

CHAPTER IX.

POLICY OF THE CONFEDERATE GOVERNMENT.

The Confederate Provisional Government.—Ultimate Object of the Secession Leaders.—First Session of Congress.—Military and Financial Bills.—The Slave Trade.—Second Session.—War accepted.—Privateering.—Debts to the North.—Adjournment to Richmond.—Third Session.—The President's Message.—Uprising of the South.—Wealthy Volunteers.—Hunter Secretary of State.—Judah P. Benjamin.—Men and Money voted.—Telegraph seized.—Alien and Confiscation Laws.—Number of alien Residents.—Result of the Confiscation.—Missouri received.—Last Session of the Provisional Congress.—President's Message.—The Danville Railroad.—The Permanent Government.—Constitution of the Congress.—Davis's first Message as permanent President.—Gloomy Prospects.—Too much attempted.—Conscription proposed.—Confederate Finances.—Cotton Loan.—Planters ask for Relief.—Reply of the Secretary of the Treasury.—Depreciation of the Currency.—Foreign Relations.—Lord John Russell and the Confederate Commissioners.—Yancey's Statement.—Weakened Condition of the Confederate Army.—Furloughs revoked.—The President's Conscription Message.—The first Conscription Act.—Its Provisions.—Exempts.—Opposition in Georgia and Alabama.—The Situation in the Spring of 1862.—Delays of the Federal Armies in Virginia.—The Movement upon the Peninsula.—Panic at Richmond.—Increase of the Confederate Forces.—Lee as Commander-in-chief.—Failure of the Federal Campaign.—The Confederate Triumph and its Cost.—New Conscription Laws.—Davis and Butler.—Policy with respect to colored Soldiers.

IT is proposed in this chapter to describe the foreign and domestic policy of the Confederate government from its organization in February, 1861, down to the close of the year 1862, dwelling especially upon the conscription laws, which enabled it to bring into the field a greater proportion of its population than had ever before been done by any civilized people.

The government established at Montgomery on the 8th, and formally inaugurated on the 18th of February, 1861, was simply a compact entered into between six states claiming to be independent and equal. Florida, with 77,000 whites, had an equal vote with Georgia, having more than ten times as many. This government was only provisional, to expire, by its own limitation, in a year, unless sooner superseded. Though the compact was formed by only six states, it was certain that some, and believed that all, of the nine remaining slave states would enter into it in less than a year. Provision was made in the Constitution for the admission of new states by the vote of two thirds of each house of Congress. If all the slaveholding states joined the Confederacy, it would have possession of the mouths of the Mississippi, of both banks of its lower course for more than a thousand miles, and of one bank of each of its great affluents, the Missouri and Ohio, for three hundred miles more. This would practically give it the control of the whole valley drained by the Mississippi and its main affluents, and it was confidently expected that, as soon as the Confederacy was firmly established, the northwestern free states would unite with it, either formally by becoming members, or actually by withdrawing from the Union and forming a separate government in close affiliation with that of the South. Some even went farther in their views, and believed that, the Union being dissolved, the Middle States would follow the presumed example of those of the Northwest, and form still another government. Thus the Southern slaveholding Confederacy, even if it were joined by none of the free states, would become the preponderating power of the continent.

Provision was moreover made in the Constitution for the acquisition of new territory. This was only desired upon the southern border. The leaders of secession had for years favored the filibustering expeditions against Mexico and Central America; they had secured the annexation of Texas, and had introduced into the Democratic platforms of 1856 and 1860 resolutions directly or indirectly advocating the acquisition of Cuba. A saving clause was indeed added, that this acquisition should be made "upon terms honorable to ourselves and just to Spain;" but it was perfectly understood that Spain would give up Cuba only upon compulsion, and had formally declared that any proposition for its purchase would be considered as an insult. Although it now suited the policy of the Confederate government to deny any purpose of aggression, it is certain that ultimate accessions of territory were expected to be made from its southern neighbors. In all territory, howsoever or whencesoever acquired, slavery was to be recognized and protected. The idea of a great slaveholding confederacy, ultimately to embrace the whole tropical and semi-tropical regions of the North American continent, was predominant in the minds of many, if not all of the leaders of the secession.

So firmly was the idea of the speedy accession of the remaining slaveholding states implanted in the Southern mind, that, although the Constitution forbade the "importation of negroes of the African race from any foreign country," an exception was made in the case of "slaveholding states or territories of the United States of America;" and when the Confederacy, on the 6th of May, declared war, or, as it was phrased, recognized the existence of war with the United States, these slaveholding states were formally excepted from the declaration. And when, subsequently, laws were passed forbidding the payment of debts to citizens of the United States, ordering the expulsion or imprisonment of all alien enemies and the confiscation of their property, citizens of these states who had not actually engaged in hostilities against the Confederacy were expressly excluded from the operation of these laws. And when, still later, the illegal Sovereignty Convention in Kentucky, and the regularly deposed Governor Jackson, of Missouri, undertook to bring these states into the Confederacy, their action was promptly recognized, these states were formally received, their delegates admitted to seats in Congress, and the states were claimed as members of the Confederacy.

The action of the Confederate Congress was mainly held in secret session, and there are few means of tracing the actual course of sentiment. This, however, is of little consequence, for almost from the outset the government assumed the form of a strict military despotism, all essential functions being

centred in the President, Congress doing little more than act upon his suggestions and register his decrees. The idea was sedulously inculcated that there would be no real war; that the North dared not and could not fight, and, after a faint show of resistance, would recognize the independence of the Confederacy. But the leaders knew better. They were assured from the outset that their position must be maintained by arms if maintained at all. While talking of peace, they set at once about vigorous preparations for war. The President was directed to take charge of all military operations between the Confederacy and other powers; and on the 7th of March he was authorized to accept the services of 100,000 volunteers, to serve for twelve months unless sooner discharged, in order to "repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each state, and to secure the public tranquillity against threatened assault." This warlike measure was adopted a full month before any attempt had been made to furnish supplies to Fort Sumter, and more than five weeks before the President of the United States had issued the call for 75,000 militia to suppress unlawful combinations and cause the laws to be duly executed.

The Congress adjourned after passing acts, none of which, with the exception of that calling for 100,000 volunteers, were of great importance. The principal ones provided for the issue of a million dollars in treasury notes to meet current expenses; authorized the appointment of commissioners to the European governments; regulated the transit of merchandise, and requested the various states to cede to the Confederacy the forts, arsenals, navy yards, and other public establishments which they had seized. The article in the Constitution prohibiting the foreign slave-trade had been adopted by the vote of four states against two, South Carolina and Florida opposing it. A bill was passed to carry this provision into effect. This was vetoed by the President on the ground that in one section of the bill provision was made to transfer slaves who had been illegally imported to the custody of foreign states or societies, upon condition of deportation and future freedom, and, in case this proposition was not accepted, the President was required to cause the negroes to be sold at auction to the highest bidder. This provision was held by Mr. Davis to be "in opposition to the policy declared in the Constitution, the prohibition of the importation of African negroes, and in derogation of its mandate to legislate for the effectuation of that object." The veto was sustained by Congress.

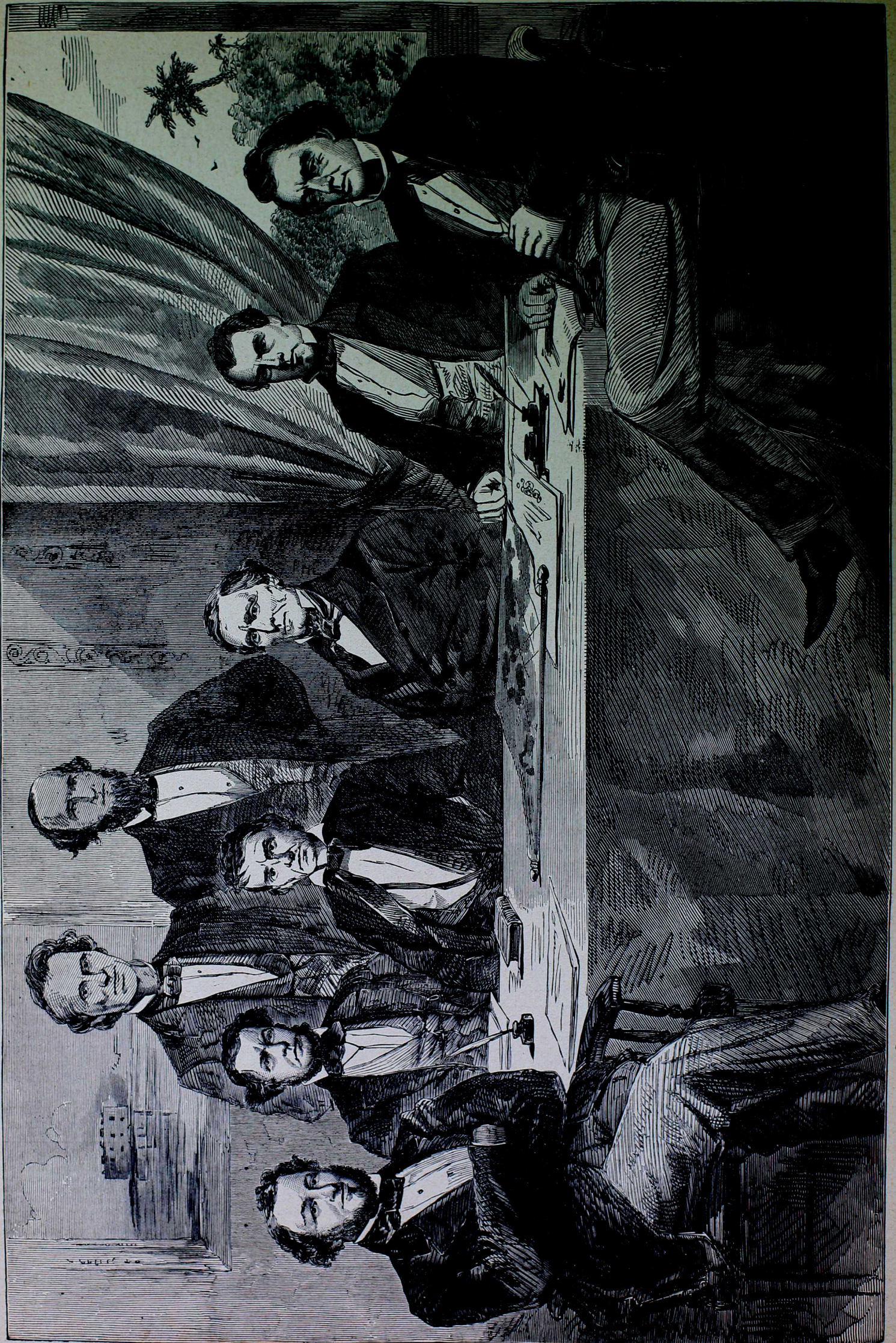
The government of the United States, having refused to receive Forsyth and Crawford, who announced themselves to be commissioners authorized by the Confederacy to enter upon negotiations upon all subjects growing out of the secession, gave formal notice, on the 8th of April, that provisions would be sent to Fort Sumter, peaceably if possible, otherwise by force. Thereupon ensued the bombardment and capture of that fort, the secession of other states, and other hostile measures which have already been fully detailed.

