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THE
Confederate Records

OF THE
STATE OF GEORGIA

COMPILED AND PUBLISHED UNDER AUTHORITY
OF
THE LEGISLATURE

BY
ALLEN D. CANDLER, A. M., L. L. D.

VOLUME II.

State Papers of Governor Joseph E. Brown Relating to the Public Defense, the Organization and Equipment of Troops, Provision for the Families of Soldiers, etc., 1860 to 1865, inclusive.

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PREFATORY NOTE.

It was the original design of the editor to include in one volume both the State Papers and the Official Correspondence of Governor Joseph E. Brown, from 1861 to 1865. It was soon discovered, however, in the progress of the work, that such a volume would be entirely too large and inconvenient to handle. Hence it was concluded to divide the manuscript and make two volumes, the one containing the State Papers of Governor Brown and the other his Official Correspondence.

The matter for the State Papers was all, or nearly all, found in the archive rooms of the executive office, principally in the minute books of that department, because Governor Brown, when the Federal army approached the old capital in Milledgeville in 1865, with his accustomed forethought and prudence, sent the official records of his office to south Georgia out of what it was supposed would be the path of the enemy. After the United States army had passed through the State these records were carried back to the capital in as good condition as when they were carried away, and were thus preserved to posterity. While the Governor in this way saved all of the minutes of the executive department, in the hurry and confusion which prevailed in consequence of the near approach of the enemy, his letter books were inadvertently left and fell into the hands of the enemy and were sent to Washington City. Subsequently the United States Government published a very comprehensive work in many volumes entitled "War of the Rebellion, Official Records of the Union and Confederate Armies." Because there was no

PREFATORY NOTE.

other source from which we could secure the official correspondence of Governor Brown recourse was had to this publication, and with much care and labor it was culled out of many volumes.

We have compiled and edited them with much care, and they are now presented to the people of Georgia for the first time. The two volumes, the State Papers and the Official Correspondence, taken together constitute a most interesting and reliable history of the war and its conduct in Georgia and of conditions which prevailed in the State during the war period. They will be found to contain many things which will be absolutely new to the generation which has grown up since the War between the States, some of which have been forgotten even by the men who took part in the occurrences of the four stormy and eventful years of hostilities.

THE
CIVIL
WAR
PAPERS
OF
GEORGIA
VOLUME
I

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 17th, 1860.

The following message from His Excellency the Governor was this day transmitted to the House of Representatives, with accompanying documents.

To the House of Representatives:

I herewith transmit copies of contracts * made under my authority by Hon. M. A. Cooper, Commissioner, in behalf of this State with Eli Whitney, the Ames Manufacturing Co., and A. Hitchcock, Agent, for arms and accoutrements purchased under the authority of the Act passed at your last session which appropriated \$75,000 for the supply of arms and military accoutrements; together with a statement of the sums paid to each so far as the arms and accoutrements have been received under said contracts; with the sums paid to D. C. Hodgkins & Son and other for arms, which will, I trust, afford the House the information which is requested by the Resolution furnished me on yesterday. The arms and accoutrements mentioned in the accompanying statements have been distributed as fast as received among the Volunteer Corps of this State. For these the sum of \$——— has been paid.

Eight hundred of the muskets mentioned in the contract with Mr. Whitney, and nine hundred sets of accou-

*Not found.

trements which were to be furnished by the Ames Manufacturing Co. have not yet been received. I am informed that six hundred sets of accoutrements will be received in a few days. I have ordered two hundred and fifty rifles, seven hundred colts revolvers, and seven hundred sabres to be furnished by D. C. Hodgkins & Son, which I have not yet received. I have also ordered two thousand Sharps Rifles. Should these arms be received they will much more than exhaust the appropriation of last year. The noble response made by the General Assembly to my last recommendation, by the appropriation of \$1,000,000 as a military fund for the present year, will, however, place at my disposal ample means to pay for the supply already ordered, and to purchase such additional supply as may be necessary to arm the Volunteer forces and put the State in a defensive condition. I am aware of no objections which have been made to the efficiency of any of the arms or accoutrements purchased, with the exception of the defective tubes which were attached to the first few hundred muskets received from Mr. Whitney. Without waiting to be informed of the mistake, which was soon after discovered by himself, he sent good tubes with which to supply the place of the defective ones at his own expense. In connection with this subject, I would respectfully call attention of the House to the importance of such legislation as will provide for the appointment of an Adjutant General, who shall keep his office at Milledgeville, and be charged with the duty of superintending the inspection, receipt, and distribution of arms, accoutrements and other munitions of war, and with the duty of drilling and instructing our Volunteers, and with such other duties as are usually attached to that office in other States. He should

be a gentleman of ability, of thorough military education and experience, and should be paid a competent salary, which would enable him to devote his whole time to the discharge of the duties of his office. The services of such an officer might be of incalculable value to the State.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 30th, 1860.

Ordered,

That Gen. Paul J. Semmes be, and he is hereby appointed Agent on the part of the State of Georgia to purchase military arms, accoutrements, ammunition, tents, & etc., for this State; and to contract for the payment of the same, to be made at the Treasury of Georgia in six per cent. bonds of this State, at par, on delivery at this Department, of bill of articles bought and of bill of lading of their shipment on board steamer to Savannah, Ga., but that said Agent be authorized, in making small purchases as above, to contract for their payment to be made in cash at the State Treasury on like delivery of bill of goods and bill of lading.

Given under my hand and seal of the Executive Department the day and year above mentioned.

JOSEPH E. BROWN,

Governor of Georgia.

By the Governor,

H. H. WATERS,

Secretary Executive Department.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 8th, 1860.

The present aspect of our political affairs makes it the duty of the legislative authority of the State to provide in every way possible for direct and speedy communication with Europe. In the event of a dissolution of the Federal Union the mail facilities of Georgia and other Southern States would be cut off for a time, and our cotton and other productions must be carried upon the ships of our enemies through Northern cities where we must continue to pay wharfage, drayage, storage, commissions, and other expenses, to have them forwarded to Europe, while all our exchanges and monetary transactions with Europe must be conducted by and pass through the hands of our enemies. This would be a state of dependence, to say nothing of the immense expense attending it, with which no Georgian should be satisfied. I deem it the duty of the legislature, therefore, to make prompt provision for a line of ocean steamers to run weekly between Savannah and some important commercial port in Europe. I am informed by Mr. C. G. Baylor, who addressed the members of the General Assembly on last evening, that a wealthy company in Europe now has in its possession five elegant Ocean Steamers, which, together with the necessary outfit, etc., are worth two millions of dollars. The company is willing to put these steamers immediately to sea and run a weekly line between Savannah and one of the most important commercial cities in Europe, touching at one

or two other important European ports; if it can receive a guaranty that the capital invested will pay five per cent. upon the amount of the investment, rating the steamers at a fair valuation. I therefore recommend the passage of a joint resolution of the General Assembly authorizing the Governor of this State, or some other competent authority in behalf of the State, to send a commissioner to Europe to examine the steamers, and if found suitable to enter into such negotiations as will secure the establishment of the line, with power to give a guaranty on the part of this State that the steamers shall pay to the company five per cent upon the amount of capital invested. I can not suppose that there would be any difficulty about the income of the line paying five per cent. on the capital. Should there be a deficiency it could not be large, and, in my opinion, the State should not hesitate to guarantee the deficiency, if any, for five years for the purpose of securing the establishment of the line.

In addition to our cotton and other freights, and the mail service of this and other Southern States, a large portion of the immigrant travel of continental Europe could, it is believed, be secured to this line. I trust the General Assembly will not fail to see the importance of improving the opportunity now offered for taking an important step in securing the inauguration of a system of direct trade and intercourse with Europe by steam communication.

I recommend such appropriations and the enactment of such laws as may be necessary to secure the advantages

which it is believed are now offered to the people of this and the other Southern States.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 12th, 1860.

To the Senate:

In accordance with the provisions of an act this day passed, entitled an act to organize the office of Adjutant and Inspector General of the State of Georgia.

I hereby nominate and propose, by and with the advice and consent of the Senate, to appoint Maj. Henry C. Wayne, now of the United States Army, who is a native Georgian, to fill the office of Adjutant General of the State of Georgia.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 21st, 1860.

The Commander-in-Chief announces to the Volunteers and Militia of the State of Georgia that under the recent act of the legislature creating the office, he has appointed, by and with the advice and consent of the Senate, Major Henry C. Wayne, U. S. Army, of the city

of Savannah, Georgia to be Adjutant General and Inspector-General of the State. Hereafter, therefore, all Returns, Rolls, Accounts, Communications and Correspondence connected with the Military affairs of the State will be addressed to that officer at this place, the seat of government, where by law his office is established.

JOSEPH E. BROWN,
Governor and Commander-in-Chief.

WEDNESDAY, JANUARY 2nd, 1861.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 2nd, 1861.

Facts Connected with the Seizure of Fort Pulaski.

As the facts connected with the occupancy of Fort Pulaski by State Troops, may become the subject of future inquiry, I deem it proper to spread upon the Executive Minutes a brief statement of the occurrences connected with this transaction.

When it had been ascertained, that the State of South Carolina would, on the meeting of her Convention, which was to assemble in December, 1860, secede from the Union, I am credibly informed a portion of the South Carolina Delegation in Congress called on the President of the United States, and held an interview with him,

for the purpose of bringing about an understanding, that no change should be made in the Military *Status* of the Forts at Charleston, (Maj. Anderson with probably 70 to 100 men then being in Fort Moultrie), and in consideration that the *Status* should not be changed, and that no reinforcements of Federal Troops should be sent to Charleston, they proposed on their part, that the authorities of South Carolina would make no assault upon Maj. Anderson and his force then in Fort Moultrie, till the necessary steps could be taken to settle all pending questions, between the State and the Federal Government by negotiation. It was generally understood by the country, that such an agreement as the one above mentioned, had been entered into between the President and the Carolina Authorities, and that Governor Floyd of Virginia, then Secretary of War, had expressed his determination to resign his position in the Cabinet in case of refusal by the President to carry out the agreement in good faith.

The resignation of Governor Floyd was therefore naturally looked to, should it occur, as a signal given to the South that re-inforcements were to be sent to Charleston, and that the coercive policy had been adopted by the Federal Government. Just at this period it began to be suspected that the President was becoming unsettled in his determination to preserve the peace, and that coercion might be attempted to compel South Carolina to submit to the laws of the Union. The canvass in Georgia, for members to the State Convention was progressing with much interest on both sides, when to the astonishment of all, it was announced that Maj. Anderson had spiked the guns and burned the gun car-

riages in Fort Moultrie, and had taken possession of Fort Sumter, in the night without the knowledge of the South Carolina authorities.

After South Carolina had seceded, she sent Commissioners to Washington, to treat with the President for the delivery of the Forts, and for the general adjustment of pending difficulties. The correspondence between them and the President as the publications show, had been very unsatisfactory to South Carolina, resulting in a refusal of the President to give up the Forts, or to give any guarantees that they would not be re-inforced. The Commissioners telegraphed the result of their mission to their Convention still in session at Charleston, and the convention communicated it to me. At this juncture in these complicated affairs, Governor Floyd resigned his position in the cabinet, for the reason, as it was understood, that the President refused to carry out in good faith the pledges made to the Carolina Congressmen; and that it was then the determination of the Government to re-inforce the Forts at Charleston, and in other Southern States. Soon after his resignation the Telegraph brought the information that Mr. Holt, Post-Master General who was understood to have advocated the coercive policy in the Cabinet, had been appointed Acting Secretary of War. The day I learned these facts, I received a telegram from Col. Lawton of Savannah, earnestly requesting me to come to Savannah at once. On the morning of January 1st 1861, I left Milledgeville for Savannah accompanied by Adjutant General Wayne. We arrived there at 9 o'clock P. M. and at once entered into consultation with the leading Military men of the place, and with Col. Hardee then of the United States

Army, who was known to be the friend of Georgia, and who, it was understood would resign as soon as she seceded. I was informed that there was great popular apprehension that Fort Pulaski would be garrisoned with United States Troops, if not occupied by State Troops. My own opinion, from the lights before me was, that there might be great danger of such an occurrence, and in case Fort Pulaski should be strongly garrisoned by Federal Troops, and our State should secede, it might cost us the lives of hundreds, if not thousands of our bravest citizens, besides much treasure to dislodge them, while if permitted to remain, they would command the entrance to Savannah, and be a menace and reproach to the State. I did not doubt that the State would secede, and I therefore considered the question one of the greatest importance. I heard respectfully, and at full length all that the Military men had to say on the subject. They differed in opinion. Those considered the best authority, nearly all, opposed the immediate occupation of the Fort by the State Troops. One of them said to me, "If you take possession of the Fort, and there is one spark of vitality left in the Federal Government, it will shell you out in ten days." After mature reflection however, I was satisfied that duty, and safety to the State required for the present, its occupation by State Troops. I therefore said to the Officers present, *I take the responsibility*, and I direct the immediate occupation of the Fort. I then directed the Adjutant General to issue the following orders, which he did, to-wit:

HEADQUARTERS GEORGIA MILITIA,

SAVANNAH, January 2d, 1861.

TO COL. A. R. LAWTON,

Commanding 1st Vol. Regt. Ga. Volunteers,

Savannah.

SIR: The Governor and Commander-in-Chief directs you to detail one hundred and twenty-five men, or more if necessary, from your command, with the suitable number of officers, including one or more Medical Officers, to occupy immediately until further orders, Fort Pulaski at the mouth of Savannah River. Arrangements for the comfort and subsistence of the command have been made, and you will cause one of the Military Officers (Subaltern) to be detailed to act as Quartermaster and Commissary, to take charge of the public stores and issue and account for them under the regulations that will be furnished to him.

It is desirable that a portion of your men should be relieved in such numbers, and at such times as you may determine, to be replaced by new drafts of equal strength, care being taken that the relief be made at the Fort, and does not exceed, at any time, one-half the command, that the greatest number on duty may be of those somewhat experienced in Military duty. Additional supplies of any kind that may become absolutely necessary from time to time, will be obtained by requisition made by the Quartermaster and Commissary, countersigned by the Commanding Officer, upon Mr. John Cunningham of Savannah, who has been appointed Military Purveyor.

Each man should carry with him a knapsack or valise, containing a change of clothing, 1 iron spoon, 1 knife, 1 fork, 1 tin cup, 1 clothes-brush, 1 shoe-brush, 1 box blacking, and 1 comb and brush.

In conclusion the Commander-in-Chief relies upon your Military knowledge and skill for the discreet exercise of the service involved in this order, for the maintenance of discipline, and for the care and accountability of the public property now in the Fort, and to be sent there. The occupancy of the Fort will be made under your personal direction, and you are desired to remain, until proper order and system are established. This done to your satisfaction, you will visit and inspect the Fort and Command as often as practicable, at least twice a week.

By order of the Commander-in-Chief—

HENRY C. WAYNE,

Adjutant and Inspector-General.

HEADQUARTERS GEORGIA MILITIA,

SAVANNAH, GEORGIA, January 2d, 1861.

(Strictly Confidential)

COL. A. R. LAWTON,

Commanding 1st Regiment Georgia Volunteers,
Savannah.

SIR: In view of the fact that the Government at Washington has, as we are informed upon high author-

ity, decided on the policy of coercing a seceding State back into the Union, and it is believed now has a movement on foot to occupy with Federal Troops, the Southern Forts including Fort Pulaski in this State, which if done, would give the Federal Government in any contest, great advantage over the people in this State:

To the end therefore, that this stronghold which commands also the entrance into Georgia, may not be occupied by any hostile force until the Convention of the People of Georgia, which is to meet on the 16th instant, has decided on the policy which Georgia will adopt in this emergency; you are ordered to take possession of Fort Pulaski, as by *Public Order* herewith, and to hold it against all persons; to be abandoned only by orders from me, or under compulsion by an overwhelming hostile force.

Immediately upon occupying the Fort, you will take measures to put it in a thorough state of defence as far as its means, and ours will permit, and for this purpose, you will advise with Captain Claghorn of the Chatham Artillery, who has been charged with all matters relating to Ordinance and Ordinance Stores, and their supply.

You will further arrange with Captain Claghorn a series of day and night signals for communicating at all times with the City of Savannah, for the purpose of calling for re-inforcements or other necessary purposes. And you will arrange with Mr. John Cunningham, Military Purveyor, for the employment of a Steamboat or Steamboats, or other means of transportation by land or water, that may be necessary for other supplies, (except

for Ordinance, for which you will call upon Capt. Claghorn) that may be required.

Relying upon your energy, patriotism and sound discretion, I commit this important trust to you until it may become necessary to call out a larger force, and higher command.

JOSEPH E. BROWN, Governor.

Col. Lawton immediately called out the troops and made preparations for the occupancy of the Fort. Early the next morning 3d, January he occupied it.

After I had issued the order on the second January, I sent the following messages by telegraph to the Governors of Alabama, Florida and Louisiana, to-wit:

January 2d, 1861.

In view of the threatening aspect of our Federal relations, and the coercive policy understood to be adopted by the Government, I have ordered Georgia troops to occupy Fort Pulaski, at the mouth of the River, till our convention assembles. Hope you will co-operate and occupy the Forts in Alabama. Answer.

JOSEPH E. BROWN.

TO GOVERNOR MOORE,

Montgomery, Ala.

January 2d, 1861.

In view of the threatening aspect of our Federal relations, and the coercive policy understood to be adopted

by the Government, I have ordered Georgia troops to occupy Fort Pulaski at the mouth of the River till our Convention assembles. Hope your Convention will co-operate and occupy Forts in Florida immediately, and that you will secede at once.

JOSEPH E. BROWN.

TO GOVERNOR PERRY,

Tallahassee, Florida.

SAVANNAH, January 2d, 1861.

In view of the threatening aspect of our Federal relations and the coercive policy understood to be adopted by the Government, I have ordered Georgia troops to occupy Fort Pulaski at the mouth of Savannah River till our Convention assembles, to prevent occupation by Federal troops. Hope you will co-operate and occupy the Forts in your State immediately. I send like request to the Governors of Florida and Alabama. (Operator will forward, if the Governor is not in New Orleans.)

JOSEPH E. BROWN.

GOVERNOR MOORE,

New Orleans.

SAVANNAH, January 4th, 1861.

It being understood that the coercive policy is adopted by the Federal Government, I, as a precautionary measure, have occupied with troops, the Fort at the mouth of Savannah River till our Convention meets and decides

the question. Have asked Governors of Alabama and Florida to do same in their State. They reply they will. Have asked same of Governor of Louisiana—can not hear from him. If you know where he is, will you send him substance of this dispatch? What say you to the movement?

JOSEPH E. BROWN.

TO GOVERNOR PETTUS,

Jackson, Mississippi.

The Florida Convention was in session, on the next day when I received from Gov. Perry, of Florida, a dispatch stating that he would take the Forts in that State as soon as he could organize the necessary force. Gov. Moore, of Alabama, also responded, that he would co-operate immediately. Within a week after this time I heard that Gov. Moore had occupied Fort Morgan near Mobile, and that Gov. Perry had occupied Fort Clinch and taken possession of the Chattahoochee Arsenal. He did not, however, occupy Forts Pickens, Taylor or Jefferson.

My telegram to Gov. Moore, of Louisiana, was sent to New Orleans, and I got no response. I waited a day or two and sent another dispatch for Gov. Moore, to Gov. Pettus of Mississippi, with request that he forward it to him, as I did not know at what point to direct to him.

Gov. Pettus replied approving my course, and promised after this, before I heard of the seizure of the Forts in Louisiana.

After I returned from Savannah to Milledgeville, I sent a dispatch to Gov. Ellis, of North Carolina, requesting him to seize the Forts in that State. He replied, giving reasons why he could not then do so.

After the State Convention met at Milledgeville, a resolution was introduced by Mr. Toombs, and passed *unanimously*, approving my course in the seizure of the Fort.

I have thought it my duty, to myself and others, to put this statement in some permanent form for preservation. I have therefore ordered it to be placed upon the Executive Minutes upon a blank left for it under date of Second January, 1861.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 30th, 1861.

SIR: In view of the changed condition of the political and commercial relations of the State of Georgia with other States, by her separation from the "United States of America," and becoming a Sovereign and Independent State; and deeming it of the first importance that the causes which have led to this change, and the effects which must necessarily follow it, should be immediately explained to the Governments of the principal European Powers, and reposing especial trust and confidence in your wisdom, prudence, fidelity and ability, I, JOSEPH E. BROWN, Governor and Commander-in-Chief of the

Army and Navy of this State, and of the Militia thereof, do hereby appoint and commission you, the said T. BUTLER KING, as commissioner to the Government of Queen VICTORIA, to the Emperor NAPOLEON III, and to the Government of the King of BELGIUM, with all the powers, and charged with all the duties, mentioned in the instructions accompanying this commission.*

Done at the Capitol, in Milledgeville, on the day and year first above written. In testimony whereof I have hereunto set my hand, and caused to be affixed the Great Seal of the State.

JOSEPH E. BROWN,

Governor of Georgia.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 30th, 1861.

SIR: In the performance of the delicate and important duties confided to you in your commission of this date, you will be governed by the following:

INSTRUCTIONS.

The movement of Georgia in withdrawing from the Federal Union, and re-assuming her position, rights, and

*(Enclosure)

powers, as a Sovereign and Independent State, has necessarily suspended her relations with foreign Governments, which have hitherto been maintained through the Federal Government.

You will therefore make it the earliest object of your mission, to explain to the Governments to which you are accredited, the causes which have led Georgia to sever her connection with the Government of the United States.

I deem it proper, also, to instruct you to ascertain from those Governments whether it will accord with their usual wise and true policy, to immediately acknowledge the Government of Georgia as that of an independent State, prior to the formation of a Southern Confederacy, for the purpose of securing suitable protection to commerce between her ports and those countries.

The changes which are rapidly taking place in our Federal Relations—the almost simultaneous movement of the Cotton growing States, to separate themselves from their connection with the Government of the United States, and their known intention to form a Southern Confederacy, make it expedient and necessary that explanations be immediately made to the Governments, Bankers, Merchants, and Manufacturers of Europe, respecting the change in our political and commercial condition. You will not fail to present a clear view of the effect which our Federal connection with the Northern States has had in attracting, or forcing our commercial exchanges with Europe, coast-wise through the port and City of New York, and that our political separation from those States, places them in the condition of foreign States, and cuts off at a single blow, all the commercial

advantages they have hitherto derived from their connection with the Southern States. South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, have already seceded; Arkansas, Texas and several other Southern States will soon follow.

The commercial relations of all these States with the Northern States, must, then immediately cease, or be placed on the same footing as those of other foreign States. All their products and manufacturers, if admitted at all, must pay the same duties as those of European countries.

The result of these movements must necessarily be to establish direct commercial and diplomatic intercourse between the Southern States and all the world. It is foreseen that a movement so sudden and extensive, may cause very great embarrassment and loss, if early steps be not taken to avert them.

Heretofore, nearly all the supplies of European merchandise for the Southern States, have been imported into the City of New York, and shipped South, coastwise. All the payments, in exchange for the purchase of cotton and other Southern produce, have taken the same course from the South to Europe. The secession of the Cotton States will immediately cut off this circuitous channel, and require the establishment of direct commercial intercourse between the new Confederacy and Europe. It is not desirable, if it were possible, that the cotton crop and other products of the cotton States, shipped to Europe, amounting to some two hundred millions of dollars in value annually, should be paid for in gold and silver.

So large a drain of the precious metals, would endanger, if not overthrow, the currency system of England and France, and cause such measures to be taken for their protection as would reduce the price of cotton here in proportion to the increased value of money there. It is therefore not wise, nor would it be beneficial were it practicable, to cause such an unusual drain of bullion from Europe, to pay for our products. But if Europe takes our produce at all, it must be paid for in money or merchandise. A healthy and prosperous state of trade only requires precisely so much of the former as will pay the balance in our favor, after deducting a liberal and comfortable supply of the latter. Hence, it becomes important that the most prompt and efficient arrangements be made in Europe, to send forward to the States composing the Southern Confederacy, ample supplies of merchandise suited to their wants for consumption.

You will also explain that the manufacturing States of the North, have hitherto supplied the Cotton States with home manufactured articles amounting to some sixty or seventy millions of dollars in value, annually; which been protected by our Tariff laws, but which must hereafter compete, if admitted, with European manufacturers.

Your mission has been authorized for the purpose of giving timely explanations on all these points, to the end that prompt measures may be taken to conduct trade into its new channel, and avert, as far as practicable, the losses which may accrue from events and the condition of things on this side of the Atlantic.

Done at the Capitol in Milledgeville, on the day and year above written. In testimony whereof I have here-

unto set my hand and caused to be affixed the Great Seal of the State.

JOSEPH E. BROWN,

Governor of Georgia.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 5th, 1861.

I have demanded of the Governor of New York the prompt delivery to my Agent, for D. C. Hodgkins & Son, citizens of this State, of their guns seized by the police of New York, on board the Monticello, and deposited in the arsenal of that State.

The demand has been delivered to him. He has had a reasonable time, and has made no reply. I am determined to protect the persons and property of the citizens of this State against all such lawless violence, at all hazards. In doing so, I will, if necessary, meet force by force. I feel it my duty in this case to order reprisal. You will therefore, direct Col. Lawton to order out sufficient Military force, and seize and hold, subject to my order, every ship now in the harbor at Savannah, belonging to citizens of the State of New York. When the property of which our citizens have been robbed is re-

turned to them, the ships will be delivered to the citizens of New York, who own them.

JOSEPH E. BROWN.

COL. H. R. JACKSON,

Aide-de-Camp,

Savannah, Georgia.

The above order was sent to Col. H. R. Jackson at Savannah by telegraph half-past 9 o'clock P. M., Tuesday 5th, 1861.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 9th, 1861, 9 o'clock p. m.

I have just received a Telegram from G. B. Lamar, my Agent in New York, stating that the Arms have been put at the command of the owners.

The object for which the seizure was made having been accomplished, and the rights of the citizens of this State having been vindicated, you will order the vessels seized, to be immediately released.

JOSEPH E. BROWN.

COL. HENRY R. JACKSON,

Savannah, Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 21st, 1861.

Sir:—On the fifth day of this month I directed you to call out sufficient military force and seize all ships then in the harbor of Savannah belonging to citizens of the State of New York. The reasons for the seizure were briefly stated in the order. Citizens of this State had been robbed of their property by the police of New York, acting under the authority of that State. I had demanded the restoration of the property to its owners. The Governor of that State had given an evasive reply, excepting to the form of the demand sent by telegraph, which clearly evinces his disposition not to comply: by ordering the restoration of the property. If the protection of this State, were not in such case afforded to its citizens, it not only invited further aggressions upon their rights, but forfeited all just claim to their allegiance.

I therefore had no alternative left, but to order *reprisals*. This is the mildest remedy provided, not only by the law of Nations, but by the law of Nature, for the redress of grievances between Sovereign States, in the last resort.

Your prompt execution of the order, by the seizure of five vessels owned by citizens of New York, met my highest approval. The seizure was made on the morning of the eighth of this month. On the evening of that day, I mailed to the Governor of New York, at Albany, a com-

munication, stating the fact of the seizure, with the reasons for it, and that I should hold the ships till justice should be done the injured citizens of this State, by the restoration of the property of which they had been robbed, by the police of the City of New York.

On the night of the ninth inst. I received a telegraphic dispatch from Mr. G. B. Lamar, of New York, whom I had appointed Agent to receive the guns seized by the police, if delivered up by the authorities, stating that the guns were then at the command of their owners, and asking me to release the ships. At the same time I received a dispatch from Mr. John Boston, the Collector of the Port of Savannah, stating that he had just been informed by Mr. Lamar, that the guns had been delivered up.

Regretting the necessity which compelled me to resort to a means of redress which, while natural and legal, might interrupt the commerce between the two States, and expose to temporary hardship, individual citizens of New York, whose property, under the law of Nations, is subject to seizure, for such outrages committed by the authorities of their own State, though they may disapprove and condemn them; I was determined not to occupy the position of an aggressor for a single hour. So soon therefore as I was informed that the authorities of New York, had made reparation for the robbery, I immediately ordered the release of the vessels. Since that time I directed Mr. Lamar to have the guns shipped to Savannah, that they might be delivered to their owners.

He now informs me, that he demanded their shipment, and was informed by the Superintendent of the police of New York, that *he had changed his mind*, and that he

would not now permit the guns to be shipped, but that he would order further seizures, of what he is pleased to call "Contraband Articles."

Twelve days have passed since I mailed to the Governor of New York the communication above referred to, and I have received no response from him. He has not only refused therefore, to order the restoration of the property of which his police had plundered our citizens within the limits of his own State, on demand sent by telegraph, but he has neglected and refused to answer a written communication upon the subject sent to him, through the regular medium of the mail.

While I held possession of the vessels seized, my agent was informed that the guns were at the command of their owners. Acting upon this assurance, I ordered the release of the vessels, and my agent is now informed that the officer in possession of the guns, *has changed his mind*, and that he will not permit them to be returned to their owners.

These facts show very clearly, that it is the settled policy of the authorities of New York to subject our commerce to a surveillance, which we can not with honor submit to, and to seize upon our property and plunder our citizens at their pleasure. Under these circumstances, I feel that I, as the Executive of Georgia, would prove recreant to the high trust reposed in me by my fellow citizens, were I to refuse to protect their rights against such unprovoked aggression, by all the means which the law of Nations, or the constitution and laws of this State have placed at my command.

It therefore becomes my duty, again to direct you to call out such military force as may be necessary for that purpose, and to renew the *reprisals*, by the seizure, as soon as practicable, of vessels in the harbor of Savannah, or other property in the city, or elsewhere, within your reach, belonging to the State, or to citizens of New York, at least equal in value to double the amount of the original seizures made by you. You will hold the property so seized, subject to my order, and it will be released when the guns in question, together with any other property of our citizens which has been, or may in the mean time, be unlawfully seized by the authorities of New York, are actually shipped from the harbor, and are beyond the reach or control of the police of the city of New York, or the authorities of that State.

Respectfully, Etc.,

JOSEPH E. BROWN.

COL. HENRY R. JACKSON,

Aide-de-Camp,

Savannah, Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 22nd, 1861.

I have this day issued and delivered to J. C. Palmer, Esqr., President of the Sharp's Rifle Manufacturing Co. of Hartford, Conn., fifty State Bonds of the State of

Georgia, each for five hundred dollars, making in all twenty five thousand dollars: bearing date 1st February, 1861, and being numbers 401 to 450, inclusive, payable twenty years from date, interest payable semi-annually on the 1st of February and August, at six per cent. per annum.

These Bonds were issued and delivered, as above, in part payment for sixteen hundred Sharp's Patent Rifles Carbines, bought by the State from said Co., and which have been delivered at Milledgeville. Said Bonds being Military Bonds, issued under Act of 16th November, 1860.

JOSEPH E. BROWN.

SATURDAY, MARCH 2nd, 1861.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA,

March 2nd, 1861.

Sir:—Unless the property of which citizens of Georgia have been robbed, by the police of the city of New York, who act under the authority of the Governor of that State, is in the mean time delivered to the owners: By virtue of the power vested in me as Governor and Commander-in-Chief of the Army and Navy of this State, I direct that you advertise immediately, and expose to sale, on Monday the 25th day of this month, between the usual hours of sale, at the place of sheriff's sales, in the

city of Savannah, the following New York vessels, with their tackle, furniture and apparel, now held under Military Seizure by my order as *reprisals*, to-wit: Ship Martha J. Ward and Schooner Julia A. Hallock. These vessels are to be sold for cash, for the purpose of indemnifying citizens of Georgia for the losses which they have sustained on account of the robberies perpetrated by the New York authorities, and of paying all expenses incurred in the premises.

JOSEPH E. BROWN.

FRIDAY, MARCH 22nd, 1861.

EXECUTIVE DEPARTMENT,

SAVANNAH, GEORGIA,

March 22nd, 1861.

COL. H. R. JACKSON,

Aide-de-Camp.

Sir:—Referring to my order directing the seizure for *reprisal* of vessels owned by citizens of New York, and to my subsequent order for the advertisement and sale, on the 25th of this month, of the Ship Martha J. Ward, and the Schooner Julia A. Hallock, unless in the meantime, the arms belonging to a citizen of Georgia and illegally detained by the police of New York should be delivered to their owners, I have now to direct you to release those vessels, the object of their seizure having been accomplished in the restoration of the arms to their

owners. It is to be hoped that the annoyance and losses to private interests occasioned by the lawless, unprecedented and wholly unjustifiable conduct of the New York authorities, and the ultimate vindication of the right by the steps I have been constrained to take, will prevent the recurrence of any like complication in the future.

You will direct Col. Lawton to discharge the above named vessels from future arrest.

Your Obedient Servant,

JOSEPH E. BROWN.

MONDAY, APRIL 22nd, 1861.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 22nd, 1861.

Whereas, the Hon. L. P. Walker, Secretary of War of the Confederate States of America on Friday last, the 19th inst., requested me, by telegraph, to dispatch certain Volunteer Military Companies to Norfolk, Virginia, to enter into the service of the Confederate States, *provided* such companies could start within twenty-four hours from date of the order, I immediately ordered the following named Companies to go upon said service, and they started accordingly on Saturday last, viz:

“City Light Guards,” Capt. P. H. Colquitt Commanding, from Columbus.

“Floyd Rifles,” Capt. T. Hardeman, Jr., Commanding, from Macon.

“Macon Volunteers,” Capt. Robt. A. Smith, Commanding, from Macon.

“Spalding Grays,” Capt. L. T. Doyal, Commanding, from Griffin.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

A PROCLAMATION.

BY JOSEPH E. BROWN,

Governor of Georgia.

