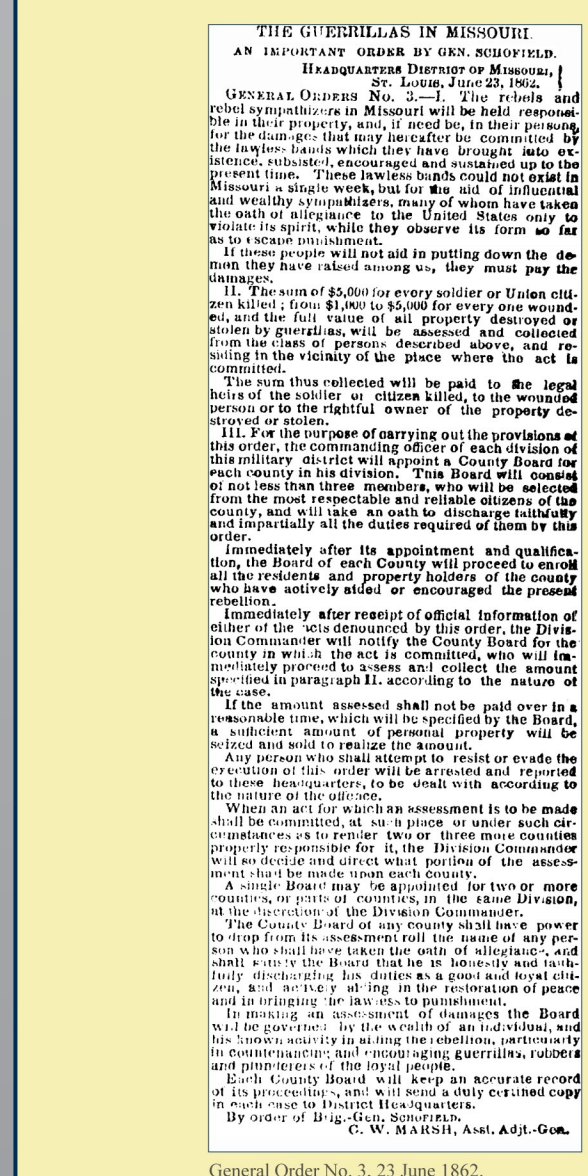
DIVIDED LOYALTIES
CIVIL WAR DOCUMENTS FROM THE
MISSOURI STATE ARCHIVES

BATTLES FOUGHT IN COURT



THE GUERRILLAS IN MISSOURI

AN IMPORTANT ORDER BY GEN. SCHOFIELD.

HEADQUARTERS DISTRICT OF MISSOURI, ST. LOUIS, JUNE 23, 1862.

GENERAL ORDERS No. 3.—I. The rebels and rebel sympathizers in Missouri will be held responsible in their property, and, if need be, in their persons, for the damages that may hereafter be committed by the lawless bands which they have brought into existence, subsisted, encouraged and sustained up to the present time. These lawless bands could not exist in a single week but for the aid of influential and wealthy sympathizers, many of whom have taken the oath of allegiance to the United States—only to violate its spirit, while they observe its form so far as to escape punishment.

If these people will not aid in putting down the demons they have raised among us, they must pay the damage.

II. The sum of $5,000 for every soldier or Union citizen killed, from $1,000 to $5,000 for every wound inflicted, and the full value of all property destroyed or stolen by guerillas, will be assessed and collected from the class of persons described above, and residing in the vicinity of the place where the act is committed.

The sum thus collected will be paid to the legal heirs or representatives of citizens killed, to the wounded persons or to the rightful owner of the property destroyed or stolen.

III. For the purpose of carrying out the provisions of this order, the commanding officer of each division of this military district will appoint a County Board for each county in his division. This Board will consist of not less than three members, who will be selected from the most respectable and reliable citizens of the county, and who must be known as loyal men by their neighbors and impartially all the duties required of them by this order.

Immediately after its appointment and qualification, the Board of each County will proceed to enroll all the residents and property holders of the county who have actively aided or encouraged the present rebellion.

Immediately after receipt of official information of either of the acts denounced by this order, the Division Commander will notify the County Board for the county in which the act is committed, who will immediately proceed to assess and collect the amount specified in paragraph II, according to the nature of the case.

If the amount assessed shall not be paid over to a reasonable time, which will be specified by the Board, a sufficient amount of personal property will be seized and sold to realize the amount.