On the 12th of April the Confederate Congress was summoned to meet on the 29th, in consequence of the "declaration of hostile purposes contained in the message sent by President Lincoln to the government of South Carolina." In the mean time, the proclamation of President Lincoln of April 15, calling for 75,000 militia, and that of April 19, announcing the blockade of the Confederate ports, had been issued. The message of Mr. Davis, delivered at the opening of this session, has been cited at length in these pages.¹ On the 7th of May an act was passed recognizing war as existing between the Confederacy and the non-slaveholding states of the Union, and authorizing the issue of letters of marque and reprisal.² All captures and prizes made by these privateers were to be the property of the captors, and a bounty of twenty-five dollars was to be paid for every prisoner made by them and delivered into the hands of agents appointed for that purpose in Confederate ports, and a bounty of twenty dollars for each person on board of any armed vessel which should be destroyed by any privateer of equal or inferior force. But three weeks before the passage of this act the President had issued a proclamation inviting all persons to apply for letters of marque and reprisal. The military force then on foot was stated at 35,000 men, of whom 19,000 were at Charleston, Pensacola, Forts Morgan, Jackson, St. Philip, and Pulaski, and 16,000 on the way to Virginia. It was estimated that the government had control of arms and munitions to supply an army of 150,000 men. A law was passed forbidding the payment of any debt to any citizen of the non-slaveholding states, and all persons owing such debts were authorized to pay the amount in specie or its equivalent, or in treasury notes, into the public treasury, to be refunded with interest at the close of the war.

Virginia having in the mean while joined the Confederacy, it was evident that the immediate seat of hostilities would be transferred to that state,

¹ Ante, p. 113.

² The preamble to this act stated that, whereas the government of the United States had refused to treat with that of the Confederacy; the President of the United States had called for 75,000 men to capture forts and strong-holds belonging to the Confederate States; had announced his purpose to blockade their ports; "and whereas the State of Virginia has seceded from the Federal Union, and entered into a convention of alliance, offensive and defensive, with the Confederate States, and has adopted the provisional Constitution of the said states, and the states of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, and Missouri have refused, and it is believed that the State of Delaware, and the inhabitants of the territories of Arizona and New Mexico, and the Indian Territory south of Kansas, will refuse to co-operate with the government of the United States in these acts of hostility and wanton aggression which are plainly intended to overawe, oppress, and finally subjugate the people of the Confederate States; and whereas, by the acts and means aforesaid, war exists between the Confederate States and the government of the United States and territories thereof, excepting the states and territories before mentioned; therefore it is enacted "that the President of the Confederate States is hereby authorized to use the whole land and naval force of the Confederate States to meet the war thus commenced, and to issue to private armed vessels commissions, or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods, and effects of the government of the United States, and of the citizens or inhabitants of the states and territories thereof, except the states and territories hereinbefore named."



THE FIRST CONFEDERATE CABINET.

JOHN H. REAGAN, Secretary of State.

JOHN H. REAGAN, Postmaster General.

JEFFERSON DAVIS, President.

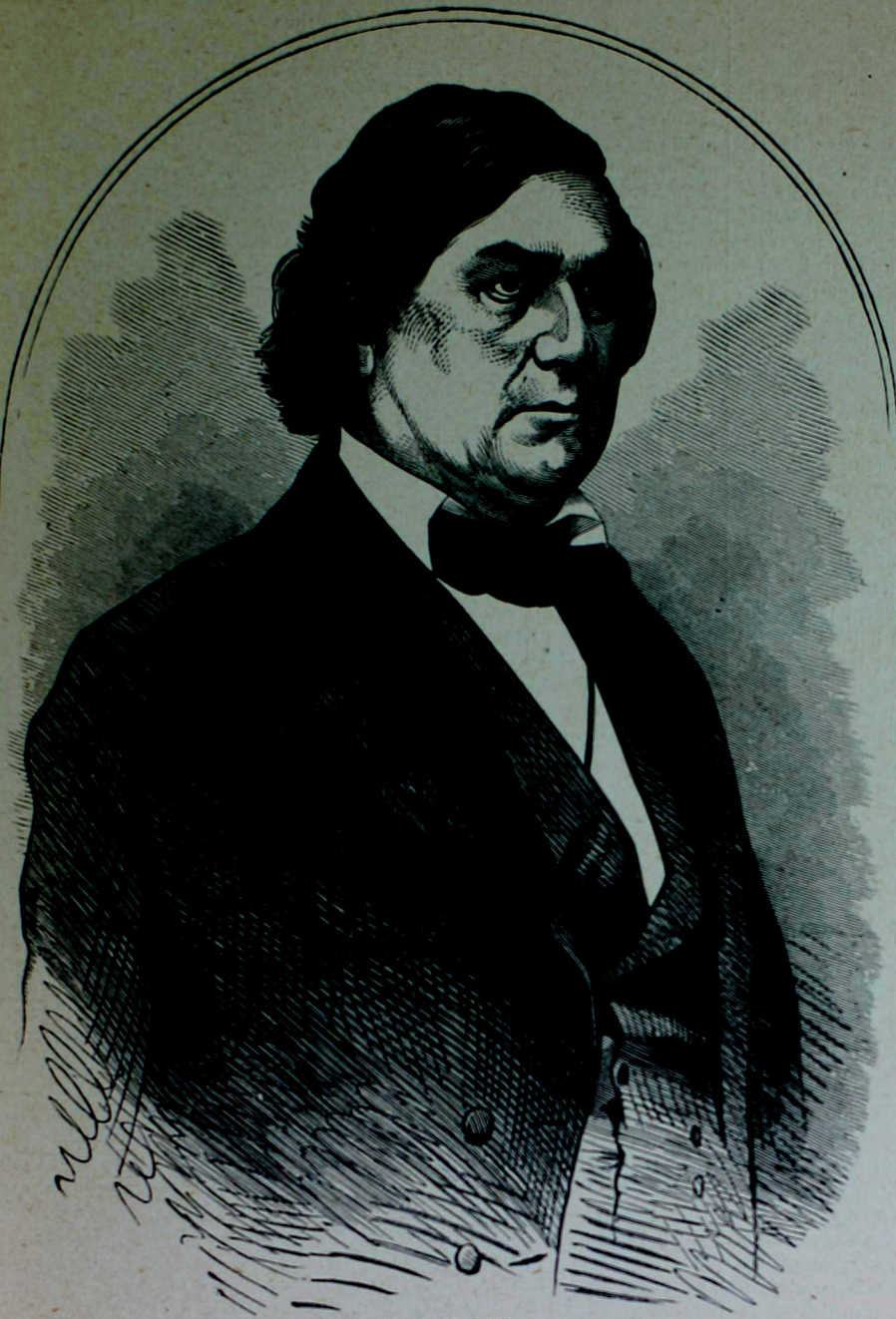
LEROY P. WALKER, War.

CHARLES G. MEMINGER, Treasury.

ALEXANDER H. STEPHENS, Vice-President.

STEPHEN M. MALLORY, Navy.

JUDAH P. BENJAMIN, Attorney General.



ROBERT M. T. HUNTER.

and from no point could they be so successfully conducted by the Confederates as from its capital. Accordingly, on the 22d of May the Congress adjourned to meet at Richmond on the 20th of July, and in the mean while the executive departments and the archives of the government were transferred to that city, which thus became the capital of the Confederacy.

The Congress met there at the appointed time, two days after the skirmish at Blackburn's Ford, and the day before the battle of Bull Run.

The message of President Davis announced that Alabama, Arkansas, North Carolina, Tennessee, and Virginia had become members of the Confederacy. The enormous military preparations made by the United States, he said, was a distinct avowal that they were engaged, not with mere rioters and insurgents, but in a conflict with a great and powerful nation. They were driven to the practical acknowledgment that the ancient Union had been dissolved; they recognized the separate existence of the Confederate States by a blockade of Southern ports, and a prohibition of all intercourse with the inhabitants of the Confederacy, whom they no longer recognized as citizens of the United States, and upon whom they were waging an indiscriminate and ferocious war. In this war rapine was the rule; private houses were burnt; the crops in the fields, and every article of use or luxury remaining in the dwellings from which the owners had fled, were destroyed; even the acquisition of medicines for the sick and wounded was interdicted. These sweeping accusations were put forth, not for the information of Congress, but in order to inflame the Southern mind. They were made before a single Federal soldier had advanced a score of miles into any portion of the territory to which the Confederates, upon their own principles, had the shadow of a claim. A large portion of the inhabitants of the border slave states, he said, were opposed to the prosecution of the war, and many of them, if unrestrained by the presence of large armies, would joyfully unite with the South; hence they had been excepted in the enactments which authorized hostilities against the United States. The policy which had been secretly entertained, and was now openly avowed and acted upon by the Confederate government, would greatly extend the operations in the field. The forces hitherto raised had amply provided for the defense of

the states which originally organized the Confederacy; for, with the exception of three fortified islands, which were maintained by the preponderating naval power of the Union, its forces had been driven from every point, and now, at the expiration of five months from the organization of the government, not a single hostile foot pressed the soil of the original Confederacy. But the forces which had been sufficient to effect this would prove inadequate to repel invasion by half a million of troops now proposed by the enemy, and a large addition to the Confederate army would be necessary. The idea of any compromise or treaty which should involve the reconstruction of the Union was emphatically disavowed.

