonian origins to antebellum popular sovereignty to, eventually, Johnson’s idea of Reconstruction. The men of Fauquier were elite conservatives who could control the post-war world reliably, but who still followed the will of the people. In a few words, then, these legalisms about votes unlocked a new level of understanding: we, they claimed, opposed the war but went with tradition; we are the sons of the greatest generation but seek to uphold their tradition; we are wise men of conservative tempers and can be trusted. These men never forgot their past.

* * * *

*“We, the undersigned, have known Jaquelin A. Marshall for a long time, and take pleasure in stating that we know him to be a man of strict integrity, honor and truth.”*⁷⁶

The pardons did not end with the signature of the applicant. The majority of applicants from Fauquier had affidavits attached to their pardons. These affidavits contained a statement of honor and the signatures of men who assured President Johnson that they knew the applicant well and that he should be trusted. This oath was standard, but its circumstances were not. These men, after all, wanted and needed Johnson to know that what they said in their applications was true.

The men who carefully constructed their pardons in the spring and summer of 1865 had much in common. They were more than just neighbors; many of them were

⁷⁶ J. A. Marshall, "Application for Amnesty."

relatives, and they were often related in several ways. Their fathers and grandfathers had settled Fauquier County. These men were wealthy and led both the political and social life of the county. They were well educated and sent their sons to the likes of the University of Virginia, Virginia Military Institute, and William & Mary. Their daughters married their friends' sons and set up homes in comfortable farmhouses with slaves to assist them. These were men who were used to power and having things go their way. Above all else, though, they were men of honor.

The idea of honor had long been present in Virginia. A recognizable component of life since the arrival of the first English settlers in the seventeenth century, honor had become, by the 1860s, a firmly entrenched code of behavior and an integral part of Southern life. According to Bertram Wyatt-Brown, "Honor resides in the individual as his understanding of who he is and where he belongs in the ordered ranks of society."⁷⁷ In short, "honor is reputation."⁷⁸ Honor drove customs and traditions and influenced every aspect of Southern society. Honor, like citizenship, was at once both a way of life and a duty. Honor dictated life and instructed Southerners in what was proper and necessary. A man's honor was his most prized possession and it influenced the writing of their pardon applications.

The dichotomy found in the applications is striking – we see honor under stress. The men were at once scared of punishment, yet flaunted their wartime experiences. They asked for forgiveness, yet never believed what they did was wrong. They

⁷⁷ Bertram Wyatt-Brown, *Honor and Violence in the Old South* (New York: Oxford University Press, 1986), 14.

⁷⁸ *Ibid.*

understood the need to repent of their sins, yet could not bring themselves to imagine that they had sinned. As Gaines Foster argues, “In seceding from the Union, southerners thought that they had acted morally and legally under the Constitution.”⁷⁹ If they had only been exercising a political right, then there was nothing to be ashamed of. However, the victors, the Union Army and the North, did not believe the South’s actions had been legal.

Including the honor oaths was another way for the men of Fauquier to illustrate their local support. Prominent men, many of whom were also submitting their own pardon applications, signed these oaths. Many of these applicants had been well known Confederate sympathizers and many of the men who signed the honor oaths had ridden with Mosby. What made it possible for the men to sign the honor oaths and amnesty oath without feeling ashamed or as though they were compromising their honor, was local feeling. As Anne Sarah Rubin writes, “If being a Confederate encompassed both a political attachment to the Confederate state (its government) and a sentimental attachment to the idea of a distinctive Southern nation or people, being a post-war Southerner meant dividing oneself into a political American and a sentimental Southerner.”⁸⁰ Southerners kept their “hearts true, even as they professed loyalty to their former enemies.”⁸¹ The applicants felt no shame in swearing loyalty to a country that defeated them and did not believe they were bringing their honor into question by doing so.

⁷⁹ Foster, *Ghosts of the Confederacy*, 23.

⁸⁰ Rubin, *A Shattered Nation*, 164.

⁸¹ *Ibid.*, 165.

Additionally, the men used both the honor oath and the amnesty oath as political tools. And the men were encouraged to use them. “White Southerners realized that the way to regain control over their region, and by extension over African Americans,” argues Rubin, “was to regain the rights of political citizenship in the United States.”⁸² Just like filing a pardon, taking the oath was seen as a necessary evil. The men understood it had to be done in order to gain the final, desired result: United States citizenship. If they wished to take control of the state government again and participate actively in politics once more, they had to be pardoned. They were willing to face the humiliation of taking an amnesty oath and filing a pardon because they understood the acts were necessary if they wished to regain control. But, they were also willing to face that because local feeling had transformed the act of submission into an act of political necessity. If their peers were okay with them swearing an oath of allegiance to the United States, then the men were satisfied; it was understood that the men were still loyal to the Confederacy in their hearts.

With the signatures affixed to the honor oaths and the amnesty oath taken in front of a Notary Public, the application was done. It was first sent to Richmond for approval from Governor Pierpont before being forwarded onto the United States government and President Johnson. At that point, all the men could do was wait – as men who hoped for reunion and as men who had lied to survive. Even without citizenship there was plenty of work to be done.

⁸² Rubin, *A Shattered Nation*, 166.

CHAPTER II

REBEL APPLICATIONS

The act of asking for a pardon, like the act of giving one, was all about control. Andrew Johnson wanted to show the wealthy South (and many in the North, for that matter) that he was in control; the 13th exception was an exercise in submission to Federal power. In return, the men who filed applications controlled exactly what information Johnson received. While they understood they had to file an application, they resisted Federal power and exerted their own because it was up to them to write what they chose. In that way, in fact, they were not unlike their former slaves. As many historians have demonstrated, slaves resisted the power of their masters in countless ways. The act of submission inherent in the pardoning process became an act in which the elites of Fauquier County were indebted, silently, to their former slaves—whose value as property ironically had made them the objects of Johnson’s wrath. Slaves resisted by running away or by playing the roles assigned to them. Their former masters now turned rebellious resisters by another trick of slavery: the lie.

