

Perspectives on the Life and Times of W. H. Outlaw (1840-1910)

Unedited Comments by W.H. Outlaw (b. 1946) at a Memorial Service held October 23, 1999

Dear Friends and Family,

Introduction. We have convened to honor the memory of W.H. Outlaw, and in doing so we further strengthen our bonds of family and southern heritage. Although I feel far short of the task lying before me, I nevertheless appreciate this opportunity to speak with you this morning. Right away, I will commit a fatal blunder and admit that I am no historian, no genealogist, no sociologist, and certainly no politician, even a term I consider pejorative in some contexts. On the other hand, I am an Outlaw, and I find no reason to apologize for that. I ask for your forbearance, and I hope that my passion will compensate. I will draw my comments mostly from published sources and from oral tradition in our family. Regrettably, neither is flawless, but, of course, the confidence one may place in one or another resource spans a wide spectrum. To this extent, I hope that my comments, even when they are inaccurate, will stimulate discussion during the fellowship later this morning. Such discussions, of course, are part of the search for truth, and they will lead to the consolidation of our individual knowledge and lore that been passed along in different descendent lineages. My purpose this morning is to provide brief summaries of the origin of Outlaws, to discuss the migration of Outlaws to and within the U.S, the life and times of W.H Outlaw, especially with regard to the Civil War, and to provide an acknowledgement of the service of W.H. Outlaw to his homeland.

Origin of Outlaws. Academics may quibble about the origin of surnames or from which group of people they arose. In general, however, the date would fall between 1000 CE and 1200 CE, and, more specifically, it is asserted that the date is 1120 CE with a Norman origin. Consistently, the earliest use of Outlaw, of which I am aware, as part of a formal name is Edward "The Outlaw" Atheling (1016-1057). (Although atheling is capitalized, implying that it is a proper name, it is simply a word that means only an Anglo-Saxon nobleman or prince, especially the heir to a throne.) He was the son of Edmund "Ironside" II (989-1016) and Ealgyth Algytha, Queen of England, (b. ca. 995-?). The origin of the name Ironside is uncertain—probably, he was strong or wore heavy armor. Another account suggests that he gained this name through military maneuvers against invading Danes. In any case, Edmund reached a compromise that allowed him to share power with the Danish invader, with the agreement that the survivor would rule all of England. Edmund died first (within the year, 1016, murdered by his brother in law), and thus Edward The Outlaw had no claim to the throne. The paternal grandparents of Edward "The Outlaw" Atheling were King Ethelred "The Unready" II (968-1016) and Queen Alfgifu Gunnarsson. Ethelred II was kindly given the name Unready as a polite explanation for his ineptitude for governing. The paternal lineage can be followed further (back to Freothelaf, born ca. 164 CE), but I am not aware that the maternal lineage can. Edward "The Outlaw" Atheling was married twice (?) and had up to six children; his (second) marriage to Agtha, from Germany (probably), led to a lineage of kings—starting with his son, Edgar, princes and queens of England and Scotland.

Edward "The Outlaw" Atheling was also known as Edward Atheling The Exile. I speculate the Outlaw and Exile are interchangeable and the name is thus derived from his status as a persona non grata following the death of his father. These were hard times—Danes from the North, Normans from the South, and murderous family members. Edward did not see his father, whose death came first. Edward's son was born the same year that Edward died, so he served to bridge the monarchy, but not be part of it. Are we descended from Edward? I do not know; some claim so, but the evidence is not compelling.

