

MRS. GENERAL LEE'S ATTEMPTS TO REGAIN HER POSSESSIONS AFTER THE CIVIL WAR

By

RUTH PRESTON ROSE

When Mary Custis Lee, the wife of Robert E. Lee, left Arlington House in May of 1861, she removed only a few of her more valuable possessions, not knowing that she would never return to live in the house which had been home to her since her birth in 1808. The Federal Army moved onto Mrs. Lee's Arlington estate on May 25, 1861. The house was used as army headquarters during part of the war and the grounds immediately around the house became a national cemetery in 1864. Because of strong anti-confederate sentiment after the war, there was no possibility of Mrs. Lee's regaining possession of her home. Restoration of the furnishings of the house was complicated by the fact that some articles had been sent to the Patent Office where they were placed on display.

Mary Anna Randolph Custis was the only surviving child of George Washington Parke Custis and Mary Lee Fitzhugh. Her father was the grandson of Martha Custis Washington and had been adopted by George Washington when his father, John Custis, died during the Revolutionary War. The child was brought up during the glorious days of the new republic, living with his adopted father in New York and Philadelphia during the first President's years in office and remaining with the Washingtons during their last years at Mount Vernon. In 1802, after the death of Martha Washington, young Custis started building Arlington House on a hill overlooking the new city of Washington. He decorated his house with furnishings he had brought with him from Mount Vernon. In 1804, Custis married Mary Lee Fitzhugh of Chatham, at Fredericksburg. The couple saw their only daughter, Mary, married to Lieutenant Robert E. Lee in the family parlor of Arlington House on June 30, 1861.

Mary Custis Lee was so fond of Arlington House and its associations that she often remained there while her soldier-husband was away at distant army posts. Six of their seven children were born in the house. The family was surrounded by mementos of George Washington, including pictures of scenes of the American revolution which were painted by George Washington Parke Custis. When the Civil War began and Robert E. Lee chose to resign from the Union army rather than lead an invasion into Virginia, his wife accepted his decision, not knowing how great her personal loss would be.

When she was forced to leave her home before the invading army, Mrs. Lee was so confident in the respect of the officers for her family that she did not fear for her property. Expecting to return in a short while, she only took her most valued possessions from the house. She packed the family silver and sent it to Richmond. Some of the portraits, including the Charles Willson Peale portrait of Washington, and other paintings were sent with some of the Washington memorabilia to Ravensworth, the Fitzhugh home in Fairfax County.¹ Other valued

possessions were packed away in the cellar, the attic and the closets.² The silver was eventually sent to Lexington, Virginia, where it was buried in order that it might be safe from the Union army.³

The army's take-over of the Arlington estate was accomplished with remarkable thoughtfulness on the part of the commanding officer. According to the *New York Tribune* of May 27, 1861,

Gen. Sandford was courteous in taking possession of the house. He yesterday sent to inquire whether the family of Gen. Lee was there, and to offer a guard if so. When assured that they left a fortnight ago, he sent to Gen. Lee to say that he was obligated to make Arlington House his quarters, and would see that the premises received no damage. Twelve or fifteen servants were in the house, with a month's provisions. Most of the furniture was removed.

Later, some of the Washington relics, which Mrs. Lee inherited when her father died in 1857, were sent to the Patent Office where they were displayed as "Captured from Arlington."⁴ The *National Republican* of Washington, in its issue of January 28, 1862, described the exhibits as follows:

THE WASHINGTON RELICS. The relics of Washington, found at Arlington House, have been artistically arranged by Caleb Lyon, of Lyonsdale. These relics consist of porcelains presented to General Washington by the Order of the Cincinnati, the arms of which are emblazoned on each piece, upheld by a figure of Fame in colors. Also, pieces of a tea set presented to Mrs. Washington by General Lafayette, in 1781, with the monogram "M. W." on each piece, in a gold centre, his sleeping tent, his field tent and a portmanteau, his tea table, his mahogany cabinet, his punch bowl, his treasure chest, two vases presented to him by Mr. Vaughn, a Londoner; two candlebras presented him by Count Rochambeau, and the blanket under which he died.

