

## THE "OLD LINER" NEWSLETTER

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### Commission Proposed to Observe Civil War Sesquicentennial

Aug. 29, 2003 –Courtesy CWI Premium- Twin bills now awaiting the return of the houses of Congress from their summer break would create a commission to "commemorate the sesquicentennial of the American Civil War" which will take place between the years 2011 and 2015.

The Senate version of the bill was introduced to little fanfare by Sen. John Breaux of Louisiana. Co-sponsors who signed on over the following two months included both senators from Pennsylvania and both of Virginia's delegation as well.

The legislation would designate three institutions, two public and one private, to "plan and facilitate the commemoration" of the war years. They are the Civil War Center at Louisiana State University, the Civil War Institute at Gettysburg College, and Pamplin Historical Park in Virginia.

The parallel bill in the House of Representatives was introduced by Rep. Richard Baker of Louisiana, and the cosponsors are again from that state, Pennsylvania and Virginia. Of the 27 members to be named to the commission, four would be members of the US House and Senate. Although members of the commission, these seats are classified as "non-voting." The remaining 23 would be voting members.

Six would be from governmental agencies such as the Smithsonian Institution, the National Archives, the Library of Congress and the National Park Service.

The rest, called "private members," would be appointed by the President and include one person suggested by LSU, Gettysburg College, Pamplin Park or Virginia Polytechnic Institute of Virginia.

Five others are specified to be representatives of the corporate community.

The remaining nine presidential appointments are directed to go to people with expertise in history (6 members), art history or historic preservation (1 member), anthropology or sociology (1 member), and political science, law, economics or related field (1 member).

The commission members have four basic assignments under the legislation:

- (1) Ensure a suitable national observance of the Sesquicentennial,
- (2) Cooperate with states and national organizations with programs and activities for same,
- (3) Assure that the observance is "inclusive and appropriately recognizes the experiences and points of view of all people affected by the Civil War."
- (4) Assist in development of programs that have lasting educational value.

There is no provision for flak jackets, security forces, or other protective services for members in charge of carrying out provision (3) above. Indeed, it is clearly noted that members of the Commission, and any advisory commissions they may appoint, will serve without compensation other than reimbursement for travel expenses. The good news is that Commission members can "solicit, accept, use, and dispose of gifts or donations of services or property" to carry out the commission's work.

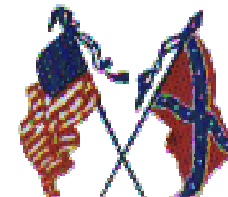
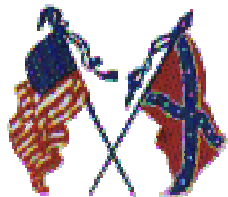
The only expenditures the commission is explicitly required to make are three grants, in each fiscal year from 2004 through 2016, of not less than \$80,000 and not more than \$100,000. The grants are to go to Louisiana State University, Gettysburg University, and the third one jointly to Pamplin Historical Park and Virginia Polytechnic and State University. The grants "shall be used for appropriate activities relating to the sesquicentennial."

Those wishing to keep an eye on the progress of the bills, or to read the legislation in its complete form, should consult the Library of Congress' [thomas.loc.gov](http://thomas.loc.gov) website. The bill numbers are S1064 for the Senate bill and HR 2449 for the House version.

### Relic Robbery Presumed Motive in Grave Desecration

Aug. 25, 2003 -Courtesy CWI Premium- Confederate Lt. S. Washington Donnell made it very nearly to the 140th anniversary of his death before someone decided he had rested in peace long enough and dug up his grave. Police are assuming that whoever did it hoped to rob the corpse of any remaining buttons or belt buckles with which he might have been interred. Donnell was killed, records indicate, in the Battle of Fisher's Hill on Sept. 22, 1864, in the Shenandoah Valley of Virginia near Strasburg. He was brought back to North Carolina and buried near other family members in the cemetery of Buffalo Presbyterian Church in Greensboro.

