



Confederate generals G. Pickett and R. Hoke with, in the background, the thirteen Federal prisoners that were hanged in Kinston, on February 15, 1864

## *General George Pickett and the mass execution of deserters in Civil War Kinston, North Carolina*

*by Dr. Donald E. Collins*

During the early hours of February 2, 1864, fifty-three North Carolinians were captured by Confederate forces under the command of Maj. Gen. George E. Pickett. They were wearing the uniform of the United States Army and were caught in arms against their native state. Except for a few absentees, these men represented the entire roster of Company F, Second North Carolina Union Volunteer Infantry. Most were natives either of the county in which they were taken prisoner or of surrounding counties. Within four months of their capture, virtually all would be dead. Most fell victim to diseases acquired in Southern prisoner-of-war camps in Richmond, Virginia, and Andersonville, Georgia. Twenty-two, however, were publicly hanged in Kinston, North Carolina. Watching the executions were wives, neighbors, friends, and former comrades in arms in the Confederate army. The incident precipitated a controversy between Union and Confederate authorities that lasted two years and nearly brought down one of the South's most famous generals.

On the surface, the issues were simple. From the Federal viewpoint, the executed men were Union soldiers ; once captured, they deserved to be treated as prisoners of war. President Abraham Lincoln made this a point when, on July 31, 1863, he ordered retaliation on *"the enemy's prisoners in our possession. It is ... ordered, that for every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be*

*executed*".<sup>1</sup> The reaction of Union authorities to the Kinston hangings was outrage and desire for revenge.

The Confederates argued that the men were simply deserters. Execution, therefore, was a legitimate punishment. In reality, however, the problem for the South was much more serious : how to stem the tide of desertion that swept, and depleted, Southern armies. From the early days of the war, officials had complained that Confederate forces were so weakened by desertions that "*we are unable to reap the fruits of our victories and ... invade the territory of the enemy*". General Robert E. Lee, following his defeat at Antietam, complained to President Jefferson Davis that a large number of his troops never crossed into Maryland and that desertion and straggling deprived him of one-third of his effective force. He later wrote that he feared "*nothing but the death penalty, uniformly, inexorably administered, will stop it*".<sup>2</sup>

In February 1864, this widespread problem of Confederate commanders became a specific concern for George Pickett, whose campaign against New Bern, North Carolina, cast him into the midst of the thorny and tangled questions of how a general maintains his manpower against the constant hemorrhage of desertion. Where does military discipline end and atrocity begin ? For Pickett the matter could never again be a mere academic or legal question. His application of Lee's suggested remedy for desertion brought him condemnation as a war criminal in 1865-1868 and criticism from some recent historians who attribute the mass executions to his alleged declining mental state following his ill-fated charge at Gettysburg and his subsequent fall from grace in the Army of Northern Virginia.<sup>3</sup>

A more reasonable explanation, carefully considering all of the circumstances, reveals that Pickett's actions were not those of a man in the throes of emotional disintegration but rather fit well with the picture of a rational but sorely tried commander wrestling with one of the fundamental problems of command : the maintenance of his army. In keeping with Confederate concerns over desertion in North Carolina - and Lee's expressed desires - Pickett intended to set an example that would stanch the flow of desertion.

Desertion was most appalling in North Carolina, and there the problem Pickett would face had been developing for some time. To understand Pickett's dilemma, and its ramifications for individual soldiers, it is necessary to understand the background of the 1864 Kinston hangings. North Carolina had the seemingly contradictory distinctions of providing both more soldiers to the Confederate army than any other state and of having more deserters from the army. Although North Carolinian disloyalty to the Confederacy was probably not much worse than in some other Southern states, it was publicly more pronounced. North Carolina was the last to secede and did so only after rejecting secession in a statewide vote of the people. Governor Zebulon Vance, who led the state through most of the war, was an outspoken critic of the Davis administration. And the *North Carolina Standard*, one of the state's leading newspapers, was so well known for its opposition to the Confederate war effort that North Carolina soldiers came to blame it for the growing number of desertions. Even the North Carolina Supreme Court gave

<sup>1</sup> U.S. War Department, *The War of the Rebellion : A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington DC : Government Printing Office, 1881-1901), 1st ser., vol. 33, pp. 866-67 (hereafter cited as OR ; all references are to series 1 unless otherwise noted).

<sup>2</sup> OR 33 : 164, 168.

<sup>3</sup> Edward G. Longacre, *Leader of the Charge : a Biography of General George E. Pickett* (Shippensburg PA. White Mane, 1995), 140-41 ; Lesley Jill Gordon, "Assumed a Darker Hue : Major-General George E. Pickett, C. S. A., May 1863-May 1864" (master's thesis, University of Georgia, 1991), 50.

aid and comfort to those desiring to avoid Confederate military service. Chief Justice Richmond M. Person was known to secure the release of virtually any conscript, deserter, or person accused of disloyalty who applied to him for a writ of *habeas corpus*.<sup>4</sup>

Since desertion was not a crime in the state, citizens who shielded deserters felt safe from arrest for hiding them. Added to the problem, war-weary soldiers received volumes of letters from wives and family members urging them to come home arguing that they “*could desert with impunity*”. It was even said that they could “*band together and defy the officers of the law*” who came after them. As a result, large numbers were concealed from the army in many parts of the state.<sup>5</sup>

The Confederate congress debated the problem of desertion in North Carolina, and President Davis and Robert E. Lee, among others, expressed their deep concern. Governor Vance, despite his reputation for opposition to the Confederate government on many issues, became increasingly troubled over desertions by North Carolina soldiers. On January 28, 1863, he issued a proclamation that threatened trial and death for any deserter who did not return to duty by February 10.<sup>6</sup> Despite this, the state became an attractive refuge for deserters, who found natural havens in the swamps of eastern North Carolina and the mountains to the west. Deserters found aid and comfort from such secret Unionist organizations as the Heroes of America, which helped them to places of safety.

Unionists, men of questionable loyalty to either side, and deserters from the Confederate army began to find their way into the Union army soon after Federal forces occupied the northeastern coastal region of North Carolina early in the war. This influx appeared to confirm the widely held beliefs of Northern authorities in regard to the political leanings of citizens of the state. Commodore S. C. Rowan, writing from New Bern in March 1862, stated his firm conviction that “*the hearts of the people of North Carolina are not with the rebels ; the woods and swamps are full of refugees fleeing from the terror of [Confederate] conscription*”.<sup>7</sup>

Realizing the value of these men to the Union, Lt. Comdr. Charles W. Flusser and Colonel Rush C. Hawkins, commanders of the land and naval forces in the region, met with approximately 250 local residents in Plymouth and formed the First North Carolina Union Volunteer Infantry.<sup>8</sup> By January 1863, the regiment had increased to 534 men, and recruitment for the Second North Carolina Union Volunteers was initiated. Within another year, recruiters operating in the Union-occupied towns of Plymouth, Washington, Beaufort, Hatteras, and New Bern had raised fifteen companies made up of native eastern North Carolinians.<sup>9</sup>

From the very beginning, Northern military leaders realized the danger that North Carolinians in the Union army faced if captured by Southern soldiers. As a result, a conscious effort was made to protect these men from capture and punishment as traitors to the Confederacy. Flusser and Hawkins assured the recruits that “*Southern men who*

<sup>4</sup> Archie K. Davis, *Boy Colonel of the Confederacy* (Chapel Hill : University of North Carolina Press, 1985), 269.

<sup>5</sup> Davis, *Boy Colonel of the Confederacy*, 234.

<sup>6</sup> Davis, *Boy Colonel of the Confederacy*, 234, 268-69.

<sup>7</sup> Richard Nelson Current, *Lincoln's Loyalists : Union Soldiers from the Confederacy* (Boston : Northeastern University Press, 1992), 64.

<sup>8</sup> Rush C. Hawkins, *An Account of the Assassination of Loyal Citizens of North Carolina for Having Served the Union Army, Which Took Place at Kinston in the Months of February and March 1864* (New York : n. p., 1897), 8-11.

<sup>9</sup> Current, *Lincoln's Loyalists*, 67 ; U.S. Archives, *Compiled Service Records, NA-MC401, Muster Rolls of the Second North Carolina Union Infantry, microfilm copy, North Carolina State Archives, Raleigh, F.6.646P (hereafter cited as Second North Carolina Union Muster Rolls)*.

... [fight] in the ranks of our army ... [would] be looked upon as wards of the Government ; and any outrage perpetrated upon them, or upon their families, would be severely punished".<sup>10</sup> A serious effort was made by Union leaders in the state to protect Unionists from capture and punishment as traitors by Confederate authorities. Hawkins would be haunted by guilt for decades after the war because of his inability to keep this promise.<sup>11</sup>

The First and Second North Carolina Union regiments were deliberately kept from combat situations and were used mostly in building and strengthening fortifications. Despite these precautions, Confederate assaults on New Bern, Plymouth, Washington, and other locales would result in the capture and/or death of a significant number in these regiments.

