

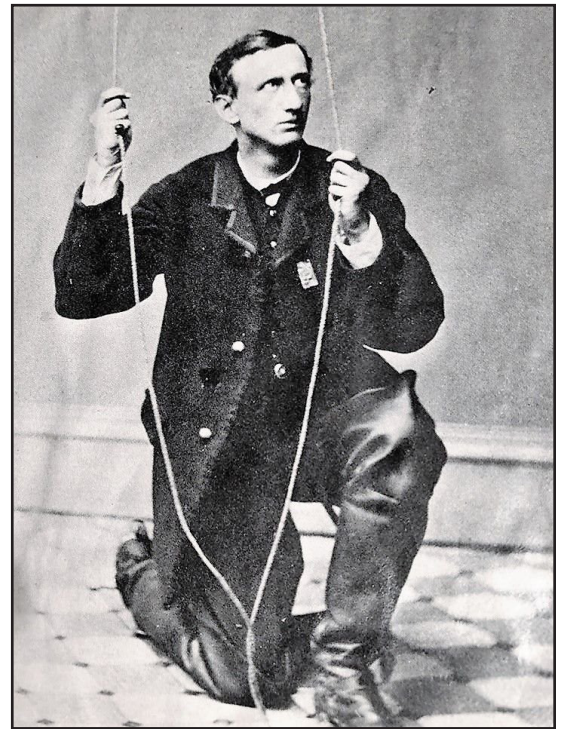
“To Put A Certain Flag” Johnston Livingston De Peyster And The First Flag Over Richmond

By Thea Burgess, HRH Board President, July 3, 2022

Researching the history of St. Paul’s Episcopal Church in Tivoli and its cemetery for our 2022 Cemetery Crawl, I delved into the family of General John Watts de Peyster and his wife Estelle Livingston de Peyster. Their youngest son Johnston Livingston de Peyster is among their five children to be added to our profiles this fall. Almost every article about Johnston mentioned he raised the Union flag over Richmond, VA, after the Union soldiers captured the city from the Confederates. Other aspects of Johnston’s life, especially regarding his time in Tivoli, will be discussed in his profile later this fall. Watch for news about this program and write-ups of other local people in future newsletters. Interested in receiving these stories in your inbox? Become a member today!

When Americans commemorate our history, the Stars and Stripes typically waves in the background. When fireworks shoot up red, white, and blue on the Fourth of July, we think of the American Revolution. When we sing “The Star-Spangled Banner,” we unify, and we may remember our military standing firm against the British bombardment of Fort McHenry in the War of 1812. And when the American flag is ceremonially lowered or raised, we stand a little taller and respectfully contemplate. During the Civil War after the defeat of the Confederacy at their capitol of Richmond, VA, the country witnessed the Confederate flag being lowered in defeat and the Union flag hoisted in victory. Tivoli (and New York City) resident Col. Johnston Livingston de Peyster of the Union Army was credited with that important act after Richmond’s fall in 1865. Yet the fog of war and competing agendas complicated the issue of who should receive that significant and symbolic honor.

Many young men from the Red Hook area fought in the Civil War. For example, two young Tivolians named Lewis W. Cashdollar and George Minkler, barely adults when they volunteered, both survived the battlefield and returned to Tivoli with serious injuries, yet they lived long lives. The war was called “The Slaveholders’ Rebellion” by Gen. John Watts de Peyster, Johnston’s father. The General, as he was known after the Civil



Lieutenant Johnston de Peyster recreates his raising the colors over the Capitol in Richmond. Photo courtesy of Findagrave.com.



The de Peyster family. His father, General John Watts de Peyster, is seated on the right and his mother, Estelle Livingston de Peyster is seated on the left. Others are not yet identified.

War due to his contributions, himself volunteered to fight, but his age—he was in his forties—and his infirmities were among the reasons his offer was turned down. Despite that, his three sons, all of whom volunteered while in their teens, saw action. The eldest son, Col. John Watts de Peyster, Jr., fought in both the Battle of Chancellorsville and the Battle of Williamsburg. Col. Frederic de Peyster, Jr., served as an assistant surgeon. The two oldest brothers passed away about a decade after they returned home, succumbing to the effects of consumption contracted at war. Finally, Johnston, who served as a lieutenant and aide-de-camp for Gen. George Foster Shepley, the chief of staff to Maj.-Gen. Godfrey (Gottfried) Weitzel, was at Richmond when the Union claimed victory there.