A cemetery trustee driving by the graveyard noticed a pile of dirt in an area where he knew no burials or



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other excavation was scheduled, the Greensboro News-Record reported. When he investigated he discovered a hole around four feet deep in Donnell's grave plot.

"We don't know if they found anything," Greensboro police Detective Adrian Whitley told the media, adding that in 25 years of police work, it was the first case of grave robbery he had seen. Whitley said he would notify investigators at police departments within 150 miles of the crime, in case they had seen similar incidents, and he said would also ask military antique dealers to be on the lookout for items that might have been taken from the grave.

Since the area of Donnell's grave is easily visible from nearby roads, police and cemetery officials are assuming that the digging was done over Thursday night or Friday morning. A delay to confirm that the site had not been dug up for any legitimate purpose meant that police were not notified of the crime until Saturday.

Cemetery officials said that without excavating the grave completely, it's impossible to know if metal artifacts were found and taken, or if the robbers never reached the grave and gave up without finding anything. There was no sign of a coffin, clothing or human remains in the hole, but those may have decayed since 1864. "It would be nothing left but anything brass on his (uniform)," said Herb Tucker, an elder at Buffalo Presbyterian, the church's historian and a cemetery trustee. Tucker's grandfather served in the same unit as Donnell, the 45th N.C. Regiment. Buttons, buckles and other metal items on an officer's uniform have value, said Bob Zeller, a local historian and former News & Record

reporter. Unless there was something very rare in the grave, it would probably only be worth a few hundred dollars, he said.

"I do know that relic hunters are pretty well known for doing scads of research, enough research so that they might have a clue as to what was in there," he said. "It's not out of the realm of possibility at all that they might have known what they were looking for."

Other relic hunters simply go out with metal detectors to likely areas such as unprotected battlefields, camp sites, or roads where armies are known to have marched, and see what they can find. Such searches are perfectly legal as long as permission is obtained from the landowner. Relic hunting is forbidden by Federal law on national park lands, and by state law in most state or municipal parks.

"We are greatly disturbed," trustee Tucker said, standing by the hole the robbers had left. "He didn't deserve that."

"It certainly seems like a huge moral step to take for a few hundred dollars worth of relics," Zeller said. "It just seems ridiculous that somebody would be willing to do that for the return, for the relative monetary return."

The Battle of Fisher's Hill was a late-war rear guard action by Confederate Gen. Jubal Early against encroaching Union forces under Gen. Philip Sheridan. Detaching the command of Gen. George Crook to attack the Confederate flanks, Sheridan led the main charge down a ravine and then up Fisher's Hill.

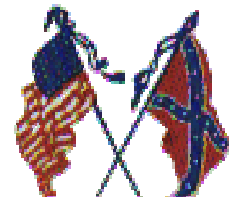
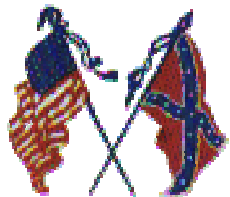
Outnumbered nearly three to one, the Confederates withdrew in some disorder for about four miles before Early could reform his lines. Of the 1235 casualties reported by Early,

nearly a thousand were listed as "missing" and presumed captured. Besides Lt. Donnell, another Confederate casualty at Fisher's Hill was Alexander "Sandy" Pendleton, best known for his services under Gen. Thomas "Stonewall" Jackson earlier in the war.

### **After Four Generations, Commodore's Duty Status Restored**

Aug. 14, 2003 –Courtesy CWI Premium- A campaign that started in 1976 has finally achieved its aim--the name of Commodore Isaac Mayo, who served 52 years in the US Navy, has been restored to note that he died in honorable status "while on the rolls of the Navy." While his descendants and others who worked on the project are happy about this, it is less clear that Commodore Mayo would have been.

