

---

Community Archives – Old Berrien Newsletters  
CA-012-002-015

---

Winter Quarter 2024

# Old Berrien Newsletter

Vol. 06, No. 04

---

For this and additional works see: <https://vtext.valdosta.edu/xmlui/handle/10428/7414>

UUID: 318F8D69-F338-B090-4CB3-59C6A32175E1

**Recommended Citation:**

Berrien Historical Foundation. *OLD BERRIEN Newsletter of the Berrien Historical Foundation*  
Vol 6, no. 4. Valdosta State University Archives and Special Collections, *Community*  
*Archives: Old Berrien Newsletters Collection*.

<https://vtext.valdosta.edu/xmlui/handle/10428/7597>

This item is part of the *Community Archives: Old Berrien Newsletters Collection*, at Valdosta State University Archives and Special Collections. Physical and intellectual rights are reserved by the Berrien County Historical Foundation. If you have any questions or concerns contact [archives@valdosta.edu](mailto:archives@valdosta.edu)

## HONORING THE CONFEDERATE VETERAN

I love Berrien County, home of my family heritage. I am a 6th generation descendant of the earliest Shaw pioneers in Berrien County.

As Curator of the Berrien County Historical Museum and Archive, I have assisted dozens of individuals in connecting with their earliest ancestors. Several of those visitors I helped have an African-American heritage, the most difficult research to pursue.

Over the past ten years I have helped several black researchers trace their family ties back to their earliest American roots. I feel a special kinship with those families even today.

Therefore, I hope you can understand why it is quite troubling for me to see recent defacing and destroying of historical monuments and buildings. These perpetrators have become indiscriminate in their attacks, but most are directed toward monuments honoring the Confederate soldier. Their justification is that these monuments are honoring slavery of the black man and his family.

I have not found a monument yet that was erected to honor the enslavement of anyone, but instead were created to honor the lives of those soldiers who served under the authority of the government that they were obligated to obey. Let



me share some factual history to give context to this truth.

Though many wealthy land owners in Georgia owned slaves to help in their farming and domestic chores, most property owners of Georgia and, according to the 1856 Tax Digest of Berrien County, 80% had no slaves. Of those

*The monument above, known as the "Reconciliation Memorial" was erected in 1914 in Arlington National Cemetery, as a symbol of the Southern States being included as a full member of the United States, reconciling its differences created by the Civil War. However, on December 22, 2023, the monument was removed by an act of the United States Congress.*

who were slave owners, half of them owned just 1 or 2 slaves, generally a house servant and/or field foreman to oversee the work on the crops.

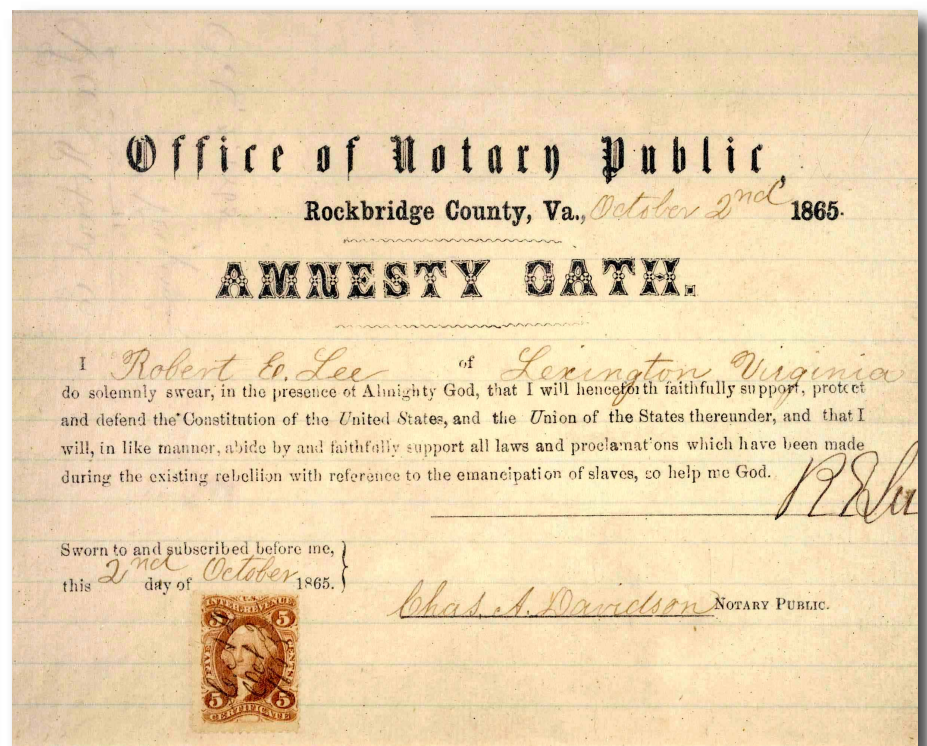
The price of an adult house servant or field foreman in 1860 was about \$1200 each—that's \$45,475 in today's currency. The field foreman was primarily in charge of overseeing the work of younger family members, assigning tasks on the farm, caring for the animals, etc.