The pardon applications can be broken down into two clear groups. The first, as discussed in Chapter One, were the reunion applications, written by men like Edward Marshall and Richard Ambler. They stuck to formal legalisms in their choice of words because they did not want to give Johnson the opportunity to refuse their applications. While few applications are free of pointed comments regarding the war, these applications do not have many. The applicants gave just enough of the right information to ensure success. The ends – regaining citizenship and restarting their lives in Fauquier

County – justified the troublesome means of submitting themselves to the will of the United States government.

The second group contains more rebellious applicants. Most of them did not bother to conceal their feelings nor did they temper their language, even though they were addressing the President of the United States. Many of them even volunteered details about their lives during the war, to the point that it becomes somewhat unbelievable that they were pardoned. Those details were not required, after all, as the reunion applications illustrate. It almost seems that if Johnson's goal with the 13th exception was to embarrass this class of men, he was not successful. These rebel applicants were neither apologetic nor hesitant. Their pardon applications are documents of defiance. They communicated to the United States government that these ex-Confederates may have been conquered in war, but not in thought.

Within the rebel group, moreover, there are two noticeable subdivisions: the concise application and the lengthy one. A concise application was blunt to the point of terseness. In an application of only one page or, rarely, two pages, the applicant managed to convey his feelings and even struck a couple of barbs. He was not happy about having to apply and he let Johnson know it. But he offered little explanation and no elaboration. The applicant may have outlined his military service or explained whom he voted for in the 1861 election for the Secession Convention, but beyond that, he felt no need to discuss his political views or military service. This type of rebel applicant understood, like all the others, that applying was necessary to regain citizenship. But he completely rejected what the others attempted through persuasion or rationalization. The concise

application also reveals the applicant's attitude toward the pardon process. A brief application suggests that there was little the applicant felt obligated to tell the government – a form of private rebellion against his new allegiance. Johnson could force him to apply, but Johnson could not force a full confession. Interestingly, while there were not many young men worth \$20,000 in 1860, the ones who fit this criterion typically wrote shorter applications. The main assumption drawn from this observation is that it was the younger men who saw no need to share more than the bare minimum.

The opposite was true of the second kind of rebel application, the lengthy one; the applicant took his time to fully explain his views and volunteered substantially more information. The men wanted to explain themselves, their thoughts, and their beliefs. Most were still loyal to the tenets of Confederate thinking and did not shy from telling Johnson so. In contrast to their brazen, younger counterparts, the majority of men seeking pardons from Fauquier County were in their fifties and sixties and more confessional; they saw the application process as a chance to explain to Johnson why they had made their decisions. The older men were of a different generation and era than the younger ones – they had been more fully involved in the United States government and so had not taken their decision to support Virginia's secession lightly. This was their one opportunity to justify their thoughts and actions. It seems as if they were relying on their ability to narrate their experiences or their mature understanding of the ritual of defeat and submission. The level of detail in the lengthy applications is, in fact, striking. It seems almost impossible that Johnson was willing to pardon them; yet, pardon them he did.

In both types, however, the standard fixture is the survivor lie. Obviously, survivor lying was integral to the reunion applicants as well – no application should be taken entirely at face value. But the lies in the rebel applications were much more problematic and potentially serious. The most obvious survivor lie was the lie of omission, and these are most noticeable in the concise applications written by the younger applicants. With a confusing and almost impossible paper trail to follow, it would have been difficult for Johnson to find out exactly what each applicant had done during the war. The lie of omission can be thought of as guerrilla warfare within the bureaucracy – the applicant hoped to either vanish in the administrative confusion or to take advantage of a hopeless, tangled underbrush of paper and red tape.

Survivor lying took a different form in the second type of rebel applications. These documents, written generally by older applicants, stand out for their lengthy narratives and justifications. Little, it seems, was omitted. Rather than lie by omission, then, they were lying by persuasion. The more they said, the more they felt they could persuade Johnson that a pardon was just and fair. Of course they were also subtly trying to prove a point: that their course of action during the war, and their cause, was also just.

Whatever form they took, omission or persuasion, telling a survivor lie was one of the last bits of control any applicant could exert. The rebel applications clearly illustrate the idea that white Southerners managed to survive this period because they kept their loyalties divided. Pragmatically, they wished to become citizens of the United States, but in their hearts they never surrendered their loyalty to the South. That divided loyalty allowed them to keep their honor intact even as they lied about what they did in the war,

and even as they were swearing an oath of allegiance to a country they detested. Their ability to compartmentalize their loyalty was not only something they would carry with them for years to come, but a necessary element of the still developing Lost Cause mentality. It was a survivor tool, just like the lies they told.

* * * *

*“I received a commission as Adjutant and 1st Lieutenant in Ashby’s cavalry dated 6th March 1862, which commission I held until 6th June 1862 when it was vacated by the death of General Ashby. Soon after this, my connection with the Confederate Army ceased until a few months before the close of the war, when I was compelled to enter the service as a private by the action of conscription laws.”*⁸³ James Edward Marshall

*“I have acted during the last war as agent for the Quartermaster and Navy Department of the Confederate States in the purchasing of supplies for the Departments but did not volunteer or bear arms in the Confederate States service; and hope that I have done nothing that would deter me from the benefit of the general amnesty contained in your proclamation of the 29th May 1865.”*⁸⁴ John G. Beckham

Both of these men enlisted in Mosby’s battalion at some point during the war, and their applications are wonderful examples of concise applications. James Edward Marshall was 34 in 1865 and had begun the war as a member of Turner Ashby’s cavalry, where he served until Ashby’s death in 1862. John G. Beckham was 58 in 1865 and, in addition to being a member of Company C in Mosby’s Rangers, worked for the Confederate States Quartermaster.