Any person who shall attempt to resist or evade the execution of this order will be arrested and reported to these headquarters, to be dealt with according to the nature of the offence.

In the case of a wound, the assessment is to be made and be committed, at once in place or under such circumstances as to render two or three more condition property responsible for it, the Division Commander will so divide and direct what portion of the assessment shall be made upon each County.

A single Board may be appointed for two or more adjoining counties in the discretion of the Division, at the discretion of the Division Commander.

The County Board of any county shall have power to stop from its assessment roll the name of any person who shall before taken the oath of allegiance, and shall, when the Board finds he is honestly and faithfully discharging his duties as a good and loyal citizen, recommend to the Provost Marshal General of the Department of the State, his pardonment.

In making an assessment of damages the Board will be governed by the wealth of an individual, and his known security in aiding the rebellion, particularly in countenancing and encouraging guerrillas, robbers and plunderers of the loyal people.

Each County Board will keep an accurate record of its proceedings, and will send a duly certified copy to each one of Headquarters, Department.

By order of Brig.-Gen. Schofield.

C. W. MARSH, Asst. Adj.-Gen.

General Order No. 3, 23 June 1862.
New York Times

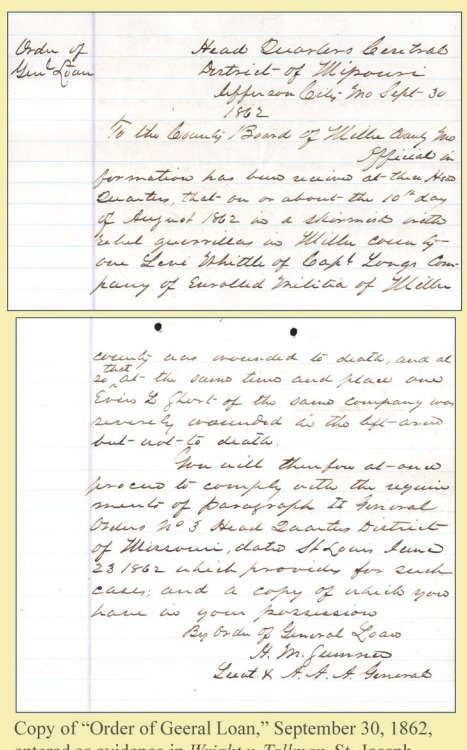
FIGHTING ORDER NO. 3

"These lawless bands could not exist in this service a single week but for the aid of influential wealthy sympathizers, many of whom have taken the oath of allegiance to the United States – only to violate its spirit – which they observed if forced so far as to escape punishment. If these people will not aid in putting down the demons they have raised among us, they must pay the damage."

Enacted by General John Schofield, Commanding Officer of the Union Army's District of Missouri, "General Order No. 3" created a system whereby disloyal citizens were forced to compensate loyal citizens for damages that Confederates caused in their county. The order called for the creation of County Boards to collect the compensation. If the citizens refused to pay the charges levied against them by the County Boards, their property was seized and sold.

In August 1862, a skirmish between a company of Enrolled Missouri Militia soldiers and a band of guerillas in Miller County left one Union soldier dead and a second wounded. The Miller County Board ordered William R. Wright, a local farmer, to help pay compensation for the dead solider ($2000) and the wounded solider ($5000). Wright refused to pay so the County Board ordered that his property be seized to cover the debt.

In February 1866, Wright sued members of the Miller County Board for $1000 in damages he claimed to have suffered when the board seized livestock, grain, and furniture from his farm. While the defendants admitted to taking the property, Wright lost in both Circuit and District Court.



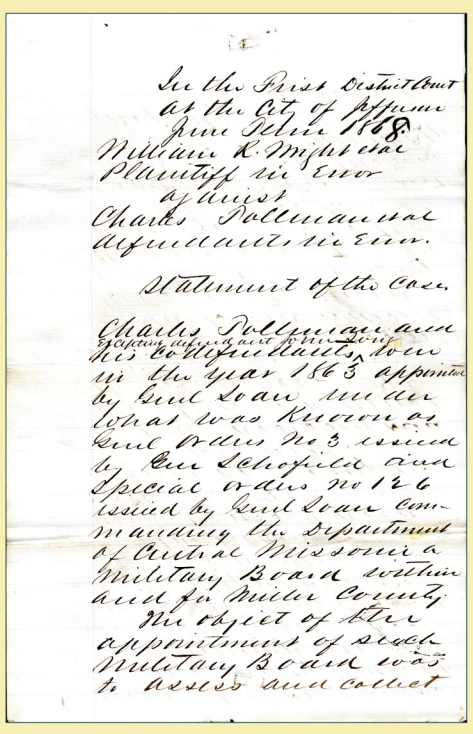
"To the County Board of Miller County, Missouri