Whereas, by the oppressive and wicked conduct of the Government and people of that part of the late United States of America known as the anti-slavery States, war actually exists between them and the people of the Southern States, and whereas the President of the United States has issued his proclamation declaring his determination to blockade the ports of the Southern States, and is now collecting federal troops upon southern soil for the purpose of subjugating and enslaving us;

And Whereas, property belonging to the citizens of the State of Georgia, whenever found within the anti-

slavery States, is seized and forcibly taken from its owners;

And Whereas, all contracts made with the enemy during the existence of hostilities are, by the law of nations, illegal and void, and all remedies for the enforcement of contracts in our courts between citizens of this State and citizens of the States now making war upon us, which were made prior to the commencement of hostilities are suspended till the termination of the war;

And Whereas, in the language of the law of nations "the purchase of bills on the enemy's country of the remission and deposit of funds there is a dangerous and illegal act, because it may be cherishing the resources and relieving the wants of the enemy, and the remission of funds in money or bills to subjects of the enemy is unlawful," and whereas, sound policy, as well as international law, absolutely forbids that any citizen of this State shall, under any pretext whatever, assist the enemy by remitting, paying or furnishing any money or other thing of value during the continuance of hostilities to the government or people of the States which have waged and are maintaining a most unnatural and wicked war against us;

And Whereas, justice requires that all sums due from citizens of this State to individuals in such hostile States who do not uphold and sustain the savage and cruel warfare inaugurated by their government should be promptly paid so soon as hostilities have ceased, and the independence of the Confederate States is recognized by the government of the United States.

Therefore, in view of these considerations, I, Joseph E. Brown, Governor and Commander-in-Chief of the Army and Navy of the State of Georgia, do issue this, my proclamation, commanding and enjoining upon each citizen or inhabitant of this State, that he abstain absolutely from all violations of the law above recited, that he do not, under any pretext whatever, remit, transfer, or pay to the government of the United States, or any one of the States composing said government, which is known as a free soil State, including among others the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Ohio, or to any citizen or inhabitant of any such State, any money, bills, draft, or other things of value, either in payment of any debt due or hereafter to become due, or for, or on account of, any other cause whatever, until the termination of hostilities. And I hereby invite each citizen or inhabitant of this State who is indebted to said government, or either of said States, or any citizen or inhabitant thereof, to pay the amount of such indebtedness, whenever due, into the Treasury of Georgia in any funds bankable in Augusta or Savannah, or to deposit the same subject to the order of the Treasurer of this State, in any one of the solvent banks of either of said cities, or in any legally authorized agency of either of said banks; and upon the making of any such deposit at the Treasury, or upon presentation of any such certificate of deposit, the Treasurer of this State is hereby directed and required to deliver to such person a certificate specifying the sum so deposited, which I hereby declare the faith and credit of this State will be pledged to repay to such depositor in funds bankable in Augusta and Savannah, with seven per cent. interest from the date of the

deposit, so soon as hostilities shall have ceased, and it shall again be lawful for debtors to pay the same to creditors in the hostile States above mentioned. This will not only afford to such of our citizens as owe money to northern creditors, which international law and public policy forbid them at present to pay, a safe investment and the highest security for its return to them at the end of the war, but it will enable them, in the meantime, to perform a patriotic duty and to assist the State, and through her the Confederate States, in raising the funds necessary to the successful defence of our homes, our firesides and our altars.

And I do further command and strictly enjoin upon all and every chartered bank in this State which may be in possession of any note, bill, draft, or other paper binding any citizen of this State, to pay money to any one of said hostile States, or any inhabitant or corporation thereof, or belonging to any such State or person, to abstain from protesting any such draft, bill, or note, or other paper; *provided*, the person liable on such draft, note, bill, or other paper, will exhibit to such bank, or any of its agencies, having such paper in possession, a certificate showing that he has deposited the amount due on such paper in the Treasury of this State, or in any one of the banks above mentioned, to the credit of the Treasurer, or will at the time such paper becomes due, make such deposit. And I further command and require all Notarys Public in this State to abstain absolutely from the performance of any official act for the protest of any paper of the character above mentioned under such circumstances as are hereinbefore specified.

Given under my hand and the Great Seal of this

State, at the Capitol in Milledgeville, this twenty-sixth day of April in the year of our Lord eighteen hundred and sixty-one, and of the independence of the Confederate States of America the first.

JOSEPH E. BROWN.

By the Governor,

E. P. WATKINS,

Secy. Ex. Dept.

SATURDAY, MAY 11th, 1861.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 11th, 1861.

I have this day appointed, and do hereby appoint and constitute, Genl. Ira R. Foster Special Agent of the State, to proceed to Savannah and examine into the condition, quantity, quality, number, etc., of the Arms and Munitions of War in the State Arsenal there, and to report to me concerning the same. To cause to be transferred to the Arsenal in this city, such of the State Arms and munitions of war now in said Arsenal at Savannah, or in said city of Savannah, as he may deem expedient as per instructions given him.

Given under my hand and Seal of the Executive Department the day and year above mentioned.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

SATURDAY, MAY 25th, 1861.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 25th, 1861.

PROCLAMATION BY JOSEPH E. BROWN,
GOVERNOR OF GEORGIA.

Whereas, it is provided in Section Seventh of Article Fifth of the Constitution of this State, as adopted by the late Convention of the people thereof, on the 23rd day of March last, that "there shall be an election held at all the places of public election in this State, on the first Tuesday in July, 1861, when all the citizens of this State entitled to vote for Governor, shall cast their ballots either for "Ratification" or "No Ratification." The election "shall be conducted in the same manner as general elections; and the returns shall be made to the Governor."

And, Whereas, by a resolution adopted by said Convention, the Governor is required to issue his Proclamation, calling on the proper officers to hold said election: I, therefore, issue this my Proclamation, calling upon and requiring a sufficient number of the proper officers and persons authorized by the laws of this State to superintend general elections therein, to convene at the various election precincts throughout the State, on the first Tuesday in, being the 2nd day of July next, then, and at such precincts to superintend and hold the said election, as provided for in said Seventh Section of the Fifth Article in the Constitution, as aforesaid.

Given under my hand and the Seal of the Executive Department, at the Capitol, in Milledgeville, the 25th day of May, Eighteen Hundred and Sixty one.

JOSEPH E. BROWN,

Governor of Georgia.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 4th, 1861.

Whereas, in order to raise a sufficient amount of money to provide for the public defence, by the sale, at par, of Georgia six per cent. bonds, which were author-

ized to be issued and sold by Act of 16th November, 1860; I have found it necessary to assure parties proposing to take the bonds that I will, in my message to the next General Assembly, earnestly recommend the substitution of Seven per cent. bonds for the Six per cent. bonds which may hereafter be issued and sold, as well as those which have heretofore been issued and sold, by virtue of said Act of 16th November, 1860. The giving of this assurance was found indispensable to effect a sale of the necessary amount of the bonds to meet the heavy and increasing military expenditures of the State, for the reason that since the passage of said Act the financial affairs of the country has undergone so great a change that our State six per cents could not be sold at par, especially as the Confederate government had, in the meantime, issued and thrown upon the market her bonds, bearing eight per cent. per annum. With this assurance, all the banks in Augusta and Savannah, the Bank of Athens and Bank of Columbus, promptly offered each to take, at par, of the State, an amount of said Six per cent. bonds equal to ten per cent. of its capital stock; those banks which had before taken certain amounts of the bonds without such assurance, now taking under this arrangement such amounts only as would, together with what each had taken before, amount to ten per cent. of the capital of each; and,

Whereas, the blank bonds which have been prepared under said Act having been devised and struck off before Georgia seceded from the old Union are now found to be inappropriate, both in terms and devices, to our present political condition and to save the expense and trouble of filling out and signing up said inappropriate bonds

and the interest coupons attached to the same, and of recording them in the Treasury office, and then of substituting for them Seven per cent. bonds when authorized to be done by the legislature, to carry out the arrangement aforesaid, it has been agreed between the Board of Directors of the several banks hereinafter named and myself, as Governor, that, instead of issuing and delivering said Six per cent. bonds as aforesaid to be replaced hereafter with Seven per cents., I enter upon the minutes of this Department a statement of the amount each bank has proposed to take of said Six per cent. bonds in pursuance of the agreement aforesaid; and that upon the receipt of a certified copy of such statement by each of said banks, each will pay into the Treasury of the State, or enter upon its books to the credit of the State, the amount it has so proposed to take in said Six per cent. bonds, under the assurance aforesaid.

Now, therefore, I, Joseph E. Brown, Governor of said State, in consideration that the following named banks will advance as a loan to the State the amounts severally as follows, to-wit:

The Bank of Augusta, \$60,000.

Mechanics Bank at Augusta, \$50,000.

Augusta Insurance & Banking Company, \$37,500.

Branch of the Bank of the State of Georgia, at Augusta, \$40,000.

The Bank of Commerce, \$50,000.

The Merchants and Planters Bank, \$50,000.

Georgia Railroad and Banking Company, \$50,000.

City Bank at Augusta, \$40,000.

Union Bank at Augusta, \$30,000.

The Bank of the State of Georgia, at Savannah, \$30,000.

The Marine Bank, \$100,000.

Which respective sums, together with amounts already advanced, are equal to ten per cent. of the capital stock of each, assure said banks that I will, in my message to the next legislature, earnestly recommend the passage of an Act authorizing the issuing of State bonds having twenty years to run, with interest coupons attached, bearing Seven per cent, per annum, payable semi-annually, to be delivered to said banks in payment of the amount so loaned to the State by each, as above set forth; which bonds shall be subject to be redeemed by the State, at her option, at any time after five years from their date, on payment of the principal and interest due. It is also distinctly agreed that interest shall be paid by the State, at the rate of Seven per cent. per annum upon the respective amounts loaned or advanced as aforesaid from the time each is advanced to the State till the time interest begins to run on the bonds which shall be issued in payment thereof.

It is further understood that, in consideration that some of the banks of the State, actuated more by motives of patriotism than of self interest, generously took, at par, large amounts of the bonds first issued under said Act, all such bonds in the hands of the banks which purchased them are to be taken up and replaced with Seven per cent. bonds, in like manner as above provided, in payment of said loans.

Given under my hand and the Seal of the Executive Department, this the 4th. day of June, A. D. 1861.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy Ex. Dept.

THURSDAY, JUNE 13th, 1861.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

June 13th, 1861.

General:—

I have been informed that part of the members of the Volunteer Company in the County of Newton, commanded by J. T. Lamar, have said that it is the purpose of said Company to leave the State and carry with them the guns which they received from the State Arsenal under my orders, to-wit: 80 Muskets of the model of 1842, in violation of General Order No. Eight, which has been sent to the company. For the suppression of insubordination of this character, and to prevent anarchy, you are hereby ordered to proceed immediately to Covington and demand of the Officers of Capt. Lamar's Company the immediately delivery of the eighty muskets above named to you, unless said officers will sign and deliver to you a written pledge of honor that said guns shall not be car-

ried beyond the limits of this State without the consent of the Commander-in-Chief; and that they will hold them at all times subject to the order of the Governor of this State. In the event said officers, after you have read this order to them, fail or refuse to deliver said guns to you, or to give said written pledge of honor, you are hereby authorized to arrest said officers who are in commission in said Company, and to bring them before me that such military proceedings may be had as are usual in such case of disobedience to orders; and as the exigency of the occasion may require. You are hereby fully authorized to call out such military force as may be necessary to the prompt and faithful execution of this order.

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

MAJ. GEN. JOSIAH A. CLARK,

Comdg. 11th Division G. M.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 18th, 1861.

It being represented to me that the Mountain Rangers, a Volunteer Company of Meriwether County, have refused to enter the service for the war, and that the company have virtually disbanded: I order and direct that they deliver to Capt. Wm. T. Harris of the Jackson Blues all the guns, 60 in number, received by them from

the State, as the last named Company have tendered for the war. So soon as the guns are delivered and the fact reported to me, the bonds of the officers of the Mountain Rangers will be cancelled.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 18th, 1861.

The Captain of the Confederate Volunteers of Monroe, Capt. Etheridge, is authorized to receive and hold till further orders from me, the guns left by the Quitman Guards now in service. The Clerk of the Superior Court or other person in possession of the guns or any of them, will deliver them to Capt. Etheridge or his order.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

July 18, 1861.

PROCLAMATION.

Whereas, it is believed that there are many old military guns of one kind and another scattered over the State, and not in the possession of organized volunteer companies, which, by being collected and altered from flint and steel to percussion, or otherwise repaired if

necessary, could be made serviceable in the present crisis. I, therefore, issue this my proclamation calling upon all good and loyal citizens of the State to make diligent enquiry and search for such guns, being the property of the State, and to collect them up wherever found and deliver them to the Clerk of the Superior Court of each county; and as a compensation therefor, I will cause to be paid to said Clerks the sum of two dollars for each gun (which can be repaired and made fit for use) so delivered to him and forwarded to the Military Storekeeper, at Milledgeville. This is not intended to apply to guns already collected and subject to the order of the Commander-in-Chief, nor to those in the hands of regularly organized and existing volunteer companies, but to such guns only as are scattered over the country and would not otherwise be returned to the State Arsenal and made available in the present emergency. The two dollars thus offered by the State for the return of each of such guns will be paid to the Clerks respectively on the receipt of the guns at Milledgeville; and the Clerk will pay over the money to the persons who gathered them up and delivered them to him. The Clerks thus receiving the guns will please to put them up in boxes or otherwise, and ship to Milledgeville, consigned to Capt. T. M. Bradford, Military Storekeeper, accompanied by a letter stating particularly the number and kind sent and where sent from, and that they have been collected and forwarded in pursuance of this proclamation.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy Ex. Dept.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

July 22nd, 1861.

Ordered:—

That William H. Hunt of Cobb County be, and he is hereby appointed Aide-de-Camp to the Commander-in-Chief, and that a commission issue to him accordingly.

By Order of the Governor and Commander-in-Chief.

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

July 26th, 1861.

A PROCLAMATION.

By Joseph E. Brown,

Governor of Georgia:—

All the arms which were in the Augusta Arsenal, at the date of the Ordinance for its transfer to the government of the Confederate States, having been turned over to the Secretary of War and ordered by him out of the State, to arm troops mostly from other States upon the borders of the Confederacy, and all the arms taken from

said Arsenal by me prior to said transfer, having been placed in the hands of troops from this State now in service; and over seventeen thousand troops, including three new regiments now under orders—for whom full supplies are now being actively prepared—having been fully armed, accoutered and equipped by the State, including full supplies of tents, knapsacks, blankets, cartridge boxes, cap pouches, camp kettles, canteens, etc., at a cost of nearly \$300,000, in equipments and accoutrements, over and above the cost of guns, and the expense of feeding and rendezvousing twenty regiments; and probably over five thousand independent or Confederate troops having gone from Georgia to the field, some of whom have taken with them the State's arms, of which I have no account, it becomes my duty to announce to the people of this State so soon as the new regiments above mentioned and two or three other regiments, for which it is hoped a sufficient quantity of scattered arms may be gathered up and put in order, are supplied, the public arms at my disposal will have been entirely exhausted.

In view of these considerations and of the fact that our lives, our property and our all are at stake in the great conflict in which we are engaged, I appeal to the citizens of this State to loan to the State, and through her to the Confederacy, the use of their private arms.

From the best data at my command, I conclude that there are, at least, 40,000 good country rifles, and 25,000 good double-barreled shot guns in the hands of our people. I hope, in a short time, to be able to announce that ample preparation has been made to alter the country rifle into a good military weapon, by changing the bore

to a uniform size and preparing the gun to carry the Minnie ball, thereby giving it as long range as the Harper's Ferry rifle.

I therefore appeal to the people in each county of this State having one Representative in the Legislature to form one volunteer company of eight rank and file, and to each having two Representatives to form two companies, and to arm said companies with country rifles of good substance and heavy barrel, and to notify me in each case, as soon as the guns are collected, that I may have them repaired at the expense of the State, for the use of the company from the county where the guns are collected. This would give the State an additional armed force of over thirteen thousand troops.

Judging from the prompt and noble response of the people of this State to every call which has been made upon them for aid to our cause, I can not doubt that each and every county will promptly respond to this appeal, and that many counties will do much more than I have asked. At the end of the struggle the guns will be returned to their owners or a reasonable price will be paid for those which are lost.

I trust that the Justices of the Inferior Court, and other active citizens of each county, will call public meetings and discuss this question. Many thousands of men, more than the State can arm, are tendering her their services, and their lives if need be. How many will now volunteer to loan the State the use of their guns? Constantly returning thanks to our Heavenly Father for the splendid victories with which He has crowned our arms,

and humbly and fervently invoking a continuance of His favor, our watchword should be death or victory over the invaders.

Given under my hand and the Seal of the Executive Department, this 26th day of July, eighteen hundred and sixty-one.

JOSEPH E. BROWN.

A PROCLAMATION.

State of Georgia.— .

Whereas, A Convention of the people of the State of Georgia legitimately convened, did assemble at the Capitol on the nineteenth day of January last, and after being in session several days, did adjourn and subsequently convene in the city of Savannah: And *Whereas*, the said Convention while in session at Savannah, did proceed to revise, alter and amend the Constitution of this State, with the distinct *proviso* however, that the proposed new Constitution should not take effect until the same should be ratified by the people;

And Whereas, on the first Tuesday in July last, an election was held in conformity with a law prescribed by the Convention, (having issued my Proclamation giving notice thereof and requiring the same to be held,) and the vote cast by the citizens of the State was *for Ratification* Eleven Thousand Four Hundred and Ninety-Nine, and *for No Ratification* Ten Thousand Seven Hundred and Four, being a majority of Seven Hundred and Ninety-Five votes for the Ratification of the Constitution as

adopted by the Convention, no election having been held, (as I am advised) in the counties of Camden, Chattahoochee, Miller, Telfair and Wayne, and no returns having been received from the counties of Coffee, Decatur and Polk.

Now, therefore, I, Joseph E. Brown, Governor and Commander-in-Chief of the State of Georgia, do issue this, my Proclamation, declaring that the Constitution adopted by the Convention as Savannah, on the twenty-third day of March, in the year of our Lord one thousand eight hundred and sixty-one, is adopted and ratified by the people of the State of Georgia, and is now the Constitution of said State.

Given under my hand and the great Seal of the State at the Capitol in Milledgeville, this twentieth day of August, in the year of our Lord one thousand eight hundred and sixty one.

JOSEPH E. BROWN.

By the Governor,

E. P. WATKINS,

Secretary of State.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 6th, 1861.

Ordered,

That the sum of Five Thousand Dollars be forwarded to Doctors Henry F. Campbell and Joseph P. Logan, for

the benefit of the Georgia Hospital for the sick and wounded in Virginia.

JOSEPH E. BROWN.

By the Governor,

H. J. G. WILLIAMS,

Secy Ex. Dept.

A PROCLAMATION.

BY JOSEPH E. BROWN,

Governor of Georgia.

The Constitution of the Confederate States contains the following language in reference to the right of a State to conduct warlike operations:

“Nor shall any state keep troops or ships of war in time of *peace*, enter into an agreement or compact with another State or with a foreign power, or *engage in war* unless *actually invaded, or in such imminent danger as will* admit of no delay.”

Soon after the adoption of this Constitution, I was informed by the Secretary of War that the President assumed control of all military operations in this State, which were to be conducted against any foreign powers. The President then appointed Gen. Lawton, and extended his command from Savannah to the Florida line, and assigned to Commodore Tatnall the command of the small naval force upon our coast.

Our own Convention while in session at this place, passed an ordinance turning over the forts and arsenals

of this State to the Confederacy. Fort Pulaski was not at that time sufficiently equipped, and I have since expended about eighty thousand dollars from the State treasury for heavy guns and other necessary equipments for the fort.

Gen. Lawton and Commodore Tatnall have been actively engaged in putting the coast in a defensive condition, and I have cooperated with them to the extent of my ability in every case when they have called upon me for assistance. I have not felt, however, that I possessed the constitutional power to call into active service troops other than those required by the Secretary of War, and to conduct military operations upon the coast. Until the State is "actually invaded," or in such imminent danger of invasion "as will not admit of delay," the Constitution assigns that duty to other persons, whose rightful authority I have not wished to usurp. On account of the protection which our climate naturally affords to our coast against hostile attacks during the summer months, I have up to this period been unable to say that the danger of invasion was so "*imminent*" as to "admit of no delay." The season is now far advanced, and if we may judge of the purposes of the Lincoln government from the tone of the Northern press, and from its action in the late affair at Hatteras, in North Carolina, we may reasonably conclude that the invasion of our coast is intended at no very distant day.

While I desire to act in perfect harmony with the Confederate authorities, I feel that the period will very soon have arrived when action on my part, as the Executive of the State, by the use of the military force of the State,

acting as State Troops, for the defence of the coast, will be justified both by the language and spirit of the Constitution.

It will then be my duty to act, and to act with promptness and vigor.

Preparatory to such action, I direct that the late order issued by the Adjutant-General of this State, for the more thorough organization and training of the militia, be promptly obeyed and the law strictly enforced against all defaulters, except telegraph operators, persons employed in the actual service of express companies and persons employed in the machine shops and other departments connected with railroads, who are hereby exempt from the operation of said order, on the production of a certificate from the chief officer in charge of the affairs of such telegraph line, express company or railroad company, (including the State road), that the services of such persons are necessary to its successful operations. All clerks employed in any of the civil or military departments of the State or Confederate government are likewise exempt from military service, so long as their services are necessary in their respective positions.

And I further require the Captains of all volunteer companies in this State, not now in actual service, to inform me, immediately, of the number of each company ready for actual service; or, if not ready, within what time they can be ready; and of the number of good country rifles or shot guns in possession of the company, which they will be expected to use, in case of emergency, till better arms can be placed in their hands, which I trust I

shall be able to do before much active service will be required.

Those who first report themselves armed with good rifles or double-barrel shot guns, will be first received into service.

All volunteer companies hereafter formed for coast defence will also report their condition, as soon as formed, with the number and quality of guns collected by each.

It is expected that volunteer companies entering the service as State Troops, for the defence of the coast, will be mustered into service so soon as needed, after they can be armed and formed into regiments, to serve for six or twelve months, as the exigencies may require. The regiments will also be formed into one or more brigades, under the provisions of the Act of the last Legislature.

Given under my hand and seal, at Savannah, this 9th day of September, 1861.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

September 16th, 1861.

I hereby accept the tender of the Oconee Grays, with not less than fifty, nor more than eighty men, rank and file, armed with guns which they have collected in the county; and order them to report to Brigadier General

Geo P. Harrison, at Savannah, who will receive and muster them into the service of the State, and place them in Camp of Instruction at some point near the Central Railroad; (probably in Effingham County,) so soon as he can make the necessary arrangements of tents provisions, & etc., to make them comfortable.

JOSEPH E. BROWN,

Governor of Georgia.

A PROCLAMATION.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

September 20th, 1861.

Whereas, every encouragement should be given to those engaged in the manufacture of arms and military stores within the State, and to the end that all persons so engaged may not be interrupted in their business, I issue this my Proclamation, declaring that, in addition to other classes of persons exempted by virtue of my proclamation of the 9th inst., all persons engaged as operatives in the manufacture, by machinery, of woolen or cotton goods and other articles used for military purposes, and all persons employed at furnaces in making of iron, or in rolling mills, are hereby exempted from the performance of militia duty, until further ordered. And all such persons are requested not to attach themselves to volunteer companies, as their labor in their respective

callings is more valuable to our common cause than their military services.

JOSEPH E. BROWN, Governor.

By the Governor,

H. H. WATERS,

Secy Ex. Dept.

HEADQUARTERS,

ATLANTA, GEORGIA,

September 27th, 1861.

Ordered, That the German Artillery, a Volunteer Corps in Macon, Ga., Capt. Frederick H. Burghard, prepare and hold themselves in readiness to march on the twenty fourth day of October next, to the Sea Coast, or to such other place in Georgia as the exigencies of the service may require; and I hereby authorize Capt. Burghard to contract for the manufacture or purchase of twenty sets of harness for his battery, to be paid for in Confederate State Bonds when delivered, on behalf of the State.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

October 3rd, 1861.

MR. JOHN C. FERRILL,

Cashier Bank of Commerce,

Savannah, Georgia.

Sir:—Drafts drawn on the Bank of Commerce of Savannah to quarter and subsist State Troops till regular means be perfected to place funds for such purposes in Savannah, will be responded to by the State.

JOSEPH E. BROWN,

Governor of Georgia.

HEADQUARTERS,

ATLANTA, GEORGIA,

October 5th, 1861.

Ordered,

That Capt. T. M. Bradford, Military Store Keeper at Milledgeville, ship to Savannah, Ga., directed to Capt. Levi S. Hart, Military Store Keeper there, all the arms embraced in the within schedule. Also, a quantity of cartridges sufficient for and suitable to all the arms, sending say 1,600 blank Maynard cartridges cases, and say 10,000 Sharps primes.—Also some 50,000 percussion Caps for muskets. All these arms and ammunition will be

shipped subject to the supervision of Capt. G. L. Guerard, who has been appointed by his Excellency for that purpose.

By order of the Commander-in-Chief.

H. H. WATERS,

Aide-de-Camp.

20,000 Sharps Cartridges.

15,000 Buck & Ball & 15,000 Ball Cartridges, for Muskets.

5,000 or 10,000 Cartridges for Minnie Muskets, if on hand.

The following Order was this day sent by Telegraph, to-wit:—

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

October 7th, 1861.

Report to General Harrison, and, as my Aide-de-Camp, assist in the drill of the new regiments, subject to the orders of General Harrison, while in camp.

JOSEPH E. BROWN.

COL. HENRY CLEVELAND,

Savannah, Georgia.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

October 7th, 1861.

Whereas, the following Preamble and Resolutions were unanimously passed and adopted by the Southern shareholders of the Brunswick and Florida Railroad Company at a meeting held at the office of the Company in the city of Brunswick, on Wednesday the 25th of September, 1861, which Preamble and Resolutions are in the following words, to-wit:

“A meeting of the shareholders of the B. & F. R. R. Co. was held at the office of the company in the city of Brunswick, on Wednesday the 25th of September, 1861, in accordance with a previous notice.

On motion of Dr. R. McDonald, Col. Charles L. Schlatter was called to the chair, and James F. King acted as Secretary.

The chairman then stated the object of the meeting.

The following Preamble and Resolutions were offered by Dr. McDonald, and, after some discussion, unanimously adopted:

Whereas, all communication having been cut off between the Southern stockholders of the Brunswick and Florida Railroad Company, and the President and Board of Directors, by the war now waged by the North

against the South, whereby this Company is completely disorganized, and all the money, bonds and assets of the Company are now in the North, without the hope of the shareholders being able to reclaim them: *And Whereas*, the Southern stockholders are not now, nor are they likely soon to be in a condition to raise funds to keep up and and work the road, therefore,

Resolved, that the shareholders of the Brunswick and Florida Railroad Company, citizens of the State of Georgia and the Confederate States of America, having met together, by a call of the Chief Engineer of said Company to take into consideration the present condition, and future welfare of the corporation, in order to protect the interests of all concerned, do hereby direct that a ballot be taken for a Provisional Board of Directors, who shall act according to the terms of the charter of the Company during the time of office, and that application be made to the Legislature to legalize the Acts of the shareholders and of the Board.

Resolved, That the President and Board of Directors are authorized to place the Railroad in charge of Gov. Brown, on behalf of the State of Georgia, to run, repair, and manage the same, until such time as the shareholders are in a condition to resume its management.

In accordance with the foregoing Resolutions, the following gentlemen were elected a Provisional Board of Directors, to act until the next regular annual meeting of the Board, or until such time as the Legislature may

direct; Charles L. Schlatter, Jas. T. Blain, Jas. F. King, R. McDonald, Nelson Tift, U. Dart, Senr., Charles Day.

On motion the meeting adjourned *sine die*.

JAS. F. KING, Secretary. CHARLES L. SCHLATTER, Prest.

And Whereas, at a meeting of the Board of Directors of the said railroad company, held at the office of the Company on Thursday the 26th day of September, 1861, the following Preamble and Resolutions were unanimously adopted, to-wit:

“At a meeting of the Board of Directors of the Brunswick and Florida Railroad Company, held at the office of the Company on Thursday the 26th day of September, 1861, Charles L. Schlatter Esqr. was unanimously elected President and Treasurer, and Mr. Wm. Barkeeloo Secretary.

The following Preamble and Resolutions were presented by Dr. R. McDonald and unanimously adopted:

Whereas, the stockholders of the Brunswick and Florida Railroad Company, residents of the State of Georgia, at a meeting held on the 25th day of September, 1861, having authorized the President and Board of Directors of said Company to place the Railroad in the hands of Gov. Jos. E. Brown, therefore be it,

Resolved, That said President and Board of Directors, do hereby request Gov. Jos. E. Brown to take charge of said railroad, and repair, run, manage and place upon it,

such motive power, rolling stock and machinery, as the business of the road may, from time to time, require.

Resolved, That the Governor be requested to hold and manage the said railroad, until such time as the said railroad company are in a condition to resume the management of said railroad.

Resolved, That the Board of Directors accept the proposition of Gov. Brown, as reported to them by their President, viz, That all money paid by Gov. Brown for repairs, management, rolling stock and machinery necessary to keep the Road in good running order, be charged to said company, and that all monies received from freight, passengers, soldiers, and munitions of war be credited to said Company.

Resolved, That the President of the said railroad company is authorized to complete all the arrangements necessary, with Gov. Brown, to carry out the foregoing resolutions.

The following Preamble and Resolutions were offered by Mr. U. Dart, Sen., and unanimously adopted:

Whereas, the Congress of the Confederate States has passed an Act sequestrating all the property of alien enemies lying within the Confederate States, *And Whereas*, the people of the State of Georgia in convention held in January last, did, by solemn Ordinance guarantee to all persons the enjoyment of all stock or money vested in permanent works of internal improvement, within the limits of said State, or words to that effect, and as the charter of the Brunswick and Florida Railroad Com-

pany declares that all the shares of stock of the said Brunswick and Florida Railroad Company shall be taken, considered and held in law as real estate of which the State has the right as this Board believes to claim the right of eminent domain, and can only be confiscated or sequestered by an Act of her own Legislature, be it therefore

Resolved, That the President of this road be requested to respectfully call the attention of the Governor of the State to these facts, and elicit from him, if possible, an opinion on the subject contained in the above preamble.

A true extract from the minutes.

WM. BARKEELOO,

SECY. B. & F. R. R. Co.”

Brunswick, Georgia, Sept. 26th, 1861.

Therefore in pursuance of the foregoing Resolutions, and considering that it is a military necessity that the said railroad should be taken possession of and controlled by State authority as a means of public defense, I have, as Governor of Georgia and Commander-in-Chief of the army and navy of this State, and of the Militia thereof, taken charge of said railroad, to hold and manage the same, and to repair, run and place upon it in addition to what the company already has, such motive power, rolling stock and machinery, as the business of the road may from time to time require, and the exigencies of the

public service may, in my opinion, demand, until such time as I may think proper to again leave the management of said road to said company, and to hold and conduct the same in such way as I deem compatible with the public service.

I do hereby appoint Charles L. Schlatter, Esq., Superintendent of said railroad, with a salary of Fifteen Hundred Dollars per annum, who is hereby authorized to take such control and supervision thereof as is usual for Superintendents of Railroads to exercise.

The Superintendent is hereby ordered to proceed at once to put the road bed track and rolling stock of the Road in a condition to insure the safe and speedy transportation over the road of whatever troops, army stores and munitions of war the military service may require, and such freight and passengers as the public may demand, always giving the preference as to time when demanded, to the transportation of troops and munitions of war, the appointment to continue in force during my discretion.

The object had in view by me in accepting the management and control of the road, being to make it available to the State for military purposes, only such repairs upon it, as are or shall be absolutely necessary to insure safe and speedy transportation over it of troops and munitions of war, will be made under my management, without regard to permanent improvements; and to this end, I direct that the Superintendent shall limit his expenditures in repairing the road bed and track

to five thousand dollars until further orders, believing that this sum, economically expended, will put the road in the required condition.

I also appoint R. Haglehurst, Esq., Treasurer and Auditor of said Road, with a salary of one thousand dollars per annum, whose duty it shall be to audit all accounts and demands against it, accruing after he shall have entered upon the discharge of the duties of his appointment as such treasurer and auditor, and to pay all such accounts and demands which he may approve, after the same have been ordered by the Superintendent to be paid.

The treasurer and auditor shall keep a book, in which he shall credit the company with all monies received for freight and passage, and shall charge the company with all monies paid out for repairing and working the road, including the superintendent's and treasurer and auditor's salaries. And these officers shall make out and transmit to the Governor, quarterly, complete and detailed reports of the condition and management of the said road. The treasurer and auditor shall, before entering upon the duties of his appointment, execute his bond, payable to the Governor of the State, for the time being, and his successors in office, with good security in the sum of ten thousand dollars for the faithful discharge of his duties as such treasurer and auditor.

Given under my hand and the Seal of the Executive Department, this the seventh day of October, 1861.

JOSEPH E. BROWN,
Governor of Georgia.

By the Governor,

H. H. WATERS,
Secy Ex. Dept.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 18th, 1861.

Ordered,

That Joseph T. Lumpkin, of the county of Clarke, be, and he is, hereby appointed Aide-de-Camp to the Commander-in-Chief, of the Second Brigade and Third Division G. M.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,
Secy. Ex. Dept.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 19th, 1861.

I am asked to state whether in my opinion, persons who have joined Volunteer Companies and voted in the

elections for company officers prior to the issuance of orders to the Company to rendezvous for service, under a tender of the Company previously made by the Captain; but who never signed the tender, and when the orders to march came did not respond, and have never run the State to any expense, or received rations, or voted in the elections for field officers of the Regiment after the rendezvous of the companies, are subject to arrest, and to be compelled to enter the service. I reply that such persons are not, in my opinion, obliged to march, and can not be treated as deserters for a refusal to do so; till the Company has received and responded to marching orders, they are only held together by obligations of honor, and not of law, and can not be punished for a violation of pledges, which they may have made to each other, or for bad faith to each other.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 19th, 1861.