The South had, in the mean time, rushed to arms with an alacrity not less than that shown in the uprising of the North. Only 100,000 volunteers had been authorized by the law of the last session of Congress. More than this number offered themselves at once. In the Far South the question was not who should go, but who must stay. Companies were organized in every neighborhood and village, who urged their claims to acceptance. In answer to one such application, the Governor of Mississippi replied that he had but three regiments to fill, and had 150 companies to pick from. Large bounties were paid for the privilege of taking the place of an accepted volunteer. There were companies in which every private was wealthy, or the son of a wealthy man, every one having his negro servants in camp.¹ The report of the Secretary of War showed that early in July 194 regiments and 32 battalions had been accepted, numbering in all 210,000 men. At about the same time the Federal government had nominally in the field 230,000 men, exclusive of three months' volunteers, whose term was about to expire. The Federal Secretary of War hesitated to ask for more soldiers; the Confederate secretary recommended that Congress should call for and accept 300 regiments.

Robert Toombs resigned his post of Secretary of State, and was succeeded by Robert M. T. Hunter. It has long been a peculiarity of Virginia politics that the state is always supposed to have at least one man who is the embodiment of all political wisdom. In default of a better, the place has been at times assigned to a half-lunatic like Randolph, or an interminable declaimer like Wise. This position had somehow been accorded to Hunter, perhaps on the ground of long service; for, with a brief interval, he had been a representative or senator in Congress for nearly a quarter of a century. From 1849 onward he was chairman of the Committee of Finance in the Senate. He was chiefly noted for ponderous political platitudes to which constant repetition gave an air of profundity. In the Democratic Convention of 1860 he was named

as a candidate for the presidency; in the first dozen ballots he received, though with a wide interval, the highest vote after that cast for Douglas. In the scheme of secession as at first drawn up by Southern senators, Hunter was to have been President, and Davis commander-in-chief of the army; but the rapid march of events which followed the first movements for secession demanded a leader of a different stamp from the sluggish Virginian. In a purely military government, the post of Secretary of State, though nominally the one of first dignity in the cabinet, was of no practical importance, and the vanity of Virginia might be safely flattered by bestowing it upon her stolid favorite,² for whom it was claimed by his admirers that "he possessed in a more eminent degree the philosophical characteristics of Jefferson than any other statesman now living." The ponderous, pragmatic Virginian soon found himself out of place in the fiery revolutionary government. His fine-spun theories were brushed away like cobwebs by the fierce exigencies of the times. In a few months he was succeeded as Secretary of State by Judah P. Benjamin, of Louisiana.

Mr. Benjamin, as is indicated by his name, and still more evidently by his face, belongs to that keen and aspiring Hebrew race which for the last

¹ An Englishman, who thought himself fortunate in belonging to an accepted company, says that the hundred men of his company represented not less than \$20,000,000. "All of us," he writes, "wished to go forth and fight the Yankees; not that the Northerners were deemed worthy of such an honor, but there was a strong desire to get to close quarters with the enemy, and settle the question without farther delay. There was not a youth but fancied himself a match for any half dozen New Englanders. Captains of other companies begged us to give up our call, and offered magnificent compensation if we would let their companies report instead. Give up the chance of fighting the Yankees? No, indeed; we were the favored individuals, and not all the wealth of California could have bought us off in favor of others! Poor fellows! how soon the tune changed. Glad would some of these hot heads have been to return home months subsequently."—*Battle-fields of the South, by an English Combatant.*

² The *Richmond Dispatch* of July 26, 1861, announces this cabinet change in terms which, while meant to be congratulatory, would have been exquisitely ironical if irony had been intended. It says: "Mr. Toombs was of a temper to prefer the active duties of a soldier, in such a crisis as the present, to the monotony of an office which, for the present, is little more than nominal. . . . Virginia's position in the Confederacy has been acknowledged by assigning to one of her statesmen the highest post in the Confederate cabinet. Mr. Hunter is so well known to the country that it would be supererogatory to dwell upon the qualities of mind and character which fit him so eminently for the post to which he has been called. It would be difficult to define an instance in which the trite phrase of speech so justly applies, 'The right man in the right place.'"

half century has wielded an influence in Christendom altogether disproportionate to its numbers. He was one of the most unscrupulous and by far the ablest member of the Louisiana bar. In 1853 he was elected to the Senate of the United States. He was soon recognized as one of the keenest debaters and the most finished orator in that assembly. As a lawyer, his main object was the acquisition of wealth; as a politician, to effect the dismemberment of the Union. When Jefferson Davis organized his first cabinet, Benjamin was appointed attorney general, a post for which he was expressly qualified by adroitness and unscrupulousness. After a while Leroy Walker, the incompetent Secretary of War, was displaced, and Benjamin was named as his successor. In this department his career was far from brilliant. The Congressional committee of inquiry attributed to his incompetency the disaster which befell the Confederate cause at Roanoke Island. But if he was out of place as head of the War Department, the astute Southern dictator had discovered that he possessed faculties too valuable to be lost; so, in face of Congressional censure, Judah P. Benjamin was appointed Secretary of State in March, 1862.

The session of the Confederate Congress which commenced on the 20th of July was short. The triumph at Bull Run, exaggerated by public report, had inspired the South with an overweening confidence of immediate success, and Congress was ready to grant more than the executive asked. The Secretary of War had asked for 300,000 men; Congress authorized the acceptance of 400,000. The issue of \$100,000,000 in treasury notes, payable in six months after the ratification of peace, and of a like amount in bonds, bearing eight per cent. interest, and payable in twenty years, was authorized, the notes to be receivable for all public dues except the export duty on cotton. A war-tax of fifty cents on the hundred dollars was imposed upon all real and personal property, including slaves; heads of families whose property amounted to less than \$500 being exempt. The President was authorized to take the control of all telegraphic lines and offices; to appoint agents wherever he chose to supervise all communications passing over the lines; no communication in cipher, or any of enigmatical or doubtful character, could be transmitted until its real purport was explained to the agent, and not then unless the person sending it was known to be trustworthy. Any person sending any dispatch relating to military operations without first submitting it to the inspection of the agent, or in any case sending a message calculated to aid the enemy, was to be punished by fine and imprisonment.

The Federal Congress had passed an act confiscating all property in the insurrectionary states which should be used in aid of the insurrection, including the enfranchisement of all slaves employed in the military or naval service of the insurgents. The Confederate Congress retaliated by passing sweeping acts ordering the banishment of all alien enemies, and the absolute confiscation of all their property of whatever kind, with the single exception of debts due them from the Confederacy, or from a state belonging to it. This confiscation act was to be retrospective, its operation applying to every right or claim of any citizen of the Union subsequent to the 21st day of May. By these acts, and the proclamations issued in accordance with them, all citizens of the non-slaveholding states of the Union, who should not at once declare their intention of becoming citizens of the Confederacy, and all subjects of neutral governments having a domicile within or carrying on business in the Union, were declared to be alien enemies. Every male of these classes above the age of fourteen years was required to leave the Confederacy within forty days. At the expiration of this period district attorneys and marshals were to make complaint against any such persons then remaining, the marshal arresting and keeping them in close custody. If the court so ordered, they were to be removed in such a way as to prevent them from acquiring any information that could be prejudicial to the Confederacy. Any alien who should return after being removed should be delivered over to the military authority, to be dealt with as a spy or prisoner of war, as the case might require. Receivers were appointed in the several districts, who were to summon before them all attorneys and counselors at law, all presidents and cashiers of banks, all administrative officers of railroads and other corporations, all agents of foreign merchants and corporations, all dealers in mercantile paper, all assignees and trustees of estates—all persons, in fine, "who were known to do business for others." To these persons a series of stringent questions was to be put, to which they were required to answer upon oath. They were required to testify whether then, or at any time after the 21st of May, they had in their possession or under their control any property in which an alien enemy had any right, title, or interest, direct or indirect. If such was the case, they were to give minute and specific information respecting it. If they had disposed of any such property or interest, they were to state when, to whom, and for what the sale had been made, and by whom the property was then held. The same provision applied to all debts due to any alien enemy. Every citizen was made a spy upon every other. Every person was to tell if he knew of any property held by or for, or any debts due to an alien enemy, describing them particularly, and giving the name and residence of the holder, debtor, trustee, or agent. The responsibility of the citizen was not limited to answering the questions actually propounded, but he was especially directed, in addition, to state every thing else that he knew "which may aid in carrying into full effect the sequestration act, and state the same as fully and particularly as if thereunto specially interrogated." If any attorney, agent, former partner, or trustee holding or controlling any property or interest in property belonging to an alien enemy failed to give information to the receiver, he was held to be guilty of a high misdemeanor, for which he was to be fined not more than \$5000, be imprisoned not more than six months, besides being liable to pay double the value of the property in question.