Both Marshall and Beckham drafted brief applications that, in addition to merely outlining their military service, gave precious little personal information. Marshall did not discuss his voting past or bother to state that he had never sought nor held any

⁸³ James Edward Marshall, "Application for Amnesty," War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.

⁸⁴ John G. Beckham, "Application for Amnesty," War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.

political office. Neither man discussed whether they had children or other dependents relying on them for survival. Both men simply gave the information they thought was absolutely, minimally necessary, and nothing more. From what they did explain of their military service, they say nothing about Mosby. No doubt they thought that Johnson would be most interested in their wartime exploits and perhaps even wonder if they had ridden with the Gray Ghost. Leaving that part out was just common sense. Mentioning their connection to one of the most detested Confederate officers would be pushing their luck indeed. It is possible to see here a reason for their brevity: the more open or confessional they were, the more they might be forced into an admission they did not want to make.

Indeed, in the short pardons, the lies of omission are typically found in the applicant's description of his military service. Take Marshall's admission. "Soon after this," Marshall wrote of the death of Ashby in June 1862, "my connection with the Confederate Army ceased until a few months before the close of the war, when I was compelled to enter the service as a private by the action of conscription laws."⁸⁵ Marshall did serve with Turner Ashby until Ashby's death in 1862. However, his connection with the Confederate Army did not cease. According to the surviving records, Marshall served in Company D of Mosby's 43rd Battalion in 1864, hardly "a few months before the close of the war."⁸⁶ He was also recorded as a prisoner of war when he surrendered with

⁸⁵ James Marshall, "Application for Amnesty."

⁸⁶ Ibid.

many of Mosby's Rangers in Winchester, Virginia, on April 22, 1865.⁸⁷ Because of the inefficiency of wartime record keeping, Marshall probably realized that it would be extremely difficult for Johnson or his Federal agents to do any follow-up research. Therefore, unless he told Johnson he was a Ranger, Johnson might in all likelihood never find out. It was an omission that Marshall deemed necessary, but a lie nonetheless.

Even more interesting is the dexterity of his language about his conscription. What he admitted to was being "compelled" to enter the service under the threat of conscription. Of course, he was trying to tell Johnson that he was not a loyal Confederate – that only by compulsion did he serve the Confederacy after 1862. Still, it is not clear whether he "admitted" to being conscripted or admitted to the slightly less dishonorable course of joining the army under the threat of being drafted. In 1864, Marshall would have been a social outcast locally, and by extension in the Confederacy, for having been conscripted, a passive act that put into question a man's devotion to the cause. Being an able-bodied man in an ultra-Confederate area would have made it difficult for Marshall to be respected if he had dodged his obligation to join the army. On the surface it would seem that he was on the horns of a dilemma. To get a pardon, Marshall would have to admit to being a skulker or worse, an able-bodied layabout who tried to sit out the war as long as he could.

However, more than likely, Marshall had been informally riding with Mosby and his Rangers since leaving Ashby's cavalry. And, of course, he was riding with Mosby's

⁸⁷ James Edward Marshall, Military Service record, Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Virginia, Record Group 109, Roll 0208, The National Archives, Washington, D.C.

men at the end. He may have been conscripted, or forced into service as a private. But he was one of Mosby's Rangers for a good part of the war, and most likely his neighbors in Fauquier knew that. This explains why Marshall could tell a lie that in other contexts would have his neighbors questioning his honor. The fact that Marshall rode with Mosby exempted him from being branded a coward, and it made it easier for him when he was "compelled to enter the service" late in the war. And it also explains why, once the war was over, Marshall had no problem admitting to being conscripted. It is doubtful that any of his neighbors, who signed the honor oath included with his pardon, had an issue with his lie either. The white citizens of Fauquier recognized that one of Mosby's glorious partisans was only stating that he was conscripted because it might help him be pardoned. It was no reflection on his honor either to admit his conscription or to lie about its circumstances. Inasmuch as it involved a kind of bureaucratic ambush, it was just Mosby's tactics carried on after the war was over.

While discussing his wartime service, John Beckham confessed, "I have acted during the last war as agent for the Quartermaster and Navy Department of the Confederate States in the purchasing of supplies for the Departments but did not volunteer or bear arms in the Confederate States service."⁸⁸ He admitted to his role as agent to the Quartermaster probably because he thought he had no choice. This was not because Johnson had greater access to his wartime record than he did to someone like Marshall's. It was because of the job. Because he worked for the Quartermaster, Beckham would have been well known in Fauquier and the surrounding counties. It was

⁸⁸ Beckham, "Application for Amnesty."

his task to forage for food and livestock – to take it, in other words. No doubt he had many enemies from families who looked on Confederate Quartermasters as thieves and robbers. The Unionist families in Mosby's Confederacy would have had no problem telling the Union Army about him.

Beckham's lie of omission is a big one; he admitted serving as a quartermaster but did not allude to any active military service at all. Yet, according to the Confederate Army's Service records, he is clearly listed on the official rolls of Mosby's Battalion in 1864.⁸⁹ Like Marshall, Beckham probably had no desire for Johnson to know that he rode with Mosby. He had already admitted to working for the Confederate government in a fairly detestable, and challenging, occupation. Beckham did not want to push his luck and believed, like Marshall, that Johnson would never discover his connection to Mosby.