Ordered,

That Col. James A. Green, Principal Keeper Ga. Penitentiary, do issue to Mr. James K. Walker, for Col. Cowart and Watkins Regiment, ninety common tents in addition to the one hundred and twenty already shipped; and sixteen wall tents for officers.

These tents all to be accounted for to the Quartermaster-General, by the Quartermaster of the Regiment.

JOSEPH E. BROWN.

A PROCLAMATION.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 19th, 1861.

Whereas, In obedience to my Proclamation issued the 9th of September last to the people of Georgia, calling for volunteers for the coast defense, a number much larger than the exigencies of the service require have patriotically and promptly tendered their services. I therefore issue this my Proclamation, giving notice that no more tenders of service will be accepted; and that only those will be ordered into service who have heretofore tendered and been accepted, in accordance with said Proclamation.

In all cases where companies have been accepted upon an agreement to march by a given day, such companies will be required to comply strictly with the agreement as to time, or they will not be mustered into service; and in all cases where companies have been accepted without a definite day having been fixed by which the company should be ready to march, it will be required that such company march by or before the first day of November next, (first giving notice to this Department of its readiness to march,) or it will not be received into service.

No volunteer will be mustered into service who does not carry with him to the place of rendezvous a good country rifle or double-barreled shot gun, or a good mili-

tary gun *in condition for immediate use*; and no company will be mustered in unless it has between fifty and eighty men, rank and file, armed as above required. All companies or individual volunteers going to the rendezvous without a strict compliance with the above terms, in future, will be rejected and sent home at their own expense.

Given under my hand and Seal of the Executive Department, at the Capitol, in Milledgeville, this the 19th day of October, 1861.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 21st, 1861.

Ordered,

That the following appointments be, and the same are hereby made, *viz*:

Dr. William Ashley, of Lowndes County, as Surgeon, and Dr. T. M. Howard, of Campbell county, as Assistant Surgeon to the First Regiment; Dr. T. J. Young, of Catoosa County, as Surgeon, and Dr. James W. Curry, of Cass county, as Assistant Surgeon to the Second

Regiment; and Dr. J. C. C. Blackburn, of Pike County, as Surgeon, and Dr. W. J. Nichols, of——— County, as Assistant Surgeon to the Third Regiment in Gen. George P. Harrison's Brigade; and that each report for duty to the Col. commanding his Regiment, at Camp Harrison.

Given under my hand and Seal of the Executive Department the day and year above written.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 22d, 1861.

COL. IRA R. FOSTER,

Quartermaster-General.

You will furnish to Capt. Thomas A. Burke, Quartermaster of the First Regiment Georgia State Troops, such supplies pertaining to the Quartermaster's Department as he may require for any Companies of State Troops at Camp Harrison which are not supplied, and which do not belong to an organized Regiment, having an acting Quartermaster at the post with the Regiment. The certificate of Capt. Burke, that the supplies fall

within the above rule will be sufficient protection to you. A copy of this order is forwarded to Capt Burke.

JOSEPH E. BROWN, Governor.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

October 22d, 1861.

WM. W. CLAYTON, ESQ.,

Agt. Ga. R. R. & Bnk. Co.,

Atlanta, Georgia.

SIR: Any reasonable extension which may be given by your bank for the payment of the twenty thousand dollars, (or any part of it which is unpaid,) the Bank advanced to the Confederate States on my guarantee as Governor of Georgia for subsistence of troops at Camps McDonald and Stephens, will meet my approval; and the States guarantee shall still exist.

Very respectfully, etc.,

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

November 4th, 1861.

To the Officers Commanding the Militia of Baldwin County.

You are hereby instructed to excuse from the performance of militia duty, till further order, all students engaged in a course of study in Oglethorpe University, upon the certificate of Rev. Dr. Talmadge, the President of the University, that they are students under his care, and the instruction of the faculty of the University.

JOSEPH E. BROWN,

Governor and Commander-in Chief.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

November 4th, 1861.

The following receipts are recorded upon the Executive Minutes by order of the Governor, and the originals filed in the Executive Office.

ATLANTA, October 8th, 1861.

I have this day received of Joseph E. Brown, Governor of Georgia, twenty-two thousand, one hundred and

thirty two dollars and seventy cents (\$22,132.70) which said Brown received from the Government of the Confederate States, as profits on sale of saltpetre and sulphur, purchased by said Brown with money belonging to the State, and sold to the Confederacy for the above sum over and above the cost of the material to the State; said Brown having made said profit in said transaction by the use of the State's money, pays said sum over to me as Quartermaster General of Georgia, to be expended by me for the supply of necessaries to the troops of the State, and for such military purposes as the nature of the service may require; I am to account for the above sum in my report as if I had received it direct from the Treasury of the State by virtue of my office, as I received it in my official capacity from the Governor.

(SIGNED) IRA R. FOSTER,

Q. M. GEN. GEORGIA ARMY.

Received, October 18th, 1861, of Joseph E. Brown, five bonds of the Confederate States of America, of one thousand dollars each—making \$5,000, which said Brown says he holds as Governor of Georgia, on account of sale of the Steamer Savannah, which he has delivered to me as Quartermaster-General of this State, for which I am to account in my official report, which are the first and only bonds received by me to this date.

(SIGNED) IRA R. FOSTER,

Q. M. GEN. GEORGIA ARMY.

October 31st, 1861. Received of Joseph E. Brown, Governor of Georgia, one bond of one thousand dollars on above account, to be accounted for by me as Quartermaster-General, as in the case of the \$5,000 in the above receipt. I having only received \$6,000 in bonds to this date.

(SIGNED) IRA R. FOSTER,

Q. M. Gen. Georgia Army.

Received of Joseph E. Brown, Governor of Georgia, a check on the Georgia Railroad Bank at Augusta, signed by John Jones, Treasurer, payable to Edgar G. Dawson, Capt. Terrell Artillery, for five thousand dollars, which was received by said Dawson as part of the million appropriation of 1861, to be used in the purchase of a battery of cannon, but as his company was received into the Confederate service, and that government assumed the expense of supplying the battery, the check was returned to the Governor, indorsed to his order, and is now turned over to me as Quartermaster-General to be used in equipping and supplying State Troops, for which said sum of five thousand dollars I am to account in my report as Quartermaster-General.

This January 3d, 1862.

(SIGNED) IRA R. FOSTER,

Q. M. Gen. Georgia Army.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA.

November 5th, 1861.

Col. David C. Barrow is hereby authorized to organize, as soon as possible, five Military Companies to be added to Maj. Taylor's Battalion, to convert the Battalion into a Regiment. The companies must not consist of less than Fifty, nor more than eighty men each, rank and file, and each man must be armed with a good Country rifle or double-barrel shot gun, in condition for immediate use, as no man can be received unless he is so armed, nor can any Company be received unless there are a legal number for a company so armed. Each man must also bring his bullet mould with his rifle, (where he has any) and his shot pouch and powder horn.

Jos. E. BROWN.

Wednesday, November 6th, 1861,

Three o'clock, P. M.

The following message was received from his Excellency the Governor, by Mr. Campbell, his Secretary, to-wit:—

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 6th, 1861.

Fellow citizens of the Senate and House of Representatives:—

Prior to the Revolution of 1776, our State and the other Atlantic States of this Continent were colonies of the British Government, created by it and subject to its control.—The people then had only such civil rights as were recognized by the Parliament of Great Britain, while the Colonies neither possessed nor claimed inherent sovereignty.

The inhabitants, mostly of British origin, were attached to the Crown, and were in the enjoyment of prosperity and happiness till the government conceived the plan of enriching and aggrandizing itself by imposing onerous and oppressive burdens upon the Colonies. The people remonstrated against these aggressions in the most respectful manner, giving assurances of their loyalty and petitioning for a redress of grievances. Their petitions were disregarded and their natural rights trampled upon by an unwise and ambitious ministry.

Finally, when it was ascertained that their own government had ceased to be their protector, and had become their oppressor, and that the only alternative left was submission or resistance to tyranny, they threw off the yoke and boldly defied the powers of the British Crown. The representative of the people met in Convention, and appealing to the God of the Universe for the rectitude of their intentions and humbly and fervently invoking His assistance in the mighty conflict in which they were about to engage, declared that the Colonies were, and of right ought to be free, sovereign and independent States. An attempt was then made by force of arms to coerce the Colonies back into a union with the British Government. In this conflict the disparity of physical strength was fearful. The government of Great Britain was a power of the first magnitude, possessing large fleets and armies, thoroughly equipped and armed with the best military weapons of the age. The Colonies were without fleets or armies, numbering but three millions of people, badly trained, almost destitute of military equipments, relying alone, under the blessing of Heaven, upon their stout hearts and strong arms and the inherent justice of their cause. The war was long and bloody. The world knows the result.

STATE RIGHTS.

Soon after the achievement of our independence, the great and good men who conducted the revolution, met in convention and entered upon the work of forming a Constitution, and establishing the government upon a permanent basis. In that Convention it was discovered that great diversity of opinion existed as to the proper form of the permanent government. Some very able

and influential persons favored the plan of a limited monarchy, similar to that of Great Britain, or some other strong government which would consolidate the sovereignty of the States in the empire, and place the supreme power in the hands of the few. Many, who did not aspire to the throne in case of the establishment of monarchy, no doubt, looked for positions at court or for dukedoms and other grades of noble hereditary distinction that would elevate them and their posterity to permanent ruling positions above the great mass of their fellow citizens. This class of persons opposed the great doctrine of *State Rights* and sought to divest the States of their sovereignty, and virtually to convert them into more provinces of a consolidated central power. The doctrines of this class of statesmen were, however, successfully combatted in the Convention by the great champions of the doctrine of *State Sovereignty*, who succeeded in procuring the sanction of the convention to a Constitution, which, while it delegated to the general government such attributes of sovereignty as were necessary to conduct the foreign affairs of a confederation of States, and to regulate such internal affairs between the States necessary to the good of the whole as were beyond the control of a single State confederated with sister States, reserved to each State its inherent sovereignty, with power to exercise all its attributes except such as were expressly granted to the general government, or such as were necessary to carry into effect the delegated powers.

After the adoption of the Constitution, a conflict again arose between the two classes of statesmen above mentioned. The one class, headed by the great statesmen of

Virginia, contended that the federal government should, in practice, be confined to the exercises of the powers delegated to it by the Constitution, leaving to the States the exercise of all their reserved powers. The other class, headed chiefly by Northern statesmen, attempted, by a latitudinarian construction of the Constitution, to accomplish indirectly what they had failed to secure directly, and to consolidate the government by the assumption, in practice, of powers not delegated by the States. The conflict has lasted through a long series of years, and the fortunes of the two classes of statesmen, at different times and under different names, have been as various as the ebbs and flows of popular sentiment, under different influences and controlled by different interests, have been unstable. The statesman of the original Federal schools have, however, with the assistance of the tariff laws, navigation acts, fishery laws, and other legislation intended to build up and foster Northern interests at the expense of Southern industry, succeeded in directing the Northern mind into the consolidation channel. By the instrumentality of these laws, the government of the United States has poured the wealth of the productive South into the lap of the bleak and sterile North, and the people of the ice clad hills of New England have grown rich and haughty upon the tribute which they have levied on the production of the sunny South. The result has very naturally been that they have learned to look up to the government which taxed our industry for their advantage and enriched them at our expense as the great dispenser of all benefits; and they have sought to strengthen its hands and enlarge its powers by weakening the hands and diminishing the powers of the States. They were willing to consolidate the government, if the govern-

ment would, in turn, enrich them. They have used the slavery question to excite the masses and to place in power such men as would administer the government for their benefit.

The people of the Southern States, who have been the sufferers under the operation of the federal government, which has drawn from them the incomes of their labor to enrich their Northern neighbors, have very naturally opposed the consolidation of all power at Washington, and have maintained the doctrine of *State Rights* as their only security against the encroachments of haughty and unrestrained imperial power. They endured wrongs and submitted to injustice till their wrongs were no longer sufferable. They again and again warned the people of the Northern States of the consequences of further aggression. Their warnings were unheeded and their remonstrances were met with renewed acts of injustice. Seeing that there was no further safety for them in the Confederacy, each one of eleven States, in its separate capacity as an independent sovereign power, asserted its original rights by resuming all the attributes of its original sovereignty. The government of the United States is now, in fact, a consolidated military despotism and its Executive, who claims and exercises the right to suspend the writ of Habeas Corpus and to imprison in chains or take the lives of citizens of the State of that government at his pleasure, denies the sovereignty of the States, condemns the doctrine of *State Rights*, claims that the States are as subject to the control of the Federal government, (which is in fact their mere agent) as were the Colonies to the British Crown; and imitating the unwise and unjust policy of the British government in

1776, now attempts to coerce the eleven seceded States back into the Union, and by force of arms to subject them to the government and control of that despotism. To accomplish this wicked purpose and to secure our subjugation and degradation, he has made war upon us, blockaded our ports and invaded our territory with large armies. In violation of every rule of modern warfare, he has permitted his soldiers to disregard the rights of private property and to inflict the most grievous wrongs upon unoffending women and children. By the assistance of the God of battles, we have met his hosts in the fields and, against vast superiority of numbers and of preparation, we have repeatedly dispersed and driven them back with wild consternation and great slaughter. Still he persists in his wicked purpose of forcing upon us the choice between submission to tyranny and the vigorous prosecution of a protracted war. Our lives, our liberties, our wives, our children, our property, our all, are at stake in this contest. A gracious Providence has given us the resources in men, money and means to live within ourselves and to maintain the war against the invader for a whole generation. But one alternative is left us, and but one response can be given to the inquiry as to our future policy. That response is on the tongue of every freeman, it is felt from breast to breast, and heard from lip to lip, reverberating from the hill-tops to the mountains and from the mountains to the valleys: *Victory over the invader, or death to the last man sooner than acknowledge that we are vanquished.* The hearts of the whole people of the seceded States are as the heart of one man, and that great heart beats responsive to the patriotic sentiment that the enemy may

exterminate us if he has the power, but conquer us, he never shall.

UNCONSTITUTIONAL LEGISLATION DANGEROUS TO STATE
RIGHTS.

The Constitution formed by the Convention and since adopted by each of the eleven Confederate States, is the old Constitution of the United States, amended and improved in such particulars as the experience of three quarters of a century had shown to be necessary. Under this Constitution, the new government of the Confederate States is now in successful operation and is maintaining itself with great ability both in the Cabinet and in the field. The action of our Congress has been generally characterized by prudence, wisdom and foresight. While I take much pleasure in making this statement and in yielding to the new government my hearty and cordial support, the candor, which I would exercise towards a friend, compels me to say that in my judgment two important acts passed by our Congress are hard to reconcile with the plain letter and spirit of the Constitution.

The 16th item of the 18th Section of the 1st Article of the Constitution of the Confederate States is in these words: "Congress shall have power" "To provide for organizing, arming and discipling the militia, and for governing such part of them as may be employed in the service of the Confederate States, *reserving to the States respectively the appointment of the officers* and the authority of training the militia according to the discipline prescribed by Congress." The first section of the act of Congress of the Confederate States, approved 8th May

1861, authorizes the President to accept the services of volunteers who may offer their services without regard to the place of enlistment. The second Section of the Act is in these words:

“That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions or regiments. The President *shall appoint all field and staff officers*, but the company officers shall be elected by the men composing the company; and if accepted, the officers so elected *shall be commissioned by the President.*”

The first section of the act approved 11th May 1861, is in these words:

“That the President be authorized to receive into service such companies, battalions or regiments, either mounted or on foot, as may tender themselves and he may require, *without the delay of a formal call upon the respective States*, to serve for such terms as he may prescribe.”

And part of the third section of said act is in these words:

“The President shall be authorized to *commission all officers entitled to commissions* of such volunteer forces as may be received under the provisions of this act.”

The language of our Constitution is the same that is used in the Constitution of the United States, and it is believed that the term *Militia* as there used, when applied to troops, was always understood to be in contradistinction

tion to the term *Regular*. The Constitution gives to Congress the power to "raise and support armies." Under this authority, our *regular army* is enlisted and its officers are appointed by the government under whose authority it is raised. In this case there is no restraint upon the power of Congress, and it may therefore confer upon the President the power to appoint all the officers. In the case of the *Militia*, which term includes volunteers and other military forces not embraced in the *regular army*, the same unrestrained power is not granted. While the States have delegated to Congress the power of organizing, arming and disciplining the militia, and of governing such part of them as may be employed in the service of the Confederacy, they have *expressly reserved* to themselves the *appointment of the officers*, and have therefore expressly denied to Congress the right to confer that power on the President or any other person. Notwithstanding the express reservation by the States of this power, the acts above referred to authorize the President to accept the volunteer militia of the States independently of State authority and to commission every officer of a regiment, from a third Lieutenant to a Colonel. This act, by vesting in the President the power of *appointing the officers* of the militia, which power the States have carefully and expressly reserved to themselves, enables him to control, independent of State authority, the whole consolidated military force of the Confederacy, including the Militia as well as the Regulars. If this practice is acquiesced in, the Confederate government, which has the control of the purse, with the power to tax the people of the States to any extent at its pleasure, also acquires the supreme control of the military force of the States, and with both the sword and the purse

in its own hands may become the uncontrollable master instead of the useful servant of the States.

I am not aware of any case in which the government of the United States prior to its disruption ever claimed or exercised the power to accept volunteer troops, commission their officers and order them into service, without consulting the Executive authority of the State from which they were received. The idea does not seem ever to have occurred to President Lincoln, so long as he held himself bound by any constitutional restraints, that he had any power to accept troops from the border States to assist in coercing us into obedience, without the prior consent of the Executives of those States. Hence, he made his call upon them for troops and met a repulse that turned the tide of popular sentiment in our favor in most of those States and redounded greatly to the salvation of the South. During the war of 1812, when Massachusetts refused to send her troops out of the State, the plea of *necessity* might have been set up by Mr. Madison as a justification, to some extent, for such an encroachment, but neither he, who had participated so largely in the formation of the Constitution, nor the Congress in that day seem to have felt justified, even by necessity, in adopting any such measure. In the present instance, the plea of necessity could not be set up, as it will not be pretended that the Executive of any State in the Confederacy had refused to respond promptly to each and every call made upon him for troops. Even now, I believe it may be truly said that the number required in each and every case of each and every Executive has been promptly furnished.

These acts have also been very inconvenient in practice. The Secretary of War has frequently made requisition on me, as the Governor of this State, for troops; these I have promptly furnished. Thirty regiments and three battalions of State Troops have gone into the service of the Confederacy. Of this number, twenty-one regiments and three battalions have been armed, accoutred and equipped by the State. We now have accepted and nearly all in the field of *State Troops*, not in Confederate service, seven regiments and three battalions, which, with the help of the country arms in use, are being fully armed, equipped and accoutred by the State. We have also in service from Georgia ten regiments, which have been accepted by the President independent of State authority, making thirty-seven regiments and six battalions of State troops, and ten regiments of independent or Confederate troops. Counting two battalions as a regiment, Georgia has therefore in service fifty regiments, forty of State troops and ten independent. Including a few country arms, she has armed, accoutred and equipped thirty of these regiments. On several occasions, after I have put companies under orders for the purpose of filling requisitions made upon me, I have learned that these companies had previously left the State without my knowledge, which caused delay, growing out of the necessity of ordering in other companies to fill their places. So long as there are two recognized military heads in the State, each having the power to order out the militia without informing the other of the companies ordered by him, conflict and confusion must be the inevitable result. Again, as these independent regiments receive their commissions from the President and leave the State without official notice to the Executive, there is no

record in Georgia which gives the names of the officers or privates or shows that that they are in service from the State. The only knowledge which the Executive has of their being in service is such as he derives from the newspapers or other channels of information common to any private citizen of the State.

But I fear that these acts may, in the end, entail upon us or our posterity a greater misfortune than the mere practical confusion and inconvenience growing out of them. As I have before remarked, they give to the President the control of the Militia of the States and the appointment of the officers to command them, without the consent of the States. This is an imperial power, which in the hands of an able, fearless, popular leader, if backed by a subservient Congress in the exercise of its taxing power, would enable him to trample under foot all restraints and make his will the supreme law of the land. It may be said in reply to this, that the Acts only give the President the power to accept the services of such of the militia of the States as volunteer to serve him. This is true. But we can not shut our eyes to the fact that in times of high political excitement, when the people are divided into parties, a fearless favorite leader having this power and in possession of all the public arms, munitions of war, forts, arsenals, dockyards, and etc., belonging to the government, might be able to rally around him such force as would give him a fearful advantage over those who might attempt to prevent the accomplishment of his designs. Such is my confidence in the present able Executive of the Confederate States, and so thoroughly am I convinced of his lofty patriotism and his purity of purpose, that I entertain but little fear that he would

abuse even absolute power or subvert the liberties of his country for his own personal aggrandizement. This is no reason, however, why I should consent to see absolute power placed in his hands. While I might not fear him as a dictator, I would never consent that he be made dictator. His term of office is limited by the Constitution and must expire with his new term at the end of six years. His immediate successor, or some future Napoleon occupying the same position, may be less pure and patriotic, and with the precedent established and approved by the people, placing this vast military power in his hands, he may make the Presidency a stepping stone for the gratification of his unholy ambition, and by the use of the military at his command may assume the imperial robes and seat himself upon a throne.

To guard effectually against usurpation, sustain republican liberty and prevent the consolidation of the power and sovereignty of the States in the hands of the few, our people should watch, with a jealous eye, every act of their representatives tending to such a result, and condemn in the most unqualified manner every encroachment made by the general government upon either the *rights or the sovereignty of the States*.

DEFENSE OF THE STATE.

The act of the last Legislature authorized the Governor to call out ten thousand volunteers, if necessary, for the defence of the State.

Early in the spring, I divided the State into four sections or brigades, intending, if necessary, to raise one

brigade of volunteers in each section and appointed one Major-General and two Brigadier-Generals, with a view to the prompt organization of one division in case of emergency. The position of Major-General was tendered to Gen. Henry R. Jackson, who had lately gained a very important victory over a greatly superior force of the enemy in Northwestern Virginia, who declined it in favor of Col. Wm. H. T. Walker, late of the United States army, and a most gallant son of Georgia. I then, in accordance with the recommendation of Gen. Jackson, and the dictates of my own judgment, tendered the appointment to Col. Walker, by whom it was accepted. The office of Brigadier-General was tendered to and accepted by Col. Paul J. Semmes, for the second brigade, and to Col. William Phillips for the fourth brigade. With a view to more speedy and active service under the Confederate government, General Walker and General Semmes, resigned before they had organized their respective commands. About this time, our relations with the government of the United States assumed so threatening an aspect that I ordered General Phillips to organize his brigade as rapidly as possible, and to throw the officers into a camp of instruction for training, that they might be the better prepared to render effective those under their command. This camp of instruction was continued for about two weeks, and the officers sent home to hold their respective commands in readiness. This was the condition of our volunteer organization early in June, when the United States troops crossed the Potomac and invaded the soil of Virginia. Not knowing how soon a similar invasion of our own soil might be made by a landing of troops upon our coast, I ordered General Phillips to call his whole brigade into camp of instruction and to

hold them in readiness for immediate action, should emergencies require it. This order was promptly obeyed by the energetic and efficient officer to whom it was given. General Phillips, assisted by Adjutant-General Wayne and Major Capers, the Superintendent of the Georgia Military Institute, pressed forward the instruction and preparation of the troops with great activity and energy. The troops remained in camp from the 11th of June till the 2d of August. They were a noble, patriotic chivalrous band of Georgians, and I hazard nothing in saying, military men being the judges, that no brigadier in the Confederate service was composed of better material or was better trained at that time for active service in the field. The season having so far advanced that it was not possible that our coast would be invaded before cold weather, I tendered the brigade to President Davis for Confederate service in Virginia. The President refused to accept the tender of the brigade, but asked for the troops by regiments. Believing that a due respect for the rights of the State should have prompted the President to accept these troops under their State organization, and, if any *legal* obstacle in the way of accepting a brigade existed, that it should have been removed by the appointment of the General who had trained the men and who was their *unanimous* choice to continue to command them in active service, I, at first, refused to disband a State organization, made in conformity to the statute, and tender the troops by regiments; more especially as the President only demanded the two regiments, which would have left the three battalions to be disbanded or maintained as battalions through the balance of the season by the State. Finally, the President agreed to accept the battalions and regiments, and in view of the

pressing necessity for troops in Virginia, I yielded the point, accepted General Phillip's resignation, and permitted the troops to be mustered into the Confederate service by regiments and battalions.

About the time these troops left, the Secretary of War also ordered out of the State the regiment of regulars under Col. Williams, and the 2d regiment of volunteers, commanded by Col. Semmes, both excellent regiments, well drilled and armed. This left the coast almost entirely defenceless. By that time I had permitted nearly all the arms of the State to go into the Confederate service, and it has been a very difficult matter to get arms enough to supply the troops since ordered to the coast.

At the time Fort Pulaski was, by an ordinance of our State Convention, turned over to the Confederate government, the number and size of the guns in the fort were very inadequate to its successful defence against a fleet with heavy guns, and as the Secretary of War made no provision for the proper supply of guns or ammunition, I deemed it my duty to purchase with funds from the State treasury the necessary supply, which was done at a cost of \$101,521.43. In this estimate is included the freights paid on the supply, and a number of heavy guns sent to other parts of the coast, together with work done on gun carriages, etc. During the months of August and September, our climate was considered a sufficient protection of our coast against invasion. But an attack was reasonably looked for so soon as the advanced stage of the season would render the health of an army on the coast secure. I had petitioned the Secretary of War to send a larger force to our coast, prior to the order by

which I called out Gen. Phillips' brigade, and had offered to supply, promptly, any number of troops needed in obedience to a requisition from the War Department, and had mentioned five thousand as the number which I considered necessary. He replied, declining to order so many, and I felt it to be my duty to hold State troops in readiness to meet any contingency until the period when the climate would be a sufficient protection.

Early in September, I visited the coast and inspected the fortifications and batteries which had been thrown up by Confederate authority. I was fully satisfied that the number of troops upon the coast in the Confederate service was entirely inadequate to its defence, and as no requisition was made upon me for any increase of the force, I felt it to be my duty to call our State troops and increase the force as soon as possible. It is true the State was not invaded, but the danger was considered so imminent as to admit of no further delay, and I was of opinion that my action was justified by both the letter and spirit of the Constitution of the Confederate States.

In the early part of September last, I appointed Gen. George P. Harrison, of Chatham county, a Brigadier-General, under the Act of the last session of the Legislature, and ordered him to organize a brigade of volunteers, armed, as far as we had the means, with military weapons and the balance with good country rifles and shot guns, and to throw them into camp of instruction near the coast, where they could readily be used when needed. Gen. Harrison has pressed forward the organization with his characteristic promptness and energy and now has a fine brigade under his command. I have also,

within the last few days, appointed Maj. F. W. Capers a Brigadier-General and ordered him to take command of the second Brigade, now about organized.

When I permitted nearly all the State's guns to go out of the State in the summer, I entertained the hope that such number of the troops with the guns as might be needed would be permitted to return to our coast in case of necessity during the winter. Considering the danger imminent, I lately requested the Secretary of War to order back to our coast five regiments of armed Georgia troops. This request was, at the time, declined by the Secretary, who agreed, however, to supply the Confederate General in command at Savannah with one thousand of the Enfield rifles, lately imported.

As very little expenditure has been made by the Confederate government to place Georgia in a defensive condition, and as the number of Confederate troops upon the coast is not sufficient to meet the necessities of the service, and as the enemy's fleet is now off our coast, I am of opinion that the State will be compelled, in a very great degree, to take her own defences into her own hands, and I therefore recommend such additional legislation as the General Assembly may think necessary for that purpose, together with such appropriations of money as may be required for a bold and vigorous defence of our beloved State against the aggressions of a wicked and powerful foe. Should we have to continue our troops in the field, which I think quite probable, during the winter, an appropriation of less than \$3,500,000 will be insufficient to meet the exigencies of the service for the ensuing year.

It is true the sum asked for is large, but the emergency in which we are placed and the results which must follow our action are such that we can not for a moment stop to count the cost. The only question proper for discussion now is, how many men and how much money are necessary to protect the State and repel the invasion. Other States have voted larger sums than I have asked. I see by the message of Governor Harris, that the gallant State of Tennessee has appropriated and expended \$5,000,000 as a military fund within the last six months.

How the amount of money above demanded is to be raised, is a question for the serious consideration of the General Assembly. The war tax imposed by the Confederate government, together with the expenses assumed by different counties for supplies needed by their companies in the service, will greatly increase the burdens of taxation.—If we add this additional sum to that to be collected within the present year, the burden will be too onerous. On the other hand, we should not forget that the debt which we now incur, with the interest, has to be paid by us and our posterity. While we can not avoid some increase of the public debt of the State, I think it wise that we increase it as little as possible and that we meet a large part of our necessary expenditures by taxation.

I therefore recommend the enactment of a law authorizing the collection, during the present fiscal year, of one million of dollars by taxation, for State purposes, and the sale of State bonds bearing such rate of interest as will command par in the market, to an amount necessary to raise the balance. If the interest is fixed at a

high rate, the State should reserve the right to redeem the bonds at no very distant period. In the management of private affairs, I have generally noticed that he who is largely indebted and keeps his property and pays heavy interest rather than sell property enough to pay the debt and stop the interest, is seldom prosperous; so it is with a State. The revolution has happened in our day; its burdens belong to the present generation and we have no right, by a very large increase of our public debt, to transmit the greater portion of them to generations yet unborn.

MILITARY FUND OF 1861.

By reference to the Report of the Treasurer, you will find a statement of the accounts upon which the \$1,000,000 appropriated as a military fund for the past year has been expended. The report of John Jones, as Quartermaster-General to the 18th of May, and of Ira R. Foster, as Quartermaster-General since that date, will afford a detailed statement of the expenditure of the several sums charged in the Treasurer's Report to account of that department of the public service. The three reports, together with the reports of the Quartermaster and Paymaster of the regular army while in the service of the State, afford, it is believed, all the information necessary to a complete understanding of the entire disbursement of the whole sum.

SALE OF STATE BONDS.

The Act of the last General Assembly of the State which appropriated one million of dollars as a military

fund for the year 1861, made provision for raising the money by the sale of six per cent. State bonds. At the time of the passage of the Act, our six per cent. bonds were above par in the market and were eagerly sought after by capitalists. Soon after the dissolution of the United States government, bonds and stocks of all kinds were greatly depreciated in the market and it became impossible to raise money at par on any securities bearing only six per cent, interest. The government of the Confederate States fixed the rate of interest on its bonds at eight per cent. and persons having money to invest preferred these bonds to the six per cent. bonds of any State. I was consequently unable to raise money on the bonds bearing the rate of interest fixed by the Statute, without putting them upon the market at a considerable discount. After some negotiation, most of the banks of this State agreed, each in proportion to the amount of its capital stock, to advance to the Treasury at seven per cent. such sum as might be necessary to conduct our military operations. This advance was made upon a statement placed upon the Executive Minutes and a copy forwarded to each, by which I agreed to recommend the Legislature when assembled to authorize the issue of seven per cent. bonds to each for the sum advanced, payable at the end of twenty years, the interest to be paid semi-annually and the State to reserve to herself the right at her option to redeem the bonds, by paying to the holders the principal and interest due at the end of five years. Upon this agreement, a copy of which is herewith transmitted, together with a statement of the sum advanced by each bank, the wants of the Treasury were relieved and such sums have been advanced from time to time as the necessities of the State required. It is proper that I mention in

this connection, that the Central Railroad and Banking Company, through its able and patriotic President, the Hon. R. R. Cuyler, tendered to the State one hundred thousand dollars and took six per cent. bonds in payment before any other bank had acted, and at a time when money could not be commanded in the market at that rate. This conduct was alike liberal and patriotic and was followed by agreement on the part of several other banks, each to take ten per cent. upon its capital stock, to which the six per cent. bonds were issued accordingly. I do not think it right that these last named banks should be permitted to sustain loss on account of their liberality; and I therefore recommend that the six per cent. bonds issued to each bank in this State on account of these sums advanced, be taken up and that seven per cent. bonds be substituted in their place, and also that seven per cent. bonds be issued to all the other banks for the sums advanced by them in accordance with the agreement upon which they made their respective advances. This would place all the banks upon an equality and do justice to each of them.—The part of the loan which has been taken amounts to \$867,500. Of this sum, \$25,000 of the six per cent. bonds were issued to Sharp's Manufacturing Company, of Connecticut, in part pay for carbines purchased from the Company, leaving the sum of \$842,500 taken by the banks of the State, upon which only \$305,000 of bonds have issued, the balance having been advanced without the issue of bonds upon the contract above mentioned. While nearly the whole amount of the military appropriation had been expended prior to the end of the present fiscal year, the receipts from the State Road and from other sources have been such as to meet the ordinary expenses of the government, as well the

extraordinary appropriations of the last Legislature; also to pay part of the drafts upon the military fund, and to leave in the Treasury at the end of the fiscal year a net balance of \$324,099.86. As this sum in the Treasury was not appropriated for military purposes, but is mostly appropriated for other purposes and undrawn, I had no right under the Constitution to draw upon it, and as the military fund was lately exhausted and the perilous condition of the State required large expenditures and prompt action for the defence of the coast, it became necessary for me to negotiate a further loan with the banks of Savannah to meet the emergency till an appropriation could be made. This I thought better than to convene the Legislature in extra session a very short time previous to the regular session. Under this arrangement, I have received from the banks of Savannah, through B. G. Lamar, Esq., whose services have been of great value to the State, both in New York prior to the secession of Georgia from the old Union and in Savannah since that time, such sums as the service required for the repayment of which it will be necessary to provide out of the military fund to be appropriated at the present session. The amount advanced is not yet large, but it will become necessary to increase it daily till an appropriation is made to meet the heavy expenditures now being incurred to sustain our troops in the field. I earnestly solicit for this subject the early attention of the General Assembly.