The number of persons directly affected by these laws was less than the framers supposed. There were residing in the Confederacy 233,000 persons born in neutral countries, of both sexes and of all ages. Of these a third were in Louisiana, another third in Texas and Virginia, leaving only a third in the eight remaining states. Of these only a few hundred came within the class of alien enemies by reason of having a residence or doing business in the Union. There were in the whole United States 4,136,000 residents of foreign birth, and of these 3,900,000 were in the Union states. There were resident in the Confederacy 98,000 natives of the border slave states. These were expressly excepted from the category of alien enemies, in accordance with the fixed policy of the government to consider these states as quasi members of the Confederacy. By the census of 1860 there were 120,000 natives of the free states, men, women, and children, resident in the eleven states which ultimately seceded. A large portion of these went to the North before the passage of these acts. Of those who remained, many gave in their adhesion to the Confederate government, leaving only a few thousands to be dealt with as alien enemies. These were unmercifully harried, but rather by self-constituted vigilance committees than by the slower legal process prescribed by the law. It is doubtful if a thousand persons were arrested and banished in the manner and by the forms prescribed in this alien act.¹

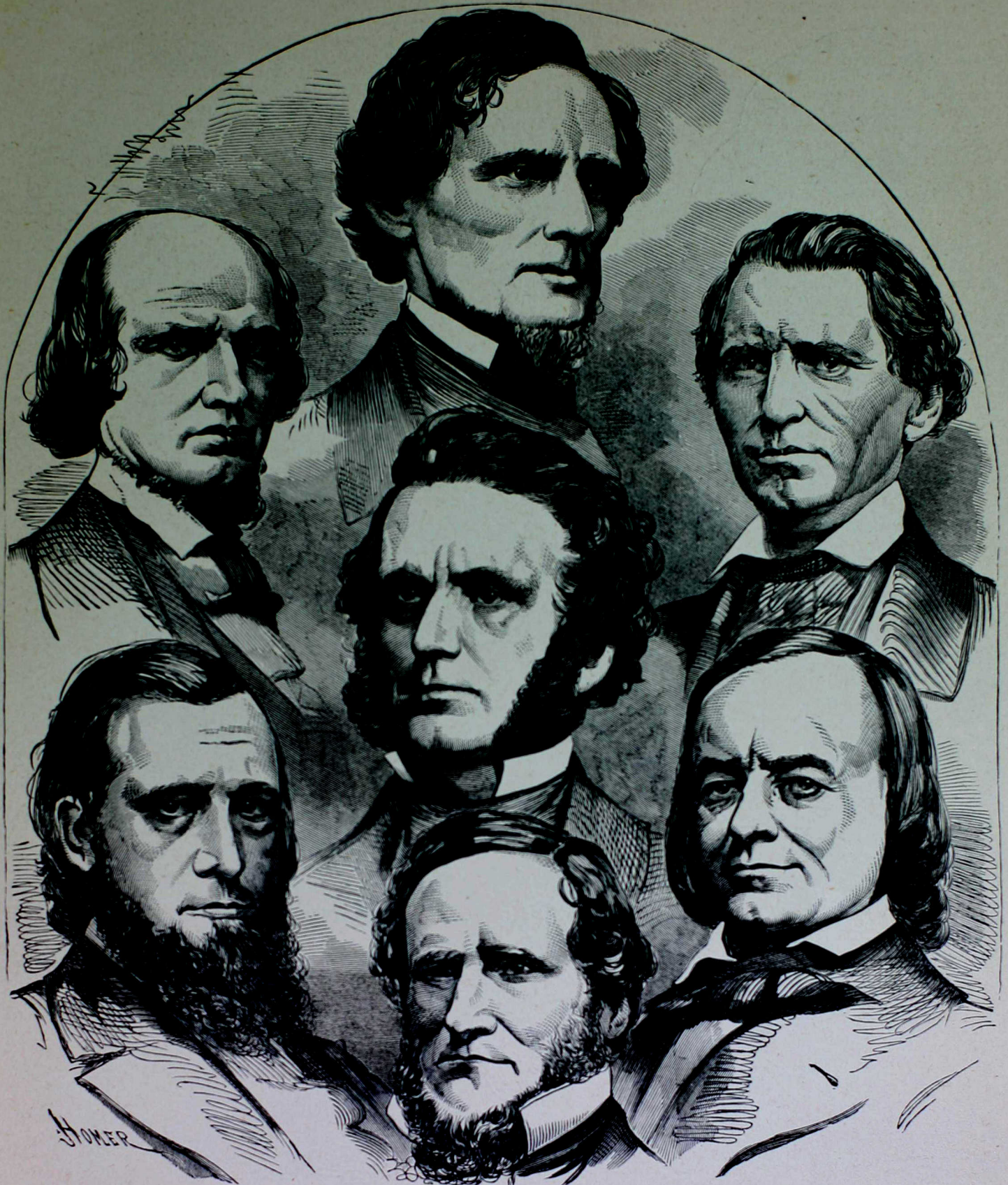
Apart from its retaliatory intent, this law had a double purpose. Besides compelling the support of all the residents of the Confederacy, or at least preventing any open opposition to the government, and thus enabling it to present an apparently united front before the world, it was expected that it would bring a large amount of money into the treasury, which was now in sore need. The private debts due from the South to the North were estimated at \$200,000,000; the interest of Northern citizens in real estate, railroad and other stocks, and similar investments, could not be estimated at less than \$100,000,000 more. The whole \$300,000,000 was to be nominally swept into the Confederate treasury. But the anticipations of the framers of the law were disappointed. Private debtors saw no advantage in paying their debts into the treasury, and securing a discharge, when they could as well leave them wholly unpaid. In spite of the searching inquisition ordered, little actual property could be discovered in which alien enemies had an interest. The report of the Secretary of the Treasury nearly a year after the passage of the Confiscation Act set down the receipts, independent of loans, at \$14,000,000. A million and a half was derived from customs, ten and a half millions from the war-tax, and two millions from miscellaneous sources. The proceeds of the confiscation must be included under, and form only a part of this last head. There is no reason to believe that the nett amount from confiscations exceeded half a million of dollars during the first year of the operation of the law.

An act was passed at this session to aid the disaffected citizens of Missouri in their opposition to the Federal government. This state was to be admitted to the Confederacy when the provisional Constitution had been duly ratified by the old state government under Claiborne Jackson, and, in the mean while, the President of the Confederacy was authorized to send Confederate troops to Missouri. An agreement for the accession of this state to the Confederacy was made at Richmond on the 31st of October, and ratified by an irregular meeting of the Legislature, where a quorum was obtained only by the admission of numerous proxies, on the 2d of November. Senators and representatives appointed by this body, not by the people, were sent to Richmond, where they were admitted to seats in the Confederate Congress at the next session.

Congress adjourned in September to meet on the 18th of November. At the opening only twelve members were present; but they represented six states, and the provisional Congress represented states in their collective capacity, and six states being a majority of the eleven, it was decided that these twelve members formed a quorum. The President's Message was delivered on the 19th. It gave a glowing account of the military operations in Virginia and Missouri, and defended the invasion of Kentucky; spoke in hopeful terms of the condition of the treasury; repeated the former charges against the Federal government for its manner of carrying on the war, and denounced the seizure of Mason and Slidell as a breach of international law and an insult to the British flag. The President made one suggestion, which was acted upon, and in the end became of great practical importance. For the successful prosecution of the war, it was indispensable that means should be supplied for transporting troops and military supplies. The war was to be waged mainly on the northern borders of the Confederacy, while men and supplies must be to a great extent drawn from the interior and the Far South. There were already two main systems of uninterrupted railroad communication between the northern and the southern portions. One was from Richmond along the sea-board, the other through Western Virginia to New Orleans. Besides these there was a third, complete with the exception

¹ The following table shows, as given in the census of 1860, the number of free persons residing in the seceding states who were born respectively in the free states, in the Union slave states, and in foreign countries:

States of the Confederacy.	Residents born in the Free States.	Residents born in the Union Slave States.	Residents born in Foreign Countries.
Alabama	5,930	2,955	12,352
Arkansas	11,049	20,298	3,741
Florida	2,010	375	3,309
Georgia	6,335	1,318	11,671
Louisiana	14,193	5,849	81,029
Mississippi	5,157	4,369	8,558
North Carolina	2,397	778	3,299
South Carolina	2,284	402	9,986
Tennessee	12,478	15,891	21,226
Texas	21,687	28,149	43,422
Virginia	36,757	17,744	35,058
	120,277	98,128	233,651



REUBEN DAVIS.
LUCIUS Q. C. LAMAR.

JEFFERSON DAVIS, Senator.
ALBERT G. BROWN, Senator.
WILLIAM BARNDALE.

OTTO R. SINGLETON,
JOHN J. MCKEE.

THE LAST DELEGATION FROM MISSISSIPPI IN THE CONGRESS OF THE UNITED STATES.

of an interval of forty miles between Danville, in Virginia, and Greensborough, in North Carolina. The construction of this short link would furnish a route through the interior of the Confederacy, and give access to a population and to military resources from which the government was then debarred, besides greatly increasing the safety and capacity of the transportation of troops and supplies from the farthest points. It was true that the Constitution prohibited Congress from appropriating money for internal improvements intended to facilitate commerce, but this prohibition might be obviated by considering this a military work. The mode suggested by the President was that Congress should give aid to a company organized to construct and carry on the work. The road was finally constructed directly by government, and in the end proved the salvation of the Confederacy by enabling it to transport troops rapidly between the East and the West. At more than one critical moment it practically increased by one half the offensive and defensive power of the Confederacy.

The provisional government of the Confederacy came to an end, by its

own limitation, on the 15th of February, 1862. Electors had in the mean while been appointed to choose a President and Vice-president for the permanent government. The choice had been declared early in November. It was a mere matter of form. No candidates were named in opposition to Davis and Stephens, who received the unanimous vote of the electors. The provisional Congress had been a mere temporary junta, appointed by the Conventions and Legislatures of the several states. It was succeeded by a permanent Congress chosen by the people. This body convened on the 18th of February. Missouri and Kentucky having been recognized as members of the Confederacy, and sent delegates to both houses, all the slaveholding states were represented except Delaware and Maryland. The Senate, when full, consisted of 26 members. Nineteen were present at the opening. The House, if full, would have consisted of 112 members.

About twenty-five of these men had been members of the Congress of the United States in 1860. Of these, Alabama sent Clay to the Confederate Senate; Curry, Pugh, and Clopton to the House. Arkansas sent Johnson to

JOHN W. H. UNDERWOOD.
MARTIN J. CRAWFORD.ROBERT TOOMBS, Senator.
THOMAS HARDEMAN.