This is not to say that those who omitted any part of their wartime record were ashamed of what they had done; far from it, in fact. Instead, they were protecting themselves and their families. They saw no need to explain the entirety of their actions to Johnson. Nor did they see lying as an abridgement of their honor. Honor, after all, was not synonymous with truth telling. It was synonymous instead with appearances – with what could be believed, or made to be believed, by the local community. In a real sense, they could tell as much of the truth as they saw it or needed it.⁹⁰

⁸⁹ John G. Beckham, Military Service record, Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Virginia, Record Group 109, Roll 0207, The National Archives, Washington, D.C.

⁹⁰ Bertram Wyatt-Brown, *Honor and Violence in the Old South* (New York: Oxford University Press, 1986), 22. See also Kenneth S. Greenberg, *Honor & Slavery* (Princeton, NJ: Princeton University Press, 1996).

These were the epitome of survivor lies – they attempted to acquire a pardon while keeping their honor intact. A thirty-four year-old man, wealthy and well educated from Fauquier County, like Marshall, was a prime candidate to be an officer in the Confederate Army. It is doubtful that his “connection . . . ceased” following Ashby’s death. Marshall just needed to be sure his local community was willing to let him get away with casting himself as a layabout and a conscript. Beckham admitted what he had to – that he was in the service of the quartermaster, but not that he served with Mosby – and felt the community would continue to hide and shelter him deep in the bureaucratic underbrush. They must have known something of the lay of the land, because both men were pardoned within days of submitting their applications.

* * * *

*“What influence I had was exerted by my votes and otherwise to avert the recent troubles between the South and the North. During this continuance, I remained on my farm in care of my family and private affairs being disabled by physical infirmity from taking any part therein. Notwithstanding which, my position subjected me to several events, and even to temporary imprisonment by the Federal troops. [...] I accept, in good faith, as far as I understand it, the Condition of things imposed by the government upon the Southern States...”*⁹¹ James Hathaway

There are several applications whose language is so shocking that the modern reader struggles to believe the applicant’s sincerity. James Hathaway wrote one of the most insincere. His application is bold and defiant, and consequently omits a lot of information. It is neither concise nor lengthy – while Hathaway did not attempt to explain his actions, he gave more information than men like Marshall or Beckham.

⁹¹ James Hathaway, "Application for Amnesty," War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.

At a glance, Hathaway's application does not appear to be out of the ordinary. He stated that he was a native of Fauquier County and 54 years old. He remained on his farm during the war "in care of my family and private affairs." The next sentence, however, begins to show that Hathaway's was not a typical pardon. "Notwithstanding which," he said, "my position subjected me to several events, and even to temporary imprisonment by the Federal troops." No other mention of his famous arrest was made throughout the pardon; indeed, in the next sentence, Hathaway went on to discuss his political opinions. He did not elaborate how, if he was not a part of the Confederate Army, he was temporarily imprisoned by the Union Army. Anyone reading the application was bound to raise questions about his imprisonment.

In reality, the story of Hathaway's arrest was well known. His house, Western View, was a favorite of Mosby's, and his wife Pauline stayed there many times during the war. Tipped off by an informant, members of the 1st New York Calvary came to Western View on the night of June 11, 1863, in search of the elusive but now famous Mosby. That night was one of the most famous in local and Confederate lore. Mosby narrowly escaped by sneaking out a second-story bedroom window and hiding in a tree. James Hathaway was arrested.⁹² Because of the notoriety the story brought him, Hathaway understood that he had to acknowledge the fact that he was arrested in his application. However, by avoiding detail, he maintained some control. He did not want to draw attention to the events of 1863, but also understood that the knowledge of his arrest and the circumstances surrounding it were already widely known.

⁹² Jeffry D. Wert, *Mosby's Rangers: The True Adventures of the Most Famous Command of the Civil War* (New York: Simon and Schuster, 1990), 87.

Like John Beckham, an agent for the Confederate Quartermaster, Hathaway was also well known locally, and even in the Confederacy. It was he, it was said, who had bestowed upon Turner Ashby, another Fauquier hero, the great white horse known as Tom Telegraph. And while he might not have been officially employed by the Confederacy, he was a wealthy citizen who unofficially aided Mosby and his men in numerous ways. Union officers would have recognized his name. Indeed, Western View was one of Mosby's main safe houses. More than likely, Hathaway had been subjected to Union searches several times throughout the war. Because of the Union Army's desire to capture Mosby at any cost, it is no wonder they arrested Hathaway. Yet, he did not explain any of this at all. Unlike the men who served with Mosby and simply glossed over that connection, seeking to hide it, Hathaway's ties to Mosby were no secret. That Hathaway chose to omit this information can be considered bold, even defiant.

Hathaway's pardon can be understood as a kind of bridge between the two types of rebellion applications. He probably made the decision to include his arrest because that information, like the information of Beckham's quartermaster service, was fairly easy to come by. But explaining it would raise too many questions, so he left out the explanation in the interest of keeping his head down and being as nondescript as possible. Still, Hathaway was older than Marshall, and his profile fits the men who relied not on omission, but persuasion to survive. He, like them, was connected to their narratives – he was, as he put it both vaguely and grandly, in a “position [which] subjected me to several events.” Unlike those other older men, Hathaway chose not to tell his narrative. Perhaps that was because he felt he could not control how it would be construed – he was, after

all, simply trying to survive. But perhaps it was because he did not want to endanger its grandness by compromising it to the act of submission inherent in asking a pardon. If so, he was gambling with his application; but it was a gamble that paid off. Hathaway was pardoned, and the story of his arrest lives on even today as lore in the Mosby legend.