TREASURY NOTES.

It is possible the State might find it difficult to raise by the sale of bonds the portion of the money above

recommended to be raised in that way for the ensuing year. Should it be found that such is the case, I recommend that the Treasurer of this State be authorized to issue, under the order of the Governor, treasury notes, similar to those issued by the Treasury Department of the Confederate States; and that said notes be made receivable in the payment of taxes or any other debt due the State or the State Road.

And for the purpose of giving these notes credit as currency, let provision be made by law that any person presenting at the Treasury five hundred or one thousand dollars of them shall be entitled to have and receive for said notes a bond of the State of Georgia for the same amount, bearing eight per cent. interest, payable semi-annually, the principal to be paid at the end of ten years; with the like privilege for each additional amount of five hundred or one thousand dollars presented.

This would place the notes upon a basis of security that the most cautious could not suspect and would doubtless enable the State to raise such sums as her necessities may require. With this security it is believed that our banks could not fail to receive the notes on deposit and that they would be received in payment of debts and answer all the purposes of currency. As the faith of the State would be pledged for their redemption, no higher security would be asked by her citizens.

RELIEF TO THE PEOPLE.

On account of the blockade of our ports, our planters are unable to sell their cotton, which is the great staple

production of the State, and brings into the State the money which stimulates and sustains every other branch of industry. The taxes of the people, including the Confederate war tax, must necessarily be far more burdensome this year than they have been any previous year in the present generation. Unless something can be realized by the sale of or by an advance upon cotton, it will be next to impossible for our people to raise the money with which to meet this heavy burden. Such is the patriotism of our people and such their zeal in the glorious cause of our independence, that all seem perfectly willing to submit to any amount of taxation necessary to sustain the government, if they can raise the money by the sale of the products of their labor; but they are not willing to have large amounts of valuable property sacrificed under the Sheriff's hammer, to raise small sums of money to meet their taxes. In this State of things, it is the duty of the government to do all that can be done to afford relief.

As the best mode of relief which occurs to my mind, I recommend the appointment of an officer of ability and experience, with a competent salary, which will enable him to devote his whole time to the work, who shall be authorized, on receiving satisfactory evidence that any planter has deposited his cotton in any warehouse in any interior town of this State and has insured the same against loss by fire for twelve months with any solvent insurance company in the State, to advance to such planter two-thirds of the market value of his crop, to be paid in Treasury notes of this State, secured as above proposed, which are to be received in payment of all public dues, and funded with eight per cent. bonds when

presented for that purpose, redeemable at the option of the State after a short period.

The law should give the State the control of the cotton till sold and make ample provision for the repayment to the Treasury of the principal advanced, with eight per cent. interest, the rate paid by the State, when the blockade is removed and the cotton sold. This would enable our planters to realize upon their crops a sufficient sum to meet their current expenses and to pay all taxes required of them for the necessary expense of the war and the support of the government. I think our people have a right to expect some such relief as I have proposed at our hands; and I most respectfully but earnestly invoke for this subject the attentive consideration of the General Assembly.

STAY LAW.

In connection with the foregoing subject, I may remark that my views on the subject of bank suspensions and stay laws, having been frequently promulgated, are well known to the people of this State.

In ordinary times and under ordinary circumstances, I believe all such laws are wrong in principle, corrupting in practice and in violation of that good faith which should characterize all commercial transactions between man and his fellow man. Hence I have, on all previous occasions, withheld my assent from all such enactments, believing that they generally have their origin in unjust speculations, and that they are used by the designing to wrest from the hardy sons of toil the just incomes of their daily labor.

But these are no ordinary times. We are in the midst of revolution and your predecessors have authorized the suspension of the banks and have stayed the collection of debts till 1st December next. Our ports are blockaded so that our planters cannot send their cotton and other produce to market and it is impossible for our banks to import specie at any price with which to redeem their bills. In this state of things, to require them to resume is to require an impossibility. It occurs to me, therefore, that the most that can be done is to guard, by proper legislation, as far as possible, against over issues and abuse of their privileges by our banks during the suspension, so as to cause them to do justice to the people and prevent their insolvency when they shall, at a future day, be called upon to resume specie payment.

It is also absolutely necessary to extend the stay law between other debtors and creditors. Should creditors be permitted, in the midst of the present crisis, by legal process, to bring the property of debtors to sale by the Sheriff, who is required by law to sell for cash, the results would be deplorable. Money is so scarce that property forced to sale for cash would not probably bring more than one third to half as much as it would have brought twelve or eighteen months since, when the debt was contracted. This would enable a few heartless speculators, who happen to have funds at their command, to buy up the property of poor debtors, at almost nominal prices; and it would cause an immense amount of suffering among helpless women and children, whose husbands and fathers, never anticipating the present state of things, contracted debts when money was plen-

tiful and the country prosperous, which, had that state of things remained, they could easily have paid; but which their whole property, if forced to sale by the Sheriff, would now be insufficient to satisfy. Many of these debtors, leaving a very small amount of property for the support of their families at home, are now in the military service of their country, risking themselves and sacrificing all the pleasures of home in defence of our lives, liberties and families. I can imagine no greater cruelty than to permit the creditor, in the absence of the soldier, to take from his family the small pittance left for their support. It is true, few creditors might be so cruel as to attempt this, but the law should make ample provision for the protection of the weak and helpless against those who might be prompted by avarice to disregard the dictates of humanity. I therefore, in view of our necessities, waive for the present all my objections to this character of legislation and recommend the enactment of such laws as will continue the suspension and protect the poor and unfortunate from the grasp of the avaricious and the powerful till the establishment of our independence shall have relieved us from the embarrassments which have grown out of the revolution.

UNPATRIOTIC SPECULATION.

It is a matter of the most profound regret in the present eventful crisis, when the whole energies of our people are being exerted to the utmost capacity in the cause of our independence, and when thousands of our fellow citizens, who have but little except their services to give, have nobly responded to their country's call and rallied to her standard in the field, leaving helpless fami-

lies behind with but little means of support except their daily labor, that combinations have been formed by hard-hearted and unpatriotic speculators to buy up and engross almost the entire supplies of the necessaries of life, without which neither the families of soldiers nor others can subsist. So soon as these unprincipled public plunderers have obtained the control of any necessary commodity, they have not only robbed the government by demanding and compelling it to pay the most enormous profits, but they have wronged our soldiers in the service, by compelling them to pay two or three prices for articles which were absolutely indispensable to their health and comfort, and have raised the prices of many necessary articles of provision at home, till the families of absent soldiers and others who labor for a livelihood are obliged to live upon the most stinted allowance, if not to endure actual suffering, on account of their inability by their labor to purchase the necessaries of life. If I have not misconceived the true objects of government, the soldiers in the field from this State, the helpless families of many of them at home, and all others who have suffered by the wicked avarice of these Shylocks, have a right to demand at the hands of the General Assembly the enactment of such laws as will afford all the relief possible against such cruel imposition in future.

Large amounts of provisions and other military supplies must be furnished to our army during the ensuing year. If the State submits to these impositions, the prices which she pays will become the ruling prices in the market; and others, however needy or unable, must pay as much as the State pays or they cannot procure the articles of prime necessity.

I therefore recommend the enactment of a law authorizing the Governor of this State, or any military officer under his command, by his direction, (or such other officer as the Legislature may designate,) to seize and appropriate any provisions or other supplies of any character necessary for the subsistence or comfort of our troops or for their efficiency in the service, wherever to be found, in the hands of manufacturers, speculators or traders and to pay or tender to such manufacturers, speculators or traders, reasonable and just compensation therefor, to be fixed by competent valuing agents. The price fixed as the market value of the articles needed by the State, which are also the principal articles needed by the community, would very soon become the general market prices in the State, as the authorities could, on information, seize supplies for the State in the hands of such persons as refused to sell at reasonable prices, and thus bring down those above to medium rates.

This legislation would not only be compatible with the dictates of humanity and the plainest principles of natural justice, but it would violate no constitutional right of the speculator. The Constitution expressly authorizes the government to "take private property" for "public uses" by paying "just compensation;" and does not require the government in such cases to pay exorbitant and unreasonable prices.

I commend this subject to your serious consideration, not doubting that you will do all in your power to protect both the State and her citizens against the wicked and cruel designs of those whom avarice leads to turn a deaf ear alike to the dictates of patriotism and humani-

ty and who are ready to sacrifice all that is dear to a people to satisfy their own inordinate desire for gain.

OUR TROOPS IN THE FIELD.

It is impossible to bestow too much praise upon our gallant troops now in service. Those of them who have had an opportunity to meet the enemy have not only sustained the high character of Georgia but have covered themselves with unfading glory; and many of them, sealing their offering upon their country's altar with their life's blood, have transmitted their names to posterity upon history's brightest page. I have not the slightest fear that we have a single regiment or company in the field from this State that will ever falter in the face of the enemy or fail to perform the highest deeds of heroism when occasion is offered for such display. It is a matter of profound regret that a body of such troops as we have sent to the field should ever lack for anything necessary to their comfort while in service. I have rendered all the aid possible with the limited means at my command in clothing and making them comfortable; but it has not been in my power to do half as much as I wished to do. He who will consider that our military appropriation for the year just closed was but \$1,000,000, and that in addition to the purchase of ordnance, ammunition and other military stores and the large sums expended in the organization of the Georgia regular army, the State has more than 40,000 troops in the field, over half of whom she has fully armed, accoutred and equipped, besides furnishing valuable supplies to regiments not armed by her and paying the expenses of some twenty-five hundred of these troops for nearly two months in camp of in-

struction, will readily see why it has not been in my power to do more.

HOSPITAL FOR THE SICK.

I cannot close this reference to the condition and wants of our troops without calling your attention to the necessities of our sick and wounded soldiers in Virginia. We are informed that their suffering has been very great for want of proper nursing and hospital accommodations. A most patriotic association of Georgians has been formed for the purpose of alleviating the sufferings and supplying the wants of the sick and wounded. This association has established hospitals in Virginia and collected large sums of money from our citizens by donations to sustain these institutions; but the sums which will be required for the ensuing year will be greater than the association can reasonably expect to raise by voluntary contribution. I contributed out of the military fund \$5,000, to assist in the establishment of the hospital at Richmond; and I recommend such liberal appropriation for the purpose of sustaining these institutions in future as will secure to the troops wherever they may be, when confined by affliction, all the attention and comfort which can possibly be afforded to persons in their condition.

MANUFACTURING OF ARMS.

So great are our necessities for arms and such the difficulty attending their importation, that I again call the attention of the General Assembly to this important subject, and suggest the propriety of either establishing

a State Foundry for their manufacture or of guaranteeing to such company as will engage to manufacture them such an amount of patronage as will secure success. I am informed that Col. Isaac I. Moses, a citizen of Columbus, of sufficient capital and great energy of character, acting in conjunction with Mr. John D. Gray, of Catoosa county, whose reputation for energy and enterprise is well known to our people, is perfecting preparations to manufacture at Columbus excellent rifles in large numbers, within the next two or three months. It is said they have already made considerable progress in their enterprise, and that Mr. Gray can furnish stocks quite rapidly and that with his aid Col. Moses will soon be able to turn out the guns complete. Should it be found, on a thorough investigation of this subject by the military committee that the enterprise of Col. Moses and Mr. Gray will be successful, I recommend that a contract be entered into with these gentlemen, or with any others who may be prepared to furnish the arms, for such supply as the future necessities of the State may require. In accordance with the recommendations of a convention of gunsmiths held in Atlanta, I have appropriated a part of the forges in the machine shop of the State Road to the purpose of forging gun barrels, and a number of hands are now engaged in that business. I have also ordered to be procured boring and rifling machines and turning lathes, and will be prepared in a few weeks to make rifle barrels complete. These barrels are to be given out to the gunsmiths, who, under contracts for that purpose, are to finish the guns after the pattern of the Harper's Ferry rifle.

POWDER MATERIAL.

Soon after the State seceded from the Union, in view of our perilous condition and the great scarcity of saltpetre and sulphur in the State, and indeed in the South, I felt it my duty to use every exertion in my power to procure the material without which it would be impossible to make the supply of powder absolutely necessary to our safety and the success of our common cause. After much exertion and great risk, I succeeded in procuring a supply sufficient to make several hundred tons of powder, which was landed in the State a very short time prior to the commencement of the blockade of our ports. A short time after its importation, I offered the powder material and the steamer *Huntless* to the Secretary of War for the common cause, at their original cost to the State, without even charging interest on the money during the time intervening between the purchase by the State and the proposed sale. This proposition was declined by the Secretary. At a later period in the season, I renewed the proposition, with the alternative that if the Secretary refused to take the steamer, which had been purchased by order of the State Convention, and which was no longer needed by the State, the Confederacy having assumed control of our naval affairs, he could have the powder material, without the steamer, at its market value. This latter proposition was accepted and the market value of the powder material fixed by the Secretary himself at fifty per cent. upon original cost. It was at the time worth in the market over three hundred per cent. upon the original cost, but as it was no part of my purpose to speculate for the State on that which was essential to the success of our common cause, I

permitted the Secretary of War to take it at his own price. The State Treasurer had advanced the money to purchase the material at my request, without warrant, and after the sale, as no warrant had passed, I refunded to the Treasury the amount of money advanced by the Treasurer. By this transaction, I not only obtained and turned over to the Confederacy, at a price several hundred fold less than it could have been elsewhere obtained, a supply of material of very great value, but also made a clear profit of \$22,133.70 for the State. As the drafts upon the military fund were much heavier than was anticipated when the appropriation was made, I have found it necessary to use this net profit, which I had made for the State, in the purchase of provisions and other necessary supplies for our troops. I, therefore, paid it over to the Quartermaster-General of the State and took his receipt for the amount, which he has expended for the use of our troops and for which he will account in his report. I have ordered this receipt to be recorded on the Executive Minutes and the original to be filed, subject to the inspection of any committee or other person interested.

THE NEW CONSTITUTION.

The new Constitution proposed by the State Convention on the 23rd day of March last, while in session at Savannah, was, by my proclamation, submitted to a vote of the State for ratification or rejection, on the first Tuesday in July last. The vote cast was quite a small one, owing doubtless to the fact that the thoughts of our people were so much engrossed with the war that little attention was given to any other subject; and as the

Constitution had received the sanction of the Convention, composed as it was of so many of the brightest intellects and best men of the State, the people were, it would seem, generally willing to ratify their action without serious opposition. The election returns received at the Executive Department show the following result:

For Ratification	11,499 votes.
No Ratification	10,704 votes.

Majority for Ratification.....	795 votes

After the result was known, on the 20th day of August last, I issued my proclamation, as required by the resolution of the Convention, declaring the proposed Constitution to be the Constitution of this State.

OUR MILITIA SYSTEM.

I invite the attention of the General Assembly to the suggestions contained in the report of the Adjutant and Inspector-General, recommending a revision of our military code. I would also suggest a change in the law relating to volunteer companies. During the past year these companies have frequently been formed and after their officers were commissioned and they armed by the State, having in a short time disbanded and scattered their arms, causing very considerable expense and trouble to the State to collect them again and, in some instances, involving the entire loss of part of the guns to the State. Again, it has frequently happened after companies have been formed and their officers have expended large sums in uniforming and equipping them, that a portion of the members becoming dissatisfied with the organization or seeing, as they believed, an opportunity

to get into service sooner with some other company, have withdrawn and reduced the company to so small a number as to compel the officers to disband it. This has caused much confusion and has been very discouraging to those who have incurred heavy expense in organizing and equipping companies for service. To prevent this state of things in future, I recommend such legislation as will compel those who may hereafter enroll their names as members of a volunteer company to adhere to the organization for at least twelve months and to respond to any call which may, within that time, be made upon them for active service in the field, and for such term of service as may be required by the statutes under which they may be called out for the defence of the State or the Confederacy

THE CONFEDERATE WAR TAX.

The *twenty-fourth section* of the Act passed by the Congress of the Confederate States for the collection of a War Tax, is in these words:

“If any State shall, on or before the first day of April next, pay, in the Treasury, notes of the Confederate States, or in specie, the taxes assessed against citizens of such State, less than ten per centum thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several tax-collectors in such State, and thereupon their authority and duty under this Act shall cease.”

In a previous part of the Act, provision is made for the appointment of the assessors by the Confederate

Government, and the valuation of taxable property in each State. It would seem, therefore, that there is no way of ascertaining the amount which each State is required to pay till this assessment is made. After this is done, and the sum for which the State is liable is known, each State may pay this sum into the Treasury, in gold and silver, or Confederate treasury notes, less ten per centum, and thereby prevent the collection of the same by Confederate officers. While I would have greatly preferred that Congress should have apportioned the sum to be raised among the State without the intervention of Confederate assessors, it is much better, in my opinion, that we at least prevent the Confederate tax-gatherers from making their appearance among us, when we can save ten per centum on the whole sum by collecting it under State authority and paying it into the Confederate treasury; and I think it would be more satisfactory to our people that they be visited by the tax-collectors of but one government. I therefore recommend such legislation as may be necessary to secure the collection of Georgia's quota by her own State collector's either those who collect the State tax or others to be appointed by State authority for that purpose, and its payment, when collected, into the Confederate treasury. The State collectors could afford to do the labor for a very small per centum on so large a sum. While the State, by the adoption of this policy, would act upon a principle alike compatible with her dignity and sovereignty, she would save to her Treasury a very considerable sum in the difference between the actual cost of collection and the sum allowed her on that account. Should it become the policy of the Confederate government in the future to abolish our tariff system, with all the expense and corruption that

attended the system in the old government, such a course might greatly lessen the expenses of the government, and cause the people to hold their public servants to a much more strict accountability for wasteful expenditures; and in that event, I am of opinion that the amount necessary to support the government should be justly apportioned among the States, and each State should be permitted, by her own collectors, if her people prefer it, to raise her own quota and pay it into the Treasury, without the intervention of Confederate collectors.

COMMERCIAL INDEPENDENCE.

The contest in which we are engaged must, it is admitted by all, result in our political independence. But our deliverance from political bondage will be of little advantage if we remain in a state of commercial dependence. If our exchanges, at the end of the ward, are still to be made through New York and other Northern ports; our cotton shipped upon Northern ships by way of New York to Europe; taxed with increased freights, insurance, commissions, wharfage and other incidental expenses incurred upon that route; and our goods imported over the same line burdened with the usual expense to us, and profits to the Northern merchant, which must result from indirect importations; we shall remain in fact subject to Northern rule and our political destinies will soon be controlled by those who have our commercial interests under their power. This evil can only be prevented by the inauguration of a system which will secure direct trade and direct exchanges with Europe. It is a question well worthy the consideration of Congress, whether this object cannot be better accomplished by the establishment of

free trade with all the world. Your predecessors, at the last session, duly appreciating the importance of this question, passed an Act incorporating the "Belgian American Company," and authorized the Governor to pledge the State to secure to the Company what was considered reasonable profits on the amount invested in a line of steamers to run direct between Savannah and some commercial point in Europe, provided the guarantee of the State should not exceed one hundred thousand dollars, per annum, for five years. The Act also made it the duty of the Governor to appoint a Commissioner to Europe to negotiate an arrangement for the line. In obedience to the requirement of the statute, I appointed the Hon. T. Butler King, Commissioner, and sent him to Europe in the early Spring. I have received but a single dispatch from Mr. King since his departure. In this, he informs me that he has forwarded several others which I have not received.

As it is impossible to foretell what may be the result of Mr. King's mission, I beg leave to call the attention of the General Assembly to the fact that an association of Georgians, of high character and well known financial and commercial ability, is now being formed for the purpose of establishing, at as early a day as possible a line of steamers between Savannah and such commercial port in Europe as offers the greatest inducements and facilities for direct trade and intercourse.

If the legislature will incorporate the Company and subscribe, for the State, \$200,000 to its capital stock and grant to it a subsidy of fifty thousand dollars per annum, for five years, I am informed that the whole capital

stock will be taken at once and the ships purchased, ready to be placed upon the line immediately after the removal of the blockade. This would cost the State less than she has proposed to guarantee to a foreign company; and as the line in this case would be owned jointly by the State and an association of her most enterprising citizens, there would seem to be weighty reasons why our people should prefer it to any line controlled by foreign capitalists, who would have no preference for a Georgia port as the American terminals of the line, if superior inducements should at any future time be offered by any other Southern city.

So soon as the blockade is raised, it will become a matter of the first importance that the line be immediately put in operation and that permanent and safe arrangements be made with European capitalists for advances upon cotton and for the regulation of our exchanges upon a just and equitable basis.

No country on the globe possesses more natural advantages and no country has suffered greater wrong than has been inflicted upon the South for the last quarter of a century, under the unjust and iniquitous system of legislation adopted by the government of the United States. The Union has at last been severed beyond the possibility of reconstruction; and the Southern States are no longer commercially, nor politically, the appendages or provinces of the Northern government, but they are free, sovereign and independent, while that government has become a military despotism. If the people of the South are true to their own interests, they will never in future have any political connection with the people of the North, nor

permit their commercial relations to be controlled by Northern legislation or Northern capital. The South was not only the great productive section of the Old Union, furnishing most of its exports, but it was the balance wheel which kept the machinery of republican government in regular motion, and its trade was the great artery of life to the Northern section. With every advantage of soil and climate and all the material elements of greatness, no longer compelled to submit to an unjust draft upon her industrial pursuits to build up and pamper the power of a haughty rival section, the South seems to hold in her own hands, under the smiles of a kind Providence, the high destiny of her own future.

OUR COMPETENCY FOR SELF-GOVERNMENT.

He who has read history attentively and studied carefully the theory of government can have but little difficulty in arriving at the conclusion that a republican government can only be maintained upon the basis of domestic slavery. The assertion, so often repeated, that our people are competent for self-government, is no doubt true when properly qualified; but if it is intended by the term *people* to include the whole people and to permit every class, white and black indiscriminately, to exercise political rights, it is then doubtless untrue. The capacity of the people for self-government depends upon their virtue and intelligence, and the experiments made in France and other enlightened countries, where domestic slavery is not tolerated, have shown that sufficient virtue and intelligence never existed to enable the people to perform the task, when the whole mass of the people, of every class, are permitted to participate actively in the affairs

of the State. Hence, the general rule, that a country which does not tolerate domestic slavery is governed by monarchy. It is admitted that the opposite of the rule is not always true, as some countries, like Brazil and Spain, tolerate domestic slavery and are governed by monarchy. Nor is the rule itself probably without a single exception, as in the case of Switzerland, which, on account of its peculiar locality and condition is tolerated as a republic by the other governments of Europe.

Take, as an illustration, the people of the Confederate States and of the United States. We say the people of the Confederate States are competent to govern themselves. This is true in the sense in which the expression is used; but if we use the term *people* in its broadest sense and embrace the four millions of negroes as a part of the people, entitled to exercise political rights, then it is not true. The people of the United States are intelligent and enlightened, but the whole people, including menial servants, imported paupers and free negroes, all under their theory possessing and exercising equal rights and equal power at the ballot box, are certainly incompetent to govern themselves. Hence that government must soon terminate in monarchy.

Intimately connected with the above cause is another that must tend to hasten the result. I allude to the irreconcilable conflict which, under their domestic system, exists and must continue to increase between *Capital* and *Labor*. There, the *capitalist* who desires to employ *labor* has no interest in the person of the laborer, but only an interest in his day's work. He is under no obligation other than the common dictates of humanity to provide for the wants of the laborer or his family in case of sick-

ness or other misfortune. It follows that it is to the interest of the combined capitalists of the North to depress the price of labor and procure work as low as possible. On the other hand, the laboring class is interested in keeping up the price of labor. In this conflict, if the laboring class strike for higher wages, when prices are no longer remunerative, the competition for employment which will be produced by the annual importation of very large numbers of foreign paupers, will give the capitalists greatly the advantage in their efforts to maintain low prices. This, together with the consequent necessities of the laboring class, will naturally foster the agrarian feeling already engendered and the conflict will become constant and bitter. The laboring class, including the lowest menial servants and naturalized foreign paupers, being voters, will naturally have the advantage at the ballot box, on account of their superiority of numbers. This will induce the capitalists, on the other hand, to use their money freely to influence the elections, which will be productive of increased rottenness and corruption in the body politic. Riots and mobs will grow out of the contest, till thinking men, discovering the tottering basis upon which society rests and the insecurity of property, will naturally be induced to seek protection in a stronger form of government.

Amid this chaos and confusion, in the throes of revolution, some master spirit, with great ability and ambition, will attract attention and win popular applause. This will place him in position to command, when appealing to the necessities of the capitalists he will engage to make his sword their protector and to distribute the honors of the empire among them, if they will make their gold the

pillar of this throne. The result will be, that the country will seek repose in the downfall of republicanism and the establishment of monarchy.

The very opposite of all this is true in the Confederate States. Here domestic slavery is a fundamental part of our social system. We have over four millions of negroes who are the menial class of our society. They have no political rights and seek none; they take no part in the government but are a dependent class, generally contented and happy, having all their natural wants supplied by those who are responsible under our laws for their humane and kind treatment. In case of sickness or permanent bodily infirmity, they are not left, as are the paupers of the North, to the cold charities of the world for the necessaries of life; but public opinion and the laws of the land compel their owners to make provision for their wants and to treat them with humanity and kindness. Here the *white* class is the ruling class. When we say our people are competent to the task of self-government, we mean *white* people. But it may be said, the paupers of the North, who participate in the government, are generally white people. This is admitted, but many of them are white people of the lowest menial class, so low that there is no class below them, and they lack not only intelligence, but pride of character. Hence their votes are bought and sold in the market. With us, every white man, whether of native or of foreign birth, feels and knows that he belongs to the *ruling class* and that there is a menial class of millions of persons entirely below him. This inspires him with pride of character which fits him to participate in the political affairs of the State. If there are individual exceptions to this

rule, they are not sufficiently numerous to be severely felt or to affect materially the results in the choice of rulers. Again, instead of perpetual conflict under our social system between *capital* and *labor*, we have the most perfect harmony. We have few capitalists who are not slaveholders. Each slaveholder has an interest not only in the day's labor, or the week's labor, but in the *person* of the laborer; in his flesh and his blood, his muscle and his bone; in a word, *the man is his*. If, therefore, the labor of the man is worth one dollar per day, the man, himself, is worth one thousand to fifteen hundred dollars, and he who owns one hundred of these laborers is a rich man, and enjoys all the importance and position which wealth gives in society. Reduce the price of labor to fifty cents per day, and you greatly reduce the value of the laborer in the market, and, in like proportion, you reduce the value of the estate of the owner. If you reduce the price of labor to twenty-five cents per day, the laborer can not, by his labor, comfortably support himself and family. In this case, as his labor is worth nothing to his owner, he is valueless, and the person who owns one hundred such laborers, with the responsibilities attaching to the ownership, is not only poor, but has a heavy burden annexed to his poverty.

As most of our slaves are owned by men of capital, and as capitalists, like other men, look to their interests, and as the value of the estate of each slaveholder depends upon the value of labor, it becomes the interest of the combined capital of the country to keep up the price of labor to sustain the value of property. The poor white laborer is also interested in keeping up the price of labor, as he has to work to support himself and family, and if

he is intelligent and examines this question, he can not fail to see that the surest way to keep up the price of his own labor is to sustain the institution of slavery. If the labor of the negro is worth in the market one dollar per day, the labor of the white man is worth more, or certainly as much, and while the institution of slavery is maintained, every capitalist in the country who owns slaves is interested in and will use his influence to keep up the value of labor, and the poor white man gets the influence of his more wealthy and powerful neighbor in sustaining the price of his labor. On the other hand, if slavery is abolished, it becomes in the South, as it is now in the North, the interest of the combined capital of the country to depress labor and get it as low as possible, as the capitalist would then be no longer interested in the person of the laborer and the value of his estate would no longer be dependent upon the price of labor. The interest of the capitalist in the last case would be to get labor low, and as the negro would, when free, be placed nearer a state of equality with the white laborer and would have a right to make his own contracts, he would come into direct competition with the poor white laborer and would soon underbid him and reduce the price of labor to as low a rate as would sustain life. This would bring ruin upon the poor white man and degrade his family far below their present condition. It is very clear, therefore, while the institution of slavery exists that it is to the interest of the rich man to sustain the price of the labor of the poor white laborer; and that it is, for the same reason, the interest of the poor white laborer to sustain and perpetuate the institution of negro slavery. In other words, the rich and poor are alike interested in sustaining slavery and in sustaining the price of labor.

The slaves themselves are also interested, as they are more civilized, more Christianized and in a better condition than the like number of their race ever were in any other country or climate. If the price of labor is high and the slave is worth a high price in the market, the owner has a heavy pecuniary interest in addition to the common sympathy of our nature to prompt him to treat the slave well, as his value to his owner depends upon the preservation of his life and health and these depend much upon the manner in which he is clothed and fed and attended to in sickness.

From the foregoing reflections, it naturally follows that our whole social system is one of perfect homogeneity of interest, where every class of society is interested in sustaining the interest of every other class. We have all the harmonious elements necessary to the perpetuity of that republican and religious liberty bequeathed to us by our fathers, with none of the distracting and conflicting elements which must destroy both in the Northern States, and which have already precipitated the country into a bloody revolution and attempted to hurl to the ground the fairest structure ever dedicated to liberty on the face of the globe. To sustain this priceless heritage is the highest earthly duty of the Christian and the patriot. Ruthless and bloody hands have been laid hold upon it. To wrest it from them may cost hundreds of millions of treasure and many thousands of the most invaluable lives of the South. But he who would stop to count the cost, would do well to ask himself: What is my property worth when I am a slave? or, What is my life worth, if, by saving it, I must transmit a heritage of bondage to my children? If we are conquered, our property is confiscated and we and our children are slaves to Northern ava-

rice and Northern insolence. Sooner than submit to this, I would cheerfully expend in the cause the last dollar I could raise and would fervently pray, like Sampson of old, that God would give me strength to lay hold upon the pillars of the edifice and would enable me, while bending with its weight, to die a glorious death beneath the crumbling ruins of that temple of Southern freedom, which has so long attracted the world by the splendor of its magnificence.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 8th, 1861.

His Excellency, Joseph E. Brown, of the county of Cherokee, elected by the people for the third term, on the first Wednesday in October last, Governor and Commander-in-Chief of the Army and Navy of this State, and the Militia thereof, for two years next ensuing, was this day at 12 o'clock M. inaugurated in the Representative Chamber at the Capitol; and being conducted by a committee to the Executive Office, entered upon the discharge of his duties.

FRIDAY, NOVEMBER 8th, 1861.

GOVERNOR BROWN'S INAUGURAL ADDRESS.

Senators and Representatives:

In response to the call made upon me at the ballot-box, by the people of our noble State, I appear before you for

the purpose of taking the oath prescribed by the Constitution and entering upon my duties as the Executive of Georgia, for a third term.

Mindful of the fact that this is a compliment which has not been paid by the people to any other citizen of the State within the last half century, I can assure you, in the utmost candor, that I feel most sincerely and profoundly impressed with the weight of the responsibility and the obligation which it imposes.

How changed are all things around us since I first stood upon this platform and addressed your predecessors, prior to assuming the obligation which invested me with the power and imposed upon me the onerous duties of the Executive office.

Then, the bright sun of peace, from a common center, scattered its divergent rays into the remotest parts of the vast territory which was embraced within the limits of the United States. Now, the dark clouds of war hang around us, martial music is heard in our midst, and the din of battle and the clangor of arms resound in the distance. Then, the flag of the Union which waved over us was not only considered emblematic of power, but of Justice, Truth and Equality among the States. Now, that flag, no longer the ensign of republican liberty, is only the emblem of despotism, and waves over dungeons, and chains, and death, where those born to freedom languish, with no redress against the wrongs inflicted at the tyrant's will. Such are the mutations of time and such the instability of human affairs.

From a small beginning, the Government of the United States, resting upon the broad and deep foundations laid

for it by the immortal heroes and patriots of 1776, had grown to be a power of the first magnitude, challenging the admiration and commanding the respect of all the nations of the earth. The South, ever loyal to the Constitution and ever mindful of the obligations which it imposed, was ready to sacrifice all, except her equality and her honor, to maintain the integrity of the splendid Governmental structure of which she formed a most magnificent part.

But unfortunately for the peace of the world, the restless fanaticism, canting hypocrisy and insatiable avarice of a majority of the people of the Northern States, had caused them to determine on the subjugation of the South, and that her equality should cease to exist, though the accomplishment of the design might involve the destruction of the fondest hopes of all true patriots and friends of republican freedom.

Prompted onward in their mad career by lust for power and love of plunder, the people of that part of the Union found, in the triumph of a great sectional party, the means of carrying into execution their long cherished design of taking the Government into their own hands, selecting our rulers for us, over our united opposition, and dictating to us the laws by which in future we should be governed. Thus the alternative was distinctly tendered to us and we were left to choose between the position of subjugated provinces, yielding obedience to unrestrained power, or of sovereign States, disdaining submission to encroachments of tyranny or the mandates of any superior. Satisfied of the justice of our own cause, we chose the latter alternative and, appealing to the God of battles for the rectitude of our intentions and, I trust,

humbly and fervently invoking His aid and protection in the mighty contest we have risked our lives, our fortunes and our sacred honor upon the stout hearts, strong arms and indomitable courage of our gallant and glorious troops in the field.

Since the commencement of the revolution we have labored under great disadvantages, against superior numbers and vastly superior military resources and preparations. Our enemy has at his command not only the regular army of the United States, but her navy and much the larger portion of her military stores. Our ports have been blockaded by ships built with our own money. The rights of private property have been disregarded and the most wanton cruelty inflicted upon helpless and unoffending women and children. Under all these hardships and disadvantages, Heaven has continued to smile propitiously upon us and has crowned our efforts on the most important fields of conflict with the most triumphant and victorious results; for which we have abundant reason to exclaim, in the language of the inspired man, "Thanks be to God, who giveth us the victotry."