PETER E. LOVE.

JOHN J. JONES.

ALFRED IVEBSON, Senator.

JOSHUA HILL.

LUCIUS J. GARTRELL.
JAMES JACKSON.

THE LAST DELEGATION FROM GEORGIA IN THE CONGRESS OF THE UNITED STATES.

the Senate. Georgia sent Hill to the Senate, and Gartrell to the House. Mississippi sent Brown to the Senate; Reuben Davis, McRae, Singleton, and Barksdale to the House. North Carolina sent Smith to the House, all her other members being new men. South Carolina sent to the House Boyce, Miles, Bonham, and McQueen, four of her seven last representatives in the Federal Congress; she also sent to the Senate Orr and Barnwell, who had formerly represented her at Washington. Besides these former members of the Federal Congress, there were about half a score of men in this Confederate Congress who had acquired some political reputation. The other members were new men, thrown up from the masses by the fierce fires of secession.

The inauguration of Jefferson Davis as permanent President of the Confederacy took place on the 22d of February, the 130th anniversary of the birthday of Washington. Three days after he sent in his message, setting forth the condition of the Confederacy. The new government began under gloomy auspices. At the East, Burnside had captured Roanoke Island, and

effected a firm lodgment in North Carolina. In the West, Grant had taken Fort Donelson; the Confederate forces, driven from Bowling Green, were evacuating Kentucky, and were in a few days to abandon Nashville, which had a few months before been named in Congress as the future capital of the Confederacy; Zollicoffer had been defeated and killed at Mill Spring; Price, driven from Missouri into Arkansas, had been defeated at Pea Ridge. Savannah was threatened by the Federal gun-boats. New Orleans, although no one then knew it, was in a few weeks to be captured by Farragut, inflicting what then seemed the one great blow to which the Confederacy was exposed. The great Federal force on the Potomac, which had been transformed from a crowd into an army, hung threatening over Virginia, and was almost ready to strike at Richmond, the heart of the Confederacy. The hope of foreign interference, upon which, in spite of protestations to the contrary, great reliance had been placed, was at an end. The maritime powers of Europe had recognized the efficiency of the blockade, and in shutting their ports to prizes had rendered useless the law for sending out privateers.



SYDENHAM MOORE.
CLEMENT C. CLAY, Senator.
JAMES A. STALLWORTH.

WILLIAMSON R. W. COBB.
BENJAMIN FITZPATRICK, Senator.
DAVID CLOPTON.

JAMES L. PUGH.
JAMES L. M. CUREY.
GEORGE S. HOUSTON.

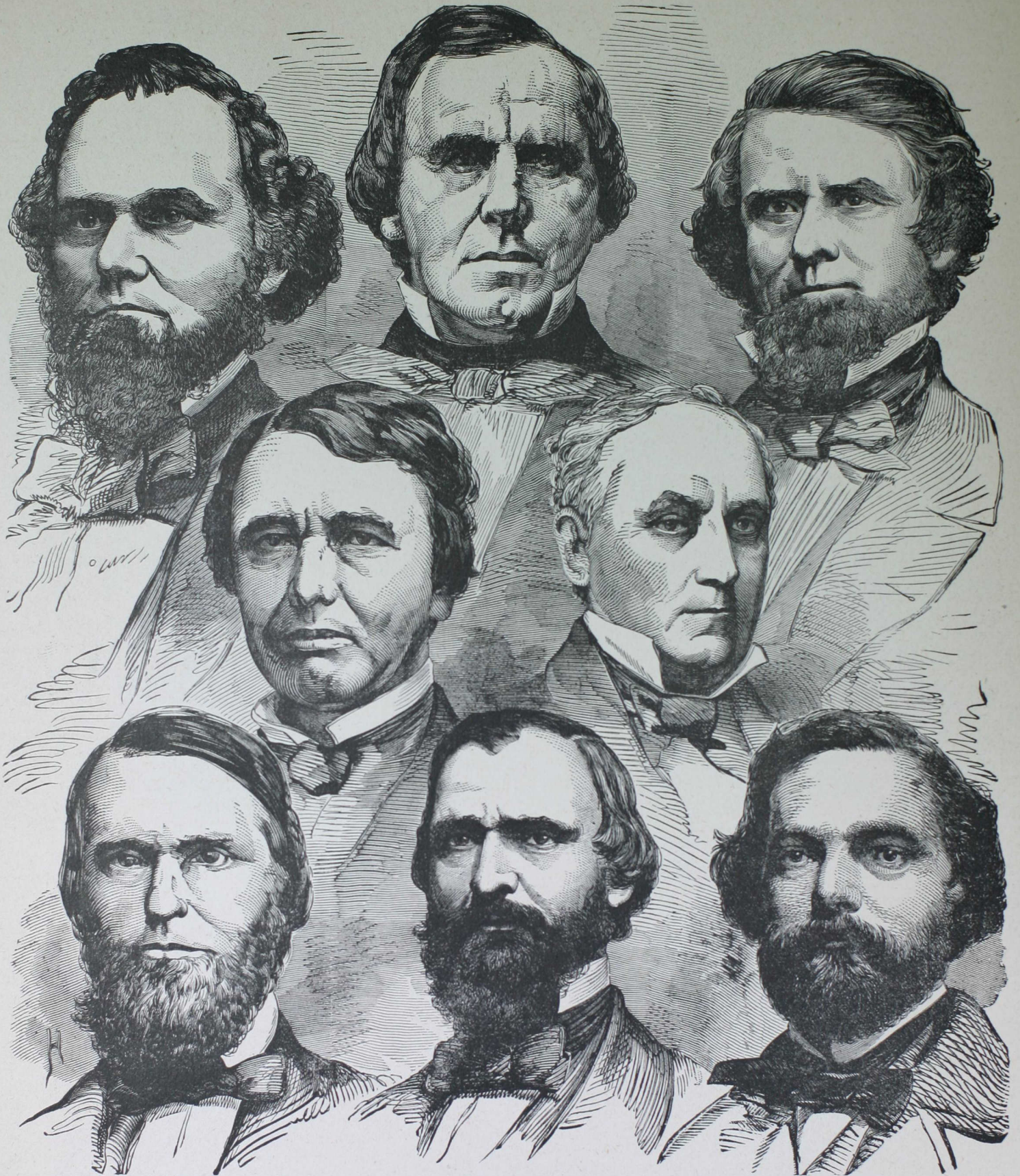
THE LAST DELEGATION FROM ALABAMA IN THE CONGRESS OF THE UNITED STATES.

There was no way of turning a prize to profit. The Confederate ports were shut by the Federal blockade; neutral ports by the orders of the governments of Europe.

In face of these facts and many others of like nature, Davis frankly acknowledged what he could not deny. "Events," he said, "have demonstrated that the government had attempted more than it had the power successfully to achieve. Hence, in the effort to protect by our arms the whole territory of the Confederate States, sea-board and inland, we have been so exposed as recently to suffer great disasters." In this message the President intimated rather than declared what was necessary to enable the Confederate States to wage a successful war with their more numerous enemy. Troops must be enlisted for long terms, instead of the short ones for which they had hitherto taken the field. He hesitated even then to announce that the whole population of the South capable of bearing arms must be conscripted, and every man be made liable at any moment to be forced into the active army.

The one bright point which the President found in the general gloomy aspect of affairs was the condition of the finances of the Confederacy. "The financial system," he said, "devised by the wisdom of your predecessors, has proved adequate to supplying all the wants of the government. We have no floating debt; the credit of the government is unimpaired; the total expenditure for the year has been \$170,000,000—less than the value of the cotton crop of the year." He could hardly have foreboded, or, if he foresaw, did not care to say, that in a few months the financial question would become quite as important as the military one; that the deficit in the Confederate funds would involve as much peril and suffering as any possible disaster in the field.

At the outset the Confederate government had no lack of money for immediate purposes. The treachery of Floyd, and the seizure of forts and arsenals, had furnished arms and munitions for the first volunteers. Regiments fitted out at their own cost, or by the states, were offered to the government. The first 100,000 men were put into the field costing the Confed-



LAWRENCE M. KEITT.
WILLIAM W. BOYCE

JAMES CHESTNUT, *Senator*.

JOHN McQUEEN.
JOHN D. ASHMORE.

JAMES H. HAMMOND, *Senator*.

MILLEDGE L. BONHAM.
WILLIAM POSCHER MILES.

THE LAST DELEGATION FROM SOUTH CAROLINA IN THE CONGRESS OF THE UNITED STATES.

eracy hardly a dollar. A brief war, if any, was anticipated, requiring no great outlay. Wanting, and, to superficial view, likely to want very little money, the credit of the Confederacy at home was good; so, when a loan of \$8,000,000 was asked, nearly double the amount was offered at or above par. The government wisely accepted the whole. At that time the Federal government could hardly borrow a less sum upon any terms. This loan was soon exhausted, and much larger amounts were required. The capital at the South seeking investment was small. For years, whenever any man had accumulated money, he invested it in lands and slaves, which were devoted to the production of cotton, which gave larger and surer returns than any other investment. The annual cotton crop of the South had been for some years worth not less than \$200,000,000 a year, almost double the value of the gold product of California and Australia. Nearly all of this was exported. As a medium of exchange, cotton was equivalent to gold; but, unless as an article of export, it was worthless. If detained in the region where produced, it was a burden and nuisance. When the government found that it must contract large loans, it endeavored to make cotton a basis for secur-

ing them. The plan was that every cotton-grower should pledge himself by formal contract to lend to the government a certain portion of the proceeds of his cotton, receiving therefor bonds payable at a long day, with heavy interest. The government was not to buy the cotton directly. The planter was to sell it, as formerly, through his agents; but the money for the portion agreed upon, instead of being paid to him, was to be sent to the government, the planter receiving in lieu treasury bonds. It was estimated that one half of the product of his cotton might thus be spared by the planter. This, if the whole year's crop were sold as usual, would give the government \$100,000,000. Agents were sent every where to urge the planters to make this conditional loan, and in a few weeks it was announced that \$50,000,000 had been pledged; but, before any considerable part of the cotton could be sold, the blockade of the Southern ports shut it out from a market. The cotton was worthless. The government would have only the agreement of the planter to loan it half the proceeds when sold; the planter merely the agreement of government to give its bonds for it when sold and the proceeds paid over to it.

