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HOSTAGES IN THE CIVIL WAR

Taking civilian hostages became a routine practice in the American Civil War. International law condoned it, and the American laws of war codified it. Abraham Lincoln, Ulysses S. Grant, Jefferson Davis, and Robert E. Lee all dealt with situations involving hostages.

The documentation for several hostage incidents during the Civil War is solid, but the cases have not been brought to light before. Mark M. Boatner's *Civil War Dictionary*, for example, has no entry for "hostages," and I could not find the word in the indices of standard references like *The Collected Works of Abraham Lincoln* (although hostages are mentioned in that work). In general, historians have left unexplored much of what might be called the "darker side" of the Civil War — with the exceptions of the Andersonville controversy, racism and anti-Semitism, trading in contraband cotton, and bounty jumping.

Hostages were mentioned in James Kent's *Commentaries on American Law*, a standard source for Civil War lawyers and statesmen. Before the war interest in the subject focused on maritime cases in which a hostage was given to an enemy to guarantee that a prize crew would carry a captured ship to a proper port and pay a ransom to the enemy for that safe conduct to port. Henry W. Halleck, by virtue of his high military rank and of having written a text book on international law before the war, became one of the Lincoln administration's experts in such matters, and he had described maritime hostages in his *Elements of International Law and Laws of War*. Yale University president Theodore Dwight Woolsey, whose *Introduction to the Study of International Law* appeared on the brink of war in 1860, referred to hostages as a "mode of securing the faith of treaties, formerly much in use but now almost obsolete." The most recent example he could find was the Treaty of Aix-la-Chapelle in 1748. Woolsey also mentioned the case of hostages for ships' ransoms.

Statements like Woolsey's provide an index of American

innocence about warfare before 1861. After the firing on Fort Sumter, the United States descended into the hellish experience of modern war on a grand scale, and the taking of hostages eventually became part of that experience. Available records do not reveal any hostage cases in the first twenty-one months of war, but in February 1863 two citizens of Loudoun County, Virginia, Stephen R. Mount and Volney Purcell, were held as hostages for a Mrs. Davis of Snickersville. They were released later in the spring, but nothing else is known about the case.

The "White Flag Affair" and the Fredericksburg incident, both of which occurred in the spring of 1864, revealed more vividly the stresses which could bring Christian warriors to take hostages. Around the first of June, three men appeared on the Virginia side of the Potomac at Edwards Ferry and hailed the Federal pickets on the other side. The men on the Confederate side apparently waved a white handkerchief and shouted that they were refugees who wanted to cross over. Two soldiers from the Second Massachusetts Cavalry climbed into a boat and rowed out to fetch them. As they neared the other shore, the white flag was dropped and the three so-called refugees, along with five other concealed men, began firing on the boat. One of the Union soldiers was wounded in the thigh, and both were taken prisoner. The eight captors then robbed the two soldiers of their pistols, their watches, and some of their clothing. The captives were taken to nearby Leesburg, Virginia, and were, according to Union sources, "paraded through the streets to the gratification of the robbers and citizens."

Union General Christopher C. Augur acted quickly. He arrested two men, John L. Rinker and George C. Ryan, who were the fathers of two of the alleged ambushers. By June 4, with the approval of Henry W. Halleck, he had also arrested "eight of the principal secessionists of Leesburg" to be "held as hostages" for the return of the two Union soldiers and the surrender of the eight White Flag ambushers. The two