**I**n 1861, when Georgia's Secession Convention met to vote on secession, Berrien County's two representatives voted along with the majority for secession, believing each state had a right to do so. With the official formation of the Confederate States of America, Georgia and all of its residents, Berrien included, became citizens of the new country, and under the laws and obligations set forth by the Confederate States Congress,

Many, if not most of the residents of Berrien County were not in favor of secession. However, regardless of their individual feelings, every Berrien resident was under the laws and obligations spelled out by the Confederate States legislature.

In March, 1861, when Georgia's Governor, Joseph E. Brown was ordered by the Confederate Secretary of War, George W. Randolph, to provide troops and arms from Georgia's citizenship, Brown would only agree on condition their officers would be selected by their fellow Georgians, and could be recalled by Governor Brown should it be necessary to defend the ports and borders of Georgia.

Governor Brown was a fierce defender of States' Rights, and balked at the position of President Davis that all military operations in the State of Georgia were under Davis's control. Randolph and President Davis refused to honor that condition.



This ongoing struggle between Governor Brown and President Davis, was finally put to rest in April, 1862 when the Confederate Congress passed the First Conscription Act, requiring all men of every Confederate State between the ages of 18 and 35 to enlist in the Confederate States Army. Therefore, all Berrien County men 18 to 35 were conscripted into the Confederate States Army, regardless of their opinion on slavery or states rights.

In September, 1862, the 2nd Conscription Act required men, up to the age of 45, to enlist in the service. By the third year of the war, the strength of the Confederate Army was so diminished, that the 3rd Conscription Act was passed in November 1863. It required all men between 17 and 50 to make themselves available for military service.

But the outcome of the war had become obvious and many deserters and conscription-dodgers filled the swamps and backwoods of South Georgia, attempting to evade state militia forces and the death penalty.

**Robert E. Lee's Oath of Allegiance, also known as the Amnesty Oath, is the document that he signed on October 2, 1865. The oath states that Lee would "faithfully support, protect and defend the Constitution of the United States, and the Union of the States". However, his oath was misplaced in the National Archive until an archivist found it in 1970. The discovery put in motion the Congressional approval of the posthumous restoration of Lee's citizenship in 1975.**

**B**y this point in the Civil War, it was clear that Lincoln needed to make some preliminary plans for postwar reconstruction. On December 8, 1863, President Abraham Lincoln offered his conciliatory plan for reunification of the United States with his Proclamation of Amnesty and Reconstruction. The proclamation allowed for a full pardon for and restoration of property to all Confederates engaged in the rebellion with the exception of the highest Confederate officials and

170

STATE OF GEORGIA

COUNTY OF Berrien

PERSONALLY APPEARED before me this 23<sup>d</sup> day

of July 1867, F. M. Shaw do

who states that he resides in the 3<sup>d</sup> Election Precinct of Berrien County, Georgia, and who makes oath as follows:

"I, F. M. Shaw do solemnly swear

in the presence of Almighty God, that I am a citizen of the State of Georgia; that I have resided in said State for 24 years

next preceding this day, and now reside in the County of Berrien in said State; that I

am 21 years old, that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony

committed against the laws of any State or the United States; that I have never been a member of any State Legislature, nor held any

executive or judicial office in any State, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort

to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States,

or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States,

and afterwards engaged in insurrection or rebellion against the United States, or given aid and comfort to the enemies thereof; that I will

faithfully support the Constitution and obey the laws of the United States, and will to the best of my ability, encourage others so to do.

