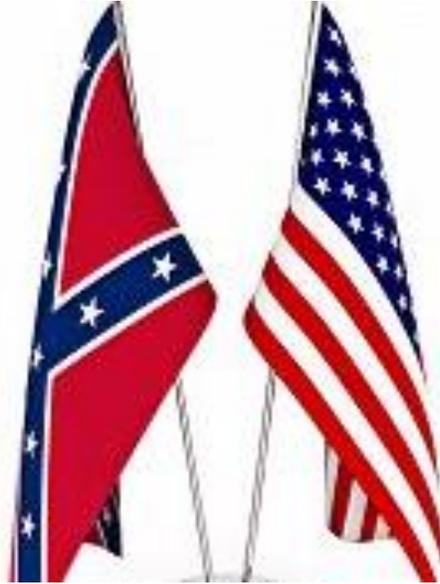


**[From *Greene County Civil War Soldiers,*
Volume III, Stories from the Civil War]**



**CONFEDERATE CONSCRIPTION ACT
AND CONFEDERATE PENSION ACT IN TENNESSEE**

By Tim Massey, Greene County Historian

In order to understand the effects of Confederate conscription in Greene County Tennessee, one must first be familiar with the political environment that existed in the region.

When a study of the so called “American Civil War” is undertaken, it can be concluded it was not a “civil war” by definition. A study of East Tennessee and Western North Carolina, however, does fall under the definition of the term. Greene County had many active communities, more important, the railroad crossed through the county linking Virginia with Georgia, the Confederacy’s breadbasket. The railroads also connected another state reluctant to withdraw from the Union, North Carolina. Greene County was indeed the epicenter of the war in East Tennessee.

One Union man stated after the war, “It was easy to be a Union man in Ohio or Pennsylvania, but difficult and dangerous to be one in the South. It was plum stupid to tell what you were in East Tennessee, unless you were looking to be killed.” Many a man would be killed whether by stated or perceived leanings. A man who coveted his neighbors’ wife, his farm, or both could simply pose as an unknown bushwhacker and kill this neighbor, then ride in as a knight in shining armor to protect the helpless widow. So it was in East Tennessee.

In understanding Confederate conscription, one should realize that by the time Tennessee withdrew from the Union in June 1861, lines had been drawn and minds made up with sides chosen. As early as the previous November John Q. Arnold had written South Carolina's Governor Gist offering the services of the Greeneville Guards. This son of pro-Unionist Thomas Arnold reported to the SC governor that "My company is one recently gotten up." It was more than a month (December 20, 1861) after Arnolds letter before South Carolina voted to leave the Union. Tennessee began training new recruits before the State voted to secede from the Union. The State was on the "front lines" and under direct threat of attack. I can imagine Governor Harris taking these necessary steps to protect the citizens of his state, no matter which way the impending vote would go. Had the Lincoln administration not called up troops to invade the South, Virginia, Tennessee, and North Carolina almost certainly would have remained in the Union.

Gov. Harris published a statement on Feb 19: *"As Governor of your State and Commander-in-chief of its army, I call upon every able-bodied man of the State, without regard to age, to enlist in its service. I command him who can obtain a weapon to march with our armies. I ask him who can repair or forge an arm, to make it ready at once for the soldier. I call upon every citizen to open his purse and his storehouses of provisions to the brave defenders of our soil. I bid the old and the young, wherever they may be, to stand as pickets to our struggling armies."*

Understanding that East Tennessee was overwhelmingly in favor of remaining in the Union, Confederate authorities decided to not be overbearing as an occupation force. Brig. Gen. Felix Zollicoffer was given command of the eastern district of Tennessee. On August 7, 1861 he issued the following letter to the citizens of East Tennessee:

"The military authorities are not here to offend or injure the people, but to insure peace to their homes, by repelling invasion and preventing the introduction of the horrors of civil war. Treason to the state cannot and will not be tolerated. But perfect freedom of the ballot-box has and will be accorded; and no man's rights, property, or privileges shall be disturbed. All who desire peace can have peace, by quietly and harmlessly pursuing their lawful avocations. But Tennessee, having taken her stand with her Sister States of the South, her honor and safety require that no aid shall be given within her borders to the arms of the tyrant Lincoln."