Official information has been received at these head quarters, that on or about the 10th day of August 1862 in a skirmish with rebel guerrillas in Miller County one Levi Whittle of Captains Long's Company of Enrolled Militia of Miller County was wounded to death, and also that at the same time and place one Evin L. Ghent of the same company was severely was wounded in the left arm but not to death.

You will therefore at once proceed to comply with the requirements of paragraph II, General Order No. 3, Headquarters District of Missouri, dated St. Louis June 23, 1862 which provides for such cases, and a copy of which you have in your possession."

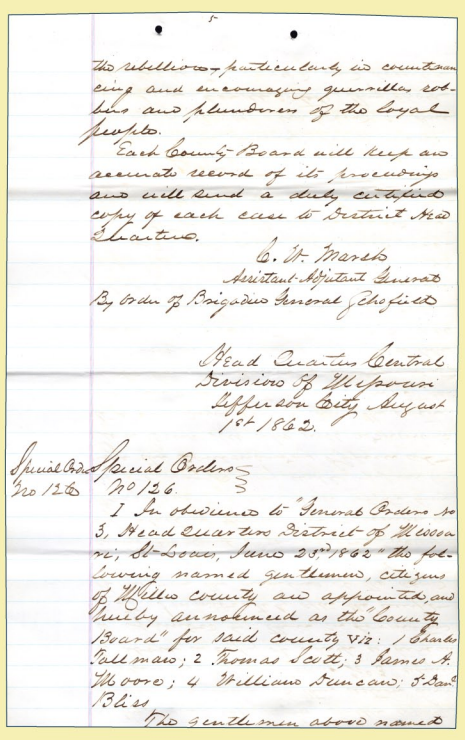
Copy of "Order of Geeral Loan," September 30, 1862, entered as evidence in *Wright v. Tallman*, St. Joseph District, Missouri Supreme Court, June Term 1868.
Missouri State Archives

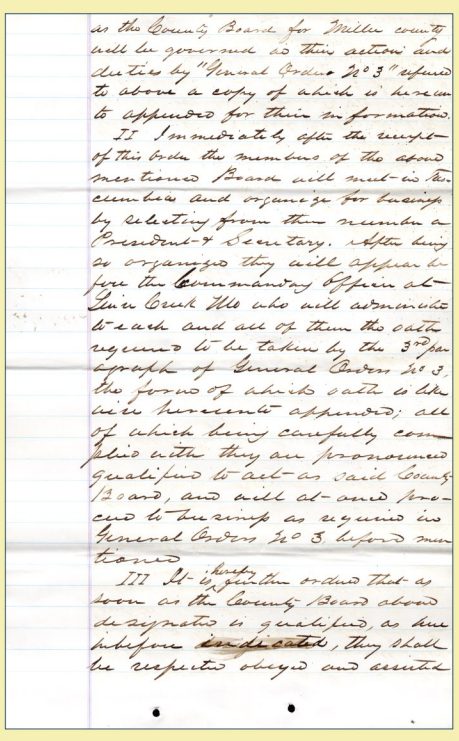
Above: General John Schofield.
Library of Congress
Below: Copy of "Order No. 126," August 1, 1862, entered as evidence in *Wright v. Tallman*, St. Joseph District, Missouri Supreme Court, June Term 1868.
Missouri State Archives