Meanwhile the planters were thrown into great distress. The usual practice at the South had been to sell the crop and receive the pay a year in advance. They had received the money for this crop from Northern merchants, and had spent it. As the market was cut off, they had no means of carrying on their estates the coming year. They asked government to come to their relief. Many modes were suggested, all of which resolved into two. Some proposed that the government should purchase the whole cotton crop; others that it should advance one half of its value, payment or advance to be made, not in bonds, but in treasury notes, which had become the general circulating medium of the country. Mr. Memminger, the Secretary of the Treasury, replied to these propositions on the 17th of October. Government, he said, wanted to raise money. These suggestions proposed that it should spend money. That which was the least objectionable, because it involved the smallest outlay, proposed that government should loan \$100,000,000 on pledge of the forthcoming cotton crop, receiving only the notes of the planters. The other plan, that government should buy the whole existing crop, involved the issue of \$150,000,000, being the whole value of the cotton, less the \$50,000,000 of cotton loan pledged. But cotton, unless brought to market, was of no use to the government. In either case it would have to pay out the money which was essential to its very existence, and receive in exchange notes or produce which it did not need and could not use. To carry on the war, treasury notes to the amount of \$100,000,000 had been issued, and these had become the measure of value; if another like amount were issued no new value would be created; the effect would be that two dollars must be paid for that which could now be purchased for one. Government, being the largest buyer, would thus pay double price for its purchases, and would actually sink the whole hundred millions which it had advanced. The planters were told that they could expect no special aid from government, and they must look out for themselves, like all the rest of the community. They were advised, in the first place, to produce little cotton, but to devote themselves to the cultivation of provisions, and to make their own clothing, looking for money to loans from the banks, to be secured by factors' acceptances based on pledges of produce. Banks could manage such loans much better than government, and, besides, much less advances would be looked for from them than from government. These suggestions were accepted to a great extent. The cotton crop of 1862 was estimated at less than a quarter of that of the preceding year, and the production of food was largely increased. The cotton already gathered was left on the hands of the planters, and, some months later, a law was passed ordering it to be destroyed whenever it was about to fall into the hands of the enemy, who were advancing into the Confederate States by the coast and in the West.

At a later period, when the value of cotton had been advanced fourfold in the European markets, the policy of the Confederate government in respect to it was changed. Swift steamers were built in the British ship-yards on the Clyde and Mersey to run the blockade, taking in arms and munitions, and carrying out cotton. The Confederate government purchased cotton and shipped it, receiving returns in gold and arms. The gold was employed in Europe for the purchase of arms and munitions; the arms and munitions partly by running the blockade and partly through Mexico. Every blockade-runner was compelled to take a certain part of its cargo on government account; the remainder was at the risk and for the profit of the owners. If one trip out of three was successful, the whole adventure was profitable.

The exigencies of the treasury in the mean time compelled the issue of paper money to an amount far exceeding the utmost estimates of the secretary. In January, 1861, the whole amount of currency in circulation at the South was \$80,000,000. In January, 1863, it was \$300,000,000. The decrease in value, when once it set in, was more rapid than the increase in amount. The old story of the Sibylline books was reversed. Every fresh issue of paper made the whole amount of less value than before. In September, 1861, when the issue of Confederate notes was \$100,000,000, they were nominally equivalent to specie. Then the depreciation began. In November, specie commanded 20 per cent. premium; in April, 1862, 50 per cent.; in September, 100; at the opening of 1863, fully 300. That is, government, the largest purchaser, had to pay for its supplies four times as much in notes at the close of 1862 as it paid fifteen months before. Subsequently the depreciation became still greater. As we shall hereafter see, by the middle of 1864, in spite of stringent measures to reduce the amount of currency by imposing a tax which practically amounted to the repudiation of a large part of its old issues, Confederate notes were worth barely five cents upon a dollar.

The foreign relations of the Confederacy, when the permanent government was organized, were wholly unsatisfactory. The South had from the outset looked to the speedy recognition of the Confederacy by the European powers. Even if this were not followed by actual war between Great Britain and the United States, it was believed that it must result in measures which would greatly benefit the South. Great Britain, it was argued, must in any case have American cotton; the blockade prevented her from getting it except in small quantities and at enormous prices. She would therefore be driven, right or wrong, to refuse to regard the blockade. Her merchantmen, protected, if need were, by her fleet, would throng to Confederate ports, bringing in arms, supplies, and gold, and taking away cotton, tobacco, and rice. To effect such a recognition was the first object of Confederate diplomacy. To do this, it was necessary, in the first place, to neutralize the strong anti-slavery feeling in Great Britain, and then to convince her of the commercial advantages which would result from recognition and free trade with the South.

Yancey, Mann, and Rost, the first Confederate commissioners to Europe, sought an early interview with Lord John Russell, the British Foreign Secretary. He refused to receive them in their official capacity, but gave them an unofficial reception. They assured him that the real cause of the secession was not slavery, but the high price which the South was obliged to pay for manufactured goods, in order to protect Northern manufacturers. This, indeed, was in direct contradiction to the emphatic and really official declaration of Alexander H. Stephens, that "African slavery as it exists among us was the immediate cause of the late rupture and present revolution." It was in direct contradiction to every speech and declaration of Southern politicians and statesmen from first to last, before and after the secession. One of the first acts of the Southern Congress, the commissioners went on to say, was to reduce the duties upon imports, while the new tariff of the United States would nearly exclude British manufactures from the North. Of the \$350,000,000 annually exported from the United States, \$270,000,000 were the products of the Southern states. They had this amount to sell, and for it they wanted the manufactures of Europe, especially those of Great Britain. Russell intimated that the Confederacy would reopen the slave-trade. The commissioners denied this. The Confederate Constitution directly prohibited this trade, and there was no purpose to revive it. This interview took place on the 4th of March, 1861, and, although it was far from satisfactory to the Southern commissioners, they decided to remain in London for a while, hoping that the recognition of the Southern Confederacy would not long be delayed.

In August they addressed a formal note to the Foreign Secretary urging the recognition of the Confederacy upon the same general grounds, and complaining of the British proclamation of neutrality. The rule prohibiting prizes of either belligerent from entering British ports they declared to be a protection to the commerce and ships of the United States; for Southern ports being shut up by the blockade, and neutral ones closed by proclamation to Confederate prizes, they could only destroy any captures they might make. They then addressed themselves to the work of neutralizing the "anti-slavery sentiment so universally prevalent in England, which shrunk from the idea of forming friendly public relations with a government recognizing the slavery of a part of the human race." They declined discussing with a foreign power the question of the morality of slavery, but asserted that the Federal government was no more hostile to slavery than was the Confederate. The party in power in the Union, they said, had proposed to guarantee slavery forever in the states if the South would remain in the Union. "The object of the war, as officially announced, was not to free the slave, but to keep him in subjection to his owner, and to control his labor through the legislative channels which the Lincoln government designed to force upon the master." They therefore confidently believed "that, as far as the anti-slavery sentiment of England was concerned, it could have no sympathy with the North, and would probably become disgusted with a canting hypocrisy which would enlist those sympathies under false pretenses." The reply to this communication was that her majesty's government would not pretend to pronounce judgment upon the questions in debate between the United States and their adversaries; that it would not depart from its strictly neutral position; would not acknowledge the independence of the seceding states until the fortune of arms or the more peaceful mode of negotiation should have more clearly determined the respective positions of the two belligerents. Late in November the commissioners made one more attempt upon the British government. Under express instructions from Mr. Davis, they endeavored to show that the blockade was ineffective, and pointed out the commercial interests affected by it. The reply was sharp and decisive: "Lord Russell presents his compliments to Mr. Yancey, Mr. Rost, and Mr. Mann. He had the honor to receive their letters and inclosures of the 27th and 30th of November, but, in the present state of affairs, he must decline to enter into any official communication with them."

Mr. Yancey, having been elected to the Confederate Senate, returned to the South after the absence of a year. In giving an account of the results of his mission, he said that the Confederacy had no friends in Europe. The sentiment there was anti-slavery, and that portion of public opinion represented by the government of England was abolition. But the North, also, had no friends in Europe. The independence of the South would be recognized only when the North was forced to acknowledge it. The nations of Europe would never raise the blockade until it suited their interest, but he believed they would find it necessary to do so at an early day. Mason and Slidell had in the mean time been busy in London and Paris. Rost was sent to Spain, and Mann to Belgium; but they were unable to induce the European powers, all of whom had expressly or tacitly agreed to act in common, to recognize the Confederacy, or to depart from their position of absolute neutrality.

But the immediate difficulty which confronted the Confederacy at the organization of its permanent government was the condition of the army. The Confederate army of 1861 was composed mainly of men who had enlisted for a year, and their term of enlistment was about to expire. The time of 148 regiments would close in thirty days. Few of the men composing these regiments had re-enlisted. The rush of volunteers had ceased. Gay young men no longer contended for the honor of going to fight the Yankees. The long interval of inaction which had followed the battle of Bull Run, during which the Federal government was busy in gathering and training its recruits, had fearfully impaired the efficiency of the Confederate armies. The force which for months lay defiantly almost in sight of Washington was far less strong than was imagined. Had the Federal leaders known its real strength, they might have ventured a movement early in 1862 which would

have swept it away. Beyond this army the Confederacy had at the moment no formidable force in the field. Richmond was almost destitute of defense.