How long this unnatural war may last or what may be our privations and sufferings before its termination, is only known to Him who rules the hosts of Heaven as well as the armies of the earth. I fear that the people of the United States, North and South, had become too forgetful of the Great Source whence we derived all our prosperity as a nation and all our blessings as individuals. The Ruler of the Universe has determined that the pride of both sections of the old Union shall be humbled and that they shall be punished during this strife for national wickedness in high places, as well as for in-

dividual transgressions. He may have determined that the new republic shall be baptized in blood before it rises to its majestic proportions as one of the great powers of the earth.

However this may be, enough is revealed, that none can doubt, that the separation between the two sections is final and perpetual, and that the independence of the Confederate States must soon be acknowledged by all the civilized nations of the earth.

It will be my chief pride as an individual and my highest ambition as an Executive officer to aid, with all the power I possess, all the resources at my command and all the mental and physical energies of my life, in the accomplishment of this grand and glorious result. That the establishment of our independence is the object nearest the heart of each and every one of you, and in this utterance that I only echo back the unanimous sentiment of the noble constituency who sent you here, I can not for a moment doubt.

Let us then lay aside all past differences upon minor questions—as brethren confer freely together and, as a band of patriots, bury in one common grave every personal aspiration and every feeling of ambition, pride or jealousy which may tend to hinder united and harmonious action, for the defence of our beloved old State, the triumph of our glorious arms, and the independence of that grand constellation of Southern Confederate States, in which Georgia shines as one of the most brilliant stars.

But the soil of our own beloved Georgia is now threatened by the invader, whose powerful fleet hovers near

her shores and menaces her commercial metropolis. This state of things calls not only for prompt action but for the highest degree of liberality, prudence, wisdom and firmness on the part of her statesmen and the most splendid exhibitions of intrepid valor and heroism on the part of her people. Let us meet the invasion like men and, with a firm reliance upon Almighty aid, we can not doubt that our efforts will be crowned with ultimate success.

Were we disposed to yield, it is now too late to calculate the cost of submission. He would but feebly enumerate the results of our subjugation who would remind us that it would fasten upon us the entire expenses of the war—load our industries and that of our posterity for generations to come with burdens and taxation too grievous to be borne—subject us to military despotism and compel us to maintain standing armies quartered among us, to insult us with their insolence, while they riveted more securely the chains of our bondage, deprive us of our self-respect and break our spirits with the crushing weight of our degradation.

Sooner than submit to this, let the last man in the Confederacy die nobly at the point of the bayonet, and let our wives and our children and all the property we possess, perish together on one common funeral pile; and let the winds that pass over our graves and chant our funeral dirge tell to other generations, in other climes, that we lived freemen and died freemen.

A PROCLAMATION.

BY JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 9th, 1861.

To the Volunteer Military Companies of the State:

The invaders having landed a force upon the soil of our sister State of South Carolina near the borders of Georgia, where they now hold position and menace the city of Savannah; and it being thought advisable to increase our force for the defence of the coast, I issue this my Proclamation, giving notice that I will accept, in addition to the number of volunteers already accepted, the services of the thirty companies which will first tender their services and report to me their readiness to march. These companies will be received for six months, unless sooner discharged. Each company, to be accepted, must consist of not less than fifty nor more than eighty members, rank and file, unless the statute shall, in the meantime, be changed so as to permit a greater number to compose a company. Each man in each company must be armed with a good country rifle or double-barrel shot gun, or with a good military gun, *fit for immediate use*. As unarmed troops could be of no service in the defence of the State, while they would be a heavy expense,

I here state, to prevent all misapprehension, that any volunteer going to the coast without such arms as I have mentioned above, will not be received, but will be sent home at his own expense. It will also be necessary for each volunteer armed with a country rifle to carry with him his bullet moulds, pouch and powder horn or flask; and those armed with double-barrel shot guns must each take with him a powder horn or flask.

As our homes are in danger, it is hoped that no citizen of the State having a good gun will hesitate a moment to carry or send it into the service.

Given under my hand and Seal of the Executive Department, the 9th day of November, A. D. 1861.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Secy. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 9th. 1861.

I hereby place at the disposal of Gen. Robert Y. Harris and Col. Robert H. May, of Augusta, the guns now in possession of said May and the Fire Companies of Augusta, also the guns in the hands of Rogers and Bowen; also those in possession of the Volunteer Company at the Sand-Hills, and of the Oglethorpe Company B., subject to my order at any future time.

Said persons are authorized to place said guns in the hands of ten Volunteer Companies of not less than fifty each, rank and file, to form a Regiment, if the Companies can be reported within a very few days. So soon as each of the Companies is ready, it will proceed to Savannah, and report to Brig.-Gen. F. W. Capers, for orders, and an election will be held for field officers, so soon as all the Companies arrive. The Regiment will be accepted for six months, unless sooner discharged. If the proposed Regiment fails, the guns are to be subject to any other order that I may pass for their disposition.

JOSEPH E. BROWN.

MONDAY, NOVEMBER 11th, 1861.

The following message was this day transmitted to the Senate, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 11th, 1861.

To the Senate,

I have appointed George P. Harrison a Brigadier-General under the Act of the Legislature, assented to on the 18th day of December, 1860, to command the first Brigade of Georgia Volunteers for the defence of the State; and I have appointed Francis W. Capers a Brigadier-General

to command the Second Brigade. I respectfully ask the advice and consent of the Senate in confirmation of these appointments.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 11th, 1861.

The following Resolution, of the House of Representatives, was this day presented to the Governor: to-wit:

Resolved, That His Excellency the Governor, be requested to furnish this House with all correspondence between His Excellency and the President of the Confederate States, and the Secretary of War of the Confederate State, and all other information in his possession touching the defences of the State of Georgia.

In reply to which, the following message was transmitted to the House of Representatives:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 11th, 1861.

To the House of Representatives,

In response to the resolution requesting me to furnish the House with "all correspondence between me and the President of the Confederate States and the Secretary of

war of the Confederate States," and "all other information in my possession touching the defences of the State of Georgia," I have most respectfully to state, that I have been and now am in correspondence with the Government of the Confederate States on the subject of our defences; but I deem it inexpedient in the present critical condition of our affairs to make public either the correspondence or the information in my possession touching our plans and preparations for the defence of the State, or the present condition of the defences.

JOSEPH E. BROWN.

A PROCLAMATION.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 11th, 1861.

Jefferson Davis, President of the Confederate States of America, having issued his Proclamation setting apart Friday the 15th instant, as a day of fasting, humiliation and prayer, which proclamation contains the following Preamble:

“Whereas, it hath pleased Almighty God the Sovereign Disposer of events, to *protect* and *defend* the Confederate States hitherto in their conflict with their enemies, and be unto them a shield:

And Whereas, with grateful thanks we recognize His hand and acknowledge that not unto us, but unto Him

belongeth the victory; and in humble dependence upon His Almighty strength, and trusting in the justness of our cause, we appeal to Him, that He may set at naught the efforts of our enemies, and put them to confusion and shame.

Now therefore, I, Joseph E. Brown, Governor of the State of Georgia, endorsing the sentiments expressed in said preamble, and concurring in the propriety of the observance of the day for the purposes in said Proclamation mentioned, rendered more important by the threatened invasion by the enemy, of our own State, do issue this my Proclamation, setting apart the 15th day of November instant as a day of fasting, humiliation and prayer, and I so hereby invite the Reverend Clergy, and the people of the State of Georgia to repair on that day, to their usual places of public worship, and to implore the blessing of Almighty God upon our arms, that He may give us victory over our enemies, preserve our homes and altars from pollution, and secure to us the restoration of peace and prosperity.

Given under my hand and Seal of the Executive Department, this 9th day of November, A. D., 1861.

JOSEPH E. BROWN.

BY THE GOVERNOR,

J. B. CAMPBELL,

SECY. EX. DEPT.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 11th, 1861.

Whereas, I have placed in the hands of Col. La Mat, to be purchased in Europe, an order for two thousand Enfield Rifles, for five thousand pair of Blankets, French or English soldier's pattern; and for five thousand pair of sewed shoes, French or English soldier's pattern, nailed soles and heels:

Now know all men by these presents, That I, Joseph E. Brown, as Governor of the State of Georgia in the Confederate States of America, will pay to the said Col. La Mat, or to his order, on the delivery of said articles at Milledgeville, the capital of said State, on or before the first day of February next, besides paying all the duties that may be imposed on them by the Confederate States and the expenses of their transportation from the port of landing, (which must be within the Confederate States,) to the said city of Milledgeville, the following prices viz: For the Enfield Rifles, Thirty five dollars each: For the Blankets, at the rate of Four Dollars and fifty cents per pair; For the Shoes, at the rate of Two dollars and twenty five cents per pair; The sizes of the Shoes to be the same proportion as those contracted for with the Confederate States on the 3d Sept., 1861. The whole bill to be approved and accepted by the Minister of the Confederate States in England, or in France. The bill to be paid within fifteen days after the delivery of the articles, in the current funds of the said State of Georgia.

Given under my hand and Seal of the Executive Department this the 11th day of November, 1861.

JOSEPH E. BROWN.

By the Governor,

D. C. CAMPBELL,

Aide-de-Camp.

The following message was this day transmitted to the Senate, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 16th, 1861.

To the Senate:

I hereby nominate and propose, with the advice and consent of the Senate, to appoint Gen. Henry R. Jackson, a Major General to command the First Division of Georgia Volunteers now being organized for the defence of the State.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

November 19th, 1861.

To the Senate:

In response to the call made upon me by the Senate,

I herewith transmit copies of such correspondence * between me and the Secretary of War, relating to the defence of the coast of Georgia, as is in my judgment proper to be made public at this time.

By reference to this correspondence, it will be seen that I have, from time to time, since April last, urgently urged upon the Secretary of War to place upon the coast of this State such force as was necessary to the protection and security of our people.

While his responses to my various calls have been kind and conciliatory, promising the protection which might be needed, his sense of duty has caused him to withhold as large a force as I have considered necessary, or the embarrassments by which he is surrounded have rendered it impossible to do what his sense of propriety dictated.

The Convention of this State, in March last, passed an ordinance transferring the forts and arsenals acquired from the government of the United States to the Confederate States. At that time there were not sufficient guns and ammunition in either of the forts for its successful defence against a heavy attack. No steps were taken, so far as I know or believe, by the Confederate Government to place additional guns, shot, shell or powder, in the forts; and I was compelled to purchase the necessary supplies with money from the Treasury of the State, and to place them at the disposal of the Confederate General in command, or to permit the forts to remain in a condition that they might fall an easy prey to the

*For correspondence between Governor Brown and the Secretary of War see Vol. III Confederate Records of Ga.

attacks of a hostile fleet. In this supply I expended over one hundred thousand dollars.

As the Confederacy was not prepared with troops to take charge of the forts immediately after the passage of the ordinance, they remained in the possession of Georgia, occupied by her regular troops, till these troops were transferred to the Confederacy, 1st May last, when they passed into the possession of the Confederate authorities, together with the heavy guns and ammunition placed in the forts by the State. No compensation has yet been made to the State for these supplies. I also transferred to the Confederacy the arsenal at Augusta, with all the guns acquired from the United States, which were in the arsenal at the date of the passage of the ordinance requiring the transfer. The guns previously taken from the arsenal with which to arm our volunteers, and which I was not required to transfer, have all gone into the service of the Confederacy in the hands of Georgia troops, together with all the small arms purchased by the State, except those now in the possession of our State troops. About twenty thousand arms belonging to the State have in this manner gone into the Confederate service. The exact number cannot be given, as the State's arms were frequently carried to Virginia in the hands of volunteer companies belonging to independent regiments, of which I have no account, as they were frequently seized and carried out of the State without my knowledge or consent. I considered all the guns which have gone into the Confederate service in the hands of Georgia volunteers, except those mentioned in my letter to the Secretary of War, which were taken from the arsenal after the passage of the ordinance for

its transfer, to be still the property of this State. No compensation has been paid to the State for the guns, about twelve thousand in number, which were transferred with the Augusta arsenal, nor do I understand that it was the intention of the Convention to require the Confederacy to pay a pecuniary compensation for the guns which had been acquired from the United States, and which were required by the ordinance to be transferred, any more than it was their intention that a pecuniary compensation should be paid by the Confederacy to the State for the forts and arsenals. The Convention by the ordinance transferred the title of the arms *then* in the forts and arsenals to the Confederacy, but left it to the discretion of the Executive whether he would transfer to the Confederacy the other arms belonging to the State. I did not think it best to transfer the title to all our small arms to the Confederacy, but I permitted them all to go into the service as State arms.

The steamer Savannah, which cost the State \$40,000, was transferred to the Confederacy for \$20,000, in cash and \$20,000, in Confederate States Bonds. The money and bonds received in payment have been, and are being, expended by the Quartermaster-General of the State for supplies for the troops and for other military purposes. The Secretary of War refused to purchase the steamer Huntress, which cost the State \$15,000, in New York. The steamer was in possession of Commodore Tatnall in the State service, and after he entered the Confederate States service, he retained, and still retains, the possession and management of her in the inland waters of this State and South Carolina. I hope to be able to transfer this steamer, also, to the Confederacy, at a future day,

for the amount she cost the State, to be paid for in Confederate Bonds or Notes. I transmit a copy of the correspondence between myself and the Secretary of War, relative to the transfer of the forts, arsenals and arms.

In response to that portion of the resolution which relates to the present number of Confederate troops now on our coast, I have to state my information is that there are about 5,500. In addition to this number, ten thousand others will, in my opinion, be necessary to repel the invasion and defend the coast. I may also state, that General Lee expresses a desire that I hold a reserve of ten thousand men in camp, in readiness to reinforce the Confederate troops on the coast, at any time when needed.

The estimate made in my annual message of the amount necessary to sustain our military operations for the present fiscal year, was based upon a smaller number of troops. If ten thousand troops are to be called into the field, my opinion is an appreciation of at least five millions of dollars will be necessary.

I believe the correspondence herewith submitted will furnish a sufficient reply to the other points contained in the resolutions.

During the summer months the State was not invaded, and I could not say that the danger was so imminent as to admit of no delay. I did not feel, therefore, that I was at liberty to call out and maintain a heavy force on the coast on State account, or that it was my proper province to take charge of the erection of the necessary fortifications. This duty, under the Constitution, properly de-

volved upon the Confederate Government; and I did not feel at liberty to assume the exercise of power which properly belonged to that government.

Early in September I visited the seaboard and found only about three thousand Confederate troops stationed there to defend the city of Savannah and about one hundred and ten miles of coast. I consider this force entirely inadequate to the task, as the correspondence will show, I had repeatedly offered to supply a larger number of troops if the Secretary of War would make requisition upon me for them, for our defence. He had not thought proper to increase the number beyond that above mentioned, and there was no requisition upon me for any additional number.—

The season was so far advanced that I considered the danger too imminent to admit of further delay, and I considered the force too weak to make even a respectable show of resistance to an invading fleet as large as the Government of the United States was likely to send upon our coasts, as soon as they could venture in our climate. Under these circumstances, I did not feel that I should be justified should I longer delay active preparation for our defence by organizing State troops and holding them in readiness, in case of attack, to act in concert with the small Confederate force upon our coast. I have, therefore, called out the State troops, as it was my duty to do under the Act of the last Legislature, and I shall have completed the organization of the first division within the next few days.

As the General Assembly has already been informed, the military appropriation is exhausted, and it will be im-

possible for me to maintain the troops in the field much longer, unless further appropriation be made. Since the commencement of the session, some of the articles necessary to supply the army have risen over thirty-five per cent. in the market; whether the further delay in procuring the supplies which must result from withholding the appropriation, is compatible with the public interest, is a question which demands the serious consideration of the General Assembly.

I am aware that it may be insisted that the Confederate Government shall take upon itself the entire expense of our defence. It is admitted that this is correct in principle, and the willingness of that government to do its duty to the State, to the extent of its ability, is not questioned. Thus far, however, the Confederate Government has not placed upon our coast a sufficient number of troops for our protection, and the question presented for our present consideration is, whether we will assist the Confederacy and defend ourselves, or wait until the Confederacy is prepared to defend us and risk the disasters which may in the meantime befall us on account of our delay. My own opinion is that it is not now the time to stop to count the cost, but that we should call out as many troops as may be necessary to repel the invader, should he appear either upon the sea coast or upon the borders of Tennessee, whether it may take ten thousand or twenty thousand men, or whether it may cost five or ten millions of dollars. I ask in the name of the people, that their representatives place at my command the men and money necessary to accomplish the object.

JOSEPH E. BROWN.

HEADQUARTERS,

MILLEDGEVILLE, GEORGIA,

November 20th, 1861.

Ordered,

That Capt. E. M. Field, Assistant Commissary General of the State, proceed to the cities of Macon, Columbus and Atlanta, and at either or all of those cities, seize for the use of the army of Georgia any salt which is being removed, or is about being removed beyond the limits of the State, or any found in large quantities for which more than five dollars per sack with usual freight from Savannah to such city is demanded; that which is held on speculation and not offered for sale at all. And in all cases where such seizures are made, you are required to pay, or tender to pay, five dollars with freight from Savannah added per sack to the owner or owners thereof. And all military authorities in either of these cities are hereby required to be subject to the command of Capt. Field in executing this order.

JOSEPH E. BROWN.

By the Commander-in-Chief,

W. H. HUNT,

Assistant Adjutant-General.

The following message was this day transmitted to the Senate, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 26th, 1861.

To the Senate,

I have appointed Gen. Wm. H. T. Walker a Brigadier-General to command the third Brigade of Georgia State troops, to be organized under the Act of 1860, and ask the advice and consent of the Senate in confirmation of this appointment.

As the State is now invaded, prompt action is most respectfully solicited.

JOSEPH E. BROWN.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 26th, 1861.

To the House of Representatives,

The committee appointed by the House to confer with me in reference to the correspondence between me and the Secretary of War touching the defences of Georgia, did me the honor to meet me in conference yesterday

evening, and I had the pleasure to lay before them such of the official correspondence between me and the Secretary of War as bears directly upon the question of our States defences; and I now lay before the House such * of the correspondence as the committee and I have agreed is proper for the consideration of the House in aid of legislative action. Each member of the committee, however, concurs in the opinion that part of this correspondence is not the proper subject of newspaper publication or comment in the present state of affairs, as it contains information which should be kept from the possession of the enemy. I have therefore respectfully to ask that the correspondence be considered in secret session. In this connection I beg leave again call the attention of the House to the fact that military appropriation is entirely exhausted, and that I am borrowing money every day and paying interest upon it, while there is money in the treasury unappropriated sufficient to relieve our present necessities. Until the appropriation is made I must continue to labor under great embarrassment, and it is with much difficulty that I can maintain our gallant troops in the field.

We are obliged to have large supplies of provisions for the support of our army during the winter; prices are rising daily, and the State is sustaining heavy loss by delay in purchasing supplies before a further advance. The simple article of wheat has advanced fifty per cent. since the commencement of the session, and it is believed the sum lost by the State by delay in procuring supplies, caused by want of funds appropriated, has doubled, if not quadrupled, the entire sum saved to the treasury for

*For correspondence between Governor Brown and the Secretary of War see Vol. III. Confederate Records of Ga.

the year, by all reduction of salaries of public officers, which have been made by the General Assembly.

The foot of the invader now desecrates the soil of Georgia, and while the Confederacy may not have done all which we could desire for our defence, it has probably done all which, in the judgment of those in authority, it could safely do consistently with what they considered their obligations to other points which have heretofore been exposed to more immediate attack.

Whatever differences of opinion may exist upon this point, I respectfully suggest that it is not now the time to stop to balance accounts with the Confederacy, or to count the cost of our defence.

Many of the local and private bills before the General Assembly may be important to particular individuals, and may promote particular interests. But I beg you to remember that the State is now invaded by a hostile force, and that the flag of the enemy waves over part of her soil and insults her sovereignty, while it threatens the existence of her institutions, the liberties of her sons, and the safety and purity of her daughters. I therefore implore the Representatives of her people to lay aside all difference of opinion, and all other legislation of minor importance, until they have placed at the command of her constituted authorities as many men and as much money as may be necessary to defend her soil, vindicate her honor, and drive the invader beyond her limits.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE GEORGIA,

NOVEMBER 29TH, 1861.

G. B. LAMAR,

PRESIDENT OF THE BANK OF COMMERCE AT SAVANNAH,

Please honor the drafts of Col. Jared I. Whitaker, Commissary General of the State, to an additional amount of Twenty-five thousand dollars, and charge the same to account of the State, for which settlement will be made as soon as the Military Appropriation is made by the Legislature.

JOSEPH E. BROWN,

Governor of Georgia.

The following special message was this day transmitted to the General Assembly:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

December 5th, 1861.

To the General Assembly:

The correspondence between the Secretary of War and myself, which has been laid before you, shows that I did all in my power to induce the Government of the Confederate States to increase the force upon our coast, and to make the necessary preparation for our defence, prior

to the organization by me of the military forces now in the service of the State. In making this statement, I do not wish to be understood that I reflect upon that Government for a wilful neglect of duty. I believe it is the wish and intention of those in authority, to use the forces and means at their command, in such manner, and at such places, as will best promote the general good. But viewing the field from the standpoint which they occupy, they have been of opinion, as their action has shown, that there was greater necessity for the troops and the resources at their command, at other points. Hence, they failed to make the necessary preparation for our defence.

Appreciating the difficulties with which the Confederate Government had to contend, and hoping that they might make the necessary preparation for the defence of the State, I delayed action on State account as long as I could possibly do so consistently with the public safety. Almost every newspaper received from the North in the months of August and September, contained statements of the strength of the fleet which was being fitted out by the enemy, and of the intention to send it with an invading force against our coast as soon as the season would permit.

In the formation of the Constitution of the Confederate States, each State reserved to itself the sovereign right to *engage in war* when "actually invaded" or "in such imminent danger as will not admit of delay." The statute of our own State authorized me to accept the services of ten thousand volunteers, of different arms, in such proportions as the exigencies of the service might require. The people of the coast actually called on me for protection. The general voice of the people of the State was,

that they were entitled to it, and that the safety of the whole State depended, in a great degree, upon the successful defence of the coast. The Constitution gave me the right, and the statute made it my duty to act. I did so; but not until the latest day when I could have time to organize and prepare the troops for service, before the invasion.

The organization has been conducted in strict conformity to the requirements of the statute, and the Generals have been appointed to command the troops, by and with the advice and consent of the Senate now in session. Suppose I had made a calculation, and determined that it would cost too much for the State to assist in her own defence, and had refused to call out the troops, and had met the General Assembly and informed you that I had made no preparation for the defense of the State, for the reason that it must cost a large sum of money; and that I had again and again asked the Secretary of War to defend us, and that I relied on the three or four thousand Confederate troops then on our coast, to protect the city of Savannah and the whole coast, against the powerful force sent for our subjugation; what would have been the verdict passed upon my conduct by the General Assembly, and every intelligent patriot in Georgia? Would it not have been one of universal and just condemnation?

Results have shown that I was not mistaken when I decided that the danger was imminent, and commenced active preparation to meet it.

The invader's troops are now upon our soil, and his flag now waves over our territory, and insults the dignity and sovereignty of our State. Thus menaced with sub-

jugation and degradation, is it possible that we, as the representatives of the people, and as co-ordinate branches of the government, can spend our time in discussions about the cost of our defence; or whether the State or Confederate Government shall for the present assume the burden and make the expenditure; or that our action can be influenced by party considerations, or by personal hatred or personal favoritism; or that we can stop to consider whether our action will tend to sustain, or to advance the political fortunes of one man, or to injure those of another? Surely we have graver duties than these to perform, and weightier responsibilities to meet.

We have now been over four weeks in session. Our troops in the field have been in need of supplies, and we have made an appropriation of only one hundred thousand dollars. This is not more than half the necessary expense of our military operations since the commencement of the session; and it is but little over double the sum necessary to pay the expense which the General Assembly has cost the State for the same length of time.

I mention these things in no spirit of fault-finding, but in the hope that dissensions and jealousies, if they exist, may be banished from our midst, and that we may unite as one man, and promptly provide the necessary means to defend the State, and drive the invader from our soil.

The organization of the State troops is becoming a very efficient one, which will soon make them terrible to the invader.

At this important period, in the face of the enemy, when organization and harmony are of the utmost im-

portance, a proposition is made that we pause and count the cost of our defence, and that we transfer our army to the Confederacy, by regiments, battalions or companies; and if they are not received, that we disband the troops, and thus get rid of the expense.

Let us examine this question of defence for a moment. Suppose we dismiss from our breasts every feeling of patriotism and every generous impulse, with every desire for liberty or independence, and consider the question one of sordid gain, of mere dollars and cents. What reasonable man, having an estate of several hundred millions of dollars, and finding it in litigation, and the title in a precarious condition, would hesitate a moment to give counsel five millions to defend and secure the title? The property of the people of Georgia is worth seven hundred millions of dollars—the State is now invaded, and every dollar of it hangs upon the result. If we are conquered, all is lost. Is it possible in this state of the case, that we can refuse to give five millions for the support of our gallant troops who are now in the field, ready to spill the last drop of their blood to defend and secure our title? Strong as the case thus presented may be, this is a narrow, contracted view of the subject. All the property and all the money in the State is as nothing compared with the principles involved, and the consequences to us and our posterity.

But do we get rid of the expense by the proposed transfer? I maintain that it does not, in any view of the question, save to the State one dollar. If the troops are transferred, the Confederacy will pay their expenses; and Georgia, as a member of the Confederacy, will have to meet her part of it. If she retains them, at the end of

the war the Confederacy will assume the expense of the Georgia troops, as well as of the troops of other States, and Georgia will only have to pay her part. If the Confederacy does not receive the troops and they are disbanded, the city of Savannah and the whole sea coast and the southern part of the State, must fall into the hands of the enemy; and the destruction of property will cost us ten times as much as the highest appropriation which anyone would ask to support the troops. There is not, therefore, one dollar of economy or of saving to the State in the proposition.

Virginia, Tennessee, North and South Carolina, Louisiana, and probably other States, are calling, and have called, into the field large numbers of State troops to repel the invasion and to protect their property. At the end of the war the expense incurred by each of these States will be assumed by the Confederacy, and Georgia will have to pay her part of it. If, while they defend themselves, she permits her coast to fall into the hands of the enemy and her citizens to be plundered, rather than incur the expense necessary to the protection of her people, the other States of the Confederacy may be saved their part of the expense which was necessary to her defence. But instead of saving expense, is she not the loser?

Tennessee expended five millions of dollars in less than six months, and no complaint is heard from her legislators or her people that they can not afford to incur the expense of self-defence.

Two other grave questions, in this connection, demand our careful consideration. Have we the power to

transfer the troops to the Confederacy, without their consent? And has the President the power to accept them, even with their consent? Neither is true.

First, as to our power to transfer them: the troops in response to the call of the Executive of the State, have volunteered to serve the State as *State troops*; and have been mustered into the service of the State, and not into the service of the Confederacy. It was no part of the contract between the troops and the State that they should be transferred to the service of the Confederacy; and the State has no right to make the transfer without their consent. They are not cattle, to be bought and sold in the market. They are brave, generous, high-toned freemen, who have left their homes at the call of their State, and are now undergoing all the fatigues and hardships of camp life for her defence. While they are brave enough to defend their rights, they are intelligent enough to understand them; and we are greatly mistaken if we suppose they will submit to a change of their present organization, or to an act of injustice to those who have their confidence, and have been legally appointed to command them. They are, as our statute which was passed to meet this very emergency required, organized into companies, battalions, regiments, brigades, and a division. If we disband the division and turn over the brigades, we are, in my opinion, guilty of gross injustice to the gallant and chivalrous son of Georgia, whom we have just called from an honorable command in Virginia, where he has rendered distinguished service, and have invited to the command of the troops of his native State. In response to the call made upon him by the Governor, with the advice and consent of the Senate, he has resigned

his command in the Confederate service, and is on his way to Georgia; and it is now proposed, when he reaches the State, to inform him that he has been deceived; that we have changed our policy, and that his services are not needed.

If we disband the brigades, we do injustice to the Brigadier-Generals, who have been called from important pursuits, and invited by the highest appointing power in the State, to commands which they now hold. Among this number is the gallant Walker, whose glorious deeds have shed luster upon the character of the State, while his blood has stained almost every battlefield where his country's rights have been vindicated, for the last quarter of a century.

If we disband the regiments, we do injustice to the Colonels, who have been legally elected to command them; and if we disband the battalions and tender the troops by companies, we do like injustice to the Lieutenant Colonels and Majors. In any, or either of these cases, we must expect that the gallant men under their command will make the cause of their officers common cause, and refuse to submit to such injustice. We have not, therefore, the power to transfer the troops without their consent; and I feel quite sure they will never give their consent, unless the whole organization is transferred in its *totality*, retaining every officer, from the Major General down to the lowest grade, in his position, with his rank and command.

Second, as to the power of the President to accept the troops: The law passed by Congress authorizes the President to accept them by companies, battalions or regiments, but gives him no authority to accept a brigade or

a division. The law also defines the number of which a company shall consist, and gives him no power to accept a company with less than sixty-four nor more than one hundred privates. It will be borne in mind that the statute uses the term *privates*. Add to these the four commissioned and eight non-commissioned officers, and two musicians, and the *minimum* number of a company which the law authorizes the President to accept is seventy-eight, while the *maximum* number is one hundred and fourteen. The President has no more right, under the statute, to accept a company with less than sixty-four privates, and a proper number of officers, than he has to accept a brigade or division. If the one is illegal, the other is equally so. The statute of our own State declares that a company of infantry shall consist of not less than fifty nor more than eighty *rank and file*. This term includes non-commissioned officers and musicians, as well as privates. Add the four commissioned officers, and our *minimum* number is fifty-four, and our *maximum* number eighty-four. A company must, therefore, approximate very near our largest number before it reaches the smallest number with which it can be received into the Confederate service. If I had had at my command plenty of arms with which to arm the State troops, I might have refused to accept companies with less than the smallest Confederate or largest State number. But I was compelled to appeal to the companies to bring good country arms with them, and as the number of these arms which could be made efficient, within the reach of a company, was generally limited, I was frequently obliged to accept companies with little more than the smallest number allowed by the statute, or to reject them and permit them to disband. While, therefore, each and every company

is organized in conformity to our own statute and has a legal number, probably each one of two-thirds of the companies, has less than the smallest number authorized by the Confederate statute, and could not be accepted by the President or mustered into the service of the Confederacy. If we could be supposed to be capable of the injustice to the Generals, Colonels, Lieutenant-Colonels and Majors which would result from a disbandment of the State organization, and should tender the troops by companies, it is very clear that over two-thirds of them could not be accepted, and must, therefore, be disbanded and sent home. No one who carefully investigates this question can fail to see that an appropriation of money for the support of the troops, which has a condition annexed to it making the appropriation dependent upon the tender of the troops to and their acceptance by the Confederacy, is equivalent to a refusal to vote supplies for their support, and an order to disband them in the face of the enemy. But it may be said that Congress could pass a law authorizing the President, in this particular case, to receive the companies with their present organization, consisting of less than sixty-four privates. This is true; and it is equally true that Congress could pass a law authorizing the President to accept them as organized, by divisions and brigades.

The troops might consent to the transfer on the latter supposition, as this would do justice to their officers and maintain their organization as it was formed by the State; but it is very certain, in my opinion, that they would not consent to the transfer upon any other terms. If we disband these troops because we fail to stand by our State organization and protect their rights, or be-

cause we refuse to make the necessary appropriation to maintain them in the field, we disband an organization of as noble Georgians as ever assembled with arms in their hands, ready and willing, if they can do so with honor, to defend their State, and if need be, to sacrifice their lives a willing offering upon her altar. Do this, and what encouragement do we offer to others to step forward and take their places?

I deny that such action would be just to our brave Generals on the one hand, or to the companies in the condition above described, on the other; or indeed to any company which at the call of the State has organized in conformity to her laws, and been accepted into her service for her defence.

I deny that it is just to the city of Savannah, or the sea coast, by this extraordinary legislation to drive from the field nearly ten thousand of Georgia's most gallant sons, and leave these exposed points at the mercy of the enemy. And I deny that such legislation would reflect the will of the noble constituency who sent us here, and committed to our keeping their honor and their safety. They will never consent to see Georgia's proud escutcheon tarnished, or her flag trailing in the dust before her enemies, because it must cost her a few dollars to maintain her noble sons in the field for her defence. The adoption of any policy looking to a transfer of the State troops, which may result in their disorganization, at a time when their services are so much needed by the State, would be, in my opinion, not only unwise but suicidal, and must result in the most disastrous consequences to the State.

If this fatal policy should be determined upon by the General Assembly, I will be responsible for none of the consequences growing out of it; and, in the name of the people of Georgia, I now, in advance, enter my solemn protest against it. If the State troops are disbanded, or the appropriations to maintain them are made upon the condition that they be transferred or disbanded, which is equivalent to an order to disband them, it will become my duty, as the Executive of the State, to proclaim to her people, that, while the enemy is thundering at her gates, her representatives have left me powerless for her defence, by withholding the necessary means, and even taking from me those already at my command.

If I have used strong language, I mean no disrespect. When all that is dear to a people is at stake, the occasion requires the utmost frankness and candor.

JOSEPH E. BROWN.

The committee to whom was referred the message from his Excellency the Governor, in relation to the tender of the troops in the service of the State to the Confederate Government, have given the same due consideration, and beg leave to submit the following

REPORT:

The House had under consideration a bill to provide for the public defence, and to appropriate money for the same; in the midst of the discussion a message was received from his Excellency the Governor. When it was taken up and read, it proved to be an elaborate argument

against the provisions of the bill under consideration, and a solemn protest against its passage.