Mayo had been listed for 142 years as having been "Dismiss[ed] by order of the President. Done May 18, 1861," a note written on the back of a letter of resignation he had sent to President Abraham Lincoln earlier in the month. The letter was a bitter denunciation of Lincoln's "policy of coercion" against the South and sounded very much like the message of a man who intended to offer his services to the Confederacy. Whether Mayo, who was in the neighborhood of 67 years old in 1861, intended to fight against the United States or not is impossible to determine, since he promptly died. Exactly when he died is not known, and was ultimately the technicality that allowed his name to be restored to the roll of the honored dead. He would certainly have deserved every honor for his naval career,



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according to his great-great grandson Thomas Henry Gaither Bailliere Jr. He inherited the commodore's portrait and his sea chest in 1976 and looked into Mayo's life and times. "I'm a kind of old Baltimore lover of history," Bailliere, a stockbroker, told the Baltimore Sun. "And I thought Commodore Mayo had been badly served by being dishonorably discharged. I was intrigued by what this man had done. The man had an extraordinary life, and then he was dropped from American history. I thought he deserved better." He was born about 1794, nobody is quite sure of the date, the son of a Revolutionary War soldier. A midshipman at 15 years old, he came of age in the War of 1812. Congress awarded Mayo a silver medal for his gallantry in action on the USS Hornet, and Maryland presented him with a dress sword with hilt of solid gold. Mayo went on to fight in the Caribbean against pirates, in Florida against the Seminole Indians and at Vera Cruz in the Mexican War. He even became the military governor of Alvarado, Mexico. He commanded the African Squadron in the suppression of the slave trade as commodore aboard the USS Constitution, which, in fact, captured a slaver. He came home to the United States, still serving on the Constitution, when it was decommissioned in June 1855. He was four years older than his ship. And he was coming to the end of his distinguished Navy career, too. He was, indeed, a "Naval Warrior," the title chosen by Byron Lee for his biography of the commodore published by the Anne Arrundell County Historical Society. Lee himself is a retired U.S. Navy captain. Mayo was a proud American patriot, Lee, says in his biography, recounting

an official letter in which the commodore says proudly that his grandfather, Joseph Mayo, sent seven sons to the Revolutionary War and only two returned, one of whom was his father. But he was a Marylander from southern Anne Arundel County, a Southern sympathizer and a slaveholder surrounded by active supporters of the Confederacy.

His letter of resignation made his feelings on the matter, if not his future intentions, clear.

"For more than half a century it has been the pride of my life to hold office under the Government of the United States," he wrote. "For twenty-five years, I have engaged in active service and have never seen my flag dishonored, or the American arms disgraced by defeat. It was the hope of my old age that I might die, as I had lived, an officer of the Navy of a free government."

"This hope has been taken from me," he wrote. "In adopting, the policy of coercion, you have denied to millions of freemen the rights of the Constitution and in its stead you have placed the will of a sectional Party and now demand submission in the name of armed force."

"As one of the oldest soldiers of America, I protest - in the name of humanity - against this 'war against brethren.' I cannot fight against the Constitution while pretending to fight for it."

"You will oblige me by accepting my resignation."

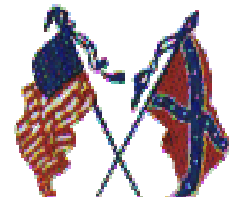
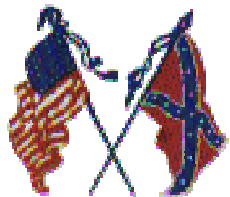
He signed it "Most respectfully, Isaac Mayo, Captain U.S. Navy Late Commander U.S. Naval Forces, Coast of Africa, Constitution, Flagship."