The disasters which the Confederacy experienced in the early months of 1862 awoke the government to its danger, and pointed out its sole means of salvation. Their extended line of offense and defense must be contracted, and their forces concentrated upon vital points. Above all, the army must be largely increased. Furloughs had been so freely granted that the regiments in the field had been greatly weakened. By a general order of March 24, every furlough and leave of absence was summarily revoked; every officer and man absent from duty, except on a surgeon's certificate of disability, was ordered to return at once to his command. The President, in a special message to Congress, said that the laws for raising armies should be reformed. They had been so frequently changed that it was often impossible to determine what the law actually was. There was, moreover, a conflict between state and Confederate legislation. There must be some general system for raising armies, the power for which was by the Constitution vested in Congress. This necessity was now rendered imminent by the vast preparations made by the enemy for a combined assault at numerous points. The state had a right to demand military service of every citizen, but it was not wise to place in active service the very young or the very old. Those under eighteen required instruction; those of mature age were needed to maintain order at home. These two classes constituted the reserve, to be called out and kept in the field only in an emergency. To retain this reserve intact it was necessary, in a great war like this, that all capable persons of intermediate age should pay their debt of military service to the country. He therefore recommended that a law should be passed declaring that all persons residing in the Confederate States between the ages of eighteen and thirty-five, not legally exempt, should be held in the military service; that a prompt system should be adopted for their enrollment and organization, and that all laws conflicting with this system should be repealed.

The first general conscription law of the Confederacy, framed in accordance with this recommendation, was passed on the 16th of April, 1862. It withdrew every non-exempt citizen of the prescribed age from state control, and placed him absolutely at the disposal of the President during the war. It annulled all contracts made with volunteers for short terms, holding them in service for two years additional, should the war continue so long. All twelve months' recruits below eighteen and over thirty-five years, who would otherwise have been exempted by this law, were to be retained in service for ninety days after their term expired. The President might, with the consent of the several governors, employ state officers to make the enrollment, but, if this consent was not given, the President should appoint Confederate officers for that purpose. When all the companies and regiments from any state should have been filled, the remainder of enrolled men should be held as a reserve, from whom should be drawn by lot, at intervals of not less than three months, details to keep the companies always full. This reserve, while at home, was not to receive pay or be subject to the articles of war, except that, if they refused to obey the President's call, they should be treated as deserters. Whenever the exigencies of the service required it, the President was authorized to call out the entire reserve. This law was silent as to exemptions from service. The omission was remedied by subsequent orders; and as the course of events required still larger demands upon the people, these exemptions were more and more restricted, until they finally included only members of Congress and the state Legislatures, and such officials as were absolutely essential to administer the state and national governments; certain clergymen, teachers, and physicians; a few editors and printers; and a certain number of persons absolutely required to conduct agricultural operations and oversee slaves.¹

Provision was made for carrying this sweeping conscription bill into prompt execution. Camps of instruction were established, where the enrolled men were collected and drilled, and in each state there was a commander of conscripts charged with the supervision of the new levies. These were sent off in squads and companies, to be formed into regiments as government pleased. State pride was, however, fostered by putting the recruits from each state together under officers from their own states.

There were some murmurs against this law, which virtually made every white male between the ages of eighteen and thirty-five a soldier, liable to be brought into active service at a moment's notice by the mere call of the President. These murmurs were promptly suppressed every where except

¹ The various conscription laws of the Confederacy were passed in secret session, and do not appear to have been published in full. The *Richmond Examiner*, an opposition journal, of January 30, 1864, published an abstract of the Military Bill which had not long before passed the Senate, and was then under consideration in the House. In this abstract, officers of the general and state departments are placed among the exemptions. The *Richmond Sentinel*, the organ of the government, of February 17, gives an abstract of the bill as finally passed, the injunction of secrecy having been removed. The following is its abstract of exemptions:

"The tenth section provides that no person shall be exempt except the following: ministers, superintendents of deaf, dumb, and blind or insane asylums; one editor to each newspaper, and such employes as he may swear to be indispensable; the Confederate and state public printers, and the journeymen printers necessary to perform the public printing; one apothecary to each drug store, who was and has been continuously doing business as such since October 10, 1862; physicians over thirty years of age of seven years' practice, not including dentists; presidents and teachers of colleges, academies, and schools, who have not less than thirty pupils; superintendents of public hospitals established by law, and such physicians and nurses as may be indispensable for their efficient management. One agriculturist on each farm where there is no white male adult not liable to duty, employing fifteen able-bodied slaves between ten and fifty years of age, upon the following conditions: the party exempted shall give bond to deliver to the government in the next twelve months 100 pounds of bacon, or its equivalent in salt pork, at government selection, and 100 pounds of beef for each such able-bodied slave employed on said farm, at commissioners' rates. In certain cases this may be commuted in grain or other provisions. The officers and employes of railroad companies engaged in military transportation, not beyond one for each mile used in such transportation, and under certain restrictions. Also exempts mail contractors and carriers."

This abstract makes no mention of the officials of the general or state governments; but it is probable that they were exempted by other sections, for it is provided that the President may detail artisans, mechanics, or persons of scientific skill to perform indispensable services in various departments.

in Georgia and Arkansas, where it seemed that a conflict might arise between state and Confederate authorities. Officers of the state militia had been arrested by the enrolling officers. The governor demanded their release, threatening to arrest any Confederate officer who should arrest any state officer. The Confederate authorities yielded the point; but adding, through the Secretary of War, "If you arrest any of our enrolling officers in their attempts to get men to fill up the Georgia regiments now in the face of the enemy, you will cause great mischief. I think we might as well drive out our common enemy before we make war upon each other." Brown, the irascible and pragmatic governor, was mollified by this concession to his dignity as chief magistrate of a sovereign state. He said that he was happy that the Confederate government had decided to respect the constitutional rights of the state so far as not to force her to the alternative of permitting any department of her government to be destroyed, or to defend herself by force. A local judge in Georgia pronounced the conscription law to be unconstitutional, but his decision was set aside by the Supreme Court of the state.

The disasters which compelled the Confederate government to adopt the policy of concentrating its forces in Virginia caused great excitement in the states beyond the Mississippi. Governor Rector, of Arkansas, issued an appeal to the people of that state calling them to arms, and more than insinuating that the Confederate government had deserted the state, and that the call of the President for troops from Arkansas should be disregarded, and even hinting at the formation of a new confederacy of the Southwest.¹ The Confederate government wisely forbore here, as in Georgia, to enter upon a controversy with one of the states. The wisdom of concentrating its force in Virginia was soon apparent, and at the next election Rector was defeated.

The conscription law was at once put into execution. Sweeping as it was, and rapidly as it was enforced, it was not an atom too sweeping, and barely in time to save the Confederacy from destruction. The Federal government, with the start in preparation of fully four months, delayed the advance of its troops upon Richmond, hesitating which line to adopt, when an advance upon either of the proposed lines could hardly have failed of success. A full month of precious time was lost before the advance was begun. Another month was wasted in the siege of Yorktown, where an army of fully 100,000 men was held in check by barely a tenth of their number. Three weeks more were taken up in the cautious advance across the Peninsula. Thus three full months, every day of which was of vital moment to the Confederacy, were lost by the Federal army before it was fairly in the neighborhood of Richmond.

For the greater part of this time the Confederate authorities well-nigh despaired of being able to defend their capital. On the 21st of April, while the Federal army was in check before Yorktown, the Confederate Congress adjourned in such haste as to show that the members were anxious to provide for their own personal safety. The newspapers were bitter in their invectives against the fugitives. One invented the euphonious word "skeddaddle" to designate their flight. Another said that the stampeding members, afraid of railroad accidents, had gone off by canal, a regiment of ladies being sent to clear the tow-path. They would escort the members to the mountains, and, leaving them under the protection of the children until McClellan would suffer them to come forth, would return to the defense of the country. But the alarm was by no means confined to Congress. The railway trains were blocked up by fugitives; the President sent his family to Raleigh; the government archives were packed up ready to be sent to Columbia, South Carolina. The state Legislature, however, passed resolutions calling upon the Confederate authorities to defend Richmond to the last extremity, and this demand was seconded by the local authorities of the capital. Fortifications were thrown up around the city, and the approaches by the James River were blocked up. Above all, time had been gained. Early in June the conscription law began to produce its effects in filling up the ranks, and by the time the Federal army was prepared to open its direct attack it found itself confronted by fully equal forces, and in a few weeks was greatly outnumbered.

The President of the Confederacy had in the mean while given a great commander to its armies. Congress had not long before passed a bill creating the office of commanding general, who should take charge of the mili-

¹ "By the authority and sanction of the Military Board, whose duty it is to protect the state from invasion, whose right it is to call an army into the field when the Confederate States refuse or neglect to protect the people, I call upon each and every man capable of bearing arms to prepare at once to meet the enemy. The law is that every able-bodied free white male inhabitant between the ages of eighteen and forty-five shall constitute the militia of the state. . . . All men between these ages, if physically able, may be called to the field now, the state being invaded. The state, always sovereign, is sovereign yet in her reserved rights, one of which is to defend her own soil, her own government, her own people." Arkansas, he said, had severed her connection with the United States upon the doctrine of state sovereignty, and formed an alliance with the other Confederate states. She had lavished her blood in support of the Confederacy. "She had done this because of her generous confidence that, when the evil hour came upon her, the Confederate flag would be found floating from her battlements, defying the invader, and giving succor to her people. But untoward events had placed her beyond the pale of protection. Much impaired, though still capable of resistance, she will strike a blow for liberty, and continue to be free. If left to her fate, she will carve a new destiny rather than be subjugated. It was for liberty she struck, and not for subordination to any created secondary power North or South. Her best friends are her natural allies nearest at home, who will pulsate when she bleeds, whose utmost hope is not beyond her existence. If the arteries of the Confederate heart do not permeate beyond the east bank of the Mississippi, let Southern Missourians, Arkansians, Texans, and the great West know it, and prepare for the future. Arkansas lost, abandoned, subjugated, is not Arkansas as she entered the Confederate government; nor will she remain Arkansas, a Confederate state, desolated as a wilderness. Her children, fleeing from the wrath to come, will build them a new ark, and launch it on new waters, seeking a new haven somewhere of equality, safety, and rest." This address closed with a call for 4500 volunteers from the militia of the state. If sufficient volunteers were not forthcoming, the deficiency would be supplied by draft. "Troops raised under this call," it was significantly added, "will not be transferred to Confederate service, under any circumstances, without their consent, and on no account unless a Confederate force sufficient to prevent invasion is sent into the state. These are raised exclusively for home protection. Horses, horse equipments, and arms lost by the casualties of war will be paid for by the state."—*Address of Governor Rector*, May 5, 1862.

tary movements of the war. The design of the bill was to place Joseph E. Johnston at the head of the forces of the Confederacy. The President, with whom Johnston had never been a favorite, vetoed the bill; but Johnston, in virtue of his rank as senior general, commanded in the field before Richmond. A wound received on the 2d of June disabled him for a time; and on the following day Davis appointed Lee to the nominal office of commanding general, the order providing that he should "act under the direction of the President." There had been nothing in Lee's previous career indicating that he possessed qualities beyond those of a brave and energetic subordinate. As commander of the state forces he had not been successful in Western Virginia. His sudden appointment to the chief command of the Confederate forces was considered by the opponents of the administration as a part of Mr. Davis's plan of holding every thing under his own control, by studiously keeping down every man who might by possibility become his rival. It is hardly possible that in such a crisis this could have been the motive for the promotion of Lee. It is far more probable that in him the President saw the great general. But, be this as it may, in the appointment of Lee to the chief command the Confederate forces gained as their leader one of the great masters of the art of war.