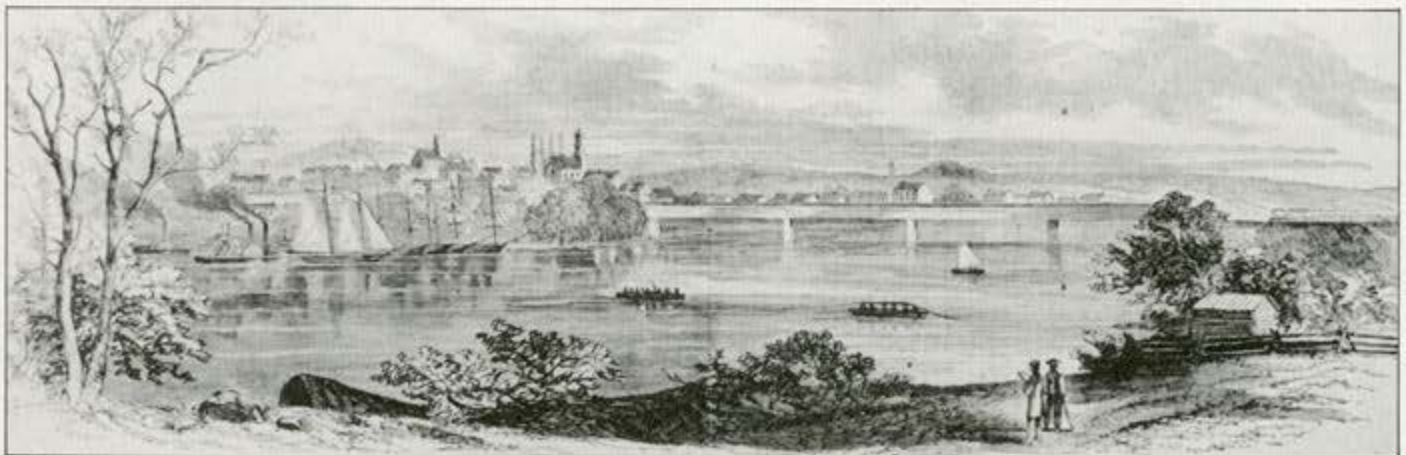


FIGURE 1. Fredericksburg, Virginia.

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FIGURE 2. Henry W. Halleck.

Massachusetts pickets were sent back to Union lines, and Judge Advocate General Joseph Holt determined that "the two oldest and least noted for disloyalty" among the hostages would be released in exchange. In his note about the exchange, Holt included a sharply worded endorsement of Augur's action: "The crime having been committed under the shelter of a flag of truce was one of unspeakable baseness & atrocity, & was in every way in keeping with the spirit of the rebellion. The government may well resort to all means known to civilized warfare to compel a surrender of the criminals."

Holt was correct in saying that hostages were among the "means known to civilized warfare." About a year before the White Flag Affair, the United States War Department had published General Orders Number 100, "Instructions for the Government of the Armies of the United States in the Field." Drafted by the pioneering political scientist Francis Lieber, the Instructions constituted the legal code for the United States forces during the last two years of the Civil War (and indeed provided the basis for America's laws of land warfare until 1956). General Orders Number 100 devoted 2 of its 157 articles to hostages:

54. A hostage is a person accepted as a pledge for the fulfillment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

55. If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

Hostages were rare, perhaps, but Lieber definitely made them a means known to American warfare.

They appear to have become less and less rare after the publication of Lieber's code in April 1863 as an order binding the military forces of the United States. Moreover, the practice of taking hostages never seems to have lived up even to the rough standard of justice in General Orders No. 100. The White

Flag hostages are perfect examples of the savage gulf between the law and the practice of war.

Lieber, like the authorities before and after him, described the taking of hostages as a passive sort of affair, as though the enemy would be pressing its citizens on reluctant Federal soldiers, begging "acceptance" of them as pledges for future acts. "Acceptance" certainly implies an "offer." The articles have a drily contractual atmosphere about them, as though reasonable Christian gentlemen would reach some formal agreement, and one party would throw some hostages into the bargain as guarantors of good faith.

Such was not the case in the White Flag Affair or any other Civil War hostage incident. Augur acted fast and had no previous agreement with Confederate authorities. The Virginians did not offer eight Leesburg citizens and Augur did not "accept" eight Leesburg citizens. He seized them in order to force the Virginians to agree to hand over the perpetrators of this crime. Hostages were a recognized means of civilized warfare, but the persons taken from Leesburg did not fit the legal definition of hostages. They were called hostages, but they were better termed prisoners taken in reprisal for an atrocity.