In addition to those truly loyal Unionist North Carolinians, men of lesser and more questionable motivations were also enticed into the Federal army. Recruiting broadsides addressed "*To the Union Men*" of the area appealed to those who simply wished to sit out the war in relative security or who wanted to remain near home and family. These were promised that their service would be as home guards who would "*not be moved from the county, ... nor ... be called upon to march to any other part of the state, unless upon an occasion of emergency*".<sup>12</sup>

North Carolina had its own version of the Federals' home guards. In 1861 the Confederate congress gave in to states' rights governors who appeared to be more concerned with their own states' defense than with presenting a united front against the common enemy. The Local Service Law of that year therefore authorized the recruitment of state troops for local defense. In North Carolina, the partisan rangers and railroad guard companies fell into this category. Service in such units was considered one of the most perfect ways to avoid conscription into the regular Confederate army. It was generally understood that by enlisting in local service organizations one avoided being removed from his home area to more active service and also escaped being sent to the battlefields of Virginia and other states. Rank-and-file Confederate soldiers had little respect for men who used local defense for the purpose of keeping out of danger, avoiding the draft, and remaining near their families.<sup>13</sup>

Half of the men of Company F, Second North Carolina Union Volunteer Infantry, began their military careers serving the Confederacy in one capacity or another. Most were members of Southern partisan ranger battalions or railroad guard units.<sup>14</sup> Upon enlistment, these men were promised orally, but not on paper, that they would spend their time within the general locality in which they joined.<sup>15</sup> Nethercutt's Battalion, to which the majority of the deserters to the Union army belonged, was headquartered in Trenton, in Jones County, North Carolina, a short distance from Kinston, where they would soon meet their fate. This unit had a reputation among Union troops in the region as "bushwhackers" who ignored "*all the well known rules of legitimate warfare*".<sup>16</sup>

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<sup>10</sup> Hawkins, *Assassination of Loyal Citizens*, 8-11.

<sup>11</sup> Hawkins, *Assassination of Loyal Citizens*, 4.

<sup>12</sup> Michael K. Honey, "*The War within the Confederacy : White Unionists of North Carolina*", *Prologue : Journal of the National Archives* 18 (1986) : 74.

<sup>13</sup> U.S. Congress, House, *Murder of Union Soldiers in North Carolina*, 34th Cong., 2d sess., 1866, Ex. Doc. 98, serial 1263, 57, 62-63 (hereafter cited as *Murder of Union Soldiers*).

<sup>14</sup> *Confederate States of America, Headquarters [of Maj. Gen. George E. Pickett], Department [of] North Carolina, General Order No. 6, Camp on Dover Road, February 3, 1864, Rare Book Collection, Z. Smith Reynolds Library, Wake Forest University (hereafter cited as Department of North Carolina Court-Martial Records)*.

<sup>15</sup> *Murder of Union Soldiers*, 38.

<sup>16</sup> J. Waldo Denny, *Wearing the Blue in the Twenty-fifth Mass. Volunteer Infantry, with Burnside's Coast Division, 18th Army Corps, and Army of the James (Worcester MA : Putnam & Davis, 1879), 150-51.*

Life in the partisan rangers was easygoing, with the men often enjoying the comforts of home while ostensibly serving the Southern cause. Described by one Confederate officer as “*a rather free kind of troops*”, service was informal, consisting of going out for perhaps a week at a time on scouting and outpost duty. They had no regular camp, some men living at home with their families. Reports, though required, were seldom made by officers who sympathized with their men. According to their commander, Major John H. Nethercutt, many were not in sympathy with the rebellion. Such men could not be counted upon to remain true to the service should their security be threatened.<sup>17</sup>

North Carolinians whose loyalty lay with the United States, or who at least felt no allegiance to the Confederacy, now had several options open to them. They could flee to relative safety behind Union lines ; join the regular Federal army and fight for the preservation of the Union ; enlist in a North Carolina Union regiment, where they could be close to their families, support them on army pay, and remain relatively safe from combat ; or they could remain at home while giving the appearance of Confederate loyalty through service in partisan ranger and bridge guard units.

By the fall of 1863, events had taken place that would put an end to the easy life in such local service units and would be seen by these informal soldiers as a threat to the privileged position they enjoyed. Confederate losses at Gettysburg and Vicksburg, as well as the general downward course of the war, put a strain on Southern manpower. The questionable military value of local defense units did not go unnoticed by Confederate military and government authorities in the field and in Richmond.

In October 1863, the War Department in Richmond, on the recommendation of Brig. Gen. James G. Martin, ordered the creation of the Sixty-sixth Regiment, North Carolina State Troops. This would include those men in local service in eastern North Carolina who were of conscription age. Wright’s and Nethercutt’s battalions, including four railroad bridge guard and four partisan ranger companies, helped make up what Lieutenant John B. Neathery of the state adjutant general’s office described as the “*odds and ends not belonging to any other organizations*”.<sup>18</sup> All units assigned to the Sixty-sixth were ordered to rendezvous in Kinston in October and to move from there to Wilmington, pending removal to Virginia.

Confederate authorities realized that difficulties might arise from transferring men to general service, who had been promised on enlistment that they would remain in the vicinity of their homes. To prevent disaffection, an attempt was therefore made to soothe feelings by offering the men a choice. They would be given the opportunity to go voluntarily with their units into the Sixty-sixth Regiment or be discharged and sent to conscription camps for assignment. The men affected by the order saw this, however, as simply “*whipping the devil around the stump*”; regardless of which path was taken, the results were the same : service in the Sixty-sixth.<sup>19</sup>

A substantial number actively opposed the order. A few successfully filed *habeas corpus* petitions to a sympathetic state supreme court and were discharged from the service. Many others simply fled to the woods or went home. This was particularly true in Nethercutt’s Battalion, where officers and men expressed dissatisfaction with the consolidation order as a violation of their enlistment terms. Less than half showed up at the rendezvous site in Kinston. Major Nethercutt proposed that he and some other

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<sup>17</sup> *Murder of Union Soldiers*, 38-39, 66, 77.

<sup>18</sup> *Murder of Union Soldiers*, 63.

<sup>19</sup> *Murder of Union Soldiers*, 57, 63-64.

influential officers go to the men and attempt to persuade them to return. Maj. Gen. George E. Pickett, overall commander of the Department of North Carolina, took a similarly lenient approach in issuing a proclamation that promised there would be no punishment for any who voluntarily returned. As a result most returned, some coming in by squads.<sup>20</sup>

This hesitation to serve the Confederate cause resulted in a distrust of the Sixty-sixth North Carolina Regiment that took months to overcome. Guards whose loyalty was known to now Colonel Nethercutt were placed in camp to ensure against further desertions. Although the regiment as a whole later earned respect in the Confederate army through gallant service on some of the major battlefields of Virginia and North Carolina, the struggle for consolidation of the local defense organizations into more active Confederate service caused many men from such units to flee to the protection of the Union-occupied coastal region of North Carolina. Once there, they faced the same problems as other recently arrived Unionist North Carolina refugees. Many arrived with only the clothes on their backs. They needed employment to feed and care for their families, and the most readily available source of income was service in the Union army.<sup>21</sup>

They found overly aggressive Union army recruiters who were eager to take them into the service - few questions asked and few disabilities too severe to be overlooked. The commander of the Union's District of North Carolina, Maj. Gen. John J. Peck, found many of the recruiters to be an embarrassment. "*Some of these officers ... enlist all the men they can possibly persuade, without the slightest regard to their capacity, either mental or physical*".<sup>22</sup>

Demanding special attention, Peck wrote, was the use of "*virtual impressments and fraudulent enlistment*", including the use of threats of violence against men who did not want to enlist. "*Mere boys, children, some of them weak, puny, scrofulous, have been enlisted, passed by the surgeon, and mustered in by the mustering officer. And again, old men, eaten by disease or utterly incapacitated by old age and general infirmity, have been enlisted, fed, and accepted into the service as able-bodied soldiers*".<sup>23</sup> In their eagerness to bring North Carolinians into Union service, recruiters even searched local jails and traveled to prisoner-of-war camps in Virginia and Maryland for Confederate prisoners willing to take the oath of allegiance.<sup>24</sup>

For several refugees these aggressive tactics proved fatal. Elijah Kellum, rejected as physically unfit for Confederate service, was recruited and accepted by the Second North Carolina Union Volunteers. In February, Confederate deserters David Jones and Joseph L. Haskett insisted in "deathbed" statements that they had been compelled to take the oaths of allegiance and enlist in the Second North Carolina. Amos Amyett (or Armyett), just moments before he was hanged for desertion by Confederate military authorities, stated that "*I went to New Bern and [Union recruiters] told me if I did not go into their service I should be taken through their lines and shot. In this way I was frightened into it*".<sup>25</sup>

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<sup>20</sup> *Murder of Union Soldiers*, 57, 62, 66-67, 78, 85.

<sup>21</sup> Honey, "War within the Confederacy", 88.

<sup>22</sup> OR 33 :870-71.

<sup>23</sup> OR 33 :870-71.

<sup>24</sup> Ernest H. Wardell to Benjamin F. Butler, March 1, 1864, Ernest H. Wardell File, Second North Carolina Union Muster Rolls. For additional references to recruiting practices for the First and Second North Carolina Union regiments see Fred M. Mallison, "Ocracoke and Portsmouth Islands in the Civil War" (master's thesis, East Carolina University, 1994), 55, 61-64, 66, 68-71.

<sup>25</sup> *Murder of Union Soldiers*, 13.

Once in the army, North Carolina Unionists, derisively called “buffaloes” by Confederates, continued to face hardships. They were placed together in camps with hundreds of escaped slaves, where food and ammunition were short and where they went unpaid for months on end.<sup>26</sup> During November and December 1863 and January 1864, approximately sixty eastern North Carolinians, including the escapees from the Sixty-sixth North Carolina Regiment, made their way to recruiters in New Bern, Washington, and Beaufort and were placed in Company F, Second North Carolina Union Volunteers, stationed in Beaufort. They were promised enlistment bonuses of from one hundred to three hundred dollars, which circumstances would prevent all but a handful from ever collecting.<sup>27</sup>

Soon after the formation of Company F, its men were ordered to report to Colonel P. J. Claassen, commander of the Union outposts surrounding New Bern. On January 18, 1864, they were sent by General Peck to Beech Grove, an outpost about nine miles west of town in the vicinity of Batchelder’s (also commonly called Bachelor’s) Creek, where they joined fourteen men of the 132nd Regiment, New York Infantry. First Lt. Samuel Leith of the New York unit was in overall command. Described as a masked battery, the outpost was concealed in the forest and so constructed as to command the Neuse River. Within the blockhouse fort with its two steel rifled artillery pieces, the new recruits of the Second North Carolina felt safe from attack by their former comrades in the Confederate army.<sup>28</sup>

At about the same time that Company F took up its position at Beech Grove, General Lee was making plans in Virginia that would result in the capture of the outpost. Believing the time was right to retake New Bern from the enemy, Lee proposed to President Davis that an attack be made, with North Carolina Brigadier General Robert F. Hoke in command. Davis approved the plan but placed Maj. Gen. Pickett over the better-qualified Hoke, since in his opinion an expedition of such proportions should be led by a man of higher rank.