The acts of defiance that shaped the concise pardons turn into acts of justification in the lengthy applications. It is understandable that these men, typically men of the older generation used to wealth and influence over time, did not simply wish to write the bare minimum. They thought it an act of defiance not just to record their opinions, but to persuade Johnson that those opinions were reasonable and defensible. Their defiance was in their willingness not just to shape his opinion, but also to shape public opinion. In simple words, they sought to control the narrative. They were more confident in their ability not just to tell a story, but also to control its interpretation. In fact, it seems they felt that they had more control *because* of the information they were sharing. Instead of lies of omission, in which too much detail was threatening, these were lies of persuasion. The applicant's standing – and perhaps even his honor – depended on how well he made his case.

* * * *

“That at the time of his election and subsequently up to the ratification by the people of the state, of the ordinance of secession, he was known for reason satisfactory to himself, to be opposed to the measure and continued up to the time of the invasion of the State by the military force of the United States – voting against the ordinance of secession in the Convention and all propositions tending to that result; and declining to vote for its ratification when submitted to the people. [...] Living near the border, all his personal property has disappeared in the progress of the war, this land, all of which he owned prior to its commencement, wasted and dilapidated. He owes a considerable amount of debt, much being due to widows and others in destitute condition; and owing to the debts entertained as to his property being liable to confiscation, he is unable to

obtain money, either by sale or mortgage – features in his position that are perhaps common to the whole class to which he belongs.”⁹³ James Marshall

James Marshall was 63 when he drafted his application for pardon. He was the nephew of Chief Justice John Marshall and a member of the illustrious Marshall clan. He was a second cousin to James Edward Marshall, who rode with Mosby. A member of the Secession Convention from Fredrick County, he spent most of the war in Winchester. At the war’s close, Marshall was residing in Fauquier, probably with one of his many relatives.

Marshall’s view on secession was no different than most men of his age and, indeed, most white Virginians. Until the firing on Fort Sumter and Lincoln’s call for volunteers, most Virginians had no wish to secede. Marshall was raised on the knees of men who had fought for the independence of the American colonies, and was taught to believe in the United States; at the same time, he grew up believing in Virginia too.

Men like James Marshall lived with a hierarchy of identities and loyalties etched in their souls: they were United States citizens, yes; but, first and foremost, they were Virginians. Therefore, it was not surprising that he did not vote against secession, but it is interesting that he chose to not vote at all. He voted “against the ordinance of secession in the Convention,” as he said, “and all propositions tending to that result; and declining to vote for its ratification when submitted to the people.”⁹⁴ Perhaps he did not wish to be ostracized by voting against it or perhaps he simply could not decide how to

⁹³ James Marshall, "Application for Amnesty," War Department, The Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C

⁹⁴Ibid.

vote. Or, perhaps the only way he could reconcile his beloved state's secession from the Union was by abstaining from the vote altogether. That interpretation seems to be the best one, given the odd justification in his claim: he was opposed to secession for "reason[s] satisfactory to himself." Regardless, his motives were firmly at the defense of Virginia, stating, "but from the date of the military invasion of his state, his sympathies were enlisted on behalf of those engaged in her defense, and so continued until the close of the contest."⁹⁵ So, Marshall remained a true Virginian at heart throughout the war. When his homeland was threatened, duty dictated that he defend it.

Additionally, by not showing up for the ratification vote, Marshall demonstrated to Johnson that he was not only a reluctant Confederate; he was also an inactive one. Marshall painted himself in contrast to the men who did show up to vote and, in doing so, were the men who should be held responsible for Virginia's secession. Yet, Marshall omitted the fact that he did eventually sign the Secession Ordinance. He was a reluctant Confederate, but a supportive Virginian. When it came down to it, Marshall could not turn his back on the state that was his homeland, whether or not he believed secession was the best route to take. It was because of his loyalty to Virginia that his pardon application was an act of justification. He may have done everything he could to paint himself as an inactive Confederate, but the truth was that he still supported Virginia after she seceded. Therefore, he resorted to explaining why he supported her – and not the Confederacy, which he did not mention at all – in order to convince Johnson he deserved a pardon.

⁹⁵ James Marshall, "Application for Amnesty."

The words he chose to describe his losses echo an earlier time. They were spoken as a gentleman of the old school, and with them Marshall painted a picture of a time that no longer existed. A part of Southern honor was for a man to uphold his debts. Because the war destroyed his property and Johnson was withholding his citizenship, Marshall was unable to act on his debts. This was no doubt both very embarrassing and frustrating for him. However, he was careful to not place blame on either army as if he wanted to make sure he did not offend Johnson. Given that, his word choice is especially fascinating. His land was “wasted and dilapidated.” His property “disappeared in the progress of the war.”⁹⁶ What he owned had not been ruined or deemed unusable; it was *wasted* and had *disappeared* along with his old life and much of what he held dear. And he was in debt and could not use what *dilapidated* property he had left. But no one was to blame. As he abstained from the ratification vote, he abstained from casting stones – a technique of persuasion that perhaps he felt he had mastered.

Marshall was not saying anything that had not been stated in other applications. As he reminded his reader, he was dealing with “features in his position that are perhaps common to the whole class to which he belongs.” What ultimately set Marshall’s pardon application apart is his word choice and phrasing that evokes a dying era. Marshall was a part of the Virginia upper class that had ruled the state since the seventeenth century. Through blood and marriage, Marshall was related to practically all the elite Virginia families – the Randolphs, the Lees, the Amblers, and the Lewises. His own family was illustrious and wealthy; Marshall’s father had been a lawyer and was appointed to the

⁹⁶ James Marshall, “Application for Amnesty.”