To be sure, some sort of atrocity had been committed at Edwards Ferry. Henry Clay Ryan, one of the men who ambushed the pickets, denied that a white flag was used to decoy the Federal soldiers over the river and claimed further that the two men "were treated kindly" while they were prisoners. But he admitted taking three pistols and "one or two watches." Stealing the personal property of prisoners of war was a violation of the standard rules governing prisoners of war everywhere, and to this Ryan was willing to admit. Many other citizens of Leesburg expressed their disgust at the whole ambush and did not deny that a white flag had been used.

Loudoun County was ripe for atrocity, in fact. It was in the heart of "Mosby's Confederacy," prey to the actions of John



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FIGURE 3. Christopher C. Augur.

Singleton Mosby's famous partisan rangers and to the Federal measures aimed at stopping him. Indeed, one of the men who was later captured as a participant in the ambush was a member of White's cavalry, a partisan unit often associated by Union authorities with Mosby's rangers. The citizens of Leesburg did not blame Mosby, but they did depict Loudoun County as a theater of anarchic guerrilla violence: "Ever since the advance of the Federal Army through this country under Col. Geary," a group of Leesburg petitioners explained, "we have been without any civil government, and without any regular protection from the Army. The consequence has been, a spirit of lawlessness. . . . Armed men claiming to be soldiers are continually passing thro' the county committing all kinds of depredations."

The Confederates' version of the incident, although it admitted some irregularities, differed considerably from the Union version. Ryan claimed that he and the other seven men had been ordered by Colonel White to find a deserter named Mansfield. Hearing that he had become a ferryman, they came to Edwards Ferry and called to him. When the two men in the boat proved to be Federal soldiers, they had no choice but to start shooting.

After the smoke had cleared and the Federal authorities had resolved on a course of action, how did they pick out the eight leading secessionists of Leesburg? No one knows, but records of interrogations of the hostages show that none of them could take the oath of allegiance to the United States in good conscience. Five admitted voting for Virginia's secession ordinance. Two claimed they did not, and the views of one man are unknown. Hostage William S. Pickett, a 41-year-old hotel keeper, had served 15 months in the commissary of the Seventeenth Virginia Infantry and had a brother in Confederate service as well. Dr. Armstead Mott, a physician aged 42, had served two years as a surgeon in the Confederate Army. Charles F. Fadeley, a 47-year-old farmer, had a son in the Eighth Virginia Infantry. Thomas Edwards (47), Dr. William Cross (60), and John P. Smart (69) had among them five nephews in the Confederate Army. Edgar L. Bentley, a 46-year-old farmer, had no relations in Confederate service, and little is known about W. H. Gray, who described the hostages as a group of "elderly and peaceable citizens." Drs. Cross and Mott had allegedly tended both Confederate and Union sick



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FIGURE 4. Joseph Holt.



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FIGURE 5. Francis Lieber.

and wounded, as was common among conscientious physicians in this war-torn region.

Smart, who really was elderly, and Dr. Mott were the first to be discharged (on June 13, 1864), following Holt's guidelines. The rest were transferred from Old Capitol Prison to Fort Delaware, where they remained until August. By that time three of the perpetrators of the ambush had been captured (one escaped by jumping from a train en route to Washington from the prisoner-of-war camp in Elmira, New York). After that, the hostages, except Ryan and Rinker, were discharged (on August 25). Once Henry Clay Ryan and Noble Rinker were in custody, their fathers were released also (in December). And somehow, poor George W. Ryan, a mere boy of 16 arrested with his father, was lost in the shuffle, shipped off to Fort Warren in Boston harbor, and not released until Christmas Eve in 1864, his arrest apparently unknown to or forgotten by investigating authorities until that date.