On January 30, 1864, Pickett led a force of fourteen navy cutters and thirteen thousand men, divided into three columns, toward New Bern. The task of the central column, commanded by Pickett and Hoke, was to move down between the Trent and Neuse Rivers, surprise the Union troops on Batchelder’s Creek, silence the guns in the star fort and batteries near the Neuse, and penetrate the town in that direction.<sup>29</sup>

Hoke’s men advanced to within two miles of the Union outposts surrounding New Bern, where they camped without fires to maintain the element of surprise. At approximately 1:00 AM, they began their attack, stopped temporarily only by the removal of the bridge over Batchelder’s Creek. The men of the Union outposts held for seven hours before making a hasty retreat, leaving behind everything but the clothes on their backs. To cut off the railroad into town, Hoke then moved his brigade six miles “with all possible speed”.<sup>30</sup> He and Pickett then moved to within a mile of New Bern,

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<sup>26</sup> Honey, “War within the Confederacy”, 88. The term buffalo had several meanings. In this essay it is used to designate white North Carolinians who served in the First and Second North Carolina Union Volunteer regiments. A Unionist writing in October 1863 stated that “their uniforms make them appear so large that the people call them ‘Buffaloes’. I think that they like to be called buffaloes. They go about in gangs like herds of buffaloes”. See John G. Barrett, *The Civil War in North Carolina* (Chapel Hill : University of North Carolina Press, 1963), 174.

<sup>27</sup> *Second North Carolina Union Muster Rolls*.

<sup>28</sup> James W. Savage, *The Loyal Element of North Carolina during the War* (Omaha : n.p., 1886), 7-8 ; Walter Harrison, *Pickett’s Men : A Fragment of War History* (New York : D. Van Nostrand, 1870), 24.

<sup>29</sup> Barrett, *Civil War in North Carolina*, 203.

<sup>30</sup> *OR 33* : 62, 96.

where they waited all day Tuesday for the assault that never came because General S. M. Barton's column on their right failed to carry out its assignment. Having failed in his campaign to retake New Bern, on Wednesday morning Pickett gave the order to withdraw toward Kinston.<sup>31</sup>

The fight at Batchelder's Creek, along with Hoke's rapid move toward New Bern on the morning of February 1, sealed the fate of the Unionist North Carolinians of Company F. Their outpost at Beech Grove was on the extreme right of the Union lines and a short distance east of Batchelder's Creek. Its concealed position, helped by the darkness of the night and a dense morning fog, not only hid it from the advancing Confederates of Hoke and Pickett but prevented communications with other Union troops. Attempts were made during the night to communicate with the outpost. One officer who volunteered to carry an order to them made it through Confederate lines during the night but lost his way in the swamp and was obliged to return. In the morning, fog prevented sending visual signals to the outpost, and Colonel Claassen sent a courier who was killed en route. The dispatch he was carrying fell into Confederate hands, providing them with the locations of the Union outposts, including, presumably, Beech Grove. A second messenger, 2d Lt. Arnold Zenette, died from a bullet wound to the head before reaching the outpost.<sup>32</sup>

The men at Beech Grove, meanwhile, were doomed by the poor judgment of their overly cautious commanding officer. Lieutenant Leith declined to take any action without hearing first from his superiors. Despite the desperate pleas of the North Carolinians to be allowed to lead the men of the outpost to safety along paths that, as natives of the county, they knew well, Leith would not permit his men to leave. He instead dispatched a request to New Bern for reinforcements and promised a fight to the last man unless relieved sooner. The message never reached its destination, as the courier was captured by the retreating Confederates under Pickett.<sup>33</sup>

The Confederate general, now aware of the hidden outpost, dispatched two regiments of Virginia infantry and two sections of artillery to take the Union position. Despite his boast to fight to the last man, Leith capitulated without a shot being fired. After raising the white flag, but before negotiations began, the Union commander warned the North Carolinians of the potential consequences of their capture and advised them to escape. Their flight was short lived, however, and all but a small number were captured by a scouting party from the Thirtieth Virginia Infantry Regiment.<sup>34</sup>

The North Carolinians, dressed in the new uniforms of Federal army recruits, were at first indistinguishable from other Union prisoners of war and were treated as such. As they were being prepared for transfer to Kinston, however, two were recognized by former comrades as deserters from their units. These men were immediately separated from the other prisoners and placed in the care of the provost guard.<sup>35</sup>

<sup>31</sup> Barrett, *Civil War in North Carolina*, 204-205 ; John Paris, *A Sermon : Preached before Brig. Gen. Hoke's Brigade, at Kinston, N.C., on the 28th of February, 1864 (Greensboro NC : A. W. Ingold, 1864)*, 4, John Paris Papers, Collection No. 575, in the Southern Historical Collection of the Manuscripts Department, University of North Carolina, Chapel Hill.

<sup>32</sup> Savage, *Loyal Element in North Carolina*, 8 ; OR 33, 62-64.

<sup>33</sup> Harrison, *Pickett's Men*, 114-15 ; Demy, *Wearing the Blue*, 248-49 ; A Line Officer in the Second North Carolina Union Volunteers, "Rebel Barbarities", in *The Rebellion Record : A Diary of American Events, with Documents, Narratives, Illustrative Incidents, Poetry, etc., ed. Frank Moore, 11 vols. (New York : G. P. Putnam, D. Van Nostrand, 1861-1868)*, vol. 8, 379-80 (hereafter cited as "Rebel Barbarities").

<sup>34</sup> Harrison, *Pickett's Men*, 114-17 ; "Rebel Barbarities", 8 : 378-80.

<sup>35</sup> Harrison, *Pickett's Men*, 116.

Pickett's army, weary from a hard march through rain and over muddy roads, camped for the night near Dover, North Carolina. Word soon spread that North Carolinians were included among the Union prisoners taken around New Bern, and curious soldiers came by to look them over. Lieutenant H. M. Whitehead and Sergeant Blunt King, of Company B, Tenth Regiment, North Carolina Artillery, recognized David Jones, a twenty-one-year-old native of Craven County, and Joseph L. Haskett, a twenty-six-year-old farmer from Carteret County, as deserters from their company.<sup>36</sup>

When General Pickett confronted the two men he was openly contemptuous and left no doubt about their fate. The previous day he had been overheard to say "*that every God-damned man who didn't do his duty, or deserted, ought to be shot or hung*". At about sunset, Pickett came out of his tent and confronted Jones and Haskett, who were standing near a campfire. He asked where they had been, and after listening to their reply angrily told them : "*God damn you, I recon [sic] you will hardly ever go back there again, you damned rascals ; I'll have you shot, and all other damned rascals who desert*". Jones answered that "*he did not care a damn whether they shot him then, or what they did with him*". With that, Pickett ordered them away from his tent. He then told Generals Corse and Hoke, who were present during the confrontation with the two Confederates-turned-Yankee, that "*we'll have to have a court-martial on these fellows pretty soon, and after some are shot the rest will stop deserting*". Corse agreed, stating "*the sooner the better*".<sup>37</sup>

A court-martial board headed by Lt. Col. James R. Branch of Virginia and made up entirely of officers from Pickett's own state was organized immediately. Before it concluded its business, it would convene on three separate occasions in three different locations and hear the cases of twenty-seven of the Beech Grove captives, all charged with desertion from the Confederate army.<sup>38</sup> The remaining twenty-six prisoners from the Second North Carolina Union Regiment were regarded simply as prisoners of war and would be sent to Southern prison camps.

The court met that night while still in camp on the Dover road. Haskett and Jones admitted that they had deserted but insisted they had been forced by Union recruiters to take the oath of allegiance and enlist. Their claims disregarded, both were found guilty and sentenced to hang. The harshness of the sentence indicates the seriousness with which the Confederates viewed the crime of desertion to the enemy's army. Simple desertion was generally punished by a firing squad or some less extreme method. The execution was ordered to be carried out on February 5, 1864, in the presence of General Hoke's Brigade.<sup>39</sup> The swiftness of this and later executions so soon after the meetings of the court-martial board was in keeping with Pickett's announced intention of using their deaths as an example of the consequences of desertion. Speed was essential given President Davis's tendency to grant delays and pardons to Southern soldiers awaiting execution.<sup>40</sup>

<sup>36</sup> *Murder of Union Soldiers*, 80-81.

<sup>37</sup> *Murder of Union Soldiers*, 80-81.

<sup>38</sup> *Department of North Carolina Court-Martial Records*, 1-8. Most contemporary sources testified that the court-martial board was composed entirely of officers from Pickett's Virginia brigades. Pickett, however, in a letter to Ulysses S. Grant dated March 18, 1866, claimed that the board consisted of officers from Georgia, North Carolina, and Virginia. See John Y. Simon, ed., *The Papers of Ulysses S. Grant*, 20 vols. to date (Carbondale : Southern Illinois University Press, 1967), vol. 16, 122 (hereafter cited as PG) ; *Murder of Union Soldiers*, 16, 78, 82.

<sup>39</sup> *Department of North Carolina Court-Martial Records*, 1-2. ; *Murder of Union Soldiers*, 12, 70.