United States Circuit Court of the District of Columbia by President John Adams.

Because of that wealth, it can be assumed that Marshall received an exemplary education.

He was the quintessential Virginia gentleman, and this fact was illustrated to Johnson through the way his pardon was written.

More so than the younger men who wrote applications, it was Marshall's world that was ending. Everything he had ever known was changing and had been frightfully in flux for four years. This was a man who was of the generation that understood exactly what secession meant. Their fathers and grandfathers had established the Union, and they had watched it fall apart. Now, they were struggling to find their place once more. But their struggle was not passive or submissive, as the rhetoric of persuasion might suggest. Marshall knew his place in the world and intended to reclaim it. In order to take charge once more, men of his class – 13th exception class – needed pardons. They wanted their American citizenship restored so that they could take power once again in Virginia.

Rather than omit information and gamble on a terseness that might be read as unctuousness or impudence – the technique of younger men – Marshall instead sought to explain, to justify, and to rationalize. In so doing, as was fitting a resident of Mosby's Confederacy, he camouflaged his defiance. To say more was to reveal more, and to reveal more could have been dangerous; but that he chose more over less suggests that he had great confidence in his ability to control his narrative. He no longer had control over what he once had, he admitted; what he did not admit was that he felt fully in control of what he wrote to Johnson.

* * * *

“Your petitioner desires to state that he is fifty-six years of age, he has not been engaged in any manner in the militia or service since the beginning of the war, he has always remained at home, endeavoring to preserve quietly his occupation as farmer, and is not aware in fact that he will be regarded as amenable to the charge of rebellion unless it shall be decided that casting a vote in 1861 to sustain the act of the Convention by which the States seceded from the Union, was rebellion, he did cast such a vote under the conviction that it was his duty to do so. In so doing he may be charged with error, but he humbly hopes Mr. Excellency will not regard it as a crime. [...]

He has also at several times sold provisions to the agents of the Confederate Government knowing at the time if he did not do so, it was liable to impressment. With these exceptions, being not conscious of having done any thing which could be construed as disloyal to the Government of the United States. His taxable property is probably excised in value the sum of twenty thousand dollars all of which he has made by his own industry, having started life without a cent and been compelled always to labour hard. [...]

He has suffered already very largely by the troops of the Federal Army being encamped upon his land and by sundry impressments. He is desirous of living under the Government of the United States as a quiet and useful citizen.”⁹⁷ Luke Woodward

Luke Woodward and James Marshall both fell under the 13th exception and were native Virginians, but from there the similarities cease. Marshall was born into wealth and privilege; he had the sense of well-being and the certain understanding of his place in the world that comes with a secure, well-off background. Woodward, as he stated in his application, was not to the manor born. He was a self-made man, just like Johnson. He had to find his place in the world and had to work for it.

Like all the men who filed pardon applications, Woodward put his Virginia citizenship above all else. It was his duty as a Virginian to do what his state wished. The representatives to the Secession Convention voted in favor of secession, and Woodward

⁹⁷ Luke Woodward, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

followed their wishes. He wrote that he “is not aware in fact that he will be regarded as amenable to the charge of rebellion unless it shall be decided that casting a vote in 1861 to sustain the act of the Convention by which the States seceded from the Union, was rebellion, he did cast such a vote under the conviction that it was his duty to do so.”⁹⁸ Like Marshall, his allegiance would always be first to Virginia, and then to his country, whatever that country may be. The words he used illustrated his loyalty. He was under a *conviction* that it was his *duty* to vote for secession. Woodward made it sound like he did not have a choice. And, perhaps that is how he saw it. He was no doubt proud to be a Virginian and wished to do all he could, within reason, to support his state. His loyalty too was divided, but as he illustrated in his application, Woodward would always be loyal to Virginia first.

Woodward touted, “His taxable property is probably excised in value the sum of twenty thousand dollars all of which he has made by his own industry, having started life without a cent and been compelled always to labour hard.”⁹⁹ It is in this way that he distinguished himself from other applicants. Woodward was a self-made man and most likely pointed that out for two reasons. First, he wanted to show Johnson that he had not always been a part of the upper class in Virginia. His family had not played a part in shaping Virginia, and so he was not of the class that had brought on the war. He wanted to downplay his money and class because he perhaps did not see himself as a true member of the aristocracy. He fit the 13th exception class because of money, but was not guaranteed an unconditional spot because of his family’s lack of standing.

⁹⁸ Woodward, "Application for Amnesty."

⁹⁹ Ibid.

Second, Woodward appealed to Johnson's own life. He wanted to highlight his hard work because it was a well-known fact that Johnson himself was a self-made man. Johnson had also risen by his own hand and not because he was a member of a famous family. Johnson also did not consider himself to be a true member of the aristocracy even though he had been a slave owner and was a Southerner. In this way, Woodward was writing his own act of justification. By likening himself to Johnson, he was attempting to justify his support of Virginia during the war. And like Marshall, Woodward never mentioned supporting the Confederacy. It was always just Virginia.

The following two statements, when taken together, provide interesting contrast. "He has also at several times sold provisions to the agents of the Confederate Government knowing at the time if he did not do so, it was liable to impressment. [...] He has suffered already very largely by the troops of the Federal Army being encamped upon his land and by sundry impressments."¹⁰⁰ In the first sentence, Woodward was continuing along his path of proving his desire to be seen as separate from the class in which he has found himself. He wished to be seen as more of a survivor than a true Confederate nationalist. He did sell supplies to the Confederate Army, but the key word is "sold." And, as he stated, if he had not, it probably would have been taken anyway. Just as his use of "duty" seemed to force him to vote for secession, his decision to "sell" to the Confederacy made it appear that he had no choice.