The first question which presented itself is: Had the Governor the right to send a message to the House containing an argument against the bill while under consideration? The Constitution of the State says in explicit terms that "the Legislative, Executive and Judicial Departments shall be distinct: and each department shall be confined to a separate body of magistracy. No person or collection of persons being of one department shall exercise any power properly attached to either of the others except in cases herein expressly provided." Again, "the Legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives," and "the General Assembly shall have power to make all laws and ordinances consistent with the Constitution of the Confederate States, which they shall deem necessary and proper for the welfare of the State." "The Executive power shall be vested in a Governor, and the Governor shall have the revision of all bills passed by both Houses, before the same shall become laws." From the provisions of the Constitution it is meant that the different departments of the Government shall be separate and distinct, and that neither shall interfere with another in the performance of its duties. To the General Assembly is granted the power to make laws, and incident to that is the right to deliberate on measures which may be proposed—no one has the right to participate in such deliberations unless he is a member of one branch or the other of the General Assembly. The message of his Excellency, which was intended to be read to the House against the passage of the bill

under consideration, was not only an unwarrantable interference in the business of the House, but was an open, direct and palpable violation of the Constitution—it was not sent in response to a call on the Governor for information, it was not a recommendation to the consideration of the House of a measure which he deemed necessary and expedient, but it was an argument thrust in unbidden and unmasked, against a bill which he wished to defeat. Such an assumption of power by his Excellency is a usurpation which cannot and ought not to be tolerated; he has no more right to interfere with the House while deliberating on a bill than any member of the House has to address an argument to him when a bill is submitted to him for his approval or rejection. No less objectionable is the insinuation contained in the message that the action of the House may be influenced by party considerations or by personal hatred, or personal promotion, or that it was intended to sustain or advance the political fortunes of one man or to injure those of another. Has it come to this, that the representatives of the people cannot propose and discuss a question of momentous importance and involving the highest interest of the State, without subjecting themselves to the injurious imputation of being governed by party considerations and personal hatred if their views should come in conflict with those of his Excellency; who constituted him the judge of the motives which govern others in the performance of the duties which devolve upon them? The representatives of the people whom he has so unjustly aspersed can and have come to the consideration of questions of public policy from a sense of duty, and regardless of party considerations or personal hatred, and uninfluenced by any desire to advance the political fortunes of one man or to

injure those of another, and indignantly repel the insinuation in the message, to the country in a crisis like the present, when all are ready to sacrifice their lives and fortunes in defence of their country, such a calumny coming from the Chief Magistrate of our State tends only to stir up and excite feelings of hostility, when he should inculcate harmony and concord.

The next matter in the message which deserves consideration, is the implied threat that the troops in the service of the State will not submit to the legislation which proposes, not to remove them from the State, but simply to place them under the authority of the Confederate Government. And such a transfer is characterized by his Excellency as an act of injustice; this part of the message is calculated to excite insubordination and disobedience among the troops, and on that ground deserves severe reprehension. It is a fact, known to the House, that pending the bill his Excellency transmitted to the House some resolutions which had been adopted by the officers of one of the regiments of State volunteers, threatening to abandon the field and return home in the event of their being transferred to the service of the Confederate Government. It is a singular coincident that the message and resolutions contained intimations of what would be the action of the State troops in a certain event, conveyed in language almost identical. Was there a complicity between his Excellency and the troops in urging their threats upon the House? One resolution requested his Excellency to lay them before the General Assembly, and he obeyed their behest. The Constitution makes the Governor the Commander-in-Chief of the army and navy of this State, and it is his duty as such to pre-

serve subordination in both officers and privates. As Commander-in-Chief, orders must emanate from him, and he is not subject to the order of anyone; but he has presented himself before the House as the medium through which a threat of insubordination is communicated, and instead of rebuking the threat, reiterates it himself in his message. Whose cheek does not mantle with shame at the thought that the Commander-in-Chief of the army has so prostituted his high office? and that he holds over the heads of the representatives of the people the threat of a disobedient soldiery to deter them from the passage of a bill which he disapproves? It is humiliating and mortifying to know that he has permitted himself to be made subservient to their will, instead of holding them in subjection to the authority of the laws, that he is under their orders, and is the channel through which they are transmitted?

Another view of the message which presents itself, is the issue which his Excellency attempts to raise between the Legislature and the people. The message represents the advocates of the bill as making it a question of money—whether money shall be appropriated for the defence of the State—and leaves it open to the inference that if the appropriation is refused they will leave the State defenceless, because they are unwilling to incur a public debt; but this is a gross misrepresentation of the bill and its advocates. It proposes to raise and appropriate five millions of dollars as a military fund for the year 1862, and provides that if the troops in the service of the State shall be turned over to the Confederate Government, and accepted for the same service and for the same time of their present enlistment, then the money appropriated by

the bill shall not be raised; but if they shall not be accepted, then they are to remain in the service of the State, and for the defence of the State, and the money proposed to be raised by the bill shall be applied for State defence, as directed.

It is simply a question whether Georgia shall maintain an army at her own expense and fit a heavy public debt upon her people, or whether she shall be defended by the Confederate Government and at the expense of that Government. And his Excellency raises a false issue when he says "if the State troops are disbanded or the appropriations to maintain them are made upon the condition that they be transferred or disbanded, which is equivalent to an order to disband them, it will become his duty, as the Executive of the State, to proclaim to her people that while the enemy are thundering at her gates her representatives have left me powerless for her defence by withdrawing the necessary means, and even taking from him those already at his command." This proclamation when made, if it ever shall be made, will present a false issue to the country. It is not true that the representatives of the people have proposed to leave his Excellency powerless for the defence of the State while the enemy are thundering at her gates, it is not true that they have withheld from him the necessary means of defence, on the contrary it is undeniably true that they have proposed to place the troops now in the service of the State under the control of the Confederate Government to remain in the State to serve for the same time, and upon the terms of their enlistment, and thus relieve the State from the heavy expense of maintaining them, and yet have their protection; and it is equally

true that if the Confederate Government should not receive them upon the terms proposed, an ample appropriation and larger by one million five hundred thousand than that asked by his Excellency, has been made for their support and for continuing them in the field. So that so far as money is concerned, ample provision has been made in the bill for the support of the troops if they remain in the service of the State; and if they shall go into the service of the Confederate States, they will remain in the State, and the State will have the same defence which she would have if they were exclusively under the control of her officers. The message of his Excellency does gross injustice to the advocates of the bill in representing them as withholding the proper means of defence, when the reverse is the truth.

The committee, in conclusion, submit the following resolutions and recommend their adoption:

Resolved, That the Constitution of the State which confers upon his Excellency the Governor power to convene the General Assembly, and to give them from time to time information of the state of the Republic, and recommend to their consideration such measures as he may deem necessary and expedient, does not authorize him to send an argument to either House for or against any measure they may have under consideration, no more than to come in person into the House and engage in the discussion.

Resolved, That the message which was sent to the House by his Excellency the Governor containing an argument and a protest against the passage of the bill appropriating money for the defence of the State, which

the House had under consideration, was an unwarrantable interference with the deliberations of the House and receives our unqualified condemnation.

Resolved, That the threat contained in the message that the troops in the service of the State will not submit to the legislation of the General Assembly, in the event of such legislation being contrary to their wishes, was unbecoming the official position occupied by his Excellency—an infringement on the right of free discussion and an invasion of the privileges of the House.

Resolved, That it is not true that the representatives of the people have proposed to transfer the troops in the service of the State to the Confederate Government in such way as amounts to an order to disband them, and the declaration in the message that “it will become the duty of the Executive of the State to proclaim to her people that while the enemy is thundering at her gates her representatives have left him powerless for her defence, by withholding the necessary means, and were taking from him those already at his command” is untrue, and not warranted by any act of this House.

Resolved, That the insinuations in the message that the action of the House may “be influenced by party considerations or by personal hatred or personal favoritism, or to advance the political fortunes of one man or to injure those of another” is an aspersion which we indignantly repel.

Resolved, That the message of his Excellency be entered on the journal to be followed immediately by this report.

In accordance with the last resolution, the message of His Excellency Gov. Brown and the report of the committee on the same are recorded in the journal as above, as directed by the House.

The following communication was this day transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 6th, 1861.

To the General Assembly,

In compliance with the request contained in the accompanying Resolutions, I transmit them to the General Assembly.—

JOSEPH E. BROWN.

RESOLUTIONS.

CAMP HARRISON, S. A. & G. R. R.,

December 3d, 1861.

At a meeting of the officers of Col E. W. Chastain's Regiment of State Volunteers, on motion of Capt. John S. Fain the following Preamble and Resolutions were unanimously adopted:

Whereas, We have learned with regret that a resolution to transfer the Georgia State Volunteers to the ser-

vice of the Confederate States has passed the Senate of the State of Georgia, and seems to meet with general favor in the House of Representatives:

Therefore, Resolved 1st, That we pledge our property, our lives, and our sacred honor to the maintenance of the rights, honor and cherished institutions of our beloved State and the Confederate States, notwithstanding, we most solemnly declare that should the General Assembly of the State of Georgia force such an alternative upon us, we will at once abandon the field and return to our homes.

Resolved 2nd, That we are freemen, and that the General Assembly, nor no other power on earth, has the right to transfer us to the Confederate States service, or any other service without our consent, and that no such authority ought to be exercised over a free people.

Resolved 3rd, That we are not the property of the General Assembly of Georgia to be sold and transferred from one owner to another like a promissory note, and that we hereby enter our solemn protest against any such sale.

Resolved 4th, That a copy of this Preamble and Resolutions be forwarded to His Excellency Governor Brown, with a request that he lay the same before the General Assembly of the State of Georgia.

(SIGNED) JOHN H. CRAVEN,

President.

E. B. MOORE,

Secretary.

SATURDAY, DECEMBER 14TH, 1861.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 14th, 1861.

To the General Assembly:

I have learned with painful regret that a large portion of the city of Charleston, in our noble sister State, is destroyed by fire. This is a calamity which is not confined to South Carolina, but is common to us all. The individual suffering resulting from it, must be very great. Large numbers of the poor of that noble city are deprived of all they possessed, and are left without home or shelter; while others of larger means, have been reduced to poverty in a single day.

This misfortune has befallen them at a time when they are threatened by sea and land by a powerful and relentless enemy. No doubt the Legislature of their own State will do all in their power for the relief of the sufferers; but with the other heavy burdens now pressing upon South Carolina, in common with her Southern sisters, I think that each should consider the calamity as a common one, and that each should do something for the relief of the sufferers. Humanity combines with fraternal relations in making this our duty. Had the calamity befallen Savannah or any other city of Georgia, I doubt not

our sister State would have been the first to come to the assistance of the sufferers.

I recommend that an appropriation of one hundred thousand dollars, or such other sum or sums as you may deem proper, be immediately made and placed at the disposal of the Governor of South Carolina, for the relief of the suffering poor of the city of Charleston, whose sufferings have been produced by the conflagration.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 1st, 1862.

At the late session of the General Assembly, I sent both Houses a special message on the subject of our coast defences, having relation more particularly to our State troops, who were under arms in the field for our defence, and for whose support no adequate provision had been made, though the Legislature had then been in session thirty days.

In the House of Representatives the message was referred to a special committee that committee made a report which was ordered to be entered upon the journal of the House immediately after the message. As this report contains statements prompted by the passion of the hour, and the strong partisan feelings of a majority of the members of the House, which do me the grossest injustice; and statements, which the record kept by the

House itself shows, in part, to be entirely irreconcilable with the facts, I feel it due to myself that I protest against this injustice; and due to my successors in office, that I maintain the constitutional rights of the Executive, against the unwarrantable assumptions of the House.

The journal does not show that the report of the committee was adopted by the House; but as it was ordered to be entered upon the journal, it is reasonable to infer that it met the approval of a majority of the House. The action of the House in this particular, was not officially communicated to me; and I had no opportunity to reply, till the journal was placed in my hands after the General Assembly had adjourned.

The part which first claims attention in a review of the report, and which seems to have been most wounding to the pride of the committee, and to the assumed dignity of a majority of the House, (as it is mentioned at least *six* times in the report, in a spirit which clearly evinces the agonizing pain of wounded pride and offended dignity.) is the fact that the message which the Governor sent to the House contained *an argument* upon one of the most important questions of the session. The country is familiar with the fact that the House contained an unusual number of speaking members, each of a considerable number of whom aspired to the leadership of the majority party in the House; and therefore, each seemed to feel that the House was incompetent to decide upon the most trivial question until it had been entertained by an elaborate discourse from its supposed leader; and as the question of leadership was not settled, it was frequently necessary for each speaker who felt that he had claims to this distinction, to entertain the House with

his views. The consequence was, that much of the time of the session was consumed in lengthy discussions, to the great hindrance of business, at a cost of thousands of dollars to the people, when the enemy was upon our territory, and the necessary appropriations had not been made for the support of our troops.

The Governor had other employment, and could not hear the elaborate productions of the distinguished orators of the House. This, it is hoped, will be received by the House in mitigation of his course in presenting his message in the shape of *an argument*, as he was not aware of any usage of the House forbidding the use of *argument* in a communication to that body. It may be safely admitted that a majority of the House may have been too much under the influence of excitement and passion, during the discussion of this question, either to weigh *argument* or to be influenced by it. But as the House, on the last evening of its session, receded from its position to transfer the State troops *without their consent*, and voted the appropriation to support them in the event they withheld their consent to the transfer, it is hoped that the *argument* contained in it, had no injurious effect upon the House.

The next point of grievance set forth in the report of the committee is, that the message contains an insinuation that the action of the House may be influenced by party considerations. If this construction of the message is correct when applied to the House, it is equally so when applied to the Senate, as any candid reader who will peruse it will see. The latter body, however, does not seem to have discovered the insinuation, for the reason, doubt-

less, that its members felt conscious that their action was influenced by no such considerations. I am content to leave every intelligent reader to judge whether any one is likely to discover the insinuation in the message of which committee of the House complains, who does not feel in his own heart that his own action has been or may be influenced by considerations of party prejudice or party bias. If the report of the committee was intended by its movers or supporters to divert the attention of the people from the partizan conduct of a majority of the House (and it is believed by them that the object has been accomplished,) the delusion is as fatal as that of the famous bird which imagines that its body is concealed from the public gaze when it has been successful only in hiding its head.

The next matter in the message, which, in the opinion of the committee, "deserves severe reprehension," is what they are pleased to term the implied threat that the troops in the service of the State would not submit to legislation which proposed to place them under the authority of the Confederate Government; and the committee complains that the Governor characterized such *transfer* "as an act of injustice." In reply to this I have only to say, that the State troops entered the service of the *State*, and not of the *Confederacy*. The implied contract between them and the State was, that they should serve *her* for the term of their enlistment, and faithfully perform all their duties as soldiers; and that she should maintain, pay and command them, for the same period. Any attempt, therefore, to transfer them and place them under the authority of another government, without their consent, would have been as much a breach of the contract and a violation of good faith on the part of the State as

it would be a breach of the contract or a violation of good faith on the part of any one of the troops to desert or abandon his post without the consent of the State. The obligations of the contract are reciprocal and mutual, and neither party has a right, without the consent of the other to disregard them.

The journal shows that, while a proposition to transfer the State Volunteers was pending before the House, an amendment was offered in the following words, to-wit: "The consent of said Volunteers being first obtained thereto; *provided, further*, that if the said Volunteer State Troops shall decline to be transferred as provided in this Act, then said troops shall be retained in the State defence." This amendment the House refused to incorporate in the proposition for the transfer, and laid it on the table, by a vote of a decided majority of the House, taken by yeas and nays.

If, therefore, the will of the majority of the House had been carried into effect, the State would have been placed in the humiliating position of having grossly violated her contract with her brave troops, who had sacrificed all the comforts of home and were risking their life's blood for her defence, and of having refused to permit them even to be consulted when she offered to barter them off to another government. I can not do less than repeat what the committee complains of in my message, that the intended act would have been "an act of injustice" to which no one of the State troops would have been under the slightest obligation of honor or of law to submit.

The next complaint is, that "it is a fact well known to the House that, *pending the bill*, I transmitted to the

House some resolutions which had been adopted by the officers of one of the regiments of State Volunteers, threatening to abandon the field and return home in the event of their being transferred, etc. To this I have only to reply, that the journal of the House shows that the bill under consideration at the time my message was sent in to the House, was passed on the fifth day of December, and was reconsidered and amended and again passed the next day; after which the House, under its own rules, could not again reconsider it or change their action upon it. The journal of the House also shows that I transmitted said resolutions to the House on the seventh day of December; and the journal of the Senate shows that the House bill above mentioned was read the *first time* in the Senate on the latter day. The bill was not, therefore, *pending* before the House when I transmitted the resolutions of the Regiment to that body. I leave the committee, after a perusal of the journal of their own House, to reconcile their statement, in this particular, with the truth.

But the report, into which is injected with great emphasis the exclamation "Whose cheek does not mantle with shame?" complains bitterly that I, as the Commander-in-Chief, should have "so prostituted my high office" as to have complied with the request, (and it was a respectful one) of the officers of a regiment of State Volunteers, and laid their resolutions before the House. Though I may never expect the pardon of the House for this act, which they characterize as "humiliating and mortifying," I trust I may claim the forbearance of the State troops and of all intelligent citizens of the State, for having laid the remonstrance of a regiment of brave State Volunteers against an act of gross injustice to them, be-

fore a body whose action had shown that its will was to perpetrate the act. As Commander-in-Chief, I shall, at all times, feel it my duty to protect the troops under my command against every act of injustice, whether attempted to be perpetrated by the House of Representatives or any other power.

It is stated in this extraordinary production, that when my message "was taken up and read, it proved to be an elaborate argument against the bill then under consideration in the House, and a solemn protest against its passage." A simple reference to the message itself, now of record upon the journal of the House by its own order, is all that is necessary to satisfy any one of the utter recklessness of this statement. The message will be read in vain by him who expects to find in it any mention of any bill pending before either of the Houses, or any protest against the passage of any particular bill by either House. The message refers to a correspondence between myself and the Secretary of War, and contains an expression in favor of harmony and concord between the co-ordinate branches of the government, and of the hope that dissensions and jealousies, if they exist, may be banished from our midst, and that we may [unite] as one man, and promptly provide the necessary means to defend the State and drive the invader from our soil." It contains an argument in favor of making the necessary appropriations to maintain our troops in the field, to defend the State, and to show that we have no right to transfer the State troops *without their consent*; and that the organization made under our State laws is not such as the President is authorized to receive under the laws of Congress. It then points out the disastrous consequences which must follow a refusal, (on the ground of saving expense,) to make the

necessary appropriations to support the troops, which is equivalent to an order to disband them, and contains my protest in advance against the adoption of any such policy. This is the substance of the message; and it is very clear that it contains not even an allusion to any bill pending in either House, unless the allusion may be found in that paragraph which refers to "a proposition" which is made to transfer the troops by regiments, battalions, companies, etc., and if they are not received, to disband them. If the proposition contained in the bill before the House, were to withhold the appropriations necessary to the support of the troops, to transfer them without their consent, and to disband them in the face of the enemy if the Confederacy refused to receive them, it may then be said, with truth, that the message contained an argument against the bill under consideration, and a solemn protest against the passage of a measure so unpatriotic in its purposes, iniquitous in its character and ruinous in its consequences.

The committee had become so anxious, at the time the report was prepared, to relieve themselves of the charge of attempting to defeat the necessary appropriations for the support of the troops, that they found it important to state that, at the time the message was received, the House had under consideration "a bill to provide for the public defence, and *to appropriate money for the same.*" By reference to the Journal of the House, it will be seen that the House had under consideration "A bill to provide for the public defence, *and for other purposes,*" which had been reported by the Committee on Finance. I happen to have in my possession a copy of this bill as printed under an order of the House. It recites, among other things, that "the people

of Georgia can not, and will not, believe that the Government of the Confederate States” “will impose upon her people *the expense of defending themselves.*”

The 1st Section of that bill proposed to appropriate \$5,000,000 as a military fund for the year 1862.

The 2nd Section provided for raising money by the issue of Treasury Notes.

The 3rd Section provided that these Notes should be receivable in payment of taxes, etc., and pointed out the mode of funding them.

The 4th Section made it the duty of the Governor, before issuing *any of said Treasury Notes*, to make to the President or Secretary of War *an unconditional tender* of the troops in the service of Georgia; and in the event the troops shall be so accepted, then the Governor “*shall not issue any of said Treasury Notes.*”

The 5th Section provided, that if the Secretary of War shall propose or agree to accept the troops, etc., “the Governor *shall not issue any of said Treasury Notes.*”

In the 6th Section I find the following language: “If there be any Georgia troops called out and mustered into service for a term which will not justify their acceptance by the Confederate States according to the laws of Congress, then such troops as can not be thus accepted, shall be *disbanded* and *discharged* by the Governor, etc.

The above is a synopsis of the more important provisions of the bill reported by the Finance Committee,

which was under consideration at the time my message was transmitted to the House.

It will be borne in mind that the enemy was then upon the soil of Georgia, and that the proposition in that bill to *disband* such of the Georgia troops as were not mustered into service for a term which would justify their acceptance into the Confederate service, was equivalent to a direct proposition to *disband them in the face of the enemy*. The troops were in the field at the time; and the appropriations which had been made were entirely inadequate to their support till the negotiations with the Secretary of War could be conducted for their transfer. In this state of things, with no adequate provision for the support of the troops till it could be done, the bill required the Governor to make an *unconditional tender* of the troops *before* issuing *any of said Treasury Notes*; and if they were accepted, none of said Notes should be issued. In other words, the effect of the bill was, that the troops were to be left without support till negotiations could be concluded with the Secretary of War for their transfer, and if any of them had been mustered into the service for a term which would not justify their acceptance into the service of the Confederate States, which was well known to be the case with most of them,) such were to be *disbanded*, in the face of the enemy.

The report of the Committee says: "It is not true that the representatives of the people have proposed to leave his Excellency powerless for the defence of the State, while the enemy was thundering at her gates." And again, that "The message of his Excellency does gross injustice to the advocates of the bill, in representing them as withholding the proper means of defence."

I leave every candid reader to compare these statements of the Committee, with the provisions of the bill against which it is complained that the message contained an *argument*, and to judge of their truthfulness.

It may be insisted that the House, after the message was received, so modified and changed the bill as to relieve it of some of its most objectionable features. If so, it is only an evidence that the *argument* contained in the message was productive of good effect.

Before closing this review of the report and resolutions of censure which I find upon the Journal of the House, I deem it proper to state that the message was not addressed to the House of Representatives alone, but to the "General Assembly;" and that a copy was sent to the House and another to the Senate. The Senate, which was a very able and dignified body, and which was accustomed to *argument* in its debates, did not seem to feel that its Constitutional rights were infringed or its dignity insulted by the receipt of a message from the Governor upon one of the most important measures of the session, though it was, (if I may adopt the very parliamentary language of the Committee of the House,) "thrust in unbidden and unasked," and "was not sent, in response to a call made on the Governor, for information." That body seemed to have comprehended the fact that it is the Governor's Constitutional right and duty, "from time to time," to "give them information of the state of the republic, and to recommend to their consideration such measures as he may deem expedient," without regard to the fact whether any resolution asking for information may or may not have been passed. Hence, not the slightest exception was taken to the message in

the Senate; nor does it seem that the fact that it contained an *argument* upon this important question rendered it either incomprehensible to Senators or wounding to their dignity. I here take occasion to state, that the foregoing remarks which are applicable to the House, are intended to apply to that portion of its members only who concurred in the misrepresentations and sanctioned the injustice of the Committee.

As I had no opportunity to reply to the aspersions contained in the report and resolutions of censure during the session of the House, and as the House ordered them to be recorded upon its journal, I hereby protest against their injustice and misrepresentations, and order that this protest be recorded upon the Minutes of the Executive Department, and published as an Appendix to the Journal of the House of Representatives, with a note of reference thereto on the bottom of the page where the report of the Committee is concluded upon the printed Journal.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

HEADQUARTERS, January 30th, 1862.

To the Sheriff of Fulton County:

1st.—On the 25th day of November last, Capt. E. M. Field, Assistant Commissary General of this State, in obedience to my orders as Commander-in-Chief of the

Army and Navy of this State, seized in the city of Atlanta one thousand sacks of salt, then in the possession of one A. K. Seago, of said city, for the support of the army of this State, and for other public use. Said Field tendered and paid to said Seago what was at the time of the seizure just compensation, which said Seago received, and for which he gave his receipt acknowledging the payment. Said Field then stored said salt with said Seago, under a contract to pay him storage for the time it remained in his possession, "at usual rates"; and said Seago gave his receipt for said salt, which he bound himself "to hold subject to the order of the Governor of this State, or of said Field, to be delivered when called for."

2d. Said salt has since been placed in the possession of William Watkins, one of the military store keepers of the State, and that part of it which has not been issued for the support of the troops now in the service of the State, is now in the Military possession of the State, and is retained, under the orders of the Commissary General, by said Military Store Keeper for public use.

3d.—I am informed that said Seago, after receiving the money in payment for the salt, and after receiving the same on storage and giving his receipt for it as stated above, has commenced his action of trover, etc., in the Superior Court of said County, against said William Watkins, for said salt, and has filed his affidavit requiring bail in the sum of \$32,000, and *has sworn*, notwithstanding said receipt voluntarily given by him, that he "*does verily and bona fide*" claim said one thousand sacks of salt, as "*his own right and property.*"

4th.—I am informed further, that you have handed said William Watkins, Military Store Keeper now in

service, a copy of the declaration, process and affidavit in said action, and that he is now virtually under arrest by you.

5th.—While I hold the military authority of this State subject to the civil, in times of peace, and have on all occasions done all in my power to uphold and sustain the dignity and authority of the judiciary, in times of War, when the rights, lives, liberties and property of judges and civilians, as well as of persons exercising military authority, or in military service, are threatened and endangered by a powerful enemy now invading our soil, I can not permit the military operations of this State to be delayed or hindered by the arrest or detention of persons in military service by any civil officer of this State, under any civil process issuing from any Court in this State; nor can I permit the military stores of this State, in the hands of her military storekeeper, to be seized or interfered with by any civil officer, under any process of any Court or of any civil tribunal whatever.

6th.—You are, therefore, hereby commanded forthwith to release said William Watkins, military storekeeper as aforesaid, whom you have arrested under said civil process, out of your custody, and to abstain absolutely from all further interference with the military stores of this State, or the keepers thereof.

In case of refusal on your part to obey this order, I shall direct the use of such military force as is necessary to its execution.

JOSEPH E. BROWN.

Governor and Commander-in-Chief.

HEADQUARTERS,

MILLEDGEVILLE, February 6th, 1862.

Brigadier-General W. P. HOWARD,

Commanding 1st Brigade, 11th Division G. M.

General: I herewith inclose you a *copy of orders issued to the Sheriff of Fulton County commanding him to release out of his custody William Watkins, a military store keeper in Atlanta, now in the military service of this State, who is about to be imprisoned under a *Civil process*, issued from the Superior Court of said County, at the suit of one A. K. Seago, against said Watkins, for the recovery of a certain lot of salt placed in the hands of said Watkins as military store keeper, by order of the Commissary General of this State, in which said suit said Seago has filed his *affidavit* requiring bail in the sum of \$32,000, after having received from the Commissary's Department what was at that time just compensation, and given his receipt in full for the money received by him in payment for said salt, and received and receipted for it on storage, as the property of the State.

Since the transmission of said orders by mail to said Sheriff, I am informed that certain evil disposed persons are attempting to induce said Sheriff to disregard and disobey said orders, and by himself, or his deputy, to take said Watkins from his military employment, and to detain and imprison him in the common jail of said county.

*See orders under date of Jan. 30, 1862.

1st.—You will notify the Sheriff of said county of the existence of these orders to you, and to inquire of him if he has received the orders of which the inclosed are copies. If he responds in the negative, you will exhibit to him said copies.

2d.—You will, in the event of any attempt to imprison said Watkins, call out, and use such part of the military force under your command as may be necessary to protect said Watkins in the discharge of his duties in the military service in which he is engaged, and against any such imprisonment.

3d.—Should said Watkins be incarcerated in the common jail, or other building, by said sheriff, or his deputy, under said civil process before you are advised of the fact, you will, at once, demand his immediate release; and if this is refused, you will demand the keys of the prison, and if delivered, you will proceed to discharge him; but should said keys be refused, on your demand, you will immediately use all the force necessary to open the prison and release the prisoner, accomplishing the object with as little injury as possible to the building.

4th.—After you have notified said Sheriff of the existence of these orders, should he proceed to imprison said Watkins under said bail process, you will, after you have released said Watkins, place said Sheriff, or his acting deputy, (if the act is done by deputy), under military arrest, and you will report your action to these headquarters, when such further orders will be issued in the premises as are according to military law and the rules and articles of war.

JOSEPH E. BROWN,
Governor and Commander-in-Chief.

A PROCLAMATION.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 11th, 1862.

To the People of Georgia:

The outrageous usurpations of power and aggressions upon our rights committed by the Federal Government, and the absolute degradation to which the Southern people were exposed if they submitted to the rule of Mr. Lincoln, who was elevated to power by the abolitionists and protectionists of the North, compelled the State of Georgia, in common with her other Southern sisters, to withdraw from a Union in which the Constitutional rights of her people were no longer respected, and their lives and property no longer secure. After the secession of the Southern States and the establishment of the Confederate States government, the tyrannical despotism which rules at Washington waged a wicked and bloody war upon the people of these States, because in the exercise of one of the most sacred rights of freemen, we threw off the yoke of bondage, attempted to be fastened upon us and our posterity, and refused to be "hewers of wood and drawers of water" for a haughty and insolent people, who claimed the right to compel us to render obedience to their mandates.

In their attempt to subjugate us, the Northern troops have been permitted to disregard all the rules of civilized warfare. They have not only stolen our property

and laid waste the country behind them, where they have advanced within our territory, but with fiendish malignity, they have, on several occasions, in cold blood, shot down unarmed and unoffending women and children. Not only have they disregarded all the dictates of humanity, but, with sacriligious infidelity, they have even desecrated the altars of God and have defiled and polluted our churches and places of public worship.

While the troops in the field have been perpetrating these enormous wrongs, the Lincoln cabinet, has, in violation of the plainest principles of the Constitution, suspended the writ of *habeas corpus*, and has ordered the seizure and imprisonment of Southern men, and Southern women, and of such as sympathize with us, for an indefinite period, without the verdicts of juries, the judgments of courts, or the sentence of courts martial. Some of the noblest and truest sons and daughters of Georgia are included in the number whose rights have thus been wantonly outraged.

But these outrages are not confined to the troops and to the cabinet. The Lincoln congress has passed laws confiscating a very large portion of the property of the Southern people, and a bill is now pending before that body, if it has not already passed, to assess an exceedingly burdensome tax against the lands of every man in the South, to assist them to carry on the war for our destruction; and if the tax is not paid into their treasury after a short period, the bill declares that all our lands shall be confiscated and taken from us, and authorizes the President, as fast as he gains possession of the country by force of arms, to seize the lands, eject their South-

ern owners from them, and to colonize them with Yankees and foreigners, who are to hold them under the authority of the United States, and to take possession of our negroes and compel them to cultivate the lands taken from us for the benefit of the Northern government.

The object of this Act is the general confiscation of all the lands of the South to the Lincoln government. If conquered, we are to be driven from them, and leave them to be occupied by our most deadly enemies. It is already the public boast of one of the Northern generals, who is also a United States Senator, that it is the settled policy of the government to make the lands of the Sunny South the home of a colony of negroes belonging to the North, under masters and rulers appointed by the government. To accomplish this, it is proposed to arm the negroes and incite them to destroy our wives and children.

Not content with depriving us of all our lands, it is the known policy of that government to take the balance of our property to pay the debt which they have contracted in preparation for our subjugation. This debt already reaches nearly one thousand millions of dollars. If, then, we are overcome, we not only lose all the lands and all the other property we possess, but we must be driven from the homes of our ancestors, and must leave their graves and the altars which they have bequeathed to us, to be trampled under foot by our insolent masters; and what is still infinitely worse, we lose our civil and religious liberties, and must transmit an heritage of — (?) to our posterity. Will Georgians ever submit to those outrages? If we do, while there is a man in the State able to bear arms, a lady able to work to clothe him, and a dollar with which to support him in the field, we

have degenerated and are unworthy our ancestors. Nay, more, we are unworthy the sacrifices which have been made for our protection by the noble sons of our State, who on many a battle field have lately poured our their life's blood, a willing offering in illustration of our character and vindication of our cause.

But, my countrymen, if we would avert the calamities to which I have alluded, we must awake from the slumbers of false security and thousands more from Georgia must immediately fly to arms. The Lincoln government now has over half a million of men in the field armed, accoutred and equipped with all the outfits necessary for the soldier. These troops are enlisted *for the war*. Most of them are becoming well trained. That government also has a large naval force, and has the control of the seas around us and of part of our inland waters. Our ports are blocked. The territory of almost every State in the Confederacy, including the territory of our own Georgia, is now invaded by a heavy threatened force. Soon the blow is to be stricken with terrible fury on many a bloody field.

To meet this vast force we have a smaller number. Of this number a large proportion entered the service for a term which expires during the ensuing spring. The enemy looks to this fact with great interest and expects to strike the decisive blow when we are weakened by the discharge of more than half our entire army.

This we must not permit, but without delay, we must much more than fill the places of all whose terms expire and who can not re-enlist. Our troops now in the field have shown a noble self-sacrificing disposition, and I can

not doubt that every one of them who can possibly do so, will respond cheerfully to their country's call in this solemn hour of trial, and promptly re-enlist *for the war*. After this has been done, many more will still be needed and we must not deceive ourselves by supposing that those now in the field can do all that is required.

With a view to meet the present emergency, the President of the Confederate States has made a requisition upon the Governors of the different States for such additional force, to serve for *three years or during the war*, as in his judgment is sufficient for the present crisis.

In carrying out this wise policy, he has called upon me as your Governor, to furnish twelve additional Regiments from Georgia for the length of time above specified, by the 15th of March next, if possible.