According to a letter written by Robert E. Lee after the war, other Washington relics were stolen from the house by soldiers. General Lee expressed the hope that the possessors of those stolen articles would imitate the example of their original owner and thereby accomplish good to the country.⁵

When the Civil War ended, it was not possible for the Lees to return to their home in northern Virginia. The estate had been confiscated by the Federal government and a national cemetery for war dead had been started on the grounds around the house. The public sentiment against restoration of the house to its owner may be reflected in the following article which appeared in the *Daily Morning Chronicle* of Washington, D.C., on May 25, 1865:

ARLINGTON AND MRS. GENERAL LEE

It is not doubted the Mrs. Lee, the wife of the rebel leader, Robert E. Lee, has formally announced her determination to lay claim to Arlington Heights, and is in a very ill humor because that baronial estate has not been sufficiently cared for by the vile Yankees. This is the sublimest specimen of assurance we have read of since the celebrated offer of a certain cloven-footed gentleman to give away a plantation that did not belong to him. There is in the vicinity of Arlington House, indeed on a part of the property, a romantic spot, in which some hundreds of Union heroes, murdered by the orders of Mrs. Lee's husband, or by her husband's troops, are buried. These sacred remains shall not be profaned by the unhallowed touch, much less outraged by the usurping demand of this race of savages and traitors. Heaven save the nation from the humiliation!

Accepting his position as a defeated warrior, Robert E. Lee decided to go to Lexington, Virginia, where he was made president of Washington College (now Washington-Lee University). Before his wife joined him, Lee set about pre-

paring a home for his family in the house provided by the college. He asked Mrs. Lee to write for the carpets and curtains which had been removed from Arlington House by Mrs. Britannia Peter Kennon, a cousin of Mrs. Lee. Mrs. Kennon had been permitted to remove some furnishings from the house during the war.⁶

The ladies of Lexington assisted General Lee with the preparation of the house, providing furniture for Mrs. Lee's room. A one-armed confederate soldier made some furniture for the house. General Lee ordered some other pieces from Baltimore.⁷

Mrs. Lee, who was crippled, arrived in Lexington on December 2, 1865. Though happy to have her family reunited, she did not give up hope of returning to Arlington House. In a letter to her cousin, Philip Fendall, in September of 1866, Mary Lee wrote that she would never give up her claim to the estate. She was dismayed that many articles had been taken from the house, but she asked Fendall to assist her in regaining the furnishings which remained.⁸

Mary Custis Lee, the oldest daughter of General and Mrs. Lee, paid a visit to Arlington House and made a list of the family's furnishings which she saw in the rooms which she was permitted to inspect. Philip Fendall arranged for the removal of the articles identified as belonging to the Lees, and John Green of Alexandria stored the furnishings in his warehouse.⁹ Green, son of the Alexandria furniture maker, James Green, was owner of the Mansion House hotel in Alexandria. Mrs. Lee's cousin, Martha Williams, and a former maid, Selina Grey, were to assist in identifying the furnishings.¹⁰

On September 12, Mrs. Lee wrote to Fendall that she was particularly anxious to get her family Bible, her picture frames, a Mexican saddle mounted with silver and some crimson brocade curtains which had been sewn up in linen and placed in the garret. She sent Mary's list of the items which she had seen in the house. They were:

Two china vases with tigers and leopards on one side, landscapes on the other

A large mahogany bureau, mounted with brass

A small oval mahogany tea table

Two glass chandeliers, old-fashioned

One gilt-framed oval mirror

A small mahogany cabinet with one drawer missing

Washington's tent and tent poles

One suit of Washington's clothes, buff with blue

One green chintz sofa cover

Iron frames glass hall lamp

Old iron chest

Two mahogany knife cases

Old-fashioned wash stand

Old green silk window curtains or counterpane

White hooked curtains or counterpane

Blankets

Washington's coat of arms, framed

Old andirons

Old stick chair
One large china bowl
One green china teapot
One flat dish of blue India china
Three glass finger bowls
Three pieces "M. W." china
The following Cincinnati china:

Forty plates
Ten flat dishes
Seven deep dishes
Six small pieces.¹¹

In October of 1866, Mrs. Lee wrote to John Green, giving him instructions for sending and storing the furnishings. She assumed that the articles had been removed from Arlington House by that time. The pictures were to be carefully packed and sent by train to Lynchburg, from there by canal to Lexington. She instructed him to repair and sell a buffet and some circular dining tables if they could be sold for their value. Expressing great uncertainty about her future, Mrs. Lee wrote that she was only making arrangements from day to day.¹²

In a letter to Fendall, written on October 12, Mrs. Lee named some officers who had taken some of her possessions from Arlington House. She said that some books had been taken by a man named Ingalls and that some household linen and some Mount Vernon articles had been removed by a man named Banks. She explained to Fendall why she had not secured more of her possessions before leaving the house. Expecting to return in only a few days or a few weeks, she had such confidence in the honor of the officers that she thought that everything was safe.¹³