<sup>40</sup> Dunbar Rowland, ed., *Jefferson Davis, Constitutionalist : His Letters, Papers, and Speeches*, 10 vols. (Jackson : Mississippi Department of Archives and History, 1923), vol. 6, 143, 188, 208, 326, 333-34. Although some of these occurred after the dates of the executions in Kinston, they nevertheless illustrate the concern of Lee and others of the Confederate command over Davis's actions.

It was not long before Confederate authorities learned the true number of deserters among the men taken at Beech Grove. As the identities of more men became known, some prisoners began turning upon others in the hope that cooperation might save their own lives. One man in particular stood out for his predilection to betray friend and country to protect himself. According to Walter Harrison, Pickett's inspector general, an unnamed sergeant among the Unionist captives used a copy of a company roster that he had in his possession to identify by name those deserters from the Confederate army that were in his unit. In the process, he caused the deaths of many of his comrades who otherwise might have gone undetected. His efforts at self-defense nevertheless failed. After testifying against his fellow Union soldiers, he himself became the last person court-martialed and sentenced to death.<sup>41</sup>

Upon arrival in Kinston on February 4, the prisoners were taken to the Lenoir County courthouse. There they were observed by curious townspeople, including the wife of prisoner Stephen Jones, who lived only a mile and a half from town. They were then removed to the dungeon of the Kinston jail to await court-martial and execution of their sentences. Conditions in the jail were harsh. Visitors reported that the prisoners slept on the floor and existed on a diet of one cracker a day. Those fortunate enough to have relatives and friends living nearby had their suffering relieved by gifts of extra food and quilts for bedding. Some visitors reported being turned away from the jail.<sup>42</sup>

As directed by the court, the execution of Haskett and Jones took place on Friday, February 5. The hangings, occurring so soon after the arrival of the Confederate expedition from New Bern, gave the appearance that there had been insufficient time for a trial and that the men had therefore not been granted this right. That morning, the two condemned men were visited in the jail by Reverend John Paris, chaplain of the Fifty-fourth North Carolina Regiment, who was assigned to tend to their spiritual needs. He was a Confederate loyalist who had little sympathy for deserters. In his words, Haskett and Jones were both "illiterate" and the "most unfeeling and hardened men I have ever encountered".<sup>43</sup>

While Paris was attending to the two condemned men, preparations were being made for their deaths. The rarity of execution by hanging left military authorities in the embarrassing position of having to search for rope as well as for a hangman. Both were found at the railroad depot, where Sergeant Blunt King was waiting with a shipment of pontoon boats from the New Bern expedition. King later confided to county jailer Isaiah Woods that he had volunteered his services to hang the two men whom he, ironically, had known previously as members of his own company in the Tenth North Carolina Artillery. He was later to deny this, telling Union investigators after the war that he acted against his will on orders from a Captain Adams of General Hoke's staff. Regardless of how his services were obtained, he was ordered to take rope from the pontoons and report to the execution site.<sup>44</sup>

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<sup>41</sup> Harrison, *Pickett's Men*, 117. An analysis of the muster rolls of Company F, Second North Carolina Union Volunteers, identifies only three sergeants taken prisoner at Beech Grove: Jesse Summerlin, Andrew J. Brittain, and William Clinton Cox. Summerlin and Brittain were the tenth and eleventh men tried and had served together in Nethercutt's battalion of partisan rangers. Both were hanged. Although Cox was not hanged, he was the last man tried. It is reasonable to assume that he is the person described by Harrison as betraying his fellow prisoners. He had not served with any of the other prisoners in the Confederate service and did not live near them before the war. The not-guilty verdict in his case may be looked on as a reward for cooperation as a witness against the other prisoners during the trials.

<sup>42</sup> *Murder of Union Soldiers*, 19-20, 30, 35.

<sup>43</sup> *Wilmington Journal*, April 28, 1864.

<sup>44</sup> *Murder of Union Soldiers*, 33, 79-81.

When the time for the execution arrived, the men of Hoke's Brigade, including the Confederate regiment from which Haskett and Jones had deserted, formed a hollow square around the gallows. Beyond the square, a crowd of off-duty soldiers and civilians gathered. Although the proceedings were under the immediate direction of General Hoke, General Pickett was in attendance. Haskett and Jones were marched out to the gallows, which was located in a field within full view of the residents of Kinston. Captain Adams read the orders of the court-martial ; then King and another soldier placed the nooses around the necks of the men and they were hanged. King was later observed cutting the buttons off the uniforms of the deceased men, perhaps for souvenirs.<sup>45</sup>

Pickett wasted little time in bringing more of the prisoners to justice. The court that had met the previous day on the Dover road reconvened immediately upon arrival in Kinston to hear the cases of five more of the Beech Grove captives. John L. Stanley, Lewis Bryan, Mitchell Busick, and William Irving, all deserters from Nethercutt's Battalion, and Amos Armyett of Whitford's Battalion were brought before the board, found guilty, and received the same sentence as Haskett and Jones. The date for carrying out the sentence was indefinite : *"to be carried into effect, under the supervision of Brigadier General Hoke, and in the presence of his brigade, at such time and place as he may direct, in twenty-four hours after the publication of the sentence"*.<sup>46</sup>

There would be no leniency. Pickett had signed the execution order, and Hoke was determined to carry it out. This was revealed in the unsuccessful effort of Colonel Nethercutt to save the deserters from his battalion. Called from Wilmington to identify his men, he visited them in jail and then asked Hoke if anything could be done for them. The North Carolina general replied that he had orders to hang them, and he intended to do so.<sup>47</sup>

While Hoke's North Carolinians remained in Kinston, Pickett's Virginia brigades moved to Goldsboro, where the court-martial reconvened on February 11 for its third meeting. Ten more of Nethercutt's men, John J. Brock, William Haddock, Jesse James Summerlin, Andrew J. Brittain, Lewis Freeman, Calvin Hoffman, Stephen Jones, Lewis Taylor, William H. Daughtry, and John Freeman, as well as Joseph Brock, Charles Cuthrell, and William Jones of three other North Carolina units, were brought individually before the board.<sup>48</sup>

With so many men sitting before the Virginia officers for judgment, there was some activity on the prisoners' behalf by wives, relatives, and friends. This was generally ineffective. Bryan McCulten obtained an attorney to bring forward evidence in favor of his brother-in-law William Haddock, but the court would not admit him. According to McCullen, witnesses and counsel were also denied to other men.<sup>49</sup> There were others who sympathized with the prisoners. Some townspeople felt the sentences were too severe for the offense committed. A number of individuals, such as Kinston merchant Aaron Baer, who were suspected of pro-Union sympathies, chose not to visit the men in prison or to attend the executions out of fear that their attendance would bring retaliation by Confederate authorities.<sup>50</sup>

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<sup>45</sup> *Murder of Union Soldiers*, 33-34, 36, 77, 79-80, 83 ; *Wilmington Journal*, April 28, 1864.

<sup>46</sup> *Department of North Carolina Court-Martial Records*, 2-3.

<sup>47</sup> *Murder of Union Soldiers*, 16, 41, 46.

<sup>48</sup> *Department of North Carolina Court-Martial Records*, 3-6.

<sup>49</sup> *Murder of Union Soldiers*, 16, 41, 46.

<sup>50</sup> *Murder of Union Soldiers*, 41 ; Clifford C. Tyndall, "Lenoir County during the Civil War" (master's thesis, East Carolina University, 1981), 69-82.

The meeting of the court-martial ended as the previous two had. No leniency was given. Thirteen sentences of death by hanging were handed down to be “*carried into execution under the supervision of Brigadier General Hoke, in twenty-four hours after their publication, at such time and place as he may direct*”.<sup>51</sup> With eighteen men now under death sentence, General Hoke ordered that the five men convicted earlier would die on the gallows the next day, February 12, 1864. Orders were given to construct a new and bigger gallows capable of dealing with the increased number of condemned men.<sup>52</sup> With only twenty-four hours until the execution, Chaplain Paris visited the prisoners in their jail cell to attend to their spiritual needs. Each professed to be at peace with God, and two, John Stanley and William Irving, were baptized by the chaplain.

Having prepared themselves for eternity by making peace with their God, the five condemned men marched to their deaths. At the gallows, a graying Armyett, the oldest of the prisoners at age forty-four, acted as spokesman for all. After professing that “*he did wrong in volunteering*” when he got to New Bern, the others agreed that they all felt the same way. Mitchell Busick added that he had joined only on threat of death by Union recruiters. The five ended with a joint statement to their former comrades in the North Carolina troops that they had “*done wrong and regret it ; and warn others not to follow our example*”. With that, Lieutenant John G. Justice, aide-de-camp on the staff of General Hoke, read the sentence, the nooses were placed over the necks of the condemned, and they were hanged.<sup>53</sup>

The thirteen remaining condemned men had four days to sit in the jail’s dungeon to think about their deaths, which would take place on Monday, February 15. Chaplain Paris described the scene in a letter that appeared shortly afterward in the *North Carolina Presbyterian* and the *Wilmington Journal* : “*I made my first visit to them as chaplain on Sunday morning. The scene beggars all description. Some of them were comparatively young men. But they made the fatal mistake. They had only twenty-four hours to live ... Here was a wife to say farewell to a husband forever. Here a mother to take the last look at her ruined son, and then a sister who had come to embrace for the last time the brother who had brought disgrace upon the very name she bore by his treason to his country*”.<sup>54</sup>

Last-minute appeals on behalf of the prisoners and their families were negatively, even harshly, received. Sheriff William Fields, who had the confidence of friends and relatives of the prisoners, went to military authorities in an unsuccessful plea for mercy for the men. Similarly, Celia Jane Brock failed in a final plea for her husband John. General Hoke’s attitude toward such requests was demonstrated in a rather abrupt confrontation with Bryan McCullen, who had gone to see the general prior to the execution and asked for an order to retrieve the body of his brother-in-law John Haddock so he could bury it : “*Hoke inquired if I wanted to bury him in the Yankee uniform ? I replied that I did. Hoke then expressed surprise that so respectable a man as I would bury my brother in law in Yankee uniform. Capt. O. S. Dewey, the post quartermaster, who had kindly accompanied me, then interfered and obtained the order for me*”.<sup>55</sup>

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<sup>51</sup> *Department of North Carolina Court-Martial Records*, 6.