In the second statement, Woodward made it seem as though the Union Army never even offered to pay him for his goods. They simply took what they needed. He

¹⁰⁰ Woodward, "Application for Amnesty."

illustrated to Johnson, then, that all he had worked for throughout his life was lost between false choices. He had never freely given anything – to the self-made, the ultimate compromise of identity – and thus “ he already suffered greatly.” Woodward was no doubt hoping that Johnson would sympathize with his predicament and understand that even if he was a member of the 13th class of exceptions, he was not a member of the aristocracy. He was simply a Virginian who had voted for secession.

* * * *

*“That I, in common with the people of my state, earnestly struggled for success, with a view to liberty and independence, I frankly admit. Mr. President, on the day on which this petition bears date, I am sixty-eight years of age. Throughout this long life I belonged to the Democratic party, and was taught to believe in the Sovereignty of the States, the delegated character of the Federal Government and the right of the several parties to the Federal Union to change what form of government by withdrawal whenever this interest or happiness required it. I did believe that I had a right to do as I have done, and I am not convinced that I was in error by the terrible disasters, which have desolated the fair fields of my state and sent up a wail of anguish from every hearthstone, for the death of her gallant sons.”*¹⁰¹ William Smith

Perhaps the most famous applicant from Fauquier County was William “Extra Billy” Smith. Smith was governor of Virginia from 1846-1849 and again from 1864-1865, the last Civil War governor of Virginia, when the Union Army arrested him and removed him from office. Smith had also served in the U.S. Congress from 1853-1861 and was a Brigadier General in the Confederate Army. He gained notoriety, as well as his nickname, when he received a contract from President Andrew Jackson to deliver mail between Washington, D.C. and Atlanta. Smith was a little too successful: he created

¹⁰¹ William Smith, "Application for Amnesty," War Department, The Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.

additional mail routes throughout the South and charged fees for all of them – the fees going to his own pocket. Because of the subsequent government investigation into his affairs, Smith was infamous throughout the North. (A point still evident in a note from Governor Pierpont that accompanies Smith’s application: “The petitioner is better known at Washington than he is to me. I respectfully refer the president of the U.S. to the petition.”¹⁰²)

Following the end of the war, Major General Henry W. Halleck issued two rewards: one for Mosby and one for Extra Billy Smith. “By direction of the Secretary of War,” Halleck’s statement read, “a reward of \$25,000 is hereby offered for the arrest and delivery for trial of William Smith, Rebel Governor of Virginia.”¹⁰³ That was significantly more than the \$5,000 reward for the legendary Mosby. Smith subsequently surrendered and was paroled on June 9, 1865. He was just as colorful a person on paper as he was in person. He did not hesitate to share, and even ornament, his personal views with President Johnson. More than any other applicant, perhaps because he knew he was already well known and had a reputation to reconstruct, Smith explained the idea of states’ rights and what it meant to him.

While Smith’s view was the one that prevailed throughout the white South, many of the applicants from Fauquier would no doubt have disagreed with him. Several were conservative former Whigs who opposed secession until Virginia left the Union. It is likely that Smith had no such qualms and supported secession from the beginning. As he

¹⁰² Smith, “Application for Amnesty.”

¹⁰³ James J. Williamson, *Mosby’s Rangers: A Record of the Operations of the Forty-Third Battalion of Virginia Cavalry from its Organization to the Surrender* (New York: Sturgis & Walton Company, 1909), 399.

stated, he did what he believed he had a right to do and what he was taught to do. With those words, Smith blamed those who had come before him. This was his act of justification and his way of telling Johnson that it was not his fault for believing in the sovereignty of the states. Nor was it a fault, necessarily. It was all he had ever known.

Smith continued: “From this view, your Excellency will perceive that I am not conscious of having committed any offense. But Congress has thought otherwise. Such acts as mine are denounced as a great crime and fearful of pains and penalties await the offender from which there may be no escape, except through the pardoning power placed in your hand by the Constitution.”¹⁰⁴ Smith’s application stands out, and not just because of his language. He told the truth; he did not lie to Johnson, but instead told him exactly how he felt. Perhaps he had to. As Governor Pierpont pointed out, Smith was better known in Washington than he was to Pierpont; no doubt, therefore, his views and beliefs were equally famous. At the end of a memorable career, and in keeping with his personality, he might have decided that he had nothing to lose by sharing his true thoughts and feelings.

But his technique, in keeping with his personality, was eminently political. Indeed this was Smith’s chance to control his narrative. Smith wrote, “From this view, your Excellency will perceive that I am not conscious of having committed any offense. But Congress has thought otherwise.”¹⁰⁵ Smith’s argument in support of secession was an echo of the arguments that rang in the halls of Congress throughout the 1840s and 1850s – and his technique of persuasion was that the political world had not changed. He wrote

¹⁰⁴ Smith, "Application for Amnesty."

¹⁰⁵ Ibid.

that Congress – not the Northern people, not the victors of war – thought him guilty of an offense. Even with defeat fresh on his mind, he was still not “convinced that [he] was in error by the terrible disasters.”¹⁰⁶

His defiance was an act of rejecting the result of war, but his language was an act of persuasion. To Smith, persuasion was a political act, not a military one, and Johnson not only worked in the same idiom but would have to work with the very same Congress that now considered Smith a traitor. Responding to the fickleness and danger within the political culture, Smith merely suggested that he was “fearful of pains and penalties that await the offender from which there may be no escape.” The only brake on politics amok was “through the pardoning power placed in your hand by the Constitution.” Ever clever, Smith did not point out that he stood accused of trying to overthrow that same Constitution. But he may very have anticipated the drift of events that in three years would have Johnson himself at the mercy of Congress. Smith was not just controlling *his* narrative, but doing his best to convince Johnson to accept his version of events and his view of the political world.