Union men of East Tennessee respected Zollicoffer, and appreciated his efforts to keep an uneasy peace. However, it left a foul taste in the mouths of those who wanted a return to Union control. Greeneville's own Andrew Johnson had fled and The Daily Nashville Patriot reported (October 20, 1861) that Johnson had delivered a speech in which he said:

"The other day, when I stood in the presence of two-thousand Tennesseans, exiled like myself from their homes of comfort and the families of their love. I found that my manhood and sternness of mind were all nothing, and that I was only a child. There they were my friends and fellow-citizens of my beloved state, gathered upon the friendly soil of Kentucky, from the tender sapling of 16 to the gray haired fathers of 60, all mourning the evil that has befallen our land and our homes, but all seeking the arms wherewith to go back and drive the invader from our fields and hearthstones."

Indeed, thanks to pilots many Union men of East Tennessee were led to Camp Dick Robinson in Kentucky. Many still, lingered at home to protect their farms, business, and families from dangers known and unknown. These men remained quiet in order not to attract any unwanted attention. This peace would not last long.

Carter County minister William B. Carter had hatched a plan for the Union Army to invade and liberate East Tennessee. He had sold the plan to Lincoln and his subordinates. November 7, 1861 was picked as the date for the bridges of East Tennessee to be burned with the Union army moving in during the chaos that followed and occupy the region. Greene County's David Fry, himself stationed at Camp Robinson, led the burning of the Lick Creek Bridge. As the bridges collapsed in flames, so too did the Union plan of liberation. The complacent attitude of the Confederate authorities had now turned to wrath. Union men were arrested and sent to jail, those accused of bridge burning were hanged. The civil War within a civil war was now full circle.

In February of 1862 the Confederate Congress had issued The Conscription Act, it allowed state and local governments to draft most able bodied men into the army. Under the Conscription Act, all healthy white men between the ages of 18 and 35 were liable for a three-year term of service. The act also extended the terms of enlistment for all one-year soldiers to three years. A September 1862 amendment raised the age limit to 45, and February 1864, the limits were extended to range between 17 and 50. Exempted from the draft were men employed in certain occupations considered to be most valuable for the home front, such as railroad and river workers, civil officials, telegraph operators, miners, druggists and teachers. On October 11, the Confederate Congress amended the draft law to exempt anyone who owned 20 or more slaves. Further, until the practice was abolished in December 1863, a rich drafted man could hire a substitute to take his place in the ranks, an unfair practice that brought on charges of class discrimination. This law did not make anyone very happy.

Albert B. Moore, in "Conscription and Conflict in the Confederacy," seems to regard the South's great mistake was not in turning to conscription, but in relying at first on volunteers.

"Conscription would have been less odious if it had been made the exclusive policy of raising armies at the outset. It might then have been regarded as a scientific way of allocating the man power of the country and distributing fairly the burdens of war. But the volunteer system was tried the first year, and after conscription was adopted volunteering was still allowed. This made conscription appear to be a device for coercing derelicts, hence the taint that attached to the conscript." Volunteerism failed during the American Revolution, when much of the countryside was under direct attack by British armies. States like Pennsylvania had to draft all their able-bodied men into the militia not once but twice during the 1777 invasion, and Massachusetts and Virginia resorted to conscription in 1777 to fill their thinning line regiments. George Washington wrote to the president of the Continental Congress in 1778 that, "I believe our greatest and only aid will be derived from drafting, which I trust may be done by the United States." Here, 85 years later, we see history repeating itself.

How does all this affect Greene County? To begin with many men had cast their lot early in the war. Some may have been reluctant to go either way, and some might have been coerced to join a side not of their choosing. As we noted many men decided to leave their homes and make their

way to Kentucky. A lot of these were captured and given choices, be shot, be imprisoned, or join the Confederate army. This required an oath be administered devoting one's self to the Southern cause. Almost all would have chosen the latter, perhaps with fingers crossed until the time came that they could align themselves with the Union Army.

From this time and into 1863 the war was not looking good for the South. Thousands of Southerners were captured by Federal forces. Given a choice of almost certain death in a prisoner of war camp or joining the Union army a great number of Greene County men that had been loyal to the state now saw the futility in continuing. Many others crossed the lines simply to be on the winning side. While some records do exist to sort these out it is difficult to determine why men changed sides. It is impossible to read the heart of these men, who were of their own time, a time, we today cannot fully understand.