The earliest record of a genuine Outlaw is that of Richard Utlawe of England, who was alive in 1273. He and subsequent Outlaws may or may not be related; possibly the surname has multiple origins, coming into use by different people who were "outlawed" (i.e., either excommunicated by an Ecclesiastical Court or deprived of the right to find satisfaction in a regular court). The next record of an Outlaw of which I am aware (and which the genealogists do not know apparently) is the futile attempt at self exoneration by Richard De Ledrede, Bishop of Ossory. Thus, he lays out Contemporary Narrative of the Proceeding against Dame Alicia Kyteler, Prosecuted for Sorcery in 1324, in Kilkinney, Ireland. Alice Kettle, as we might call her today, had a son, William Outlaw, by her fourth husband, William Outlaw. No doubt, she was a witch, but she might have been prosecuted with special vigor because the Outlaws had wealth. Fortunately, it all ended well, as her son re roofed a church in a scheme we would consider bribery, and she took flight, as witnessed, from the Irish coast to

merry England. Moving back to standard genealogy, we find a Roger Outlawe in Ireland in 1326, two years after De Ledrede's narrative. Again, are we related? The answer to that question has probably been erased by time.

We pick up a solid lead in the person of Thomas Outlaw (born. ca. 1520) of County Norfolk, England. His son was Ralph (born ca. 1545 in Little Wickingham (Wichingham?), Norfolk County). Ralph named his son Thomas (born ca. 1570 in Little Wickingham). This Thomas named his son Ralph (born ca. 1595 in Wickingham Parish). This Ralph had a son named Robert, who fathered Edward (#1—number one, being the first Outlaw in America) (born in 1652 in Norfolk). Through the kind offices of the Rector of Greater Wickingham, I took the opportunity to visit Little Wickingham. It is a small church, maybe 25 x 35 feet, as I remember. At the time of my visit, it was in disuse and disrepair—all the furniture had been removed to refurbish churches that had been bombed during the war, the roof had gapping holes, and vines ran up along the interior walls. It was, nevertheless, a solemn occasion for me, modest and extraordinarily medieval, with yet the hint of erstwhile splendid murals.

Edward, who claimed to be a mariner, and his brother, John, emigrated to Norfolk County, Virginia, in about 1665-1667. Both were convicted of illegally killing a steer in 1668. John disappears from the records, and Edward is the beginning of the Outlaw lineage in America. Edward acquired land, had a litigious nature, and thus left a good trail to follow. Why did the brothers come to America? There is no answer, but I will note the passage in 1597 of "An Acte for Punyshment of Rogues, Vagabonds, and Sturdy Beggars" in England. Under the provisions of this act, about 700 people were yearly "transported" to America until the American Revolution. (Losing America as a dumping ground for criminals led to the founding of Australia in the late 1700's, but that is another story). Convicts were usually indentured, and if not already criminals, the culture was present to cultivate criminals.

Migration of Outlaws to and within the U.S. Edward's son, also Edward (#2)(born ca. 1685), removed to Bertie County, NC, where he died in 1739. The next male in our line of descent was George Outlaw (#3) (born 1716-1717), who was living in Burke County GA in 1778. George was a cooper and probably had some kind of disability. George's son, Benjamin (#4) (born ca. 1740-1741), was deeded his father's land when the father (George) moved to Georgia in 1770. Benjamin died in Chesterfield County, SC, although that was probably not his first residence in SC. This Benjamin was an extensive landowner and served in the American Revolution (he petitioned for 36 days' service in the militia and compensation for a lost horse). Benjamin had a son, James (#5) (born 1775), who settled in Wilkinson County GA in 1820, and who died in Dale County, Alabama, at a ripe age in 1866. James was prolific beginning a family in 1804, with the birth of his son, Alexander (#6). (He continued to have children through 1851, but of course, with a younger second wife.) Early Childhood. I enjoyed very much the time that I spent with my Aunt Lena. As the older child of my grandfather, L.G., she had inherited a number of photographs of people who had passed. They were known only as "Alabama Outlaws from around Dothan." There was a reference from time to time of "Old Alec," but that was as much of W.H. Outlaw's paternal background as we knew. I will spare the details, but a mass mailing to all the Outlaws in phone books in that area put me in contact with J.B. Outlaw of Tyler, Texas. (J.B., a retired schoolteacher, is a treasure-trove of information.) Once contact with J.B. was made, all the preceding fell into place. Eureka!