<sup>52</sup> Leonidas L. Polk “*To My Dear Sallie*” February 13, 1864, *Leonidas Lafayette Polk Papers*, Collection NO. 3708, in the *Southern Historical Collection of the Manuscripts Department*, University of North Carolina, Chapel Hill.

<sup>53</sup> *Murder of Union Soldiers*, 13 ; “*The Deserters Hung at Kinston, N.C.*”, *Wilmington Journal*, April 28, 1864.

<sup>54</sup> *Murder of Union Soldiers*, 14.

<sup>55</sup> *Murder of Union Soldiers*, 68-70.

The determination of Generals Pickett and Hoke to punish Confederate deserters was apparently resulting in a loss of morale among the officers and men of the brigade, who were called out to witness a total of approximately seventy executions in Kinston by either hanging or firing squad. The hangings in particular seemed to have touched a nerve. They *“began and increased until they got to be frightful”*, according to Lieutenant Samuel Tate of the Sixth North Carolina. *“It was sort of a general hanging down there. There were so many executions that I was considerably worried at having to take my men over so often”*.<sup>56</sup>

The morning of February 15 was given over to family visitation and religious rites for the condemned. The scene in the jail was described by Reverend Paris in his diary as truly moving : *“The stress of [the] women and children was truly great”*. Catherine Summerlin, given only fifteen minutes to say farewell to her husband Jesse, was confronted by prisoner William Haddock, who asked her to give his clothes to his mother. Mrs. Summerlin reported that she had recently been harassed by a Colonel Baker, who took her horse and ordered soldiers to take provisions from her home. Eight of the condemned men were baptized in their cell by Paris, who had returned that morning with three other ministers. Two other prisoners, John and Joseph Brock, were taken to the Neuse River, where baptismal ceremonies were performed for them by Reverend George W. Camp, a civilian Baptist minister and Kinston merchant. After leading the men in prayer, Paris urged them to reveal the names of the *“men who had seduced them to desert and go to the enemy”*. The names of five citizens of Jones County were given, which the chaplain wrote down to give to General Hoke for further action.<sup>57</sup>

The execution took place to the accompaniment of a military band in a field in back of the town. General Hoke, who was absent because of other duties, turned the ceremonies over to his staff officers. His brigade formed a square equidistant around the gallows, with onlookers outside. The thirteen condemned men marched through the soft sand of the old field to the scaffold, where they listened to a staff officer read the findings of the court-martial and the charges and specifications against them. Brigade chaplains offered public prayers in their behalf, after which the thirteen condemned men climbed the steps of the gallows and lined up in a row. They were given a last opportunity to make statements. If any were made, they went unrecorded. Ropes, ironically taken from a Confederate gunboat named the *Neuse*, were placed around their necks. At that instant, the wives of John Brock and Jesse Summerlin turned their eyes away, unable to watch their husbands die. The signal was given and the trapdoor dropped, sending the men into eternity. Brigade surgeons examined the bodies, confirmed their deaths, and the assembled troops were given orders to depart.<sup>58</sup>

The scenes that followed were bizarre. The hangman, a somewhat mysterious unidentified man, described as a tall, stout, dark-complexed, cross or squint-eyed man from Raleigh, extracted the “pay” for his day’s work directly from the bodies of the dead men. Several people witnessed him cutting the buttons from uniforms and taking clothes, leaving some nude and others in their underwear. He later boasted that he

<sup>56</sup> *Murder of Union Soldiers*, 68-70.

<sup>57</sup> *John Paris Diary, February 15, 1864, John Paris Papers, Collection No. 575, in the Southern-Historical Collection of the Manuscripts Department, University of North Carolina at Chapel Hill (hereafter cited as Paris Diary) ; Murder of Union Soldiers*, 20, 28, 31 ; *Wilmington Journal*, April 28, 1864. Paris gave two conflicting occasions for when he learned the names of the persons guilty of encouraging desertion among Nethercutt’s men : February 12, the morning the five men were hanged, and February 15, the morning the thirteen men were executed. The latter date, recorded at the time in his daily diary, should be accepted as correct.

<sup>58</sup> *Murder of Union Soldiers*, 27-28, 31-32, 46, 69, 83.

“*would do anything for money*” and was well paid.<sup>59</sup> Some of the bodies were buried in a sandy grave at the foot of the gallows. Others were retrieved by their wives and relatives or by friends who volunteered their services. In some cases, widows lived within Union lines and were unable to make the journey to Confederate Kinston.

William Jones’s widow complained later that “*plenty would have been willing to have assisted me, but did not dare for fear of being called Unionist*”. She found her husband naked except for a pair of socks. Without a conveyance for his body, she returned home and sent her fifteen-year-old son and seventeen-year-old cousin. After a week, they found the body in a loft in the possession of a guard placed over it by a doctor. With his permission, they carried him home for burial. Sheriff Fields, a twelve-year veteran in the office, felt secure enough in his position to intercede for the deserters’ families. At the widow’s request, he removed Jesse Summerlin’s body from the gallows and personally transported it twenty miles for a home burial.<sup>60</sup>

While the families were retrieving the bodies from the site of the mass execution, the court-martial board reconvened in Goldsboro on February 16 to consider the cases of the remaining six Beech Grove captives charged with desertion. There was, however, a noticeable lack of intensity in the proceedings. Gone was the seeming inevitability of the death sentence. One prisoner, William Clinton Cox, was found not guilty but remained a prisoner of war. The “*extreme youth, ... physical disability and mental imbecility*” of Private Alexander McCoy resulted in simple confinement at hard labor. Two men, George Hawkins and Ruel Wetherington, were sentenced to be branded on their left hips with the letter “D” four inches in length. In addition, each was ordered to have a five-foot-long chain and twelve-pound ball attached to his left ankle and to work at hard labor on government projects for the duration of the war.<sup>61</sup>

Cox managed to avoid conviction as a result of testimony by Captain Guilford W. Cox, who had served with the prisoner in the Atlantic and North Carolina Bridge Guard Company. The captain used his position as provost marshal for Kinston to have himself summoned as a witness for the defense. The court accepted his argument that local service in a railroad guard company did not constitute Confederate service. Consequently, the prisoner was found not guilty of desertion. The court recommended, nevertheless, that he be turned over to civil authorities to be tried for treason. Two months later he died of fever in the Confederate prison camp in Andersonville, Georgia.<sup>62</sup> Ironically, Captain Cox deserted to the Union soon after saving his former comrade from the gallows.

Only two of the final six alleged deserters received the death penalty. The sentence for Elijah Kellum appears to have been undeserved. Court-martial records listed him not as a Confederate soldier but simply as an “*enrolled Conscript in the Confederate service*”. According to W. S. Huggins of Kinston, Kellum was a young and illiterate farmer from adjoining Jones County who had “*volunteered for one or two [Southern] companies ; but none would receive him, he was so deformed and he had no constitution*”. He was, however, “*to be sent to a conscript camp by some persons who wished to scare him ; he hearing of it deserted to the Union lines*”. Despite this,

<sup>59</sup> *Murder of Union Soldiers*, 16-17, 28, 41.

<sup>60</sup> *Murder of Union Soldiers*, 17, 28, 31, 42-43.

<sup>61</sup> *Department of North Carolina Court-Martial Records*, 6-8. *Second North Carolina Union Volunteer muster rolls show that McCoy died in a Confederate prison in Richmond, Virginia, on April 2, 1864. Hawkins was taken prisoner at Beech Grove and appears to have been a member of Company F, although his name is not listed on the unit’s muster rolls. He was sent to prison in Richmond. Muster rolls show that Wetherington either escaped or was paroled and returned to duty in New Bern by September 1864.*

<sup>62</sup> *Murder of Union Soldiers*, 45 ; *Second North Carolina Union Muster Rolls*.

conscript officer Captain Thomas Wilson testified to the contrary, and Kellum was sentenced to hang.<sup>63</sup>

The execution date for William Irving Hill, a deserter from Whitford's Battalion in the Confederate service, and Kellum was set for Monday, February 22, 1864. Like their now-deceased companions, they were to be hanged in Kinston in the presence of Hoke's Brigade. The setting was similar. On the day before and the morning of their deaths, they were visited by Reverend Paris, who baptized Kellum and led the two men in prayer. Although they claimed to be prepared for death, both protested that their execution was undeserved because they had been persuaded by others to desert.<sup>64</sup>

With the deaths of Kellum and Hill, the hangings ceased. None of the twenty-two deceased men had lived longer than ninety days after their ill-starred decision to enlist in the Union army. Most of the remaining thirty-one North Carolina Unionists captured at Beech Grove were no more fortunate than those who had died on the gallows. Three eventually received paroles ; the fate of four others is unknown ; and the final twenty-five prisoners lived a brief two months after their surrender. The suffering of the latter probably equaled that of their hanged comrades.

Since none of the surviving Beech Grove captives had deserted the Confederate army, they were accorded the status of prisoners of war. From Kinston they were taken to Goldsboro for transportation to a prisoner-of-war camp in Richmond, Virginia, arriving on February 11 and 12, 1864. Within days, some of the North Carolinians began reporting to the hospital suffering from fevers, bronchitis, debilitas, rubeola, diarrhea, and various other ailments. Confederate medical personnel, to the surprise of many, treated them with kindness and provided a proper diet. Owing to the breakdown of prisoner exchanges in 1863, however, Southern prisons became overcrowded, and Richmond's three prison hospitals overflowed to twice their intended capacity.<sup>65</sup> As a result, at least eleven of the North Carolinians died.