The letter was dated May 1, 1861. By this time, according to records compiled by William S. Dudley, who

is now director of the Naval Historical Center, some 222 other Naval officers had resigned to side with the South, and it was evidently taken that Mayo intended the same. The note of dismissal was written on the back of his letter and it was sent back to him. He probably never saw it. At some point between May 10 (the date inscribed on a memorial placed by his widow at the Naval Academy Cemetery after the war) and May 18, he died at his home called Gresham, an estate of 1,400 acres on the peninsula between the South and Rhode rivers in Anne Arundel County. The date of death became crucial in the family's campaign to restore Mayo's status. The law was clear then and now: In order for a dismissal to be valid Mayo had to be officially and personally notified. Otherwise he is not dismissed "in fact or in law." A death on May 10 would settle the matter; even if he did not expire until the 18th, it would have taken a special courier to get the letter into his possession the same day, and there is no record that such a courier was sent to the old sailor. When Bailliere started his campaign, things went well at first. The Board for Correction of Naval Records concluded that "an injustice had been imposed" on Mayo, and recommended that he be reinstated and that he and his family be "accorded all dignities, rights and privileges commensurate to his rank and station."

A roadblock then appeared. The Board's recommendation was sent to the then-director of the Naval Historical Center, Rear Adm. John D. Kane, for his opinion. Kane recommended disapproval of Bailliere's application.

"To do otherwise," he wrote, "would be to rewrite the historical record



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arbitrarily and to open the way for similar petitions by the descendants of more than 150 naval officers dismissed at the outset of the Civil War."

Kane said that "in bald terms, these resignations must be viewed as treasonous acts against their oath of allegiance to the United States," and claims that Mayo was treated unfairly were "simply insupportable from an historical point of view."

An appeal, which took several more years, was unsuccessful. Bailliere was exhausted and discouraged. His brother-in-law, Owen Daly, a retired banker, took up the cause. Daly's wife and four sons are direct descendants of the Commodore, too. Daly enlisted the aid of a friend, Brig. Gen. Benjamin F. Lucas II, the legislative liaison officer of the Maryland National Guard, a military lawyer. He focused on when Mayo died.

"We were able to locate the document signed by the Secretary of the Navy then, Gideon Welles, actually dismissing Mayo, which we never had before," Lucas says. "The order had been signed on May 18, 1861, also purportedly one of the dates Mayo could have died." The current Naval Historian, William Dudley, found Lucas' arguments more persuasive than his predecessor had. He "strongly" suggested that the commodore's dismissal be no longer looked at through the "filter of retribution for an unwise and possibly disloyal act." "It is now time to decide this case," Dudley wrote, "simply on the basis of whether he received personal and official notification, as required by law, prior to his death." It may be a technicality, but Commodore Mayo's honorable duty status was restored as of July 18,

2003. Whatever his feelings on the matter be, his descendants are gratified.

"I think it's great," Thomas Bailliere said. "Absolutely great."



**Caption: Henry Gaither Bailliere Jr. worked to restore military honors to Commodore Isaac Mayo (in portrait).**

### Delaware Monument Making Move at Gettysburg

Aug. 6, 2003 –Courtesy CWI Premium- One of the newest, and one of the last, monuments to be installed at Gettysburg National Military Park should have been placed with wheels on the bottom. This would make it easier to execute a move park officials are planning for the Delaware monument, put in its current location barely three years ago.

It isn't going far, which is no doubt a relief to those responsible for toting the 21-ton granite object. But move it must, park service officials have decided, in order to better fit in to the landscape that will exist after the current Visitor Center is demolished and its setting restored to its 1863 appearance.

Nor is the move a complete surprise.

Park officials told the committee responsible for the monument's creation that it might have to change locations as plans for the reconstruction of Ziegler's Grove proceeded, the Delaware News-Journal reported.

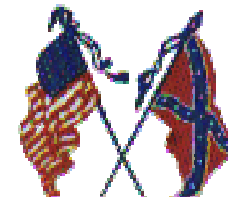
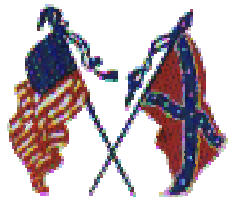
"There are always concerns when you do something of this magnitude that it's going to get damaged," said state House Majority Leader Wayne A. Smith, R-Clair Manor.

Smith was instrumental in forming the Delaware Civil War Society Inc., a group of history-minded Delawareans that raised the money for the monument and worked with the park service to place it on the battlefield.