Alexander married first Pillie Webb of Berrien County. Holtzclaw, an Outlaw "under a different name" and a genealogist, lists three children to have issued from this marriage over the period of 1833-1836. These children were born in Georgia. Alexander moved back to Alabama taking the children with him, except one may have died. Grandfather was born in Dale County Ala in 1840, and his mother Pillie died before 1844, when Alexander began his second family of 13 more children (hence the number of Outlaws in that area!) Holzclaw missed the birth of Grandfather, probably because he was returned to the Webb family in 1846 in Berrien County to rear. We may surmise that the new wife, with a child of her own, had no need of a toddling stepchild. So, if you stand here today as an Outlaw, a descendent of W.H., you are equally a Webb and justified in your pride for it. Although the connection to Alabama was easy to make—who will not melt when shown a picture of his mother—even old people did not personally remember Grandfather.

The War Years. The South developed into an agrarian society comprising landed gentry and yeomen, small free holding farmers, more or less in the Jeffersonian tradition. In contrast, the North developed into an industrial region, more or less as John Adams envisioned. Differences among people are dangerous to their harmony. Eventually, the bonds were torn asunder when the South could not abide the election of Lincoln in Nov 1860. In Jan 1861, Georgia became the fifth state to secede. The popular image of a unanimous cohesive confederacy of firebrands is not correct. There was

hesitancy, as there had been in breaking with George III, a stupid character. The vote was 166 to 130. Secession won, but narrowly, and this would suggest that many men who served Georgia, 120 000, might have compromised their political ideals in favor of their ties with the land and people of their home.

Wars are popular social exercises, that is, before coffins establish with an exquisite finality orphans, widows and inconsolably bereaved mothers and fathers. Jefferson Davis was unable to accept all the volunteers initially—enthusiasm ran high, with the popular vision that the Confederacy would march into Washington within one or two months. The North with its numbers, transportation, and machines spoiled this image, but that will come later.

When the call to arms came, Berrien County sent its men. And, they must have sent them all, as Berrien County had only 381 white males between the ages of 20 and 39 in 1860. They dipped deep into their youth, enlisting Pvt. Woodward as a 13-year-old to serve as a teamster in Grandfather's company. Consider this list: Company I of the 50th ("Berrien Light Infantry"—part of the Army of Northern Virginia and nearby are the graves of Pvt. Parrish and Devane who served with that outfit), Company G (which was subsequently reorganized as Company B) of the 29th (Army of Tennessee), Company E of the 54th (also, Army of Tennessee and which later provided 5 companies in the reorganization that led to the 57th) were primarily Berrien units. Companies C and D ("Berrien Minutemen?") of the 29th were made of men from Berrien and surrounding counties. Company E of the 45th ("Taylor Volunteers") also included men from Berrien County. Of course, Berrien men also served in other outfits; as an example, Newton Sutton was in Company H, 26th. Sutton, my great-grandfather, died in Staunton, VA, and was honored at a similar ceremony recently.