Beginning in mid-February 1864, an attempt to relieve the overcrowding was begun through prisoner shipments to the newly opened prison in Andersonville, Georgia. James Elliott, member of a fifty-man detail from the Fifty-sixth North Carolina assigned to accompany the prisoners to Georgia, reported that the men were "*in a pitiable plight and infected with small-pox*".<sup>66</sup> One prisoner from the Second North Carolina Union regiment died en route and was buried in Augusta, Georgia. The thirteen men captured at Beech Grove who arrived in Andersonville found sickness and death on an almost unbelievable scale because of the inadequacy of supplies and the Confederacy's increasing poverty. Of the thirteen North Carolinians to arrive at their destination, ten died within a month of the same illnesses that killed their comrades in Virginia. Three others were paroled and were spared the fate of their friends.<sup>67</sup>

**T**here is little doubt that Generals Pickett and Hoke intended the mass executions to serve as a reminder to their own troops of the consequences of desertion and hoped that the harshness of the penalties and the firmness with which they were carried

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<sup>63</sup> *Murder of Union Soldiers, 40-41 ; Department of North Carolina Court-Martial Records, 6-7.*

<sup>64</sup> *Paris Diary, February 21-22, 1864 ; Wilmington Journal, April 28, 1864.*

<sup>65</sup> *H. H. Cunningham, Doctors in Gray : The Confederate Medical Service (Baton Rouge : Louisiana State University Press, 1958), 100, 102-3 ; Second North Carolina Union Volunteer Muster Rolls.*

<sup>66</sup> *James Carson Elliott, The Southern Soldier Boy (Raleigh NC : Edwards & Broughton, 1907), 12-13.*

<sup>67</sup> *Second North Carolina Union Volunteers Muster Rolls.*

out would slow the flood tide of defections from the Confederate army. To drive this point home, they wasted little time in approving a sermon on the deserters' deaths for delivery to Hoke's entire brigade six days after the last execution, while the image of death was still fresh in their minds.

For more than an hour, Reverend Paris passionately extolled the virtues of patriotism and condemned the evils of desertion. Deserters were, according to Paris, no better than Judas Iscariot and Benedict Arnold. *"If in this bloody war our country should be overrun"*, he argued, it would result largely from soldiers listening to defeatist elements at home. Discontent, he warned, was caused by so-called peace meetings composed of men *"who talk more about their 'rights' than their duty and loyalty to their country"* and by defeatists who claimed that *"we are whipt !"*; *"it is useless to fight any longer!"* and *"this is the rich man's war and the poor man's fight !"* Certain newspapers had added to the fire, as did some clergymen preaching from the pulpit. These and letters from so-called friends at home, Paris warned, overcame some soldiers in the ranks, and *"the young man of promise and of hope once, now becomes a deserter"*. Warning of the harsh consequences of a Union victory, Paris appealed to Confederate patriotism : *"Shall we lay down our arms before we are overthrown ? God forbid ! Sons of Carolina, let your battle-cry be Onward ! Onward ! Until victory shall crown the beautiful banner that floats over us today with such a peace as freemen only love, and brave men only can accept"*.<sup>68</sup>

Reactions to the mass executions ranged from fear to condemnation to approval. Within the Union-occupied eastern portion of the state, Colonel Edward Ripley reported utter demoralization in the ranks of the North Carolina Union regiments : *"Indeed they are already looking to the swamps for the protection they have so far failed of getting from our Government ... I believe they will inevitably, in case of a fight, become panic-stricken and have a bad effect on the rest of this slim command"*.<sup>69</sup>

In Confederate Kinston, some local residents felt that the offense had not been sufficiently serious to warrant the severity of the punishment. This view resulted from the belief that Confederate authorities had broken their promise to the men of the local-service units that they would not be removed from the general area of their homes. Others expressed satisfaction with the penalties, wishing that such other "traitors" as peace activist William W. Holden had been hanged with them. Leonidas L. Polk, future state commissioner of agriculture and Populist Party leader, wrote that the "criminals" deserved to die, regretting only that he had had to watch.<sup>70</sup> Most Confederate and many Union soldiers felt that the traitors got their just desserts. One Northern soldier from the Twenty-fifth Massachusetts Infantry blamed the Federal government for allowing deserters from the enemy to serve against their former comrades.<sup>71</sup>

Official reaction to the deaths of the North Carolina Union soldiers was slow in coming from Federal military authorities. Maj. Gen. Peck, commander of the District of North Carolina, learned of the Kinston incident indirectly through correspondence involving the reported execution of a Negro Union soldier by Confederates during the New Bern campaign. He immediately corresponded with Pickett, his Confederate counterpart, at his Petersburg, Virginia, headquarters. Enclosed in Peck's letter was an order from President Lincoln mandating retaliation in such situations. *"It is ordered"*,

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<sup>68</sup> Paris, *A Sermon*, 8-11.

<sup>69</sup> "Charles Henry Foster and the Unionists of Eastern North Carolina", *North Carolina Historical Review* 37, no. 3 (July 1960) : 364-65.

<sup>70</sup> Polk to "My Dear Sallie".

<sup>71</sup> Denny, *Wearing the Blue*, 251.

wrote the president, “*that for every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed*”. Peck informed Pickett that he intended to carry out the president’s order unless the Southern general promised to bring the offenders to justice.<sup>72</sup>

Two days later, Peck learned for the first time that soldiers of the Second North Carolina Union Volunteers had been taken prisoner during the Confederate attack on New Bern. He quickly penned a second letter informing Pickett that in his “*hasty retreat*” from New Bern, he had taken prisoner fifty-three “*loyal and true North Carolinians*” in the service of the Union army. The names of these men were provided to ensure that they would be treated equally with other prisoners of war.<sup>73</sup>

Peck was unaware that seven men had already been hanged by the time he wrote the letter, and by the time it arrived in Pickett’s headquarters thirteen more would be dead, with the final two awaiting execution. The slowness of the mail, which traveled by flag of truce boats and required an eight to nine-day turnaround time, worked against any hopes of intervention. Peck’s two letters, containing his threat of retaliation as well as what to Pickett would have been an irksome reference to the latter’s “*hasty retreat*”, placed additional roadblocks in the way of leniency toward the North Carolina Unionists. The Southern general gave his reply in two letters dated February 16 and 17. In regard to Union retaliation should the prisoners be executed, “*I have merely to say that I have in my hands ... some 450 officers and men of the United States army, and for every man you hang, I will hang ten of the United States army*”. Pickett then sarcastically thanked Peck for the list of the fifty-three men “*which you so kindly furnished*”, since this would enable him to bring to justice any that had not yet been identified among the prisoners as Confederate deserters. Pickett then provided his Union counterpart with a list of twenty-two soldiers of the Second North Carolina Volunteers who had been tried, convicted, and executed for desertion from the Confederate army. The list erred in that, as of that date, Kellum and Hill were still alive. They would be hanged about the time Peck received the letter.<sup>74</sup>

With the deaths of the twenty-two prisoners, any further correspondence was pointless and served only to aggravate the situation. On February 20, Peck learned of the first executions from an article in the *Fayetteville Observer*. After informing his superiors of the situation, he wrote Pickett that he was holding two colonels, two lieutenant colonels, two majors, and two captains hostage in Fort Monroe for the safety of the remaining North Carolina captives. Pickett took the threat seriously and prepared for retaliatory executions should Peck carry out his threat. After informing his own superiors of the exchange of correspondence and the charges being made, Pickett requested that “*the whole of the prisoners captured in this department be held at my disposal*” in case the need arose for tit-for-tat executions.<sup>75</sup> The next day, he wrote Peck renewing his claim that the executed men were deserters from the Confederate army who had been “*taken in arms against their colors*”. If, he added, the eight Confederate officers held hostage in Fort Monroe could be proven to have deserted from the Union army, Peck would be justified in their execution. “*Otherwise, should you retaliate, you will simply be guilty of murder*”. Pickett repeated that his own threat of retaliation was still in effect.<sup>76</sup>

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<sup>72</sup> OR 33.866-67.

<sup>73</sup> OR 33.867.

<sup>74</sup> OR 33 :867-68.

<sup>75</sup> *Murder of Union Soldiers*, 9.

<sup>76</sup> OR 33 :869-70

Frustrated at the stalemate and angered over the hanging of so many of his men, Peck concluded his correspondence with Pickett with a threat of retribution along with his side of the argument over the loyalty of the deceased captives from Beech Grove. “*These men*” he informed Pickett, “*were ever loyal to the United States, and opposed secession*” until forced into the service by the Confederacy’s “*merciless conscription*”. This might have “*compelled the suspense of their true sentiments, but was powerless to destroy their love for the federal Union ... With tens of thousands ... they seized the first opportunity to rush within my lines, and resume their former allegiance ... In view of their unswerving and unflagging loyalty, I cannot doubt that the government will take immediate steps to redress these outrages upon humanity*”. With this prediction of prosecution, Peck informed Pickett that “*my duty has been performed, and the blood of these unfortunates will rest upon you and your associates*”.<sup>77</sup>

Peck had no intention of letting the matter drop. Copies of his correspondence with General Pickett were forwarded to Maj. Gen. Benjamin F. Butler, commander of the Department of Virginia and North Carolina, in Fort Monroe, for further action. Butler fully accepted Peck’s arguments and forwarded the correspondence to General Ulysses S. Grant with the suggestion that he contact Confederate authorities. Then, “*upon their answer, such action may be taken as will sustain the dignity of the government, and give a promise to afford protection to its citizens*”.<sup>78</sup>

Grant disagreed with Butler’s argument, as he had indicated in an earlier letter to Confederate general Joseph E. Johnston regarding Confederate deserters who had joined the Union army. “*Of course,*” Grant had written, “*I would claim no right to retaliate for the punishment of deserters who had actually been mustered into the Confederate Army and afterwards deserted and joined ours*”. He did not agree, however, to punishment for Union soldiers who had been conscripted but deserted before being sworn into the Confederate army.<sup>79</sup> Although Elijah Kellum fell into that category, this exception would never be seriously pursued by Union authorities.