So help me, God."

The said F. M. Shaw further swears

that he has not been previously registered under the provisions of "An act supplementary to 'an act to provide for

the more efficient government of the rebel States'—passed March 2, 1867—and to facilitate restoration," under this

or any other name, in this or any other Election District; and further, that he was born in \_\_\_\_\_

and naturalized by \_\_\_\_\_ on the \_\_\_\_\_ day

of \_\_\_\_\_, 18\_\_\_\_ in the \_\_\_\_\_

SWORN TO AND SUBSCRIBED before me F. M. Shaw date July 23<sup>d</sup> 1867 Precinct Berrien County, Georgia

A. M. Smith  
Register of the 5<sup>th</sup> Registration District.

*The Oath of Allegiance, above, was applied for by my 2nd Great Grandfather, Francis Marion Shaw. He signed it on July 23, 1867, using the "x" in place of his signature. He was right handed but he lost his right arm in the war. All male residents of Georgia, whether white or black, free or slave, were required to sign the oath to be able to vote in Federal elections.*

military leaders, if they would sign an Oath of Allegiance.

On March 26, 1864, President Lincoln proclaimed to those persons who shall voluntarily come forward and take the said oath, with the purpose of restoring peace and establishing the national authority. Persons excluded from the amnesty offered in the Proclamation could apply to the President for clemency, and their application would receive due consideration. President Lincoln further declared that the Oath of Allegiance could be taken and subscribed before any commissioned officer, civil, military or naval, in the service of the United States, or

any civil or military officer of a State or Territory, not in insurrection.

On May 29, 1865, following the end of the Civil War, President Johnson issued an amnesty proclamation. Under this proclamation former Confederates who had not already taken advantage of President Lincoln's 1863 amnesty proclamation could receive amnesty upon their taking an oath to defend the Constitution and the Union and to obey all federal laws and proclamations.

The passage of the 14th Amendment of the Constitution in June, 1866, extended all liberties and rights granted by the Bill of Rights to former slaves. One other lesser known aspect of the 14th amendment mandated that anyone who had "engaged in insurrection" against the United States could not hold civil, military, or elected office, without the approval of 2/3rds of the House and Senate. Since it required two-thirds majority of States to Ratify the Ammendment, Congress re-

quired the Southern States to ratify the Amendment as a condition of regaining representation in Congress.

On December 25, 1868 President Andrew Johnson made a Proclamation of Full Pardon and Amnesty to all persons engaged in the late rebellion, "in order to restore confidence and fraternal feeling among the whole people" and "restoring all rights, privileges, and immunities under the Constitution" upon swearing Oath of Allegiance.

On May 22, 1872, the U.S. Congress passed the first Confederacy Amnesty Act stating that all Confederate Soldiers below the rank of Colonel, who swore their allegiance to the United States, were granted full amnesty thus restoring all of their rights and privileges as a U.S. citizen.

On May 1, 1876, Congress passed the 2nd Confederacy Amnesty Act granting amnesty and full citizenship to all soldiers, officers, judges and elected officials, under the Confederacy, with the exception of President Jefferson Davis.

Robert E. Lee had applied for his pardon to General Grant on June 13, 1865, and it was granted by President Johnson upon Lee's swearing of Oath of Allegiance to the United States, which he did on October 2, 1865, the day he was named President of Washington College in Lexington Virginia. However, U.S. Secretary of State, William H. Seward had given Lee's application and oath to a friend as a souvenir. It remained lost until 1970, when it was discovered by an archivist in the National Archives.

The revelation of the Oath of Allegiance, brought legislation in July, 1975 granting amnesty and full rights of citizenship posthumously to General Robert E. Lee. It was passed by the House of Representa-

tives 407-10, and the Senate unanimously, 100-0 and signed by President Gerald Ford.