The only other monuments to Delaware troops are two regimental markers erected in the 1880s. The lack of an official "state monument" for Delaware was the deciding factor in the Park Service granting permission for it to be placed. The service turns down virtually all requests for new memorials on the grounds that only ones placed or requested by the veterans themselves, mostly in the early years of the 20th century, are part of the history of the park. The Delaware monument was delayed for many years by the fact that, although officially a "Union" state, it was also a border state and many citizens sided with the Confederacy. Some even fought for the South, although there was no "Delaware brigade" in any Confederate army.

The new monument reflects that historic division. Sculptor Ron Tunison's design features a bas-relief with pine branches to represent southern Delaware and oak leaves to represent the northern part of the state.

The Virginia consulting firm of



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Rhodeside & Harwell Inc. recommended moving the monument to reduce the amount of paved space at the site and allow removal of a 20th-century retaining wall, according to park service records.

Gettysburg National Military Park spokeswoman Katie Lawhon told the News-Journal that the park staff agreed with the consultants, and that the monument will have to be moved a distance of 10 to 20 feet. The park service would pay for the relocation, she said.



Delaware State Monument

"They made it with that thought in mind," said Kim Burdick, a historical preservationist who was a member of the society. "It can be easily picked up and assembled at its new location," she said. The vertical portion of the monument rests upon a horizontal base, and the two pieces can be separated for the move. The \$300,000 monument was dedicated in April 2000 in a ceremony that featured descendants of Delawareans who fought in the battle,

and included a speech by documentary filmmaker and former Newark (Delaware) resident Ken Burns.

The main concern of the Delaware monument committee now is that their memorial not wind up uncomfortably close to the Maryland marker. This year's bond bill contains a requirement that the state Division of Historical and Cultural Affairs ensure that any move is conducted appropriately and that the monument be "re-established in a position of prominence."

"My hope is that more space will separate the monuments than separates the states," Smith said. No Maryland representatives have yet gone on record as objecting to sharing their space with the Delaware monument. The Maryland one was installed in 1994.

The relocation is not expected to be carried out for some time, as the work in the Ziegler's Grove (old Visitor Center) area is contingent on the completion of the new Visitor Center further south on Hunt Avenue. Officials say they plan on groundbreaking for the new site late next year, but that will be determined by the progress of fundraising efforts for the \$95 million project.

### Compromise May Lead to Partial Preservation at Winchester

Aug. 15, 2003 –Courtesy CWI Premium- A bill that would lead to the sale of some Frederick County land to the Shenandoah Valley Battlefields Foundation received its first reading at the Winchester City Council meeting earlier this week. The ordinance received a first reading as required by council regulations.

Under the plan, the city would sell some 100 acres around the area known as Faye Spring to the Battlefield Foundation, while at the same time retaining ownership of the spring itself and just over 11 acres around it.

The "spring" in question is not just the name of a long-ago geological feature. Unlike many such place names where the actual spring long ago ceased to produce water for either natural reasons or the reduction of the water table due to the digging of wells, Faye Spring still produces a good flow of water. The city is retaining the spring in case it ever needs to add it to the municipal water supply, city Public Utilities Director Frank A. Sanders said

The \$536,600 purchase price of the 100 acres can be handled by the SVBF, according to the group's Executive Director Howard J. Kittell. Under the plan, the SVBF would add the 100 acres, once they are acquired, to 37 acres of battlefield land they already own. The Civil War Preservation Trust owns still more land in the area, and Kittell said that they hope to operate the entire area as a "seamless" park.

The result would be a 376-acre battlefield park on the northeastern fringe of Winchester off Redbud Run Road, Kittell said after the council meeting. The park would be one of the largest in the Shenandoah Valley, he said.

The land encompasses the core area of the Third Battle of Winchester in 1864, Kittell said. "It was at the heart of the battle."

Kittell said he hopes the SVBF and CWPT can work together to create an interpretive sign system describing the events that occurred at the site during the battle.