In a letter to his mother Estelle Livingston de Peyster, young Johnston exuded the confidence only an 18-year-old can have. He wrote the following, as quoted in *Local Memorials Relating to the de Peyster and Watts and Affiliated Families, Connected With Red Hook Township, Dutchess Co., S.N.Y.*, written by Gen. de Peyster under his pen name of Anchor and published in 1881:

HEADQUARTERS, ARMY of the JAMES,
RICHMOND, APRIL 30, 1865

MY DEAREST MOTHER—This morning, about four o'clock, I was got up, just one hour after I retired, with the information that at six we were going to Richmond. At six we started. The Rebs had gone at three, along a road strewn with the munitions of war. Richmond was reached, but the barbarous South had consigned it to ashes. The roar of the bursting shells was terrific. Arriving at the Capitol, I sprang from my horse, first unbuckling the Stars and Stripes, a large flag I had on the front of my saddle. With Captain Langdon, Chief of Artillery, I rushed up to the roof. Together we hoisted the first large flag over Richmond, and on the peak of the roof drank to success. In the Capitol I found four flags—three Rebel, one ours. I presented them all, as the conqueror, to General Weitzel. I have fulfilled my bet, and put the first large flag over Richmond. I found two small guidons, took them down, and returned them to the Fourth Massachusetts Cavalry, where they belonged. I write from Jeff. Davis' private room.

I remain, ever your affectionate son, JOHNSTON."

The bet to which Johnston referred was explained more fully by him to Lew, a friend of Johnston's back in Dutchess County, in a letter de Peyster composed from the field. Dated March 28, 1865, this letter was

quoted in a privately printed publication titled *The First Flag—Richmond, Va., April 3, 1865*, published by H.B.D. on April 21, 1866. Johnston wrote his pal,

MY DEAR LEW. I write, may be, for the last time. Tomorrow the battle is expected, the battle of the war. I can not tell you any of the facts, for they are contraband; but we are all ready and packed. Any way, I expect to date my letters soon, if I escape, 'Richmond, March 29th.' I have promised to carry out a bet made by my general, that if we take Richmond, to put a certain flag, he has, on the house of J. DAVIS, or on the Rebel Capitol, or perish in the attempt. So you may, in that case, see my name in the papers soon.

J. L. De PEYSTER.

Fortunately for Johnston, the Confederates, by and large, had withdrawn from Richmond by the time he arrived, but his name indeed was in the newspapers, credited with hoisting the flag. This particular flag was important for two reasons. First, it was full-sized, and second, it had flown over the New Orleans Mint, according to Gen. Shepley and Capt. Langdon.



36 Star Flag said to have been raised over Richmond, VA, by de Peyster. Private Collection.

Two smaller flags, known as guidons, were there before the larger flag, as Johnston had described to his mother; therefore, there was a question. Were Johnston de Peyster and Capt. Langdon truly the first to raise the Union flag? In the ensuing years, a debate arose whether the teenager deserved the accolades he received. His wealthy and connected father took many opportunities to guarantee Johnston gained that specific credit rather than any other soldiers. Gen. de Peyster, who wrote and published military treatises, probably was behind many items appearing in print that credited and pushed for his youngest son, along with Langdon, to hold that honor.

However, Loomis L. Langdon, identifying himself as "Colonel First United States Artillery, Late Chief of Artillery, Twenty-fifth Corps of San Francisco," was quoted in the *Century Magazine* of June 1890—his account was referred to the *Richmond Dispatch* on February 10, 1893—stated,

Major Atherton H. Stevens, Jr., of the Fourth Massachusetts Volunteer Cavalry raised the first national flag over the State-House in Richmond on the occasion referred to. Major Stevens was provost-marshal of the Twenty-fifth Corps, commanded by General Weitzel. Major Stevens was that morning in command of the most advanced party of the Union army. It was to him the Mayor surrendered the city. After receiving the surrender, Major Stevens galloped into town at the head of a 'small detachment,' and ascending to the roof of the State-House, hoisted two small national flags—in fact, the guidons of the squadron of the Massachusetts Cavalry, which he commanded...