I am requested to order the troops into camps of instruction, and am authorized by the Secretary of War to say that he will furnish them, at the expense of the Confederate States, with "clothing, equipments and arms," and that a bounty of *fifty dollars* will be paid to each volunteer private, so soon as his company is mustered into service, and that transportation will be furnished to each from his home to the place of rendezvous. The law also authorizes the volunteers to elect their own officers. In compliance with the request of the Secretary of War, I will establish three camps of instruction. One at Camp McDonald seven miles above Marietta, on the W. & A. Railroad; one at Camp Stephens, near Griffin; and one at Camp Davis, thirty miles from Savannah, on the Central Railroad. Under this requisition from the President, it becomes my duty to call upon the chivalrous sons

of the Empire State who still remain at home, to emulate the noble example of those who have gone before them to the field, and to contribute their part to sustain the high character won for Georgia by the valor of her troops in every contest where they have met their country's foe. In view of the past, I can not permit myself to entertain a reasonable doubt, that the whole number required will immediately respond as volunteers. Surely no true, patriotic son of our State, when all the property he possesses, his life, and the liberties of his posterity are at stake, will wait to be forced into the field *by draft*. Were Georgia's sons capable of this, I can not believe that the noble women of the State, who have done so much for the cause, would ever tolerate such delinquency.

Should I have the mortification to find that I am mistaken in this most reasonable expectation, I shall immediately proceed to *detach* or *draft* such number from each regiment or independent battalion in this State as may be necessary, with the number who may volunteer, to make up the quota required from such regiments or independent battalion. The statute does not require that the *draft* be made by *lot*, but leaves the mode of making the *detachment* or *draft* to the discretion of the Commander-in-Chief.

Let it be remembered that no bounty is paid to the soldier who has to be forced by a draft to defend his home, and that the proper authority has the right to assign to him the officers by whom he is to be commanded. The bounty and the elective franchise belong under the law *only* to the brave volunteer. That the question may be decided without delay, and the required regiments be raised immediately, either by the acceptance of volun-

teers, or by *detachment* or *draft*; the Adjutant and Inspector General, under my direction, will proceed to issue orders to the commanding officer of each Regiment or Independent Battalion in this State, and if the regiment or battalion is not fully organized, then to the senior officer entitled to the command, informing him of the number of men required for his command, and directing him to call out the Regiment or Independent Battalion, at the Regimental or Battalion parade ground on Tuesday the 4th day of March next, and each and every man in Georgia liable to do military duty is hereby required to take notice and attend at the parade ground of the Regiment or Independent Battalion to which he belongs, on that day. When the Regiment or Battalion is assembled, the Commanding Officer will be required to call for such number of volunteers as are required from his command. If a sufficient number do not respond to the call he will be directed to *detach* or *draft* the balance of the number needed, taking down *as drafted*, first the names of all who are subject to do military duty who have been notified of the time and place of such parade and are absent from it, except from Providential cause made known at the time. The Commanding Officer will also receive from the Adjutant and Inspector General, instructions as to the class next to be detached, in case a sufficient number has not been offered when this class is exhausted.

Each Justice of the Peace in each county is also hereby charged with the duty of attending the parade and reporting to the Commanding Officer the names of any persons in his district subject to do military duty, who are not present.

The Commanding Officer will, on that day, be required to make out a complete roll of all the names of persons under his command liable to do military duty, and forward a copy to the Adjutant and Inspector General's office.

I can not close without repeating my ardent hope that a number of volunteers sufficient to fill the entire requisition will promptly respond. This is required to sustain the honor of Georgia, her proud position as the Empire State, and the immortality of glory already won for her arms by the brilliant deeds and heroic daring of her troops in the field.

Let none be discouraged on account of our late reverses. We can not expect always to be victorious. We have had the most cheering evidences of the interposition of Divine Providence in our favor; while our arms have been crowned with a succession of victories which find but few parallels in history. True, the enemy has the advantage of us upon the waters, but before he can subjugate us he must expose his troops where we can meet them hand to hand, and drive them back *by the use of cold steel in close quarters*. Here his courage fails him, and here it is that our troops have shown a most wonderful superiority and a most remarkable heroism. Here then let every Georgian go forth resolved to grapple with him, and with that true courage that nerves the patriot's arm, *here* let us force him to decide the contest. If we do this, and are ever mindful of the strength of that Almighty arm upon whose assistance we should humbly and confidently rely, we can not fail to drive the invader from our genial territory back to his frozen home. In this hour of national peril, when our danger is imminent,

trusting in God, who alone is able to give us victory, but who will not assist us unless we humble ourselves in his presence and exert all the strength with which he has endowed us; I warn you of the danger which surrounds you, my countrymen, and as your Commander-in-Chief I exhort you to lay aside, when necessary, every other employment, and I now summon you immediately to arms. Strike before it is too late, for your liberties, your families, your homes, and your altars!

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 18th, 1862.

Conductors Central Railroad: You are authorized to furnish transportation to seven recruits to Captain Napier's Artillery, under the command of Lieutenant Ells. They are excepted from the general order, for the reason that they were ordered into service before the date of the late Executive Proclamation, and for the additional reason that their services with their corps in Savannah are now important on account of the vast importance of Artillery.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 18th, 1862.

To the Conductors Macon & Western and Central Railroads:

You will furnish to E. W. Beck transportation for twenty-two recruits for Capt. Stewart's Company from Griffin to Savannah. These recruits are permitted to repair to their company, because ordered into service before the date of the late Executive Proclamation. The Captain is hereby authorized to receive said recruits on their arrival in Savannah.

JOSEPH E. BROWN.

TUESDAY, February 18th, 1862.

A PROCLAMATION.

BY JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 18th, 1862.

It is now about one year since the people of the Confederate States, no longer able to live in peace in a Union

with their Northern neighbors, separated themselves from them. For this act, with vastly superior numbers and military resources, they waged a bloody war against us, with the avowed object of conquering us by their power, and compelling us to live in subjection to their will. We relied much upon the justice of our cause, but in a contest so unequal, we felt our need of Divine assistance, and Christians and good men of every denomination lifted their voices to Heaven in earnest supplication, and placed their trust, not in armies and horses and chariots, but in the God of Israel. While our people were engaged unitedly in humiliation and prayer, our armies went forth from victory to victory, with invincible courage and strength, which filled our enemies with shame and confusion. But it is feared our constant successes filled our hearts with vanity, and caused us to appropriate to ourselves a large portion of the glory which belonged to God alone. We forget that it was only with His assistance that "one should chase a thousand and two put ten thousand to flight."

The feeling seemed to be that "our hand is high, and the Lord hath not done all this;" and we were ready to say, in the language of one of old, who felt confident in his own strength, "is not this great Babylon that I have built?" The consequence has been that God has, for a time, withdrawn His smiling face from us, and has turned the tide of victory against us, and permitted our enemies to triumph over us, and our troops to be slaughtered and made prisoners, till the land has been filled with mourning in place of rejoicing.

In the midst of these troubles, we have been reminded of the language of the psalmist, "Thou goest not forth

with our armies, Thou makest us to turn back from the enemy, and they which hate us spoil for themselves.”

Impressed with the firm conviction, in this our time of national peril, that if we return unto the Lord and put our trust in Him, and in our united capacity as a people humble ourselves in fasting and prayer, He will be to us “a strong tower from the enemy” and when “the enemy shall come in like a flood the spirit of the Lord shall lift up a standard against him,” and that we shall have cause, as one man, to exclaim: “Rejoice not over me, O mine enemy, when I fall I shall arise; when I set in darkness, the Lord shall be a light unto me.”

Therefore I, Joseph E. Brown, Governor of Georgia, do issue this my proclamation, setting apart Friday, the 7th of March, next, as a day of fasting, humiliation and prayer; and I earnestly invite the people of this State, of every sect and denomination, to meet at their respective places of public worship on that day, and to unite in humble and fervent supplication and prayer to God for His blessing upon our country, and to implore Him to give us wisdom in council to those in authority and victory to our armies in the field, until our enemy shall be driven from our territory and peace shall again be restored throughout all the land.

And I earnestly invite the Reverend Clergy to be present and to lead in such religious services as may be appropriate to the occasion.

Given under my hand and the seal of the Executive Department, at the Capitol, in Milledgeville, this 18th day of February, in the year of our Lord, 1862.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 20th, 1862.

To the Mechanics of Georgia:

The late reverses which have attended our arms, show the absolute necessity of renewed energy and determination on our part. We are left to choose between freedom at the end of a desperate and heroic struggle and submission to tyranny, followed by the most abject and degraded slavery to which a patriotic and generous people were ever exposed. Surely we can not hesitate. Independence or death should be the watchword and reply of every freeborn son of the South. Our enemies have vastly superior numbers and greatly the advantage in the quantity and quality of their arms. Including those, however, which have and will be imported, in spite of the blockade, we have guns enough in the Confederacy to arm a very large force, but not enough for all the troops which have been and must be called to the field. What shall be done in this emergency? I answer: Use the "Georgia Pike" with six feet staff, and the side knife eighteen inches blade, weighing about three pounds.

Let every army have a large reserve, armed with a good pike, and a long heavy side knife, to be brought upon the field, with a shout for victory, when the contending forces are much exhausted, or when the time comes for the charge of bayonets. When the advancing columns come within reach of the balls, let them move in

double quick time and rush with terrible impetuosity into the lines of the enemy. Hand to hand, the pike has vastly the advantage of the bayonet, and those having the bayonet, which is itself but a crooked pike, with shorter staff, must retreat before it. When the retreat commences, let the pursuit be rapid, and if the enemy throw down their guns and are likely to outrun us, if need be, throw down the pike and keep close at their heels with the knife, till each man has hewed down, at least, one of his adversaries.

Had five thousand reserves thus armed and well trained to the use of these terrible weapons been brought to the charge at the proper time, who can say that the victory would not have been ours at Fort Donaldson?

But it was probably important that I state here the use to be made of that which I wish you to manufacture. I have already a considerable number of these pikes and knives, but I desire, within the next month, ten thousand more of each. I must have them; and I appeal to you, as one of the most patriotic classes of our fellow citizens, to make them for me immediately. I trust every mechanic, who has the means of turning them out rapidly, and the owner of every machine shop in this State, will at once lay aside, as far as possible, all other business and appropriate a month or two to the relief of the country in this emergency. Each workman who has the means of turning them out in large numbers without delay will be supplied with a proper pattern by application at the Ordnance Office at Milledgeville.

Appealing to your patriotism as a class and to your interest as citizens, whose all is at stake in the great con-

test in which we are engaged, I ask an immediate response.

In ancient times, that nation, it is said, usually extended its conquests furthest whose *arms were shortest*. Long range guns sometimes fail to fire and waste an hundred balls to one that takes effect; but the short range pike and the terrible knife, when brought within their proper range, (as they can be almost in a moment) and wielded by a stalwart patriot's arm, never fail to fire and never waste a single load.

I am, very respectfully, your fellow citizen,

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 24th, 1862.

To the Officers Commanding the Militia of Floyd County:

You are hereby instructed to omit the persons who compose the firm of Noble Brothers & Co., and such workmen as they will certify to be necessary to the rapid and successful manufacture of cannon at their foundry; and not require them to do militia duty, nor subject them to the draft, (should one be necessary,) to raise the quota of men required of Floyd County under the late requisition for twelve Regiments. *Provided*, That the whole number subject to do military duty shall not exceed

twenty, who shall be entitled to the benefit of this exemption.

This order to remain in force till further orders from this office.

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

HEADQUARTERS,

MILLEDGEVILLE, GEORGIA,

February 26th, 1862.

To Capt. V. A. GASKILL, Atlanta, Georgia,

Captain: You are hereby directed forthwith to seize, for the public use of this State, all the block tin to be found in Atlanta, and secure and hold the same subject to my order, for which just compensation will be made to owners, and make report of such seizures to me at Headquarters.

JOSEPH E. BROWN.

A PROCLAMATION

By JOSEPH E. BROWN, Governor of Georgia.

Information has reached me, through various reliable channels, that in the midst of our perils, the distillation of corn into ardent spirits has grown to be an evil of the most alarming magnitude.

In the richest grain growing section of our State the number of distilleries has increased to an almost incredible extent and the quantity of grain consumed by them is enormous. In a single county, which is not probably worse, in proportion to its population, than many others, I am credibly informed that about seventy stills are now constantly boiling. These consume more grain daily than is required as food for every human being in the county. At this rate, our bread must fail in the month of July, when we have no substitute to sustain life. But this is not to be the full extent of our calamity. If the evil can not be suppressed, that which is absolutely necessary for our support is to be converted into "strong drink," which Divine inspiration tells us is "raging," which dethrones the reason of our Generals in the hour when they lead our armies to battle, degrades and demoralizes our troops and causes them to be slaughtered, and our flag to train in the dust before the enemy.

Without the corn which is thus being destroyed, it is impossible to support our people at home and our armies in the field. Destroy the supply, while our enemies press hard upon us from every side, and our soldiers with heavy hearts must fight our battles on short allowance, while their wives and children at home cry for bread and the poorer class of our people weep bitterly with hunger.

These heart-rending scenes must be produced that the distiller, by the destruction of the munificent gifts of Divine Providence, so richly bestowed upon us during the past year, may gratify his unholy avarice and accumulate ill gotten gain.

Can this evil be suppressed by the process of our Courts under existing laws? Clearly it can not. Can public opinion frown it down? Not while the corn, which the distiller purchased at one dollar per bushel, which he withholds from the soldier's family and the suffering poor, pays him after it is distilled nearly five dollars per bushel. Nor will the seizure of the corn for public use effect the object. If you seize what he has and pay him for it, he will buy more and pay a higher price for it, than the poor are able to pay for bread. If the tap-root is not cut this noxious plant will continue to thrive and feed upon the very vitals of society. It must be done, or we shall be surrounded by scenes of hunger and misery appalling to human nature, and an amount of suffering will be entailed upon us which must curtain the heavens and carpet the earth about us, in the darkest habiliments of mourning.

Charged as I am with the exercise of Executive power at a time of great peril and responsibility, I can not turn a deaf ear to the repeated remonstrances of good men against this grievous wrong to society. The cries of soldiers' families and destitute persons come up before me on every side, imploring that the evil be suppressed that the cup of destruction may thereby be dashed from the mouths of their husbands and fathers, and bread be placed in their own.

It is the duty of government to protect the rights and, as far as possible, to promote the happiness of those who are governed; and in the midst of revolution and great public calamities, by its strong arm of power, to throw its shield around the people and ward off every blow which is struck at the foundations of society.

Influenced by these considerations, I feel it my duty to issue this, my proclamation, and to command each and every distiller in this State, on and after the fifteenth day of March next, to desist absolutely from the manufacture of another gallon of ardent spirits, until the next meeting of the General Assembly of this State. I shall use all the power I possess to enforce obedience to this order, and in each case of refusal to obey it, I shall direct the seizure of the still by military authority, and thus abate the nuisance. This I have a perfect Constitutional right to do, as the material of which this species of *private property* is composed is now greatly needed for *public use*.

We need more cannon with which to meet the enemy, Gun metal, used in the manufacture of field pieces, is composed of ninety parts of copper and ten of tin. The copper stills in Georgia, which are now heavy Columbiads of destruction aimed against our own people, would, if manufactured into cannon, make many a battery of six-pounders, to be turned against the enemy. Upon this material, thus employed in our holy cause, we could invoke God's blessing. Upon it, as now employed, we can only expect His Curse.

I charge all civil and military officers in this State to be vigilant in detecting every violation of the order herein contained, and if any distillery is found in operation, after the time herein specified, the military officer who commands the district in which it is located is hereby directed to seize the still immediately and report to these headquarters, and orders will be issued for its conveyance to the foundry in the City of Rome, in this State, to be converted into cannon.

I further direct that on and after the date above mentioned, the Superintendent of the Western and Atlantic Railroad, which is the property of the State, do absolutely prohibit the importation of Whiskey over said road into this State; and I request the President of each company Road in this State to give a similar order, applicable to the road which he controls.

I strictly enjoin upon each officer in command of any portion of the troops now in the service of this State, to use all his power and influence for the suppression of the use of intoxicating liquors by the soldiers under his command, and that all quantities of intoxicating liquors brought near the army for sale be immediately seized and emptied upon the ground.

In assuming the responsibility in reference to distilleries, which I now take without hesitation, and in announcing my fixed determination to execute the above order, I am aware that I come in conflict with the interest of a large and influential class of persons who have disregarded alike the dictates of humanity and the promptings of patriotism in their eager thirst for gain. I must, therefore, expect their denunciations. But I feel conscious of the rectitude of my course, in the discharging of an important duty which I owe to the people of this State. I appeal with confidence to every christian, every patriot, every good citizen, and especially to every mother, wife and daughter in Georgia, to aid and assist me in extinguishing the burning liquid stream of death which is spreading desolation and ruin throughout the whole length and breadth of the land.

Given under my hand and the Seal of the Executive Department, at the Capitol, in Milledgeville, on the 28th day of February, in the year of our Lord 1862.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 3d, 1862.

To the Colonel Commanding Baldwin County:

You are hereby directed to pass over and not draft any one of the officers or students of Oglethorpe University. I have extended the same order in favor of each of the other principal colleges in the State, to remain in force till further order in each case.

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 4th, 1862.

Ordered,

That Dr. John W. Lewis, of the county of Bartow, be, and he is hereby, appointed Senator in the Congress of

the Confederate States to fill the vacancy occasioned by the non-acceptance of the Hon. Robert Toombs.

JOSEPH E. BROWN.

In compliance with the requisition made by the Secretary of War upon the State of Georgia, dated 2nd day of February, 1862, for twelve additional Regiments of troops, the following is the quota apportioned to the several counties, together with the number who responded to the call from each, to-wit:

FIRST DIVISION.

First Brigade.

	App.
Chatham.....	205
Bryan.....	25
McIntosh.....	25
Camden.....	15
Wayne.....	15
Liberty.....	30
Effingham.....	40
Glynn.....	15
Charlton.....	15

Second Brigade.

	App.
Screven.....	60
Bulloch.....	60
Montgomery.....	25
Tatnall.....	40
Burke.....	62
Jefferson.....	85
Emanuel.....	60
Johnson.....	40

SECOND DIVISION.

First Brigade.

	App.
Richmond.....	160
Columbia.....	65
Warren.....	80
Glascok.....	30

Second Brigade.

	App.
Washington.....	90
Hancock.....	40
Taliaferro.....	35

THIRD DIVISION.

First Brigade.

	App.
Morgan.....	50
Putnam.....	52
Baldwin.....	65

Second Brigade.

	App.
Greene.....	80
Oglethorpe.....	80
Clarke.....	94

FOURTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Wilkes.....	58	Jackson.....	165
Lincoln.....	30	Franklin.....	340
Elbert.....	86	Madison.....	80
Hart.....	84	Banks.....	60

FIFTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Jones.....	100	Henry.....	120
Jasper.....	80	Fayette.....	86
		Butts.....	57
		Clayton.....	60

SIXTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Wilkinson.....	100	Telfair.....	35
Pulaski.....	80	Irwin.....	25
Twiggs.....	48	Appling.....	60
Laurens.....	78	Ware.....	30
		Lowndes.....	30
		Clinch.....	41
		Brooks.....	50
		Coffee.....	20
		Colquitt.....	30
		Echols.....	15
		Berrien.....	50
		Pierce.....	15

SEVENTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Habersham.....	90	Forsyth.....	175
Hall.....	160	Lumpkin.....	110
Rabun.....	65	Union.....	80
White.....	65	Towns.....	60
		Dawson.....	100

EIGHTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Bibb.....	120	Monroe.....	102
Crawford.....	60	Upson.....	78
Houston.....	80	Pike.....	100
Dooly.....	45	Spalding.....	45
Worth.....	50		

NINTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Meriwether.....	120	Coweta.....	120
Troup.....	121	Campbell.....	110
Heard.....	85	Carroll.....	166

TENTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Harris.....	106	Talbot.....	90
Muscogee.....	118	Sumter.....	105
Chattahoochee.....	65	Macon.....	50
Stewart.....	110	Marion.....	50
Taylor.....	80	Schley.....	40
Webster.....	46		

ELEVENTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
DeKalb.....	110	Newton.....	160
Cobb.....	192	Walton.....	135
Paulding.....	125	Gwinnett.....	203
Polk.....	84		
Fulton.....	161		
Haralson.....	80		

TWELFTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Bartow	200	Floyd.....	173
Cherokee	164	Murray.....	92
Gilmer.....	160	Walker.....	165
Gordon.....	148	Chattooga.....	90
Fannin.....	80	Dade.....	50
Whitfield.....	160		
Catoosa.....	80		
Pickens.....	100		
Milton.....	84		

THIRTEENTH DIVISION.

First Brigade.		Second Brigade.	
	App.		App.
Decatur.....	85	Baker.....	30
Early.....	25	Thomas.....	80
Randolph.....	85	Lee.....	40
Clay.....	40	Mitchell.....	35
Terrell.....	50	Calhoun.....	30
		Dougherty.....	35
		Quitman.....	25
		Miller.....	20
		Wileox.....	25

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 27th, 1862.

COL. J. I. WHITAKER,

Commissary General.

You are hereby directed to appoint such military storekeepers as you may need to take charge of the Government supplies, purchased for the use of the army; and to require each to give bond in the sum of twenty

thousand dollars for the faithful discharge of his duties, and faithfully to account for all supplies placed under his charge; and you will require said storekeeper to receipt the purchasing commissary for all supplies received from him, and to receipt all persons from whom they receive supplies, and to account to you, by report monthly, for all supplies received by them, showing how much has been received and how much sent out of the store under legal requisition or order, and how much remains on hand at the end of each month.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 27th, 1862.

The bearer, Judge James Jackson, is instructed by me with important business of the State of Georgia at New Orleans. The military authorities of the Confederate States are requested to furnish him with any facility in going to and returning from New Orleans with such material for the State as he may have with him on his return. This certificate or letter of credit is given him because the Confederate government now has charge of the railroads and private persons are often detained by reason of the necessity of military transportation; but as the trip of Judge Jackson is connected with the military defences of Georgia, and indeed essential to

them, I trust the facilities herein asked for will be accorded to him; especially as I am affording to the Confederate authorities, not only facilities over the railroads belonging to Georgia, but giving up to their control the entire road.

Given under my hand and Seal of the Executive Department the 27th day of March, 1862.

JOSEPH E. BROWN,

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 3d, 1862.

COL. J. I. WHITAKER.

SIR: You are authorized to take bond from each Military store keeper for ten thousand instead of twenty thousand dollars.

JOSEPH E. BROWN,

A PROCLAMATION.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 12th, 1862.

To the Militia of Georgia:

The term for which part of the State troops entered the service has expired and they have not all re-enlisted,

but part of them have returned to their homes. This has weakened our force on the coast. I have informed the Secretary of War of the condition of our army and have invited him to take the entire charge of our defences. He has replied that he is not at present able to send troops to take the place of those who are retiring, and has appealed to the State to continue to provide as far as possible for her own defence.

At this critical juncture, Fort Pulaski, which was defended by Confederate troops, has fallen into the hands of the enemy, and the city of Savannah is menaced by a heavy force. The fall of Savannah would make the defence of the State much more difficult. In this emergency, I again appeal to your patriotism and your State to fill up, at once, the places made vacant by the retirement of troops lately in service. I need not repeat what I have heretofore said about the nature and magnitude of the contest and the momentous consequences which hang upon our action for the next few months. You all understand how much we have at stake. We need not disguise it, every man must act his part in the contest. Those who fail to enter the service of the State as volunteers may soon be called into the Confederate service by conscription. I will arm, equip and accept into the service of the State for three years, unless sooner disbanded, the first thirty companies which tender their services to the Adjutant General, at Milledgeville.

Each company, before it is accepted, must consist of at least seventy-eight men, including officers. The companies will be organized into regiments, as directed by law, when ten companies are thrown together.

The time for which any member of the companies may have served the State or the Confederacy will be deducted from the three years; and a bounty of fifty dollars will be paid to each private so soon as the company to which he belongs has been mustered into service.

When Georgia is invaded, her strongest fortress taken, her commercial metropolis beleaguered by a hostile force and her very existence as a State threatened, who will remain longer at home?

JOSEPH E. BROWN,

EXECUTIVE DEPARTMENT,

SAVANNAH, GEORGIA,

April 19th, 1862.

To the Militia of Georgia:

Since the date of my proclamation of the 12th instant, calling for volunteers to fill up the ranks of the State forces, which I then felt it my duty, under the correspondence with the Confederate Government, to keep in the field, I have been notified by the Secretary of War that all persons in State service between the ages of 18 and 35 are to be enrolled as conscripts in the Confederate armies, and it has been deemed expedient, in order to avoid confusion and disorganization at a time when harmony is of vital importance, to turn over to the Confederate General all the State troops, as well those who are, as those who are not conscripts, till the end of their respective terms of enlistment.

This places the entire force under the command of the Confederate General and enables him to control every movement made in our defence. My proclamation is consequently withdrawn.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 21st, 1862.

To all Confederate Military Officers and Persons and Officers Controlling Railroads:

I am informed that a number of gentlemen of Atlanta, owing to the great scarcity of salt in this State, have associated themselves together for the purpose of bringing into the State from the salt works in Virginia, a supply of that much needed article.

I would therefore bespeak for them every facility compatible with the public service to enable them to have their salt shipped over the various railroads from the salt works to Atlanta. This I respectfully but earnestly ask, as our people who are not actually destitute of and suffering for want of salt are compelled, from unprincipled speculation and the extreme scarcity of salt in the country, to pay enormous and exorbitant prices for it.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

May 1st, 1862.

MAJ. JOHN S. ROWLAND, SUPT. W. & A. R. R.,

The object of my order to you not to ship cotton over the road was to prevent unscrupulous speculators from purchasing cotton in Georgia and shipping it to points in Tennessee, likely to be overrun by the enemy, with a view of selling it to them.

I am now informed that this order, without modification, is having an injurious effect upon the good people of Tennessee who need cotton for their own use, and that speculators who had carried cotton through, prior to the order, are now requiring the people to pay very exorbitant prices for the cotton in their hands, which, from necessity, the people are compelled to do.

In this state of the case justice to the loyal citizens of that noble State, who are our neighbors and our brethern engaged in one common struggle for liberty and independence, and who have kept their provision markets open to us, require that such modification of my order be made as will enable them to receive such supplies of cotton as they need for their own use upon the cheapest and best terms possible.

My order is therefore hereby changed so as to authorize you to carry over the State road all such quantities of cotton as may be needed to supply the necessities of

the people of that State. This change is intended to operate as well in favor of the manufacturers as the other citizens of that State, and to be extended upon like terms to the people of Virginia so as to authorize the shipment of cotton destined for Lynchburg, or points between Bristol and that point. To prevent speculators from taking advantage of this order to accomplish the object first mentioned, it will be necessary that you require satisfactory evidence at the place of shipment that the cotton is intended for the use of the people about the point of destination, and not for speculation. You will therefore require the shipper to file at the depot where the cotton is shipped an affidavit in the form here-to appended.

JOSEPH E. BROWN,

FORM OF AFFIDAVIT.

STATE OF GEORGIA, }
 ----- COUNTY. } I solemnly swear that the
 cotton which I now desire shipped is intended for use by
 the people of the country who receive their supplies
 from the depot to which it is shipped, (or by a factory,) and that I will not sell to speculators, but only to those who desire it for actual consumption by themselves or their neighbors.

Sworn to and subscribed before me, an officer authorized to administer an oath, this day of
 1862.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA,

May 2d, 1862.

Dr. John W. Lewis is the Agent of the State of Georgia to transact business in East Tennessee.

Any contract he may make with the railroad authorities, or the manufacturers there, or in Virginia, will bind the State when reduced to writing and signed by the parties.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 3d, 1862.

Ordered,

That Mr. Richard H. Howell, Engraver and Lithographer, who is in the service of the State of Georgia, remove with all his implements and Engraving & Lithographing apparatus to the city of Augusta in this State, and there remain till further and otherwise ordered by me.

Given under my hand and Seal of the Executive

Department, at the Capitol in Milledgeville, the day and year aforesaid.

JOSEPH E. BROWN,

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

The following receipts were, by order of His Excellency the Governor, ordered to be placed upon the Executive Minutes, to-wit:

ORDNANCE OFFICE,

May 9th, 1862.

Received of Joseph E. Brown, Governor of Georgia, one thousand dollars in Confederate States eight per cent. bonds, to be used in the payment of accounts due from this office.

LACHLAN H. McINTOSH,

Chief of Ordnance,

State of Georgia.

ORDNANCE OFFICE,

MILLEDGEVILLE, GEORGIA,

May 10th, 1862.

Received of Joseph E. Brown, Governor of Georgia, two one thousand dollar bonds on the Confederate States

of America, bearing eight per cent. interest, which I am to use in the payment of accounts due from the Ordnance Office as money.

LACHLAN H. McINTOSH,

Chief of Ordnance,

State of Georgia.

ORDNANCE OFFICE,

May 30th, 1862.

Received of Joseph E. Brown, Governor of Georgia, one bond of the Confederate States of one thousand dollars, to be used in payment at par of sums due for articles manufactured for the Ordnance Department.

LACHLAN H. McINTOSH,

Chief of Ordnance,

State of Georgia.

ORDNANCE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 3d, 1862.

Received of Joseph E. Brown, Governor of Georgia, eighteen bonds of the Confederate States, of one thousand dollars each, bearing eight per cent. interest, making

\$18,000, which I am to use at par in payment of sums due to contractors and others to whom this department is indebted, and am to account for them as cash in my report.

LACHLAN H. McINTOSH,

Chief of Ordnance,

State of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 4th, 1862.

I hereby certify that the foregoing are correct copies of the original receipts of file in this Department.

H. J. G. WILLIAMS,

RECORDING CLK. EX. DEPT.

EXECUTIVE DEPARTMENT,

CANTON, GEORGIA,

June 7th, 1862.

COL. IRA R. FOSTER,

Quartermaster-General.

As the business of your office at Milledgeville is so heavy as to require further assistance till it is brought

up, you will order Capt. W. J. Williford, Assistant Q. M., to duty in your office till the reports of the Quartermasters of the Regiments of State Troops are all examined and passed, and until the press of business is over.

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

EXECUTIVE DEPARTMENT,

CANTON, GEORGIA,

June 9th, 1862.

COL. BENJAMIN MAY,

Treasurer W. & A. R. R.

Sir,

I have, through the agency of Hon. John W. Lewis, secured a lease on such interest in the Virginia Salt Works as will enable me to have made *on State account*, a large quantity of salt during the summer, if our forces hold the possession of East-Tennessee. Dr. Lewis has consented to take the control and direction of the works for the public benefit without compensation. The absolute necessity for salt makes it important that all be done which can be to secure a supply for the people of the State. My intention is to have kept a strict account of every dollar of public money spent in the business, and to order the salt sold to the people of the State at such price as will only cover cost to the State. It will be necessary to have funds to carry on this business, and

as no appropriation was made for this purpose, I order and direct that you pay, out of the funds belonging to the W. & A. R. R., all drafts made on you by Dr. Lewis, and you will receive credit at the treasury for the sums thus paid before your annual report is made up, as the money will be paid into the Treasury as soon as the salt is sold.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

CANTON, GEORGIA,

June 16th, 1862.

CAPT. G. W. HUNNICUT,

Having been informed that your name has been enrolled as a conscript by a Confederate officer, and it being possible that efforts will be made to compel you and the commissioned officers in your district to go into service as conscripts in defiance of my General orders Nos. 8 and 10, you are hereby directed, in case any enrolling officer attempts to arrest you, or any other commissioned officer under you, who is acting in obedience to said General Orders, to call out immediately such military force as you may need for the purpose, and place such enrolling officer under arrest and detain him till you can report the case to me for further orders.

All officers and privates under your command will obey your orders promptly.

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

EXECUTIVE DEPARTMENT,

STATE OF GEORGIA,

July 31st, 1862.

Ordered,

That the Secretary of State issue a proclamation, in compliance with the request of the Secretary of War, for the arrest, etc., of deserters and officers and soldiers absent from the service without leave.

JOSEPH E. BROWN.

HEADQUARTERS,

MARIETTA, GEORGIA,

July 31st, 1862.

COL. JARED I. WHITAKER,

Commissary General.

Colonel:

Finding that there was but little prospect, on account of the impossibility of large importations, that private enterprise would afford a supply of salt for our people this year, and knowing how indispensable it was to health

and comfort, I determined, as the Executive of the State, to do all in my power for the relief of the people, though I might, by assuming the responsibility, be exposed to the censure of speculators and such captious fault-finders as can never be pleased.

After considerable effort, I have succeeded in procuring a lease upon a sufficient supply of salt-water at the Virginia Salt Works to make 500 bushels per day, during the war, and till three months after its termination, if we should need it so long. I have also employed a reliable man to go to work, who is to make all the necessary preparation as soon as possible, and use sufficient labor to make the quantity above mentioned. He is already at work with what kettles and furnaces he has now in order, and expects to be able in another month to turn out the 500 bushels per day.

Hon. John W. Lewis acted as my agent in the negotiations necessary to secure these results. A large proportion of the credit, if any attaches, is due to him, as I should not have been able to secure the lease, and make the other arrangements without the information received from him and his personal influence and efforts in the negotiations. He has rendered valuable service, and has refused to receive any compensation for either his time or his expenses while engaged in this business.

My purpose is to sell the salt to the inhabitants of the State at such price per bushel as will cover only cost and necessary expenses to the time of the sale. The standard established at the Works is 50 pounds to the bushel. I have to purchase by this standard, and must sell by it, deducting from the 50 pounds whatever may be

found to be the wastage from dripping, leakage, & etc., after it leaves the works, till it is sold to the consumer. Experience will soon show how much each bushel loses in weight during its transportation and storage.

I shall order all the salt consigned to you as Commissary General, and desire you to take charge of it and have it sold by reliable agents, to be employed at such central points as may be selected as distributing points.