While the conscription act did affect some in Greene County, as we mentioned, most had chosen sides long before 1862. Those who were reluctant to support either side, younger and older adults, and those who tried to remain neutral would have been most affected by conscription. Men whose enlistments ran out and thought they had done their duty were now bitter at having to return "for the duration." Many of these would change sides out of resentment at their perceived unfair treatment. The Union army also offered Confederates bonuses of cash money to change sides. We cannot judge human behavior and motivations 150 years after the fact, any better than they could during their time.

At the end of the day, the South paid a dear price for her position on States Rights. The sheer population differences in 1860 (Union States 18.5 million versus Confederate States 5.5 million, excluding 3.5 million slaves) was a strong indicator the South could never sustain an extended War. Union Soldiers totaled almost 2.7 million men; while the exact number of Confederate Soldiers are not known, they are estimated to be between 750,000 - 1.2 million men. [National Park Service statistics]. On a man-per-man basis, the South's loss of young men (killed, wounded, captured, missing) as a percentage of the regional population, was by far greater than that of the Unionist states. The South's great cities (Richmond, Atlanta, Charleston, Vicksburg) of wealth, refinement, culture and education, were destroyed during the War. The Northern cities endured no such losses. The economic power of the South never fully recovered, not even to this day. In a recent ranking of GSP (Gross State Product), a domestic measure comparable to the GNP (Gross National Product), of the States who chose secession, almost half fall below the United States median GSP, and several well below. Rankings in the 'top ten' in 2015, included only three Confederate States, Texas (number 2), North Carolina (number 9), and Georgia (number 10), with Virginia holding the 11th spot.

Then, and now, forced conscription is always unpopular. Regarding the Civil War, it resulted in calamitous consequences for the South.

CONFEDERATE VETERANS PENSION IN TENNESSEE

The 1891 Tennessee General Assembly passed an act, signed into law by Governor John P. Buchanan, which appropriated \$60,000 annually for “maimed and indigent former Confederate Soldiers of the state.” This act provided *“for men that could not, on account of their family relations, receive the benefits of the Tennessee Confederate Soldiers’ Home.”*¹

The amount set aside by the legislature adjusted to today’s dollars would be \$1,578,947.37². It is not as lofty a figure as one might expect given the cost of today’s social programs, however, this was a first for the state. Obtaining the benefits wasn’t exactly an easy process as the requirements were a bit tough, especially given the period in time. In their more remote world, such news was not readily available. Transportation, and access to legal help were major obstacles too. Remember also, this was the era when most of the population considered themselves “independent” and not open to what they considered “Government handouts.” Another item to remember is that Tennessee, which was in better shape than a lot of her sister states, wasn’t exactly rolling in money following the war and reconstruction. The pensions broke down into three classes:

First class

a soldier who had lost both eyes, both arms, or both legs. Those qualified would receive \$300 per year.

Second class

a soldier who had lost one arm, or a leg, with a disability to the other arm or leg, \$120 per year.

Third class

a soldier who had lost one arm or leg, or having a disability equivalent thereto, \$100 per year. To qualify for these benefits, it had to be clear that the disability resulted from active military service, that the soldier was in indigent circumstances and that his record was free from dishonor.

Under the act there were five pension examiners and they were allowed one secretary. The Tennessee Attorney General G. W. Pickle and State Comptroller James A. Harris were members of the board by virtue of their positions. The other three were ex-Confederate veterans recommended to the Governor by the Tennessee Division United Confederate Veterans. These men were Ensign F. A. Moses, Lt. George F. Hager, and Lt. George B. Guild. John P. Hickman served as secretary. The three veterans and the secretary on the board were unpaid.³

For a former soldier to prove eligibility he had to answer a series of questions which had to be certified by a local government official. The burden of proof fell upon the veteran. Many of these men could not read or write. Hiring an attorney or other representative was prohibitive to many. Sadly, many deserving veterans could not provide the required documentation to qualify. The series of questions were:

- Name of soldier, widow, or dependents
- Date and place of birth
- Unit dates and places of enlistment and discharge
- Brief description of service

- Wounds received
- Sworn statements on proof of service by comrades
- War Department service abstracts
- Place and length of residency in the state
- Date and place of marriage
- Date and place of the veteran's death (for the widow and children's pension)

Providing they could meet the strict requirements of the law, the Act allowed Federal as well as Confederate veterans to apply for benefits. It was required that they be residents of the state for at least one year before making the application. Many of the state's soldiers that had fought in the service of the United States found the pension provided by the Federal government more appealing.