In addition to disagreeing with Butler about Confederate deserters, Grant was not inclined to prosecute Southern officers, many of whom he knew personally, for actions carried out under wartime conditions. This appears to have been particularly true in the case of Pickett, a former West Point associate with whom he had maintained a long friendship that would survive the war.<sup>80</sup> Following the war, Pickett learned that his friendship with General Grant, notwithstanding he was among those excluded from pardon by President Andrew Johnson’s proclamation of May 29, 1865. In an effort to remain peacefully at home with his family, he requested an exception in his case and signed an oath of allegiance. These were blocked, however, by Secretary of War Edwin M. Stanton who informed Johnston that Pickett was under investigation for the “*unlawful hanging of ... citizens of North Carolina*”.<sup>81</sup>

Pickett became greatly concerned when nothing came of his pardon application. Former Confederate President Davis had been sent to Fort Monroe in irons, a Federal grand jury was considering indictments of Lee and others in Norfolk, and President Andrew Johnson appeared determined to punish Southern leaders.<sup>82</sup> As a result, the

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<sup>77</sup> *Murder of Union Soldiers*, 6-7.

<sup>78</sup> *Murder of Union Soldiers*, 2-3.

<sup>79</sup> *Current, Lincoln’s Loyalists*, 121.

<sup>80</sup> *Longacre, Leader of the Charge*, 20.

<sup>81</sup> *Hawkins, Assassination of Loyal Citizens*, 34, 36.

<sup>82</sup> *Brooks D. Simpson, “Let Us Have Peace : Ulysses S. Grant and the Politics of War and Reconstruction” (Chapel Hill : University of North Carolina Press, 1991), 106-7.*

Pickett family reluctantly agreed to go secretly into exile in Montreal, Canada, where they resided for a time under the alias of Edwards.<sup>83</sup> During his exile, he continued to campaign for assurances of safety from prosecution should he return home. Friends in the Union army, relatives, and Pickett himself wrote repeatedly to General Grant to intercede in his behalf with the president.<sup>84</sup>

Pickett had good reason to fear returning home. His role in ordering the execution of the twenty-two Second North Carolina Union Volunteer captives had created bitter enemies, particularly among their former officers and comrades in North Carolina. The apparent leader of the drive to bring Pickett to trial for war crimes was Captain W. H. Doherty, assistant quartermaster in New Bern. On September 13, 1865, he wrote the first of a series of requests to superiors in the army and government to bring to justice former Confederate generals Pickett and Hoke, "*Wicked and cruel men who have deliberately murdered ... soldiers of the United States, when prisoners*".<sup>85</sup> As a result, Secretary of War Stanton instructed Maj. Gen. Thomas H. Ruger, Peck's successor as commander of the Department of North Carolina, to appoint a board of inquiry to investigate. Doherty, the initiator of the investigation, was placed in charge of the three-officer board.

Between September 13 and November 14, 1865, the board held hearings in New Bern and Kinston in an effort to determine the identity of all those responsible for the alleged murders. Twenty-eight witnesses were called, including widows of the deceased, former Confederate and Union soldiers, local officials, and citizens of the area who witnessed the hangings. Perhaps the most damning testimony came from Confederate colonel John H. Nethercutt, under whom thirteen of the deceased had served. From him the board concluded that a number of the executed men had served in the local defense service rather than in the regular Confederate army. They could not, therefore, be guilty of desertion, the crime for which they had been tried and hanged.<sup>86</sup>

On November 18, 1865, the board issued its final report. Responsibility for the executions, it concluded, lay with the following individuals : General Pickett, who ordered the executions ; General Hoke, who was in charge of the hangings ; the unidentified members of the court-martial board, who sentenced the men ; a Colonel Baker, who "*had robbed and persecuted their widows*" ; and the two voluntary hangmen, Blunt King and the unknown executioner with the "*cross or squint eye*". Because these men were "*guilty of crimes too heinous to be excused by the United States government, ... there should be a military commission immediately appointed for [their] trial ... to inflict upon [them] their just punishment*".<sup>87</sup>

When the report reached Washington, Judge Advocate General Joseph Holt, head of the Bureau of Military Justice in Washington, criticized the board of inquiry for misinterpreting the testimony of witnesses and for gathering insufficient evidence upon

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<sup>83</sup> Longacre, *Leader of the Charge*, 173-74.

<sup>84</sup> PG 16 : 121, 17 : 221.

<sup>85</sup> "*The Case of G. E. Pickett*", *New York Times*, December 12, 1866 ; Hawkins, *Assassination of Loyal Citizens*, 49-50. W. H. Doherty was a politically ambitious Northern educator. After five years as a senior professor at Antioch College in Ohio, he moved to North Carolina to assume the presidency of Graham College. When the war began, Doherty was serving as the principal of New Bern Academy. On April 12, 1862, he applied, apparently unsuccessfully, to President Lincoln for a position as judge of the United States District Court in North Carolina. Afterward, Doherty was made captain in the quartermaster corps in New Bern. No special reason is known for his intense interest in seeing Pickett prosecuted for war crimes. *Memorial and Petition of W. H. Doherty for a judgeship in North Carolina, New Bern Occupation Papers, Collection No. 1993, Southern Historical Collection of the Manuscripts Department, University of North Carolina, Chapel Hill.*

<sup>86</sup> *Murder of Union Soldiers*, 16, 48.

<sup>87</sup> *Murder of Union Soldiers*, 15-17.

which action could be taken. According to Holt, the investigators had “*misapprehended*” Nethercutt’s testimony regarding the status of the deceased men. “*On the contrary*”, he ruled, “*the little evidence [produced] on that point ... tends to show that they were*” in fact, deserters. He further criticized the board of inquiry for not questioning a sufficient number of witnesses on this point : “*It is the opinion of this office ... [that although] the blood of these murdered men should cry in vain from their dishonored graves for vengeance, it finds in the evidence submitted to it no grounds upon which personal charges could be established and sustained against the guilty parties*”.<sup>88</sup>

Holt forwarded the report to Secretary of War Stanton with the recommendation that the papers in the case be returned to the commanding general of the Department of North Carolina for further investigations. If a new board should find sufficient evidence, a military commission should then be appointed for the trial of the guilty parties.

Shortly after reopening the case for further evidence Holt found what he believed to be the “smoking gun” necessary to convict Pickett of the Kinston hangings. Holt informed Stanton that the former Southern general’s letters of February 16 and 17, 1864, in which he curtly informed Union general Peck of the executions of the North Carolinians supplied evidence that was not available to the first board of inquiry. “*Not only does the imperious and vaunting temper in which these letters ... indicate his readiness to commit ... any ... atrocity, but his boastful admissions that he was in command at the time that the twenty-two men had been executed ... all tend to show that he was in responsible command and furnish [the] evidence upon which it is believed charges can be sustained against him*”.<sup>89</sup>

Pickett’s letters, Holt informed Stanton, should be sent to North Carolina to be included with any further evidence the “*investigation now in progress*” might turn up. As a preliminary step to a trial, Holt suggested that the former Confederate general should be arrested immediately and held for trial with any other guilty persons the new investigation might find evidence against.<sup>90</sup> Pickett, meanwhile, remained in hiding in Montreal, beyond the reach of Union authorities and safe from arrest.

The new board of inquiry was convened in Raleigh on January 23, 1866, under orders to find evidence bearing upon the circumstances of the “murders” and to identify those who could be held accountable. Hearings were conducted in Salisbury, Goldsboro, Kinston, New Bern, Halifax, Beaufort, and other localities. The investigators found it difficult, however, to obtain additional evidence. “*Great distaste was quite generally exhibited by the witnesses to testify*”, they reported, “*lest they might be considered by their friends in the light of informers*”. “Defective memories” seemed to be particularly prevalent.<sup>91</sup>

The second board of inquiry was nevertheless thorough in its search. Witnesses included former governor Zebulon Vance, ex-provisional governor William W. Holden, members of the state legislature, state supreme court judge William H. Battle, the secretary of state, and whoever they thought might possess pertinent information. The records of the state adjutant general’s office were searched, muster rolls of the units to which the deceased men were said to have belonged were examined, and an attempt was made to locate records of the court-martial that had sentenced the men in question. Nothing, however, was found to implicate anyone other than General Pickett.

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<sup>88</sup> *Murder of Union Soldiers*, 47-49.

<sup>89</sup> *Murder of Union Soldiers*, 53.

<sup>90</sup> *Murder of Union Soldiers*, 53-54.

<sup>91</sup> *Murder of Union Soldiers*, 55, 59-60.

Correspondence with the custodian of Confederate archives in Washington proved equally fruitless.

The only evidence found tended to bear out Pickett's contention that all the men captured and executed as a result of the New Bern expedition had previously enlisted in the Confederate army for either general or local service and were under the command of Confederate officers prior to enlistment in the United States Army. Consequently, men in those categories could legitimately be charged with desertion from Confederate service.