The official muster record for Grandfather is slim. It reads: "Enlisted as private in Company K, 5th Rgt, GA State Troops Oct 6 1861 and mustered out in Apr 1862. Enlisted as private in Company E, 54th Rgt, GA Inf (Army of Tennessee) May 6, 1862. Only roll on file Feb 28 1863—present for duty. Ruptured by lifting heavy iron on gunboat. At home on wounded furlough at close of war. Born in Dale Co Ala 1840." That is it. Fortunately, that record can be fleshed out somewhat. "GA State Troops" was a six months' troop and he served his six months. Many men in Berrien County did the same (i.e., joined Co. K of the 5th GA state troops, mustered out, and subsequently joined Co. E of the 54th). I later found a receipt for \$50, an enlistment bounty, given to him when he joined the 54th in Savannah for "three years or war." Cpt. Evans, the unit commander at that time, signed the receipt. Another record shows that Grandfather was paid on Dec 31 1862 by Cpt. J.A. Burke, who verified that Grandfather was present during Jan and Feb of 1863. Finally, other records show that he was given clothing twice in 1864, the last on May 8, 1864. These dates are important because they imply that he was with his unit during 1863 and, at least, a large portion, if not all of, 1864. Another fragmentary record indicates that he was present at surrender, but in his own words, he asserted that he left his unit in Feb 1865. We will accept his word, adding that another record indicates that he remained with his unit until the end of Feb 1865. Overall, then, he served nearly four years. Thus, he was not present with his unit in late March of 1865 at Bentonville (NC), the site of the last major tactical offense by the CSA in the war (against Sherman, who swung up from Augusta). However, based on what I know, he would have been there when Pvt. Smith died in SC in Feb, 1865. It would appear that he was with his unit in the Atlanta campaign (May-Sep 1864) (but I cannot explain his presence in Tupelo MS early in 1865—perhaps persons familiar with history can)). His unit was engaged, and suffered heavy losses. Thus, Pvt. Stephens lost his hand on May 8, near Dalton. Later that month, Pvt. Nix was wounded in the hip (I would guess at the battle near Oostenaula River, where 441 Confederates were killed and 2900 wounded). His comrade Lindsey also died that month, but of typhoid fever back in Cornith (MS). In the next month, Pvt. Cowart was killed (at Kennesaw ? I have walked these ramparts and gazed on no-man's land, imagining from the memoirs I have read, of the hot sun roasting the parched victims of belly wounded soldiers, adding torment to their final hours). Things heated up the next month. General Hood, a reckless leader, replaced the disciplined, principled, deliberate and pragmatic General Johnston on July 17. The Confederate Staffers could not accept that Johnston's army of 41, 000 effective men (and only 80,000 total after Polk arrived) could do no more than retard a seasoned confident army of Sherman's with a strength of 113 000 with "stores in wonderful abundance." Concerning this last, I remember stories of Grandfather sneaking at night and taking corn from the mule's trough; parched, this corn would be his victual. As a perspective, the 1864 pay for a Confederate soldier was \$11 per month and potatoes sold for \$20 for the bushel. In the Battle of Atlanta on July 17, Pvs. L. Griffin and Baskin were wounded. A host of others were wounded or died that year (Pvt. Lamb, Pvt. Handcock, Pvt W. Griffin . . .). Some of Company E died in 1862 in Savannah, as did other Berrien men (4 Giddens from a Berrien outfit died there). 1863 saw

wounded men (Pvt. Sirmons) and deaths (Pvt. Register and Pvt. McConnell). A tired, weakened army spread thin by geography, poorly provisioned—their blood flowed like rivers, their names read like a phone book from Nashville and the gravestones surrounding us. Some met a worse fate, like Pvt. Weaver who died in the squalor of a Federal prison. Of course, in this brief narrative, I cannot detail the battle orders, but I have established that Grandfather knew that he may die, but he served. I add the caveat, of course, that I lack documentation on a day-to-day basis, but the above conjectures are reasonable.

Why did they fight? The issue of the paramount sovereignty of states might have been an issue among politicians initially; in fact, there is some evidence that northern states championed this cause from time to time before secession. Despite the rhetoric, despite the persistent separatist actions of some diehard iconoclasts like Governor Brown of Georgia, despite the slogans, one wonders whether these lofty political ideals dominated the thoughts of the Berrien pioneers—recall that Berrien County only became incorporated in 1856. Regardless, it was a moot point by the middle of the war because the Confederate government itself assumed authority for many functions, such as collective defense and conscription, in Feb 1862. I would conclude that the issue of state sovereignty did not drive Berrien men to fight. Racial slavery, a malignant sin that had spread across the face of the Earth, was a central issue, of course. A cogent argument can be made that northern abolitionists would fight on the strength of their convictions. They had lost the Dred Scott decision in 1857 and Harriet Beecher Stowe's 1852 novel, *Uncle Tom's Cabin*, is a masterpiece; given a chance, it would crack the heart of the most insensitive. It gave a tremendous boost to anti slavery sentiment. No matter, the question is not whether it was a factor in the North, but whether it was a factor in Berrien County. Of course, large slaveholders such as the Rev. C.C. Jones near Savannah, who owned 160 souls, had a stake in preserving slavery as property. Berrien County, however, was different. In 1860, the white population of Berrien County was 3, 041 and the slave population was only 432. Obviously, only a small minority of Berrien County men had an economic stake in slavery. I will not speculate whether there was an imperative in Berrien County for the maintenance of an inferior class because I do not envision an unambiguous answer emerging from that inquiry.