The widows pension was not introduced until 1905. It required much of the same information in addition to proof of marriage and character references for both her and her late husband. Because of the number of letters and copies of marriage records found in pension files, to apply as a widow was difficult at best. She was required to furnish the date and place of death of the veteran.

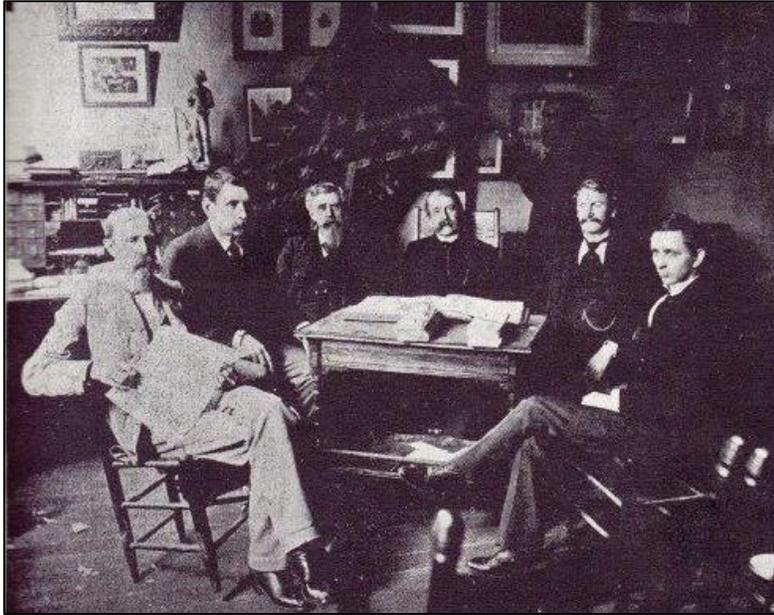
In April 1919, the legislature increased the funding for Confederate Pensions to \$1,840,000.00. The states pension fund continued to pay veterans widows up until 2003. Gertrude Janeway of Blaine, TN was the last living widow of a Union Veteran. She married John Janeway in 1927 when she was 18 and he was 81. Their home in nearby Grainger County is preserved as a Civil War Trails stop. They rest together in a nearby cemetery.

In April of 1921, the Tennessee Legislature passed another act allowing pensions of \$10 per month for "those colored men who served as servants and cooks in the Confederate Army in the War Between the States."⁴ They had the same stringent requirements as white soldiers and widows with the additional burden of proving they had served until the end of the war. The act did not provide any benefits for their widows or children however.

The colored act was not implemented until almost sixty years after the war. With most eligible colored veterans already dead, many had no knowledge of the law. Again, countless numbers of these veterans did not have the resources to enable them to follow through the application process. Still over 500 of these men were ruled eligible to receive a pension. It must be considered that these men were in their nineties. That is an incredible number given the time and circumstances. The life expectancy for white males in 1891 was 49, and Blacks 46. It should be noted that many of these men who would be called servants, cooks, wagoner's, etc. were also recorded as carrying a rifle and being wounded in the face of the enemy. There are also muster records reflecting Negro women as cooks and laundresses' and duly enlisted in company rolls. Sadly, these women could not apply to receive their just dues. There are thousands of "free Negroes" listed in the regimental rolls across the South as regular soldiers. Many more of these men were not identified by race.

Pension records offer a lot of information to genealogists. I know from experience that in many instances these are the only known source of marriage information right down to the minister,

and on occasion, even who attended. They also provide interesting information from neighbors and kinfolk, all certified for your recording pleasure. Unfortunately, the location of the veteran's burial is seldom recorded. This was frustrating in my research of my great-grandfather, because a witness stated that he had "helped carry his dead body off the battlefield." No matter how many times I pounded my fist on the table, nobody told me where they buried the body! So don't sell pension records short, in addition to military service, they contain a lot of useful information.



**Tennessee Board of Pension
Examiners,
Confederate Veteran
Magazine**

- 1 Confederate Veteran Magazine. March 1894 p 73.
- 2 <http://www.davemanuel.com/inflation-calculator.php>
- 3 Sistler; Index to Tennessee Confederate Pensions
- 4 Tennessee State Archives

KNOXVILLE WEEKLY CHRONICAL
August 28, 1872

TENNESSEE'S PENSION ROLL.