The men who wrote these rebellion applications sought to regain command and control – not just of the local world they lived in, but of the consequences of the war. They sought the endurance of their way of life, of their power, and of their honor. They adopted different means, the difference being most noticeable by generation. The men who drafted concise applications were younger. They omitted many important pieces of information because they thought terseness was necessary in order to survive. By not

¹⁰⁶ Smith, "Application for Amnesty."

explaining everything to Johnson, they were able to protect themselves – oddly, much in the way that their former slaves had protected themselves. Control of information gave them a small sense of power and enabled them to believe that some semblance of their honor was still intact. It also allowed them to be a little defiant. They had not completely given into Johnson, or to the consequences of defeat.

The older applicants were still defiant, but they also wrote longer justifications in their pardons. Sharing information, or more correctly shaping that information as they shared it, was a technique of mature persuasion; it obscured lies rather than omitted them. Many of these men had helped shape Virginia both politically and socially in the decades preceding the war. They understood how government and authority worked and so wanted Johnson to understand why they had abandoned the United States. They took the time to craft beautifully written pardons that illustrated to Johnson not just their exact thoughts and feelings, but the manner of them. They justified their actions to Johnson in the hopes of having their narratives be accepted as truth.

Both types of pardon applications were successful. Like the applicants in the previous chapter, all these men were pardoned, most within days of Johnson receiving their application – even Extra Billy, a man who openly defied Johnson and his government, was pardoned in 1866. Their honor could remain intact. More importantly, their honor did not hinder them; rather it helped them reconcile the procedures and problems of citizenship in what was to them, as diehard Confederate nationalists and founding fathers, residents, and soldiers of Mosby's Confederacy, a foreign country.

CONCLUSION

When James Hathaway climbed the steps to the Fauquier County Courthouse on August 3, 1865, he was heading to do a task he dreaded. Fortunately for him, however, he was not alone. Many of his friends and neighbors fell underneath the 13th exception to President Johnson's Amnesty Proclamation and so, like Hathaway, were required to apply for a special pardon. Without the pardon, the men could not begin to rebuild their lives in the post-war world, nor could they exercise the right they believed to be God-given: the right to vote. These were men accustomed to control; they had been running the local and state governments for years. The fact that they might lose that control by being denied the right to vote did not sit well with them. So, they did what was necessary and drafted pardon applications to Andrew Johnson. Some applicants merely wished to be reunited with their United States citizenship while others took the chance to explain their thoughts and feelings to Johnson. Many of the men wanted him to understand their thought process as to why they left the United States in the first place. It was important to them that he be granted a glimpse into their lives.

Luckily for the men of Fauquier, all were pardoned. James Hathaway was pardoned on August 19, 1865, a mere sixteen days after his application was submitted.¹⁰⁷ What these applicants came to realize, then, was that Johnson was going to adopt a fairly liberal reconstruction policy. Over the course of a summer, the white men of the South began to understand that, while they were defeated on the battlefield, they had not been

¹⁰⁷ Hathaway, "Application for Amnesty."

defeated on the home front. When Johnson's pardoning process was all said and done, he granted 13,500 out of the 15,000 pardons requested.¹⁰⁸ The men gradually became aware that they were not helpless, that they did have some control over their lives. Once they had their pardon in hand, not only could they begin to rebuild their lives, they could start reshaping the world in which they lived, especially in politics and memory.

This brief window of time in the summer of 1865 shaped Southern identity for years to come. The new, unstable country they had placed their faith and lives in had collapsed and they had no idea what would become of them. From May to September their lives were in limbo. The people of Fauquier were simultaneously dealing with defeat and a loss of identity. Until they were pardoned, they were not citizens of any country. However, they were still loyal to their state and eagerly awaited a pardon so they could begin to rebuild Virginia.

But, under Johnson's lenient reconstruction policy, they began to regain their confidence and strength. This period may have been marked by a sense of despair, lethargy and loss, but it is also from these months that the idea of the Lost Cause emerges. During these months ex-Confederates were attempting to discover where they stood in this new world and how they were going to rebuild their lives. At the same time, they were also beginning to decide how they would remember the great tragedy that had befallen them between 1861 and 1865. Hardly a family was untouched by death; their fallen loved ones deserved to be remembered.

¹⁰⁸ Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy 1863-1968* (Chapel Hill, NC: University of North Carolina Press, 2005), 168.

The Lost Cause idea that became so prevalent in the 1880s and 1890s had its roots in those hectic few months following the end of the war. The pardon applications illustrate the thoughts of men who were attempting to redefine their place in America. None had forgotten what had brought them to support the Confederacy, and they never would. The people of Fauquier County would always remember what the war had cost them and what it had meant to support Mosby and his Rangers. They may have needed the pardon for legal reasons, but they never forgot their loyalty to Mosby and the Confederacy he represented. These conflicting loyalties influenced the formation of the Lost Cause.

The pardon applications reveal a new layer of post-war, white Southern thought. The end of the war was a tumultuous time for everyone in the South; but nevermore so than for the wealthy men of Fauquier County. They had once been the heirs to the great ideals of democracy and republicanism, and had seen their ideals challenged, upheld, and reconciled through war. Now that the fighting had stopped, they had to pick up the pieces of their broken world. They had shaped the country and Virginia before the war, and, through acts of defiance and persuasion, reunion and rebellion, they would begin to shape their post-war world.

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