Langdon explained that several hours later, he and Johnston de Peyster arrived at the site, lowered the guidons, and raised the flag that de Peyster had carried on his saddle and “which was, by the way, I believe, the same one that had been first hoisted at Mobile on the capture of that city.” Nonetheless, Langdon concluded,

There was no personal risk whatever in raising the second flag, but at the same time when the small detachment galloped in, the streets were filled with disorderly characters, and the chances were thought to be many of a collision with them, or a shot from an ambushed enemy. Therefore whatever credit may be due to the officer who first raised the national flag over Richmond should be given him ungrudgingly. That officer was Major Atherton H. Stevens, Jr., of the Fourth Massachusetts Volunteers Cavalry.

Langdon was specific that Stevens should receive the glory of having raised Old Glory.

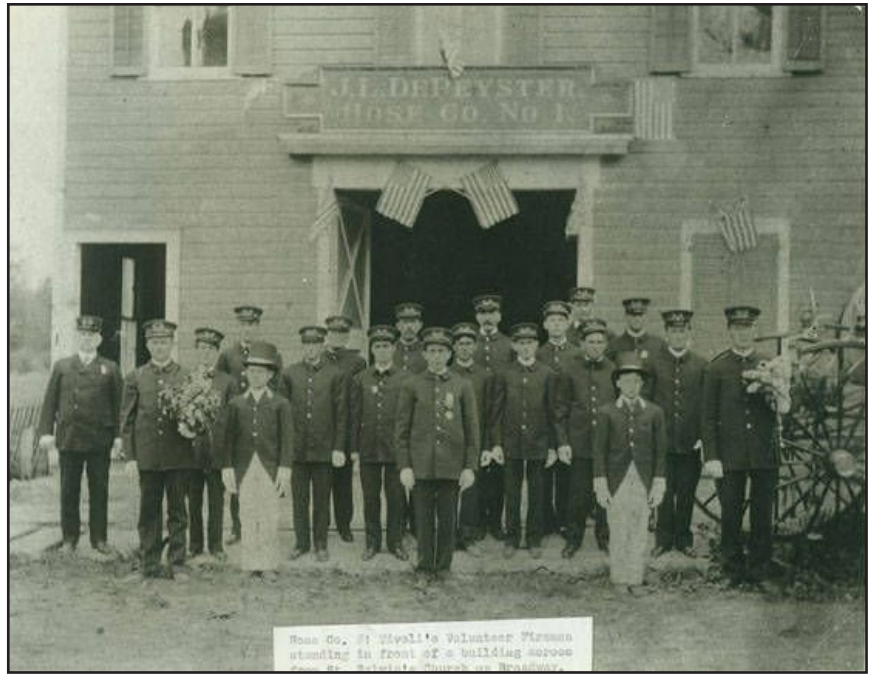
Langdon's attempt to weigh in on the matter came almost three decades after the act. Indeed, in 1865 there was spirited debate immediately following the battle as to whether the smaller guidons of Stevens or de Peyster's flag, due to its type and full size, should be considered the true American flag. According to *The First Flag*, two days after the event, Maj. Gen. George Weitzel wrote a letter to John Watts de Peyster, Esq., in New York City, stating, ‘Your son Lieut. J. DE PEYSTER and Captain LANGDON, my Chief of Artillery, raised the first *real* American *flag* over the Capitol in Richmond. It was a flag formerly belonging to the 12th Maine Vols. Two cavalry guidons had however been placed over the building previously by two of my staff officers; these were replaced by the flag DE PEYSTER and LANGDON raised. Yours Truly G. Weitzel, Maj. Genl.’ The question came down to whether the Massachusetts unit's guidons counted as the national flag. Gen. Shepley thought those smaller banners didn't, writing in a letter to Johnston's father that the de Peyster name would carry the honor of the event: “Your son, Lt. DE PEYSTER, *raised the first flag in Richmond*, replacing the two small cavalry guidons on the Capitol. The flag is now in the possession of Major-Genl. Weitzel; *I enclose a small piece of the flag....*” He explained that Johnston de Peyster, who heard the remark that the General hoped to see his flag float over Richmond, asked Gen. Shepley if he would let de Peyster raise it. Gen. Shepley must have pleased Johnston's father when he continued, “I said, ‘yes, if you will bring it with you, and take care of it, you shall raise it in Richmond.’ As we left our lines to advance towards Richmond, Lt. DE PEYSTER said, ‘General, do you remember your promise about the flag?’ I said, ‘Yes, go to my tent and get the flag, and carry it on your saddle; and I will send you to raise it, if we get in.’ The result you know.”