The Rebel-Democracy of Tennessee propose to pension the leaders of the "Lost Cause" upon the people of the State by giving them all the honorable and profitable places of trust. We rather think Conservative Union men and sensible ex-Confederates are about tired of the policy, and propose in the coming election to put a stop to it. Counting all the candidates for the Legislature, there is hardly one West of the East Tennessee line that was not prominent in the rebel cause and basing his claims for office upon the grounds of his services to the Confederate cause. For general information, we give below a list of a *few* of the leading ex-Confederates now aspiring for "Pensions:"

Maj. Gen. Jno C. Brown, candidate for Gov' nor.
Lt. Gen. B. F. Cheatham, can. for Con. at large.
Gen. J. D. C. Atkins, can. for Con. in 7th Dist.
Col. W. C. Travis, " " " "
Col. E. I. Golladay, " " " 5th Dist.
Col. D. M. Key, " " " 3d Dist.
(?) A. Caldwell, " " " 2d Dist.
Gen. J. M. Bright, " " " 4th Dist.
Gen. W. C. Whitthorne, " " " "
Col. A. J. Kellar, " " " 9th Dist.
Ex-C. S. Senator L. C. Haynes, can. Con. "
Maj. Gen. W. A. Quarles, State Elector.

The Applicant must read or have read to him, every word in this Application.

PENSIONERS now on the ROLL are NOT required to make new applications, but must file annual certificates.

THIS APPLICATION

Must be filled with the Clerk of the Corporation or Circuit Court of your City or County. (No application will be entertained not on the printed form.)

FORM No. 2.

APPLICATION of Disabled Soldier, Sailor or Marine of the late Confederacy Under Act of April 2, 1902, as amended.

I do hereby apply for a pension under the provisions of the act of the General Assembly of Virginia, approved April 2, 1902, as amended, entitled "An act to aid the citizens of Virginia who were disabled by wounds received during the war between the States while serving as soldiers, sailors, or marines of Virginia, and such as served during the said war as soldiers, sailors, or marines of Virginia, who are now disabled by disease contracted during the war, or by the infirmities of age..."

All questions must be answered fully—be explicit:

- 1. What is your name? David A. Wheeler
2. What is your age? 79 years
3. Where were you born? Green County, Tenn.
4. How long have you resided in Virginia? 50 years
5. How long have you resided in the City or County of your present residence? 47 years
6. In what branch of the service were you? I belonged to the 61st Tenn Regiment of Cavalry Company A
7. Who were your immediate superior officers? Colonel James Rose, Captain Nathan Gladd
8. When did you enter the service? April 1862
9. Where did you enter the service? I volunteered at Greenville Tenn
10. When and why did you leave the service? I did not leave until the war was over when I surrendered
11. Where do you reside? If in a city, give street address. Post-office Box Rail Road Street, County of Washington, Bristol Virginia
12. Have you ever applied for a pension in Virginia before? If yes, why are you not drawing one at this time? No

- 13. What is your usual and ordinary occupation for earning a livelihood? I haven't been able to work or step for 33 years on account of paralysis
14. Are you following such occupation or any other occupation or employment at this time? If yes, state the nature and extent of same. I am running a small store with 2000 stock trying to make a living out of it
15. What is your annual income? I haven't any
NOTE—By income is meant the total gross receipts derived by you from all crops (whether sold or used) wages and other sources valued in dollars.
16. How much property do you own? Not any
Real Estate \$
Personal Property \$
17. What is the exact nature of your disability and the cause thereof? Was caused by exposure in the army
18. Are you totally or partially incapacitated by such disability? I am paralyzed from my knee to my feet
19. Give the names and addresses of two comrades who served in the same command with you during the war. Name: W. H. Keller, Address: Bristol Va.; Name: J. M. Parke, Address: Bristol Va.
20. Is there a camp of Confederate Veterans in your city or county? Fullerton Camp
21. Give here any other information you may possess relating to your service or disability which will support the justice of your claim.

A signature made by X mark is not valid unless attested by a witness.
WITNESSES: J. H. Dishner, Justice of the Peace, in and for the County of Washington, State of Virginia, do certify that the applicant whose name is signed to the foregoing application, personally appeared before me in my office, aforesaid, having the aforesaid application read to him and fully explained, as well as the statements and answers therein made, the said applicant made oath before me that the said statements and answers are true.
Given under my hand this 11th day of June 1914.
Signature of Officer: J. H. Dishner