The Fredericksburg incident involved larger numbers and, if anything, more wholesale justice. Sitting behind the Rappahannock River, astride the half-way point on the 100-mile route from Washington to Richmond, Fredericksburg, Virginia, was fated to bear the brunt of several military campaigns. On May 8, 1864, in the aftermath of the Battle of the Wilderness, about sixty Federal soldiers, "most of them slightly wounded" according to Fredericksburg historian S. J. Quinn, straggled into town. They were armed, and the local citizens, fearing mischief and pillage, demanded their surrender as prisoners of war to go to Richmond or their departure across the river to an area infested with Confederate guerrillas. Most of the dispirited soldiers chose surrender and were promptly delivered to the nearest Confederate post. From there they went to Richmond and prison.

Federal authorities regarded such action by alleged non-combatants to be a violation of law, and the Secretary of War ordered the Provost Marshal to arrest about 60 citizens to be held hostage for the return of the soldiers. Colonel Edmund Shriver responded to the order with a letter that suggests a chilling picture of Civil War Fredericksburg, a bustling

commercial town of 5,000 population before the war:

In relation to the apprehension of 60 prominent citizens of this city, as ordered by you, I have to report that on account of the very few males who are now present it has been impossible to get that number ready to dispatch to-day, but I hope to send them to Washington to-morrow. There are 30 in custody, 9 of whom are suspected of having been engaged in conveying our wounded to Richmond.

Lieutenant George Mitchell, a member of the United States unit which captured Fredericksburg just after the incident, gave an equally telling description of the ravages of war. The town began to fill up with Union wounded, and Mitchell was appointed Assistant Provost Marshal and assigned the task of requisitioning food and shelter for them. He quartered wounded men "in every house in the city." He "found very little food in the homes" for the "starving" wounded.

The War Department in Washington had probably been moved to drastic action by the vision of wounded soldiers captured by Virginia citizens and sent to Confederate prisoner-of-war camps. Lieutenant Mitchell, however, described a rather different scene:

I found out that our soldiers had straggled in without any escort whatever and commenced to break into the stores which were closed [it was Sunday]. A great many of these men, were nothing but stragglers, and were not wounded. There is sufficient proof when they arrived into the city a day and a half before the escort, and ambulances.

Mitchell thought all the hostages but three should be released, the exceptions being two scouts and a man who was armed with a saber and firearm when captured.