The Federal campaign in the Valley and on the Peninsula was a failure. In the early days of June Richmond was in the utmost peril. In the early days of July the Federal forces had been forced to the James River. In the early days of August the Federals were driven back from Cedar Mountain. At the close of the month, after losing the battles near the old field of Bull Run, the Army of the Potomac was driven back upon Washington. In the early days of September the Confederates were crossing the Potomac, invading Maryland, and threatening Washington.

When the Confederate Congress reassembled at Richmond on the 15th of August, the President might well offer his congratulations upon the issue of the events of the last four months. "The vast army," he said, "which threatened the capital of the Confederacy has been defeated and driven from the lines of investment." The conscription law had saved the Confederacy; but this had been done at a fearful cost. The levy embracing all between eighteen and thirty-five had been exhausted. It was necessary to extend the conscription law so as to enable the President to call into active service all persons between thirty-five and forty-five. A law was passed to this effect on the 27th of September, but the power thus conferred was not exercised until the expiration of almost a year. In July, 1863, the President called into active service all between eighteen and forty-five. Seven months later, in February, 1864, a new law was passed still farther extending the conscription, by including in it all between the ages of seventeen and fifty. The full consideration of these two last conscription laws belongs to a subsequent period of this history.

The Confederates had from the very outset employed slaves and free colored persons in a military capacity. The works before Charleston, commenced late in 1860, were mainly thrown up "by large gangs of negroes from the plantations,"¹ and by free negroes of Charleston, of whom 150 in a single day offered their services to the Governor of South Carolina.² In April the Lynchburg Republican proposed "three cheers for the patriotic free negroes of Lynchburg," of whom seventy had "tendered their services to the governor to act in whatever capacity may be assigned them in defense of the state." It was triumphantly announced that all the fortifications required for the harbor of Norfolk could be erected by the voluntary labor of negroes.³ In June the Legislature of Tennessee passed an act authorizing the governor to "receive into the military service of the state all male free persons of color between the ages of fifteen and fifty;" and if a sufficient number did not volunteer they were to be impressed. The Southern newspapers of 1861 were full of accounts of colored volunteers. One told of a grand display, held November 23, at New Orleans, where 28,000 troops were reviewed, among whom was a "regiment composed of 1400 free colored men." The works at Manassas Junction were mainly thrown up by the slaves of the neighboring planters.⁴ In February, 1862, the Virginia House of Delegates passed a bill ordering the enlistment of free colored persons for six months. On the 10th of March Mr. Foote declared in the Confederate Congress that, when Nashville was surrendered, 1000 or 1500 slaves had been called out and employed on the fortifications. In November, Governor Brown, of Georgia, called for slaves to complete the fortifications of Savannah; if these were not voluntarily tendered, a levy would be made upon every planter in the state of one slave out of five, which would give a working force of 15,000. Subsequent to this time still more stringent measures were taken to bring negroes into the Confederate service.

Up to the beginning of 1863 the only law passed by the Federal Congress for the employment of colored soldiers was the act of July 17, 1862, authorizing the President to employ in the naval and military service of the United States persons of African descent, and freeing the families of such persons, provided they belonged to masters in rebellion. The passage of this law aroused an intense feeling throughout the South, of which the Confederate government promptly took advantage. In his message of August 15, President Davis complains that "two at least of the generals of the United States are engaged, unchecked by their government, in exciting servile insurrection, and in arming and training slaves for warfare against their masters, citizens of the Confederacy." Threats of vengeance were then made. These took form in a proclamation issued on the 23d of December, in which it was ordered that "all negro slaves captured in arms be at once delivered over to the executive authorities of the respective states to which they belong, to be dealt with according to the laws of said states," and that "like

orders be executed in all cases with respect to all commissioned officers of the United States when found serving in company with said slaves in insurrection against the authorities of the different states of the Confederacy." As the laws of the Southern States inflicted the punishment of death upon all insurgent slaves, and upon all who should aid them, the intent of this proclamation was to deny to all such persons who should be captured, and also to all white officers commanding them, the character of prisoners of war, directing them to be handed over for summary execution to the civil authorities of the several states. This proclamation was subsequently modified by an act passed in May, 1863. It declared that the commissioned officers of the enemy who might be captured should not be delivered to the state authorities, but should be dealt with by the Confederate government; that every white Federal officer commanding negro or mulatto troops should be deemed guilty of inciting servile insurrection, and if captured, be put to death or otherwise punished at the discretion of the military court; that every such person should be tried by the military corps or army capturing him, but the President might commute the punishment ordered by this court; but "all negroes and mulattoes who shall be engaged in war, or taken in arms against the Confederate States, or shall give aid and comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the state or states in which they shall be captured, to be dealt with according to the present or future laws of such state or states." The general principle thus attempted to be established was that no person of color should be recognized as a soldier of the Federal army, and as such be entitled, when captured, to the rights of a prisoner of war, but should be held to be a malefactor, liable to the severe penalties prescribed by local law against offenders of other than pure white descent. Out of this general provision grew in the sequel many questions relating to the exchange of prisoners.

The capture of New Orleans, at the close of April, 1862, had inflicted a severe wound upon Southern feeling. This was aggravated by the rigid government instituted over the conquered city by General Butler. Two special acts of his afforded a pretext for violent measures. Upon the informal surrender of the city the Union flag had been hoisted upon the Mint. There were then no Federal troops actually occupying the city, which was, however, commanded by the Union gun-boats, and virtually in their possession. The flag was cut down by a gang of desperadoes, prominent among whom was one Mumford, a notorious character of the city. He was arrested by General Butler, tried, and executed. Many women of New Orleans, after the complete occupation of the city, made it a point studiously to insult the Federal soldiers in the public streets. Butler determined to put down these insulting demonstrations, and issued his famous "General Order No. 28," declaring that "when any female shall, by word, gesture, or movement, insult or show contempt for any officer or soldier of the United States, she shall be regarded and held liable to be treated as a woman of the town plying her avocation." By the municipal law of New Orleans, any woman of this class "plying her avocation" in the street was liable to be arrested, detained over night in the calaboose, brought before a magistrate, and fined five dollars. This was the extent of the penalty threatened by the order. It assumed that only women of that class would endeavor to attract the attention of strangers. Still, the order was most unfortunately worded. It gave occasion to the charge that the women of the captured city were abandoned to the insults, if not to the passions, of lawless and excited soldiers. The Confederate authorities were not slow to take advantage of this. The charge was rung through the length and breadth of the land, where it aroused the fiercest frenzy. It was reiterated in Europe, where the recollection of atrocities committed in captured cities by ungoverned soldiers was fresh in men's memories. They had read of the outrages of the French under Suchet, at Tarragona; of the British, under Wellington, at Badajoz; and of the thousand similar cases which marked the great war of the last generation. They were reading the accounts which began slowly to transpire of the outrages committed within a few months by the British troops in India, and were prepared to believe that similar scenes were enacting in New Orleans. Every instance of punishment which circumstances rendered necessary was repeated, exaggerated, and perverted, until the public mind in the South and in Europe was prepared not merely to justify, but to demand the most severe measures of retaliation. At length, on the 23d of December, President Davis issued a proclamation declaring that General Butler should no longer be considered a public enemy, but a felon deserving capital punishment, an outlaw and common enemy of mankind; ordering that, in case he was captured, he should be hung on the spot; that the commissioned officers serving under him should also, in case of capture, be reserved for execution; and that, until the execution of Butler, no commissioned officer of the United States should be released on parole.¹ The actual course of General Butler, while in command of New Orleans, will be narrated in full in a subsequent chapter.

From this survey of the foreign and domestic policy of the Federal and Confederate governments down to the beginning of the year 1863, we return to the series of great military operations of the year 1862.

¹ "I, Jefferson Davis, President of the Confederate States of America, and in their name, do pronounce and declare the said Benjamin F. Butler a felon deserving of capital punishment. I do order that he be no longer considered or treated simply as a public enemy of the Confederate States of America, but as an outlaw and common enemy of mankind, and that, in the event of his capture, the officer in command of the capturing force do cause him to be immediately executed by hanging; and I do farther order that no commissioned officer of the United States taken captive shall be released on parole before exchange until the said Butler shall have met with due punishment for his crimes. . . . All commissioned officers in the command of the said Benjamin F. Butler are declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death, and that they and each of them be, whenever captured, reserved for execution."—*Proclamation of Jefferson Davis*, December 23, 1862.

¹ Dispatch from R. R. Riordan to Perry Walker, Mobile. ² Charleston Mercury, January 3, 1861. ³ Petersburg Express, April 23. ⁴ Beauregard's Report of the Battle of Bull Run.