The proud and wealthy Gen. de Peyster, himself awarded that military honor not for official service but rather for other reasons, gathered many letters from commanders to bolster the claim that Johnston Livingston de Peyster and Loomis Langdon raised the first national flag over the Confederacy's surrendered capitol. After his military service, Johnston returned to New York. He eventually married, went into business, entered politics, and won elections to positions such as New York State assemblyman. His last elected office was the equivalent of mayor of Tivoli. His opponent who lost was none other than his father, the General. This political contest was one of many battles the adult Johnston fought against his father, as their relationship deteriorated more and more over the years. The father who had used his influence

again and again to ensure his three sons would gain positions and experience in war and to guarantee his youngest would always be known as the brave young soldier who had raised the American flag over Richmond, ended up alone when all of his children and wife died. Father and son both lived in New York City and in Tivoli, but more and more they were on different sides of political and subsequent arguments. Gen. de Peyster's bad treatment of family members intensified the disenfranchisement.

By the time of his death in 1903, Johnston was estranged fully from his father. A major reason was his father's cruelty; before her death, his mother Estelle had separated from his father

after 50 years of marriage to the General due to her husband's continuous mistreatment. We would hope that in the final days of Johnston's life and while he was on his death bed, his father Gen. de Peyster might remember back to April 3, 1865, and think about the pride he experienced, the pride of his son raising the Star-Spangled Banner, symbolizing triumph over the defeated capitol of the Confederacy. Perhaps at the very end of Johnston's life, there could be a uniting of father and son as there had been a coming together



The J.L. de Peyster Hose Co. 1 named after Johnston Livingston de Peyster. It was located across from St. Sylvia's Catholic Church on Broadway, Tivoli. Now a parking lot after the fire that destroyed it. Photo courtesy of Bard College Archives.

REFUSED TO SEE DEAD SON.

Funeral of Col. J. L. de Peyster at Tivoli Unattended by Gen. de Peyster.

Special to The New York Times.

POUGHKEEPSIE, N. Y., May 30.—The funeral of Col. Johnston Livingston De Peyster was held at St. Paul's Church, Tivoli, at noon to-day. The whole countryside thronged to the village to attend the services, and friends were present from New York, Philadelphia and Washington.

Gen. J. Watts De Peyster, the venerable father of the deceased, was consistent in the course which he has followed ever since the estrangement between him and

of the Union and the Confederacy.

Familial peace between the de Peysters was not to be. When Johnston Livingston de Peyster died in 1903, his father did not attend the funeral. Due to the estrangement, Johnston was laid to rest in his uncle Johnston Swift Livingston's vault, where his mother Estelle Livingston de Peyster had been interred. The older de Peyster sons had been interred in the John Watts de Peyster vault with other de Peysters. Ironically, Gen. John Watts de Peyster outlived them all.

Both vaults do have something in common. Each has a small American flag placed in front to honor the family's military service.

The New York Times, May 31, 1903



Col. Johnson Livingston Depeyster was interred in the vault of his uncle, Johnston Livingston in St. Paul's Episcopal Church Cemetery, Tivoli.



His father John Watts de Peyster's vault in St. Paul's Episcopal Church Cemetery, Tivoli.