On December 3, Mrs. Lee wrote John Green again, giving him further instructions concerning disposal of her possessions. In addition to previously requested articles, she asked that he send some hanging book shelves, a Latin or a French dictionary, a small volume of Horace which her father had given her and any Bible or prayer book which he found among her belongings. She asked that the other books be stored in one of the old bookcases. Mrs. Lee instructed Mr. Green to sell all of the washstands except the oak set, and to sell all of the modern walnut furniture. She asked that he keep the handsome carved high post bed which his father had made and sent her at Fort Monroe soon after her marriage to Robert E. Lee.¹⁴

In the letter of December 3, Mrs. Lee asked Mr. Green to check a butler's tray and stand in a shop in Alexandria to determine if they were hers. Hers had been made in James Green's shop.¹⁵

In a letter to an unknown recipient, Mrs. Lee, on December 26, 1866, asked that portraits of her Aunt Nellie Custis Lewis and of others be sent to her. She said that the portraits were in square frames with ovals in the center. She had heard that one frame was at her cousin Britannia's home in Georgetown, the others at Mr. Green's warehouse in Alexandria. Mrs. Lee also asked for portraits of her father and her Aunt Law, both of them in plain old-fashioned gilt frames.

The pictures were to be fitted into the frames and taken to Mr. Green for repair, if necessary.

In addition, the letter of December 26 requested that her music stand and all of the music among the Lee papers be sent. Mrs. Lee wanted one good hair mattress, the old Brussels carpet and any piece of carpet found with it, and a towel rack. She asked for a small bedstead which had been stored in the garret. The mahogany high post bed which James Green had made for her and an oak French bedstead and wardrobe were items which she wanted saved if they were at Mr. Green's warehouse.¹⁶

The letters concerning the removal, storage and shipping of the furnishings of Arlington House are found in the manuscript collection at Duke University. Mrs. Lee's anxious desire to retrieve her more meaningful possessions is reflected in the letters. She must have felt a good deal of frustration, as well, because of her uncertainty as to what remained in the house, and as to the extent of damage to the furnishings which had been used by soldiers during the war.

Getting the Washington relics from the Patent Office was not as easy for Mrs. Lee as getting the furnishings which remained in Arlington House. She mentioned the captured articles in a letter to Philip Fendall on November 12, 1866, apparently expecting him to arrange the return of the articles.¹⁷ In 1869 the Washington relics were still in the possession of the Federal government. An official decision to return the relics to Mrs. Lee resulted in a congressional investigation to determine the disposition of the articles. Congressman Logan¹⁸ introduced a newspaper article which had appeared in the *Washington Evening Express* on February 26, 1869. The article read:

The Articles Taken From the Arlington House.

General Robert E. Lee made application a few days ago, through a gentleman residing in this city, to the Secretary of the Interior for a number of articles once the property of George Washington, which were taken from the Arlington House, General Lee's Estate, before the war, when that place fell into the possession of the Federal Army. The articles were pieces of household furniture, clothing, dishes and papers which formerly belonged to General Washington. Secretary Browning has decided to grant the request, and an order has been given to return the articles over to the person deputed by General Lee to receive them.

Mr. Logan introduced a resolution that the Committee on Public Buildings and Grounds be directed to inquire into the subject and "to ascertain by what right the Secretary of the Interior surrenders these articles so cherished as once the property of the Father of his country to the rebel general-in-chief;" and that the Secretary of the Interior be requested to retain the articles until the investigation had been made. Congressman Wood¹⁹ rose to point out that the House had no right to prevent the restoration of stolen property, "and these articles were stolen from the Arlington House," but his objection was ignored and the House approved Mr. Logan's resolution.

The story of the investigation was carried in the *Washington Daily Globe* on March 3, 1869. The next day, the day of the inauguration of President Ulysses S. Grant, the *Washington Evening Express* reported that the result of the investigation was presented at the evening session of Congress on March 3. Congressman Covode of Pennsylvania submitted the majority report which concluded

that the articles in question were "the property of the Father of his country, and as such are the property of the whole people and should not be committed to the custody of any one person, much less a rebel like General Lee."

Congressman Jones of Kentucky submitted a minority report concluding that the articles in question were the property of Mrs. Lee and should be returned to her. The majority resolution was carried and the articles remained with the government.

After the death of Robert E. Lee in 1870, Mrs. Lee attempted to gain compensation for the estate which had been confiscated during the war. A letter in the *New York Times* of February 19, 1872 supported her claim. Written by "an Advocate of Justice," the letter pointed to the fact that Mrs. Lee had not received a penny of the \$26,000 which the government paid for the land in 1864.²⁰ Contending that all lawyers held the sale unconstitutional, he proposed that Mrs. Lee be adequately compensated. "Her petition is written in a temperate and respectful spirit, and, if not granted unconditionally, should at least meet with a response becoming the dignity of a great nation," he wrote.