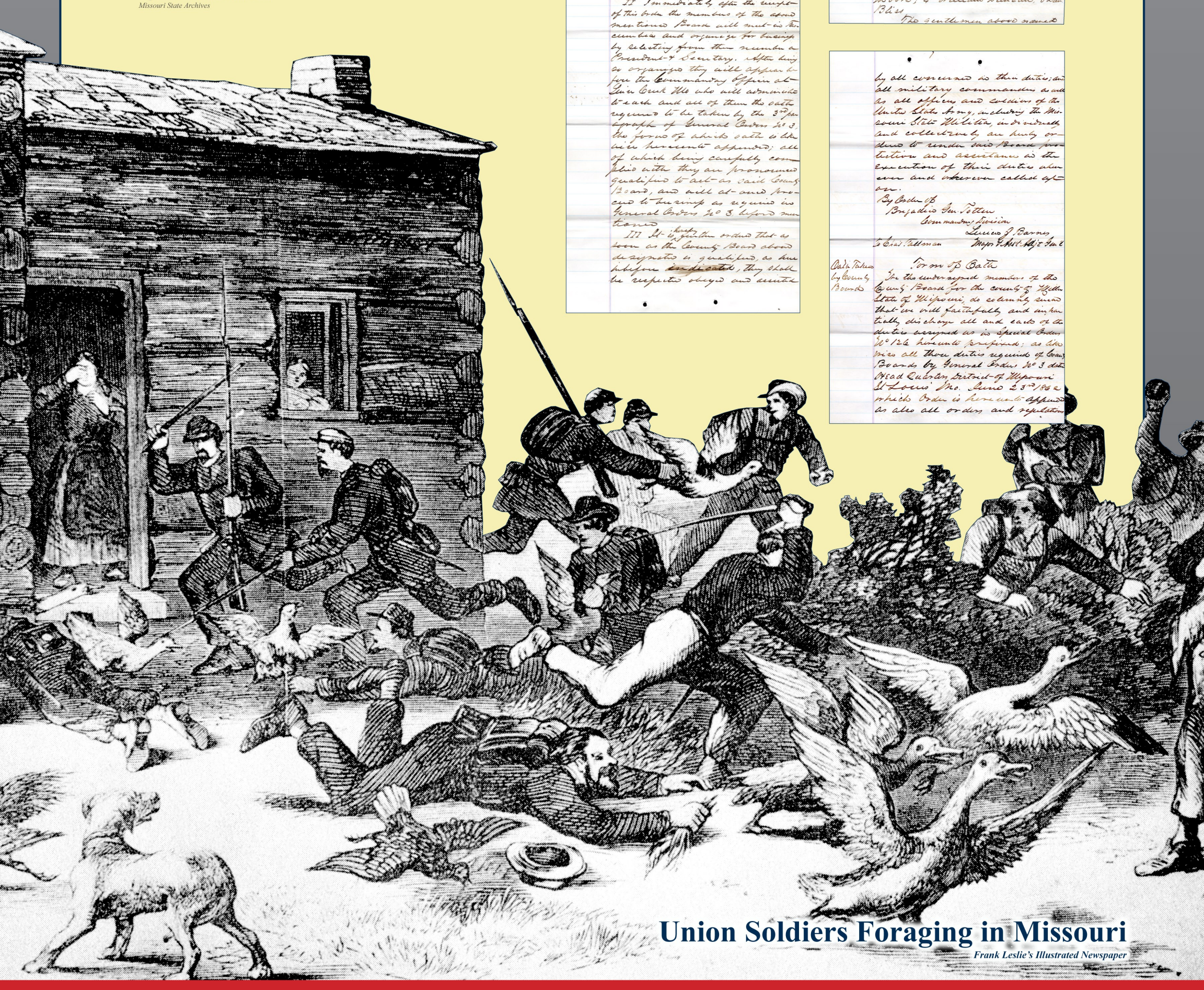


Statement, *Wright v. Tallman*, St. Joseph District, Missouri Supreme Court, June Term 1868.
Missouri State Archives

"Plaintiff states that on or about the first day of December 1862 the defendants without leave, and wrongfully, took from plaintiff the following property, and have not returned the same, that is to say two cows and calves of the value of twenty dollars each, two bed steads of the value of ten dollars each, one set of chairs of the value of six dollars, one clock of value of five dollars, thirty-three head of hogs of the value of three hundred dollars, twenty head of sheep of the value of sixty dollars, four hundred bushels of corn of the value of two hundred dollars and one cooking stove of the value of twenty five dollars, accounting in the whole to the sum of five hundred and eighty one dollars, by which plaintiff says he is damaged to the amount one thousand for which he asks judgment."







Union Soldiers Foraging in Missouri
Frank Leslie's Illustrated Newspaper

1866 - 1868