The board issued its conclusions on March 29, 1866, in Raleigh. While acknowledging the Confederacy's right to execute deserters in certain circumstances, it denied the right under other circumstances. In the board's opinion, men from Nethercutt's local-service battalion, members of bridge guard companies, and North Carolinians who fled to Union lines either before or after conscription could not be charged with desertion. In these cases, it was in agreement with the judge advocate general who argued that service in the Confederate military was itself a crime from which it was a person's duty to escape at the first opportunity. Having so fled and taken refuge in the United States service, the individuals in question were entitled to that country's protection and to its vengeance "*for their shameful death*".<sup>92</sup>

Regardless of this interpretation, the board regretfully reported on its inability, "*after diligent search*", to fix responsibility on anyone other than General Pickett. The evidence showed that his was the "*prominent authority under whose direction everything connected with the murder of our soldiers took place*". It did not contain sufficient grounds to sustain charges against any other individuals.<sup>93</sup>

While the board of inquiry was investigating his case in North Carolina, General Pickett appealed to his friend General Grant to intercede in his behalf with President Johnson. In a letter dated March 12, 1866, and post-marked Washington DC, a repentant Pickett stated his case. Noting that the president had not acted upon his application for pardon and that "*certain evil disposed persons are attempting to re-open the troubles of the past*", he asked "*if the time has not arrived for the Executive clemency to be extended in my case, ... I merely wish some assurance, that I will not be disturbed in my endeavor to keep my family from Starvation, and that my parole ... may protect me from the assaults of those persons desirous of still keeping up the War which has ended in my humble opinion forever*".<sup>94</sup>

In response to Pickett's request, a parole was granted the same day. He was, according to the Union commander, "*exempt from arrest by Military Authorities except [as] directed by the President of the United States, Secretary of War, or from these Hd. Qrs. so long as he observes the conditions of his parole*".<sup>95</sup> Pickett was further exempted from the prohibition against travel and was given permission to travel about the United States.

Upon receipt of Pickett's request for clemency, General Grant forwarded it to the president with his recommendation for approval written on the reverse side. Adding that "*General Pickett I know personally to be an honorable man*", Grant asked assurances that the former Southern general would not be subject to a trial for offenses that, although harsh, were believed necessary if the Confederacy were to maintain its manpower. A trial, Grant argued, would only open up the question whether or not the

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<sup>92</sup> *Murder of Union Soldiers*, 58-59.

<sup>93</sup> *Murder of Union Soldiers*, 59.

<sup>94</sup> PG 16 :121-22.

<sup>95</sup> PG 16 :121-22.

government meant to keep “*the contract entered into to secure the surrender of an armed enemy*”.<sup>96</sup>

The investigation appeared to be at a dead end. A House of Representatives resolution of April 16, 1866, requested information on the status of the case. Two days later, General Ruger reported from Raleigh that the investigation in North Carolina was still being delayed “*owing to the difficulty of obtaining evidence of persons having knowledge of the facts*”.<sup>97</sup> Three months later, in July, Judge Advocate Holt recommended to the secretary of war that Pickett be arrested and put on trial before a military commission. On July 23, 1866, the House of Representatives passed another resolution requesting from President Johnson information relating to any application for pardon by Pickett as well as whether any further steps had been taken to bring him to justice since the adjournment of the board of inquiry in June 1866.<sup>98</sup>

President Johnson waited until December 11, 1866, to reply to the House of Representatives’ resolution requesting information about Pickett’s pardon and possible trial. Rather than providing direct responses to their inquiry, his answer to Congress came in the form of opinions given to him by the secretary of war, the attorney general, and the commander of the army. He left it up to the representatives of the lower house to read several documents : Pickett’s letter arguing his case for clemency ; a letter from Attorney General Henry Stanbery stating that no proceedings had been instituted against Pickett for “*any offenses against the laws of war*” ; and a communication from Stanton that the expected decision of the Supreme Court in *Ex parte Milligan*, which dealt with the trial of individuals by military commission, made him hesitate to make a decision in the case.<sup>99</sup>

The Kinston incident was brought up in Congress again on July 18, 1867, when Grant appeared before the House Judiciary Committee, which was considering the impeachment of President Johnson. In response to his role in Pickett’s application for a pardon, an irritated Grant testily replied, “*You have no right to ask what my opinion is now*”.<sup>100</sup>

The case thus came to an inconclusive ending, with all sides apparently choosing to let the matter drop. In 1868, Ulysses S. Grant, having recently been elected president of the United States, was in a position to offer his Southern friend the office of marshal of the state of Virginia. Pickett declined the office and settled down to a life of relative obscurity in Richmond, Virginia. There he engaged in the insurance business until his death in Norfolk in 1875. His stature as a hero of the Confederacy had diminished to the extent that the story of his funeral was postponed for two days by the *Richmond Dispatch* in order to give full coverage to the unveiling of a statue of General Thomas J. “Stonewall” Jackson.<sup>101</sup>

**T**he hanging of the men of Company F, Second North Carolina Union Infantry, was not easily forgotten. Several publications in both the North and South served as a reminder. *The Deserter’s Daughter*, a novella written by Private William D.

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<sup>96</sup> PG 16 : 121-22.

<sup>97</sup> *Murder of Union Soldiers*, 52.

<sup>98</sup> *New York Times*, December 12, 1866 ; *Congressional Globe*, 39th Cong., 1st sess., 1866, 4047.

<sup>99</sup> *New York Times*, December 12, 1866 ; James D. Richardson, comp., *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, 10 vols. (Washington DC, 1897), vol. 6, 459-60.

<sup>100</sup> PG 17 : 221.

<sup>101</sup> *Richmond Dispatch*, October 26, 1875.

Herrington of the Third North Carolina (Confederate) Cavalry, appeared in 1864, shortly after the Kinston hangings. There is little doubt that it was based on the hanging of the men of the Second North Carolina Union Regiment.<sup>102</sup> Its popularity was such that a second printing in 1865 sold all but a few hundred copies. Less popular was the publication of Reverend John Paris's sermon on desertion to the assembled men of Hoke's Brigade. This was published in 1864 in Greensboro, North Carolina, in an effort to stem the desertion problem.

In 1886, Colonel James W. Savage, formerly of the Twelfth New York Cavalry, reminisced about the Unionists of North Carolina in a speech to an Omaha, Nebraska, audience. His speech and pamphlet-length publication *The Loyal Element of North Carolina during the War* presented one of the best descriptions in print of the capture of the North Carolinians at Beech Grove. A final work, published in 1897 but written in 1868, served as an attempt to keep the issue alive. Colonel Rush C. Hawkins, its author, had encouraged loyal North Carolinians to serve in the army and felt a sense of personal responsibility for the deaths of the men in Kinston. After the war he remained bitter against the Confederacy, Pickett, Hoke, and all involved in the deaths of the twenty-two men. The book expressed his contempt of Grant for his refusal to take part in bringing Pickett and Hoke to trial for war crimes.<sup>103</sup> With Hawkins' death and the confinement of these publications to the dusty shelves of rare book rooms and archives, the controversy surrounding the deaths of the men of Company F, Second North Carolina Union Volunteer Infantry, passed into the obscurity of history.

The question of guilt for the deaths of the twenty-two victims was never resolved. Did it lie with Pickett for ordering the executions or with the executed men themselves who unquestionably deserted one army for service in another or with Union military officials who failed to protect the men from Confederate vengeance? The most reasonable answer is that none were free of guilt, and all shared in the responsibility for their deaths.

Recent scholarship has suggested that Pickett used the Kinston deserters as scapegoats for "*feelings of bitterness and ... [a] sense of failure*" that had been building within him since the Battle of Gettysburg.<sup>104</sup> Yet the facts in the Kinston incident can be given a different interpretation, one in which Pickett acted in keeping with the stated views of Robert E. Lee and other Confederate leaders that only significant and harsh punishment would stop the desertions then depleting Southern armies. The number of executions may be seen as an effort to set an example to deter further desertions and the swiftness in carrying out the order as an attempt to prevent President Davis from defeating the purpose with pardons and postponements. Pickett expressed his intention of using the executions to set an example immediately after the confrontation with Haskett and Jones in the camp on Dover road. The deserters were accorded military trials and executed according to standard military procedures. Chaplain Paris's sermon on desertion to the assembled troops lends further emphasis to the military nature of Pickett's reasoning. Other than the extreme nature of the example he set there is little reason to fault his actions in the affair.

The deserters themselves must bear some of the responsibility for their own executions. The circumstances surrounding their service in both armies lead to the

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<sup>102</sup> William D. Herrington, *The Captain's Bride : A Tale of the War ; and The Deserter's Daughter*, ed. W. Keats Sparrow (Raleigh : Division of Archives and History, North Carolina Department of Cultural Resources, 1990), 11-12.

<sup>103</sup> Hawkins, *Assassination of Loyal Citizens*, 45.

<sup>104</sup> Longacre, *Leader of the Charge*, 140-41 ; Gordon, "Assumed a Darker Hue", 50.

conclusion that most felt loyalty to neither Union nor Confederacy. Their efforts to find safety in a war that was on their doorsteps led to relatively “safe” service in local-service units first for the South and, when this was threatened, in similar units for the North. As soldiers, they knew the consequences of their actions and met a fate that they understood.

Pickett’s extreme action failed to stem the tide of desertion from the Confederate armies, even in Pickett’s own division. By November of that year, one hundred men of Pickett’s Division were in the guardhouse for desertion, and indications are that the majority of deserters were never apprehended. Pickett complained bitterly *“that every man sentenced to be shot for desertion in his division for the past two months has been reprieved”* by President Davis. Ultimately, the highest Confederate political authority proved to lack the stomach for the kind of wholesale executions that Pickett - and Lee - thought necessary to halt the exodus.<sup>105</sup>

In the end, the command problem that Pickett faced remained insoluble. The maintenance of an army of citizen-soldiers within a democratic society must of necessity rest to a large degree on the willingness of the great mass of the common people of that society to pay the price and support the cause - voluntarily. By use of a careful mix of inspiration - be it love of country, commander, or comrades - with the iron fist of military discipline the commander can at best hope to prolong somewhat the survival of the army that is his only bid for victory. The doing so is as much an art as any aspect of his task.



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Donald E. Collins

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<sup>105</sup> OR 42, pt. 3, 1213.