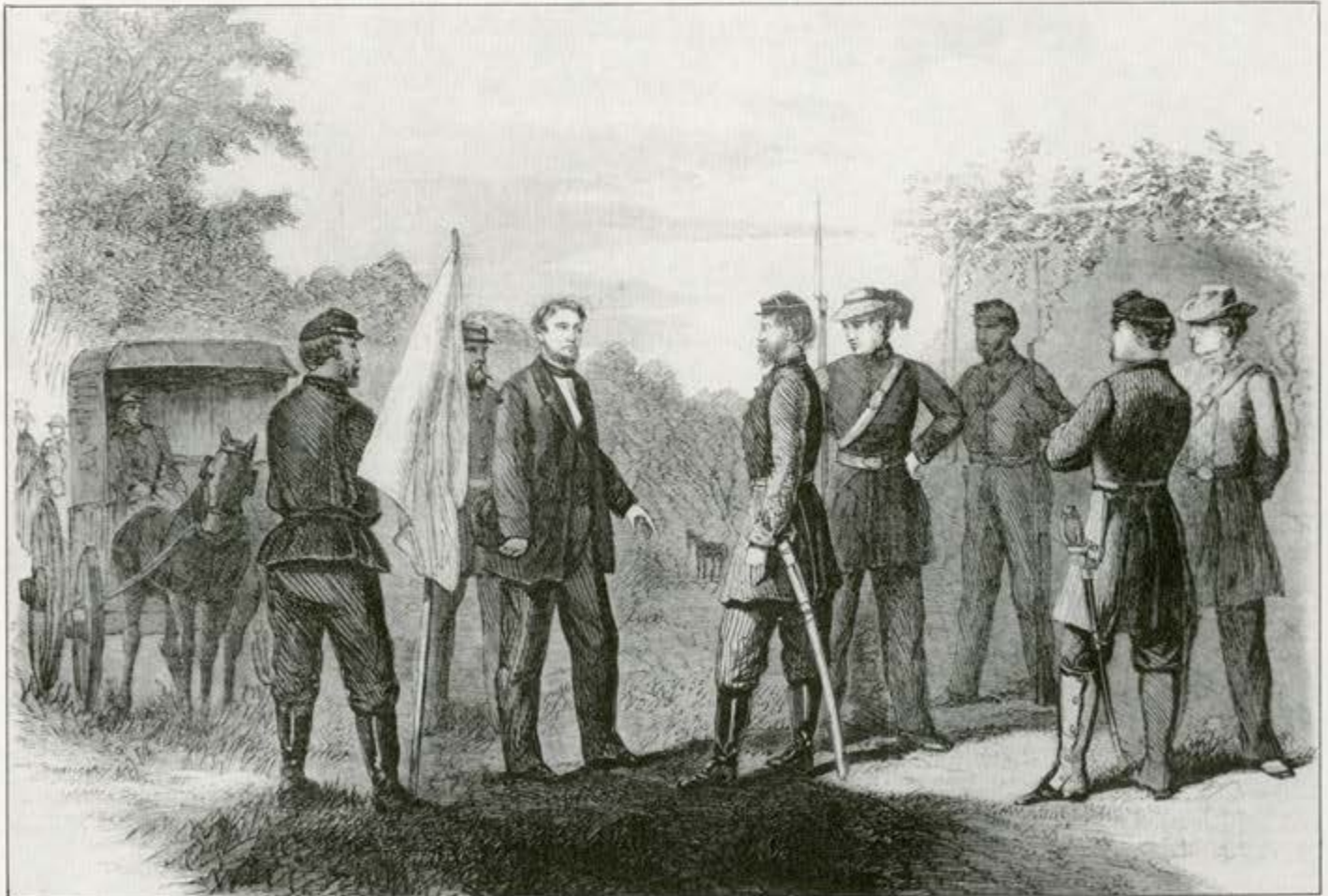
Judge Advocate General Holt took a sterner view of the affair: "... the fact of their being stragglers does not change the character of the conduct of the citizens, whose action was not based upon any such distinction, and who have no

authority to administer discipline to United States troops." The tone of this note was more measured than the note about the White Flag Affair; Holt said nothing in this instance about atrocities which justified the use of any means known to civilized warfare. Instead, he seemed to be speaking about legal niceties: who had authority to discipline Federal troops who were admittedly out of line?

The rage was gone, but the hostages remained in prison. The 64 Fredericksburg citizens included 9 merchants, 6 laborers, 4 shoemakers, 3 shop keepers, 3 tailors, 3 carpenters, 2 bricklayers, 2 farmers, 2 blacksmiths, 2 bootmakers, a gunsmith, an artist, a pump maker, a clerk, a dental surgeon, a wheelwright, a watchmaker, a hotel keeper, a saddler, a hatter, a machinist, a physician, a painter, a pianoforte maker, a tinner, a carriage maker, a landlord, a miller, an architect, and 9 men of unknown occupation. They ranged in age from 16 to 70, but 31 of the hostages were 50 years old or older, including 6 men who were 60 years old or older — a special cruelty dictated by the scarcity of young civilian men in the heavily mobilized Confederacy of 1864.

On May 31 the Fredericksburg common council met to consider the problem and wrote the Confederate Secretary of War, James Seddon. George H. C. Rowe, a local citizen who had arranged a prisoner exchange back in another time of trouble for Fredericksburg, 1862, went to Washington in June and gained an agreement from Edwin M. Stanton for an exchange. Rowe himself took responsibility for the safety of the Federal soldiers released by Confederate authorities in Richmond. After difficulties encountered crossing the lines and delays in meeting with the United States authorities in Washington, Rowe managed the exchange. Most of the citizen hostages marched the last twelve miles home in July.

(To be Continued)



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FIGURE 6. Crossing the lines under a white flag.