Mrs. Lee died in 1873 without being compensated for the loss of her estate and without regaining the Washington relics from the Patent Office. Her son, Custis, who inherited Arlington House after his mother's death, brought a successful suit against the Federal government, with the Supreme Court ruling in his favor in 1882. The government then purchased the property from him for the sum of \$150,000.²¹

The ownership of the Washington relics was still in question when, in 1887, President Grover Cleveland asked the Attorney General for an opinion as to the rightful ownership of the articles. The Attorney General's response is quoted in its entirety:

Department of Justice
Washington, April 12th, 1887

The President

Sir

I have the honor to acknowledge the receipt of your note of April 1887, referring to me a communication of Spencer F. Baird, Secretary of the Smithsonian Institution with an enclosure of a letter of G. Broun Goode, Assistant Secretary in charge of the National Museum, from which it appears that, in 1861 or 1862, a number of articles of personal property of little actual value, were removed from Arlington, the residence of General Robert E. Lee, to the United States Patent Office and, at a later date, to the National Museum, where they now are. They are highly prized by the heirs of General Lee, their former owner, as heir-looms and mementos, who ask that the relics may be delivered to them. No sufficient facts are stated in the transmittals to show how the property got into the possession of the Government or to form a basis for an opinion as to where the right of property is now vested. Such facts may be inaccessible, but the possession is found in the government. The uncertainty as to title would render ultimate disposition of the property a subject more properly within the range of Congressional cognizance than of that of the Executive. I would, therefore, respectfully suggest that the status of the property,

as it now exists, be maintained and the subject of its final disposition be left to Congress for its consideration.

I am sir
very respectfully
A. H. Garland
Attorney General.²²

The "final disposition" of the articles did not occur until 1901²³ when President McKinley returned them to the heirs of General and Mrs. Robert E. Lee. Some of the articles are now on display in various museums.

Mrs. Lee died without regaining the house and some of the relics which were hers by birthright. The ease of the quiet removal of furnishings from Arlington was in direct contrast with the furor surrounding the question of returning the Washington relics, which had come to the attention of the public. Over the years, the tension of the war eased to the extent that the Washington relics could be returned to the Lee heirs in 1901, and in 1925 the Congress began the restoration of Arlington House, which is now a memorial to Robert E. Lee. In her lifetime, Mrs. Lee did not regain possession of her home or some of her mementos of George Washington. In honoring her husband, however, the United States government has made Mary Custis Lee the spiritual mistress of the place which she loved so dearly.

FOOTNOTES

¹ Robert E. Lee, Jr., *My Father, General Lee* (Garden City, N.Y.: Doubleday & Co., 1960), p. 354.

² Rose Mortimer Ellzay Macdonald, *Mrs. Robert E. Lee* (Pikesville, Md.: Robert B. Poisal, 1973), pp. 149-150.

³ Robert E. Lee to Mary A. R. Custis Lee, 11 May 1861. Lee Family Papers, Virginia Historical Society, Richmond, Va.

Also: Lee, *My Father*, p. 204

⁴ Lee, *My Father*, p. 336.

⁵ *Ibid.*, p. 338.

⁶ *Ibid.*, p. 190.

⁷ *Ibid.*, p. 201-203.

⁸ Fendall MSS, Duke University, Durham, N.C.

⁹ Mary Custis Lee to Philip R. Fendall, 11 September 1866. Fendall MSS, Duke University.

¹⁰ Mary A. R. C. Lee to Philip R. Fendall, 12 September 1866. Fendall MSS, Duke University.

¹¹ Fendall MSS, Duke University.

¹² Lee MSS, Duke University.

¹³ Fendall MSS, Duke University.

¹⁴ Lee MSS, Duke University.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Fendall MSS, Duke University.

¹⁸ John A. Logan of Illinois. Logan was a Brigadier General of the Union Army during the Civil War. He was a member of the Impeachment Committee for the impeachment of President Andrew Johnson. Later he ran for Vice-President on the ticket with James G. Blaine.

¹⁹ Fernando Wood of New York.

²⁰ On January 11, 1864, the government bid \$26,800 for the estate. The title was then passed to the United States.

²¹ Philip Van Doren Stern, *Robert E. Lee, the Man and the Soldier* (New York: Bonanza Books, 1963), p. 185.

²² Lee MSS, Duke University. Quoted with permission of Duke University.

²³ The Smithsonian records show that the relics were returned to the Lee heirs on May 14, 1901.