If not States' Rights and if not racial slavery, why? Why would a citizen's army fight after the staggering losses in July 1863 at Gettysburg, a defeat that dictated that the South could only fight a defensive war? (Lee said, "General Pickett, place your division in the rear of this hill, and be ready to repel any counterattack. " Pickett, distraught and in tears, looked up at Lee and replied "General Lee, I have no division now.") . . .not to mention control of a vital section of the Mississippi when Vicksburg fell, also in July, 1863. I have visited these battlefields, and others, and have tried to relive the carnage from the safe distance of the 20th Century. Even so, I cannot imagine. Without the prospect of winning, or even of gaining favorable terms for surrender, why would men continue to fight as their brethren lost limbs and endured unspeakable pain from wounds in the abdomen and thorax that would guarantee that the Grim Reaper would come on his terms. In brief, the answer is obedience, sacrifice, duty, and honor. Subscribing to my thesis, you would thus conclude that Grandfather was an honorable man and that we are justified in being here today. But why did men of his ilk want to make the sacrifice? I think those answers are straightforward, too. I will not digress by pointing various weaknesses of Grant (his mastery of the spoils system, his lack of civilian success, even as a president, leaving his wife unprepared). I would suggest that he prolonged the war in a confidential memo to his friend W.T. Sherman in which he suggested that the resources of the South be destroyed. Thus, Sherman adopted a scorched earth policy, and he "relaxed discipline," in effect encouraging his troops to plunder and pillage, and commit unspeakable offenses. Having been killed in Jan 1864, George H. Ewing (Company K, 20th Michigan Volunteers) was not with Sherman but his sentiment might be typical: "best pork we could eat," "we take every thing that we can get hol of," "get a goose," "lots of honey," "I dont see what thay are a going to live on for the nex coming year it loock hard you can bet to see the girls and wimons and Childen cry when we com"). Thus, men like Grandfather were fighting for their homes and families, and that is a duty for which it is worthwhile to make a sacrifice.

Notwithstanding, not all men answer the call of duty. Grandfather's company commander was dropped from the rolls after a prolonged absence. The first sergeant deserted. One of his comrades in arms crossed the lines, was captured, and then joined the U.S. Army. Another of his comrades was captured in 1864, swore allegiance to the U.S., and joined the U.S. Army. We are here to honor Grandfather because he was there, willing to make the ultimate sacrifice, when his country needed him. As a disclaimer, I do not assert that the above men were culpable; I was not there and I do not

know of their exact circumstances.

The Post-war Years. Grandfather survived the war and returned to Berrien County, the only home that he had known. He was a farmer and a Primitive-Baptist preacher. Family tradition holds that he rode to church on a mule, and sold whiskey from his saddlebags after service. He married a Carroll, a name we also find among the southern rosters and even in Dale County (Alabama), where Grandfather was born. Even as we are Outlaws, we are Carrolls, too. More so, even, because men (and to a lesser extent, women) inherit slightly more from the mother than the father. This branch of our family helped to settle our area, and, indeed, the first criminal to be executed in the State of Florida was a Carroll, but whether related, I cannot say. Given the population size—Florida only had a white population of 35 000 in 1830—there is a probability. (Of course, there were executions before Florida became a state, notably the summary execution of two innocent men by the despotic territorial governor, A. Jackson, which costs our government restitution.)