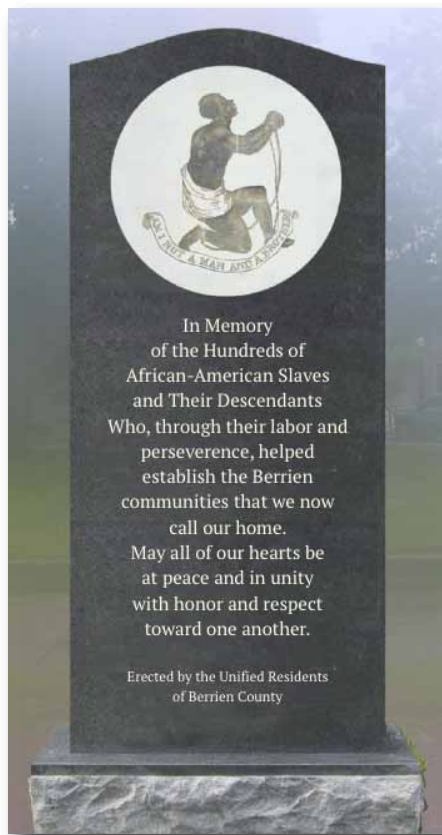
On October, 1978, President Jimmy Carter signed an Act of Congress approved by over 2/3rds of the Joint Congress, pardoning Confederate President Jefferson Davis, posthumously restoring all of his rights of citizenship. These full citizenship rights include honoring his service in the United States Army, United States Congress, and United States Senate.

On May 26, 1930, the U.S. War Department implemented regulations and payment for Confederate headstones that authorized the inscription of the Confederate Cross of Honor in a small circle on the front face of the stone above the standard inscription of the soldier's name, rank, company and regiment. Many Confederate graves are also marked with an Iron Confederate Cross installed by the Sons of the Confederacy.

**M**ost native Berrien residents have ancestors who fought in that terrible war. All veterans of that war, north and south, are honored for their service that was required of them by the country that they resided in. Therefore every descendant of those brave Confederate soldiers, has the same right to honor their ancestor's service as do any descendant of a Union soldier. That service, that life, is what I honor and have pride in, not the concept or issues that were fought over. That War settled those issues at the cost of hundreds of thousands of lives, and decades of misery by both black and white since that time.

Perhaps the spirit in which these monuments were established was best expressed toward the Confederate Soldier by Union Major General James A. Garfield of Ohio (later President of the United States) during the Amnesty Debate of 1876:

“Toward these men who gal-



lantly fought us on the field, I cherish the kindest feeling. I feel a sincere reverence for the soldierly qualities which they displayed on many a well-fought battlefield. I hope the day will come when their swords and ours will be crossed over many a door-way of our children, who will remember the glory of their ancestors with pride. The high qualities they displayed in that conflict now belong to the whole nation. Let them be consecrated to the Union and to its future symbol of our perpetuity.”

There is a monument on the Old Berrien Courthouse grounds that so honors the service and sacrifice of over 600 soldiers from Berrien County. Many of those soldiers never returned home or returned with great ailments and deformities. Many of us descend from their widows and families. It is wrong to be shamed for our ancestors who served honorably the country they resided in, under the laws that were imposed upon them at that time, and we have no right to apologize for

their service on their behalf. And no one has the right to remove or deface the memorials to that service, which was required of them.

I propose that instead of tearing down monuments of our history, lets add one more to the Old Courthouse Square. I propose that a monument be placed to the memory of those who were enslaved and their descendants who helped establish the Berrien communities that they have become so much a part of. Perhaps then we can all embrace the crossed-swords of peace in our hearts, and celebrate the broken chains of the former enslaved, as they all deserve our love, honor and especially, our respect. —BLS

**The Old Berrien  
Newsletter Is  
Published Quarterly  
for Sustaining  
Members of the  
Berrien Historical  
Foundation  
Bryan Shaw, Editor**

**The Berrien Historical  
Foundation Is a 501(c)3  
Charitable Organization  
Sustaining Membership  
\$15 Singles Yearly  
\$20 Couples Yearly**



**BERRIEN  
HISTORICAL  
FOUNDATION**

**P.O.Box 417  
Nashville, GA 31639-0417  
berriengamuseum@gmail.com  
onearmshaw@gmail.com  
229-563-0586**