The South was ruined by the war. As Boney said, “For generations, all Georgians would be haunted by the awesome struggle of the war.” Lacking infrastructure and chafing under the vindictive and counter productive Acts of Reconstruction, Georgia was mired in hopelessness, victors with tentacles from the North sucking the spirit from the land. Driving home this point, I refer to the 1880 Federal Census Mortality Schedule for Berrien County. Of the 30 names recorded, 24 are 12 or under. And, so it was, that Grandfather suffered.

Grandfather made his living as a farmer as mentioned. In those days, that involved hard, long labor. Ultimately, then, it was the war that deprived him of his means of livelihood, and, thus, his dignity. His war injury, an untreatable hernia from lifting heavy iron on a gunboat, rendered him unfit to work. He sold his farm sometime before 1894, and he and Grandmother moved in with my grandfather, L.G. He applied for a pension as an indigent. He based his application on “infirmity and poverty.” He stated that he had “complete infirmity” since 1893 and he earned nothing. Witnesses and advocates supported the application. For brevity, I will lay out here only one of the letters:

Honorable John W. Lindsey

Commissioner of Pensions, State Capitol

Atlanta, Georgia

Dear Mr. Lindsey: - Enclosed please find an application for pension made by one of our old Confederates here. The same seems to have gone to you before and I note your objections were that the proofs do not show old age or that “he is an aged man” now, if you will notice the certificate made by the applicant you will see that he is now 64 years old, and by a careful perusal of the affidavit hereto attached signed by Soloman Griffin, who was in the same Company and Regiment with this applicant, you will find that he is not only not able to make a support at manual labor but that he is, on account of blindness, unable to make a support at any calling. I have known this old man since my infancy and if there is a man in Georgia to-day who deserves a pension it is old man Outlaw. These two old men who sign this application as witnesses with the old man were in the same Company and Regiment with him and know of their own knowledge that he was furloughed to go home and that Sherman’s Army cut the balance of the company to pieces before he could get back to it, and that he was instructed by his 1st Lieutenant J.H. Griffin, not to undertake to go back until he, said Lieutenant, notified him when and where and how to go. Before he could do this Lee and Johnston had both surrendered. These facts are plainly set out by the affidavit of Soloman Griffin, who by the way, was this applicant’s Orderly Sergeant, in the Co. “E” 54 Georgia Regiment, and who swears that he knows that the furlough was issued as set out in the application and the the old man could not get back to said command. Please push this for the old man, and greatly oblige, you friend truly,

/s/ J.P. Knight

Buie & Knight,

Attorneys at Law

Feb 2, 1904

In conclusion, Grandfather’s sacrifice for his home endured for nearly 50 years. He died in 1910. Again, this was a close community—today you see the Color Guard standing among passed Knights, and just before them the grave of a comrade and petitioner of Grandfather.

Acknowledgement of the Service of W.H. Outlaw to his Homeland. I will close these remarks by borrowing from another

Confederate soldier and servant to his home, the inimitable General Robert E. Lee. After his surrender at Appomattox Courthouse, in April 1865, he had these words for the surviving men who had fought and lost for the South: After four years' arduous service, marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources.

I need not tell the survivors of so many hard fought battles who have remained steadfast to the last, that I have consented to this result from no distrust of them, but feeling that valor and devotion could accomplish nothing that could compensate for the loss which would have attended the continuation of the contest, I have determined to avoid the useless sacrifice of those whose past services have endeared them to their countrymen. You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed, and I earnestly pray that a merciful God may extend to you His blessing and protection. With an increasing admiration of your constancy and devotion to your country, and a grateful remembrance of your kind and generous consideration of myself, I bid you an affectionate farewell.

Robert E. Lee, General

Conclusion. Grandfather, we remember you. You struggled among friends, and now rest in peace among them.