If it is ascertained in future that the price now fixed does not pay cost and all expenses, it can be raised until it covers both; or if it does more than this, it can be reduced.

For the present you are directed to dispose of the salt, when received, as follows:

1st. You will *give, without charge*, one half bushel to the widow of each soldier who has been killed in battle, or has died in the military service of the State or the Confederate States. As you cannot know the facts and make the distribution without assistance from the different counties of the State, I request the Justices of the Inferior Court of each county to send you a list of the names of all widows of soldiers in their county, with a certificate of two or more of said Justices that the persons whose names are sent are the widows of deceased soldiers. On receipt of such list and certificate, you will ship to said Justices at such point as they may designate, one half bushel for each soldier's widow, to be distributed among them by said Justices.

2nd. You will sell to the wife of each soldier now in military service, if she desires it, and to each widow

having a son or sons in service, *one-half bushel for one dollar*; the names of those entitled to it to be certified by the Justices of the Inferior Court, as in case of widows of soldiers, and the salt to be shipped to the Justices of the Inferior Court in each county, at such point on a railroad as they may designate, so soon as you have it on hand and they send you the money for it. It is supposed there is no county in the State whose Justices will refuse to make this advance from the county treasury for the benefit of the soldiers families, and to take the trouble and expense of getting the salt from the railroad, and distributing it among those in the county entitled, at the price mentioned, which can be refunded to the county treasury when paid in for the salt by those who are to receive it.

Should the widow of a deceased soldier, or the wife of a soldier in service, desire more than a half bushel for her own use, she will be permitted to purchase it at the price paid by others, in preference to all other persons, if there is not a supply for all.

3rd. You will sell to all other heads of families at the rate of four dollars and fifty cents per bushel. But no head of family will be permitted to receive more than one bushel till all are supplied with enough for present use. You will have each agent to keep a book in which he will enter the names of each head of a family who gets salt, and in case one person applies for the quantity allowed each of several families, and has the means of hauling it, your agents will let him have it, taking from him a written certificate giving the name of each person for whom he receives it, and stating that he will deliver it

to such person at the price he pays for it, and such price for hauling as may have been agreed on between the parties.

The names of the heads of families thus supplied, will be entered on the book, that the person receiving the salt for his neighbors may be detected if he should act unfaithfully. All purchasers will be required to bring with them their own sacks to carry their salt home from the place of sale.

4th. As I can place the salt only at a few central points in the State, you will establish a depot for its sale by a faithful agent at each of the following places, to-wit: Cartersville, Atlanta, Athens, Augusta, Griffin, Macon, Albany, Columbus and Savannah. Were I to undertake to send it to all the towns and depots on the railroads, I must employ so many agents as to embarrass you in securing prompt settlements and greatly increase the price by the payment of so many salaries to distributing agents. You will take bond and security from each agent for the faithful discharge of his duties and the prompt payment to you of the money collected by him, and for the delivery to you of the salt on hand at any time when demanded by you, or other agent of the State. Each agent will sell for cash, and will remit to you the amount he has collected each week. Any agent failing to make such remittance will be promptly discharged.

5th. You will notify the Justices of the Inferior Court of each county in this State of the arrangements proposed for the purpose of supplying the widows of deceased soldiers, and wives of soldiers now in service, with

salt to relieve present necessities, and request their active co-operation in the proposed plan.

6th. When the people of a county will, by public meeting, appoint a reliable agent who will obligate himself to them to sell salt for the accommodation of the people of the county at the prices above mentioned, adding only the freight which he has to pay from the place where he receives it from your agent to the place of sale, you will be authorized, when you have a supply on hand, to sell for cash to such county agent, in such quantities as would be reasonable proportion for his county, at the prices above specified. This will afford those who are disposed to render a public service without charge, in a matter of vital importance to their fellow citizens, an opportunity to display their liberality. It is hoped some person with sufficient means will be found in each county remote from the central points of deposit, willing to serve the public for the public good.

The different railroad companies in this State have shown a liberality and a disposition to afford relief to the people in the present emergency, which entitle them to the gratitude of all. I determined to carry the salt imported by the State over the State road to the places of deposit and sale *free of charge*, and to carry from the place of sale to the depot of the consumer *free*. I communicated this determination to the Presidents of the principal roads of the State, and asked their co-operation, and that they also carry all salt imported by the State free, as well while in possession of the State as for the consumer after he has purchased from the State's agent; and it affords me great pleasure to say that I have received responses from the following railroad presidents,

in the order mentioned, promptly and cheerfully agreeing to render this public service free of charge, till further orders: Hon, R. R. Cuyler, President C. R. R. and branches, and of the S. W. R. R.; Isaac Scott, Esq., President Macon & Western R. R.; Hon. John P. King, President Ga. R. R. and branches, and of the A. & W. P. R. R. It is not doubted that the President of each other road in the State will meet this request with like liberality and patriotism. The salt imported under my direction will, therefore, no doubt, go to any point in the State on a railroad, to the consumer purchasing from the State agent, free of charge for freight.

I shall do what I possibly can to supply all during the summer and fall, and I trust with what may be made by the Georgia Salt Manufacturing Company, whose office is located at Augusta, and with what our people will make upon the coast, (it is expected that all who live near the coast will at least make their own supply,) that all who practice strict economy may have enough. I respectfully suggest to our people to so divide what they may receive among their neighbors, till more can be had, that none may suffer. And I further suggest that they do all they can to permit speculators, who have a supply on hand for the accommodation of the people at *fifteen to twenty dollars per bushel*, to hold it till the end of the war, when they can probably afford to sell it much cheaper.

JOSEPH E. BROWN.

Received of Joseph E. Brown, Governor of Georgia, three Confederate States bonds of one thousand dollars each, with the coupons running from 1st July last, which

said three thousand dollars of bonds and the interest on the coupons I am to use in payment of amounts due from the Ordnance Department of this State as cash at par this 4th October, 1862.

(Signed)

LACHLIN H. McINTOSH,

Chief of Ordnance, State of Georgia.

EXECUTIVE HEADQUARTERS,

MARIETTA, GA., October 13, 1862.

To the Officers of the Militia of Georgia:

On the 11th day of September, last, a person calling himself Capt. S. G. Cabell called on me, in company with Lieutenant Eve, and presented to me a contract which he had made with the Medical Purveyor of the Confederate States, at Richmond, for one thousand barrels of whiskey, stating that he had two other contracts for one thousand barrels each. He represented our hospitals, etc., as being in a condition which required a supply at an early day, for the use of the sick. He also brought a letter from the Chief Medical Purveyor of the Confederate States, asking that necessary facilities be accorded to him.

Upon the examination of this letter, I endorsed upon it that I offered no obstructions to the manufacture in Georgia of such supply of whiskey as the *proper officers* of the Confederate Government may order for the use of the army of the Confederate States, and that Captain Cabell would not be disturbed by the militia officers of

this State, under my proclamation, so long as he did not transcend the limits of his contract with the Confederate Government, but that I requested him to take as little of the corn necessary to make the whiskey as possible from Georgia.

After I handed back to him the letter of the Purveyor General, with my endorsement upon it, he mentioned that he must employ other distillers to assist him, or he could not fill his contract in time, and that he was under a heavy bond for the delivery of the whiskey within the time specified by the contract. I immediately replied that I would not permit him to sub-let or put the distilleries of the State into general operation, as that would defeat the very object of my proclamation, and that it would be impossible to limit them to the supply necessary to fill his contract, if they were permitted to run; that he could locate his distillery at any point in the State and proceed to fill his contract, but that he could not be permitted to go beyond his contract. He then began to insist on having the privilege to make contracts with distillers at different points to make the whiskey for him, when I replied that it was not worth while to multiply words about it, as I would not permit it, and that I would not only seize the stills employed, but if he attempted it, I would revoke the privilege given him under his contract. I was so positive and emphatic upon this point, having repeated the expression more than once, that there was no room for misunderstanding.

I am now informed that this individual, Cabell, is sending copies of the letter of the Purveyor and my endorsement upon it to distillers in different parts of the State,

and making contracts with as many as possible to make whiskey for him, exhibiting the correspondence as evidence of my consent, that he employ them to distill whiskey under his contract, while he conceals from them my express verbal declaration that I would not permit it, and that he must limit his own operations under his contract to *one single locality*. I only stated in the written endorsement that I would not obstruct the supply ordered by the *proper officers* of the Confederate Government, and that *he*, (not persons he might sub-let), would not be disturbed, so long as he did not transcend the limits of his contract. He is himself only a *contractor* with the Confederate Government, and is not the contracting agent of the Government. His contract with the Medical Purveyor binds the Government to pay him two dollars and fifty cents per gallon, and I am informed he is employing persons to make and deliver whiskey to him at one dollar and fifty cents per gallon. Three thousand barrels of forty gallons each, which I suppose is about the usual barrel, would be one hundred and twenty thousand gallons. Upon this he proposes to make one dollar on each gallon or \$120,000. He is, therefore, a *speculator* and not a *proper officer* of the Confederate Government, authorized to make contracts for it.

I, therefore, declare the contracts made by him with distillers in this State to be unauthorized by me, and I hereby charge, order and direct you, and each of you, to enforce the orders in my proclamation strictly against all persons who, after the publication of this order, giving notice of the imposition attempted to be practiced upon them by this individual, Cabell, shall still a single gallon of whiskey in this State. And on account of the

bad faith to be practiced by the said Cabell, I hereby revoke all privilege given to said Cabell to distill for himself, under his contract, in this State, and direct the seizure of any still or stills which he may put into operation. I also direct the seizure of all stills which may be found running in any part of the State, under any pretended Government contract, unless the person so distilling has a contract direct from the proper officer of the Government at Richmond, for the manufacture of a specific quantity, with a certificate of such officer that it is absolutely necessary for the hospitals or other indispensable purposes of the army.

I am unwilling to throw any unnecessary obstructions in the way of the heads of Departments of the Confederate Government in procuring a necessary supply of anything, even whiskey, if actually necessary for our gallant troops—but since I have relaxed the rule in their favor, I find every possible means resorted to by distillers and speculators to abuse the privilege, for the promotion of their own individual interest. The grain crop in this State is not so abundant as was expected, and if distillers are permitted to destroy it without limit, corn will be worth a price next summer which will deprive many a soldier's family and poor people of a plentiful supply of bread.—When the General Assembly convenes, this will be a question for them to control, and I respectfully request that the people express in advance their wishes to their representatives.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MARIETTA, GEORGIA,

October 17th, 1862.

To the Planters of Middle and Southwestern Georgia:

From information in my possession of an official character, I am satisfied that the defences around Savannah are not yet completed. They will be very strong when completed; and it is believed by military men that with five hundred additional laborers, we can be ready for the enemy in thirty days.

General Mercer informs me that he lacks this number and appeals to me to assist him in procuring them.

If the enemy should take Savannah, it would be made a safe place of refuge for all slaves who may attempt to leave their masters and go to the enemy this winter; and the planters of this State must lose a much larger number of slaves than are now required to complete all necessary preparations for her defence. Again, it has been the boast of the people of this State that a hostile enemy has occupied no part of the soil of Georgia of practical value to them. It is a point of pride with them to take the city, and of both pride and duty with us to hold it. I can not doubt that every patriotic Georgian is ready to make any sacrifice necessary to defend the city, as long as one brick remains upon another. Let her property and her noble citizens never share the fate of New Orleans, but let her emulate the example of Vicksburg, which has been defended, while it has made a name in history as lasting as the history of the war itself.

I, therefore, appeal to each planter in the portion of the State above mentioned, which from its location and its large number of slaves, is most deeply interested, to tender to General Mercer, immediately, one-tenth of all his working hands. He will accept only the number needed; but as prompt action is necessary, I trust five thousand, in place of five hundred, will be tendered in ten days.

He only wishes them for thirty days and will pay for the use of them reasonable and just compensation. Were no compensation offered, I can not doubt the labor would be promptly furnished to finish a work so important and so nearly completed.

Let the proper authorities in each county, and especially the most wealthy planters having the largest number of slaves, address General Mercer, at Savannah, without delay, and make the tender.

I order no impressment of your property, but appeal, in an emergency, to your liberality and your patriotism, and I know I shall not appeal in vain.

I am, very respectfully, etc.,

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

October 28th, 1862.

There is the greatest necessity for salt in this State. If we can not increase the supply, it will be impossible to

save half the meat of the State. I will agree to take all that Messrs. Graves & Goldsmith can deliver in Atlanta, at \$7.50 per bushel of fifty pounds till the 1st of March, to be distributed amongst the people of the State at cost.

I trust, therefore, in view of the necessity of the case, that the Secretary of War will afford them the facilities of transportation, and the use of clerks which they may need.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 1st, 1862.

To the Planters of Georgia:

Since my late appeal to some of you, I am informed by Brigadier-General Mercer, commanding at Savannah, that but few hands have been tendered. When the impressments made by General Mercer, some weeks since, were loudly complained of, it was generally said that while the planters objected to the principle of impressment, they would promptly furnish all the labor needed if an appeal were made to them.

I am informed that General Mercer now has ample authority to make impressments. If then, a sufficient supply of labor is not tendered within ten days from this date, he will resort immediately to that means of procur-

ing it, with my full sanction, and I doubt not with the sanction of the General Assembly.

After you have been repeatedly notified of the absolute necessity for more labor to complete the fortifications adjudged by the military authorities in command to be indispensable to the defence of the key to the State, will you delay action till you are compelled to contribute means for the protection, not only of all your slaves, but of your homes, your firesides and your altars?

I will not believe that there was a want of sincerity in your professions of liberality and patriotism, when many of you threatened resistance to impressment upon principle; and not because you were unwilling to aid the cause with your means.

I renew the call for negroes to complete the fortifications around Savannah, and trust every planter in Georgia will respond, by a prompt tender of one-fifth of all his working men. As stated in my former appeal, the General in command will only accept the number actually needed.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 3d, 1862.

*To the Military Authorities of the Confederate States,
and of the Several States:*

This is to certify that Leopold Waitzfelder and Solomon L. Waitzfelder are true and loyal citizens of this

State, resident of the city of Milledgeville. They are connected with the Milledgeville Manufacturing Company, which has a large contract to supply woolen cloth to the Confederate States for the use of the army. The managers of this factory send the Messrs. Waitzfelder to Texas for the purpose of purchasing and, if possible, bringing wool to the factory with which to complete the contract. The factory is furnishing cloth to the Confederacy at a very low figure for the times, and I ask that all facilities possible to be afforded to the bearers in procuring and bringing in the wool so much needed to make clothes for our troops.

They will not be interrupted by any enrolling officer, as they are not subject to enrollment while thus engaged in carrying out a contract with the Confederate government.

Given under my hand and the seal of the Executive Department at the Capitol this 3d November, 1862.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 6th, 1862.

The following Annual Message of His Excellency, branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 6th, 1862.

To the Senate and House of Representatives:

For a statement of the condition of the Treasury, you are respectfully referred to the reports of the Treasurer and the Comptroller-General. It will be seen by reference to these reports that the whole public debt of this State, including the Treasury notes issued up to this period, amounts to \$8,417,750, and that the public property of the State, including Bank stock, Railroad stock, and the Western and Atlantic Railroad, which is the property of the State, amounts at a low valuation to \$8,840,124.68. It would therefore be in the power of the State to pay every dollar of her debt with the proceeds of the sale of her public property, if her creditors would consent to receive the amount of money before due.

THE FIVE MILLION APPROPRIATION.

Of the five millions of dollars, appropriated at your last session for military purposes, only \$2,539,290.25 have been drawn from the Treasury during the fiscal year. Of this sum \$350,000 has been returned by Lieut.-Col. Jared I. Whitaker, Commissary-General, and \$50,000 by Lieut.-Col. Ira R. Foster, Quartermaster-General, and \$58,286 by Major L. H. McIntosh, Chief of Ordnance, for stores in their respective departments, sold to officers under the army regulations, and to the Confeder-

acy after the State troops were transferred. The amount of the appropriation which has been used, is therefore, \$2,081,004.25.

Of this sum \$100,000 was expended in payment for arms purchased in England prior to your last session; and \$50,000.40 for iron to be used in fortifications and upon the gunboat called the "State of Georgia." This boat was built under the supervision of Major-General Jackson while in command, and completed after he retired. The balance of the money for its construction was contributed by the cities of Savannah, Augusta and other corporations, by soldiers, and chiefly by the ladies of this State, who have shown since the commencement of our struggle, on all proper occasions, a liberality and patriotism worthy the most distinguished matrons of the Revolution of 1776.

For support, equipment, pay and transportation of two companies now in service as Bridge Guards on the State Road, \$10,000. This leaves \$1,921,000.25, which, together with a special appropriation of \$100,000, was expended upon the Georgia Army, and for other contingent military purposes. It will be seen by reference to the reports of the Quartermaster-General and the Chief of Ordnance, that very considerable sums were expended for the purchase of horses, artillery, etc., which were transferred to the Confederacy with the Georgia Army, for which no payment has yet been made to the State. These sums; with contingent military expenditures, when deducted from the above-mentioned sums, will leave the

whole cost of the Georgia Army of nearly 8,000 men, for nearly six months, including pay, clothing, subsistence, transportation, and every other expense, a little short of \$2,000,000.

TREASURY NOTES.

The Appropriation Bill passed at your last session made it my duty in case there should not, at any time, be money in the Treasury to meet any appropriation, to raise it by the sale of State bonds, or by using Treasury notes, as I might think best. In each case where I had the discretion, I did not hesitate to decide to issue Treasury notes, bearing no interest, in place of bonds bearing interest; and I have found these notes not only current, but in great demand as an investment. The whole amount of Treasury notes issued is \$2,320,000.

Finding it difficult to get good paper and get the work properly executed, I sent Hon. James Jackson as the agent of the State to New Orleans, to make the necessary arrangements for the importation of the paper and the necessary contract with a competent engraver for the execution of the work. In both particulars he was successful. While the work was progressing in a satisfactory manner, but before its completion, the city was so seriously threatened by the enemy, that I thought it prudent to have the work in its unfinished state, with the stones, plates, paper, etc., removed to this State. Under my instructions Judge Jackson returned to the city for this purpose, settled with the contractor for the work done, and had all the printed bills and materials *in*

transitu for Georgia, when the city fell into the hands of the infamous tyrant, Butler, whose name will descend to posterity on history's darkest page. I then employed Mr. Howell, of Savannah, to complete the job, which was done in a manner quite satisfactory. The notes are payable in specie or eight per cent. bonds, six months after a treaty of peace, or when the banks of Augusta and Savannah resume specie payments, if before that time. These notes have generally been laid away as a safe investment by banks and others into whose hands they have fallen; and it is a rare occurrence to see one in circulation. Should it become necessary, as it probably will, to extend the issue to meet part of the liabilities of the Treasury for the present fiscal year, I respectfully recommend, that no alteration be made in the form of the notes, as there is on hand a very considerable amount of the printed bills that can soon be issued without expense, which would be useless in case of any change in the present form, and it would cost great delay and expense to procure paper and have others prepared.

The only objection insisted upon against the issue of Treasury notes, in place of the sale of bonds to meet the demands on the Treasury is, that the issue of a large amount of notes to be circulated as currency, depreciates the value of paper currency in the market. This is unquestionably true, as evidenced by the present state of our currency. But it is equally true that enough of paper currency must be issued, in the present condition of the country, to meet the demand. Suppose the State needs a million of dollars, and puts her bonds in the

market to raise it, and receives paper currency in payment for them, it is quite evident that the Confederacy, or the banks, must issue a million to meet this demand, in addition to the issue they would otherwise make for other purposes; and the same depreciation growing out of a redundancy of paper currency follows, which would happen, were the State to issue a million dollars in her own notes, and thus meet her own demand. The question is not one of the depreciation of the currency by over issues of paper, as the number of dollars in paper currency to be placed upon the market is the same in either case, but it is simply a question of *interest*. Shall the State use her own notes, which pass readily as currency without interest, and are generally laid away as an investment, or shall she pay interest to a corporation for the privilege of using and circulating its notes, founded upon a less secure basis than her own? In my opinion there is no room for hesitation in making the decision in favor of Treasury notes. The amount of interest saved to the Treasury in one year at seven per cent. upon the issue of notes already made in place of bonds, is \$162,400. To this might have been added the further sum of \$170,870, had I been authorized by statute to issue and use Treasury notes in place of bonds to meet the Confederate War Tax. This statute was a special one for a special purpose, however, and confined me to the use of bonds without giving me discretion to issue Treasury notes.

CONFEDERATE WAR TAX.

An Act passed at your last session assumed the payment of the Confederate War Tax, assessed against the

people of this State for last year, and made it my duty to raise the amount by the sale of State bonds, with but one restriction, which was that they should not bear exceeding eight per cent. interest per annum. As the Confederacy and the other States generally, were paying eight per cent., it was not supposed that this State would be able to raise the money upon bonds bearing a less rate. Before I could get the Treasury notes prepared, which I was authorized to issue for other purposes, I had to negotiate some temporary loans with the banks at eight per cent. to raise money to defray the expenses of the army till the notes could be issued. It is but justice, however, that I remark, that all the banks except the Bank of Commerce and the Bank of the State, refused to accept more than seven per cent. on settlement for this temporary advance. The war tax was due the first of April, and as I anticipated some difficulty in securing promptly so large a sum, I visited Savannah in the latter part of January, and had an interview with some of the most prominent bankers of the city, which resulted in a proposition on their part to take the bonds of the State running ten years, bearing 7 per cent., payable quarterly, and advance money to meet the emergency if I would pay interest from the first of February. To this I consented, and the banks advanced \$2,000,000, a portion of which was placed to the credit of the Treasurer after the first of February, and bore interest only from the date when it was placed to the credit of the State. Having no use for the money till the first of April, the date when the tax was due, I proposed to pay it to the Secretary of the Treasury, if he would allow seven per cent. upon

the advance, till the tax should become due. This proposition was declined, and I then invested it in six per cent. stock of the Confederacy, and was able to realize six per cent. upon it till the first of April. Bankers from other States would have taken the balance of the bonds, but I thought it best to put them on the market in this State, and let them go into the hands of our citizens if they would purchase them. This was done by a publication asking bids for them at par till first of March. The bids were more than sufficient to cover the whole balance of the proposed issue. The issue and sale under this Act amounts to \$2,441,000 in bonds.

The precise amount of the State's quota of the tax could not be ascertained on the first of April, and the Secretary of the Treasury proposed that I pay the amount supposed to be due, and that a final settlement be made when the necessary *data* could be obtained. To this I agreed. Recently I was furnished with a statement making Georgia's quota, less the ten per cent., \$2,554,128.57. Upon the receipt of this statement, the Comptroller General, who has so often saved to the State Treasury large sums by his vigilance and industry, carefully compared the returns of the counties with the returns of taxable property made to the State Receivers, and found that the difference in some counties was so great that mistakes for large amounts must necessarily have been committed against the State. This matter was brought to the attention of the chief collector for this State and the Secretary of the Treasury. After some correspondence, the Comptroller-General visited Augusta, and

after a careful examination of the books with Judge Starnes, the obliging Collector, it was found that the quota of the State, after deducting the ten per cent., amounted to only \$2,494,112.41. The amount saved to the Treasury of the State by the correction of these errors committed by sub-collectors, and detected by the Comptroller-General, is \$60,016.16. Finding the sum raised by the sale of the bonds, together with interest on call certificates, and from individuals on coupons, to be \$33,974.01 less the amount of tax due in the final settlement, I ventured to raise the money by the use of Treasury notes at par, without interest, in place of bonds bearing interest as directed by the statute, which, I trust, will meet the approval of the General Assembly.

While it was difficult to raise the money on seven per cent. bonds at par when first placed on the market, and the banks acted with liberality in agreeing to take them when other good securities were offered at eight per cent., and by their action attracted the attention of private capitalists to them, they have lost nothing by their liberality, as the bonds have since that time greatly appreciated in the market, and are now regarded as a most desirable investment at a considerable premium.

COMPTROLLER GENERAL'S DEPARTMENT.

The report of this able officer is replete with valuable information, statistical tables, etc., which have been prepared with great care and labor. It is but justice to say that Col. Thweatt, the vigilant and active head of this

department, has, by his annual reports furnished much valuable information to the present generation, and important material for the use of the future historian of the State. The law imposes upon that officer very laborious duties connected with the finances of the State, the collection of the taxes, and the auditing claims against the Treasury. All settlements with Collectors are made in that office. Colonel Thweatt, by his active energy, has secured to the Treasury many thousands of dollars due by Collectors prior to the Commencement of his term of office, and has prevented the accumulation of these claims. The correspondence imposed upon him, in making settlements and furnishing information to the Tax Collectors and to the Inferior Courts of the State, in connection with the taxes, is very laborious. This, with the other duties of his office, is more than any one man ought to be required to do. I therefore recommend, as an act of justice, that he be allowed a clerk, with a salary sufficient to secure the services of an intelligent, experienced business man.

STATE TROOPS.

In compliance with the resolution of the General Assembly passed at its last session, directing me to transfer the State Troops to the Confederacy with the consent of the Troops, I ordered the question of transfer to be submitted to a fair vote of each organized body of troops, and the majority against the transfer amounted almost to unanimity. Soon after the passage of the Conscription Act, however, which passed after the expiration of

the term of enlistment of part of the men, but a short time before the end of the term of much the larger portion of them, the Secretary of War informed me that all the State troops between 18 and 35 years of age must go into the Confederate service. At that time an attack upon the city of Savannah was daily expected, and for the purpose of avoiding conflict and collision with the Confederate authorities in the face of the enemy, I agreed to yield the point, and I immediately tendered the State Army to Brigadier-General Lawton, who then commanded the Military District of Georgia, Major General Henry R. Jackson, who commanded the State troops, having retired from the command to prevent all embarrassment. General Lawton accepted the tender, and assumed the command of the troops. The claim made by the Secretary of War did not include those under 18 or over 35 years of age, but it was thought best to tender the whole together, as the detachment of those between 18 and 35 from each organization would have disorganized the entire force.

While referring to the subject, I feel it a duty which I owe to the gallant officers and brave men who composed the State Army, to say that they were, at the time of the transfer, as thoroughly organized, trained and disciplined, as probably any body of troops of equal number on the continent, who had not been a much longer time in the field. They had performed, without murmur, an almost incredible amount of labor in erecting fortifications and field works necessary to the protection of the city, and had made their positions so strong as to deter the enemy, with a force of vastly superior numbers, from

making an attack. While they regretted that an opportunity did not offer to show their courage and efficiency upon the battle field, they stood like a bulwark of stout hearts and strong arms, between the city and the enemy, and by their chivalrous bearing and energetic preparation, in connection with the small number of brave Confederate troops near, saved the city from attack and capture, without bloodshed and carnage.

It is but justice to Major General Jackson, that it be remarked, that he had, with untiring energy and consummate ability, pressed forward the preparation of the defenses and the training of the army, and that the people of Georgia owe much gratitude to him for the safety of the city of Savannah and its present freedom from the tyrannical rule of the enemy. There is not, probably, an intelligent, impartial man in the State who does not regret that the services of this distinguished son of Georgia should not have been properly appreciated by the Confederate authorities, and that he should not, after the Georgia army was transferred, have been invited by the President to a command equal to his well-known ability and merit. This was requested by the Executive of this State, which request was presented to the President by her entire delegation in Congress.

It is also due Brigadier-Generals George P. Harrison, F. W. Capers, and W. H. T. Walker, that their names be honorably mentioned for enlightened generalship and efficiency as commanders of their respective brigades. The Executive of the State, appreciating the merits of these officers, asked for positions for them, as command-

ers in the armies of the Confederacy, but neither of them, so far as I know, has been tendered any command. If this might be excused as to Generals Harrison and Capers on the ground that they were not graduates of West Point and old army officers, though one of them has a thorough military education, and the other is known to be a most valuable, energetic military man, having the confidence of the whole people of the State, this excuse does not apply in the case of General Walker, who is a son of Georgia, a graduate of West Point and an old soldier, who has shed his blood in his country's service on many a battle field. His ability and gallantry are acknowledged by all who admire cool courage and high toned chivalry. But no one of the Georgia Generals who commanded her State army has since been invited to a position, and even this gallant old soldier is permitted to remain in retirement, while thousands of Georgia troops who entered the service of the Confederacy under requisitions upon the State, and whose right under the Constitution, to be commanded by Generals appointed by the State is too clear to admit of doubt, are thrown under the command of Generals appointed from other States, many of whom have had neither the experience in service, nor the distinction, which General Walker has, while confronting the enemies of his country, purchased with his blood upon the battle field.

STATE ARMORY.

In accordance with the provisions of the Act entitled an Act to provide for the manufacture and purchase of arms for the public defense and to appropriate money for the same, which appropriates \$350,000 for the pur-

poses indicated in the title of the Act, and authorizes the Governor, if the money is not in the Treasury, when needed, to raise it by the sale of eight per cent. bonds, with discretion to issue part of the amount in Treasury notes, etc., I directed the establishment of an Armory in the Penitentiary, and employed Mr. Peter Jones, who was long connected prominently with the Armories and manufacture of arms, for the United States, to take charge of and superintend the works. He has secured as much material as he could, and made all the machinery in his power, and has made as good progress as could have been expected, considering the many embarrassments in the way, and our inability to import any of the material or machinery needed. We can now turn out an excellent arm at the rate of about 125 per month, and will, in the course of a few months, it is hoped, be able to extend the capacity of the works, so as to make them a source of substantial aid in the achievement of our independence.

I have not been able to purchase any small arms during the year, nor have I been able to get possession of much the larger portion of those purchased in England prior to your last session and since imported. About 4,300 of the excellent Enfield rifles, which were imported by the State at great expense, have been seized at the different ports where they landed, by the officers of the Confederate Government and carried beyond my reach. I have remonstrated against these unauthorized seizures of the property of the State, and while my remonstrances have been met with respectful language by those in authority, and the act generally apologised for, as a mistake, they have neglected to restore the property seized, and have, after my remonstrance, repeated the seizure

on the arrival of other arms. As the rights of the State were disregarded by the Confederate authorities, I thought it unwise to send more money to Europe to invest in other arms to be lost at sea, or seized, without consulting the authorities of the State, on their arrival.

In this connection, I would remark that the State troops generally brought with them into service such country arms as were at their command, which were turned into the State Arsenal when better arms were furnished to them. Many of these arms were taken possession of by the State authorities and distributed among Confederate troops who were without arms. Part of Col. D. J. Bailey's regiment, Confederate troops, were armed with them, as were part of Lieut.-Col. Littlefield's battalion and part of Col. Summer J. Smith's Rangers. Compensation has not yet been made to the owners. I therefore recommend that some one or more proper persons be appointed under authority of law to audit the claims of citizens who were thus deprived of their arms, and that provision be made for payment of just compensation for all that have been taken for the public service.

CHANGE BILLS.

The Superintendent of the W. & A. R. R., finding it impossible to attend the duties of his office and sign all the change bills, which he was required by the Act of 17th of December, 1861, to issue, with my assent, employed Mr. Wm. Grisham to sign the bills for him. The whole amount of bills issued to 30th September is, in round numbers, \$80,000. Most of these are signed by Mr. Grisham for the Superintendent and by Ben. May, Treasurer.

The balance of the \$200,000 will be issued as soon as the bills can be prepared, which has been found to be quite a laborious task.

By Act 30th November last, each chartered Bank in this State, which claims the provisions of the suspension Act, is required, upon the application of any person, to issue and keep in circulation during its suspension, small bills in denominations of five, ten, twenty-five and fifty cents, to the extent of *one per centum* upon its capital stock, with the privilege to extend the issue to *three per centum*. The Act of the 17th December relieved all individuals and corporations who had issued and put change bills in circulation from the penalties of the existing laws, upon the redemption of said bills, but provided that they should not be authorized to issue any other change bills, or to re-issue those then in circulation when redeemed. This law has been constantly evaded, if not openly violated, by individuals and corporations, and large amounts in change bills, in the shape of promises to pay certificates of deposit, acknowledgements of indebtedness to be discharged in specific articles, etc., etc., have been put into circulation. Many of these bills have been printed upon very inferior paper and are soon worn out by circulation. If these illegal issues are not effectually checked, it can not be doubted that they will result in heavy losses to our people. I therefore recommend the enactment of a law making it obligatory upon each chartered Bank of this State to extend its issues of change bills to as much as three per cent upon its capital stock; and making it the duty of the Treasurer and Comptroller-General of this State to issue and put in circulation

State change bills of five, three, two and one dollar and the usual denominations under that sum, to the amount of three hundred thousand dollars, redeemable in the Treasury notes of the Confederate States, when as much as \$20, is presented at the State Treasury. And I further recommend that the issues by the Western & Atlantic Railroad be extended to \$300,000, in bills of different denominations from five cents to five dollars, and that it be made highly penal for any other corporation or person, to issue, circulate, pay or tender in payment of any other change bill, whether it be a direct promise to pay certificate of deposit, or in any other form, intended to circulate as currency, except those issued under the authority of the laws of this State.

This Legislation would, it is believed, provide for the issue of as many change bills, as might be necessary to meet the demands of our people, until it may again be possible to procure silver change, and the people might more safely rely upon the ultimate redemption of the bills issued as above recommended than upon those now in circulation. The law should allow a reasonable time for the redemption of illegal issues now in circulation, and to secure the suppression of illegal issues in future, it may be necessary to impose upon the person violating the statute, a heavy pecuniary penalty to be paid to the informer.

BRIDGE GUARDS AND HOME PROTECTION.

The people of the State have been informed, through the medium of the public press, of the facts connected with the daring attempt, made by a band of spies sent by the authority of the enemy, to burn the bridges on the W. &

A. R. Road. The conduct of Mr. Fuller, the Conductor, and some others in the hazardous pursuit, while the spies were in the possession of the train, deserves the highest commendation and entitles them to the consideration of the General Assembly. I therefore recommend the appointment of a committee of the two houses to enquire into the facts and report upon them, and that such medals or other public acknowledgement be awarded to the parties whose conduct was most meritorious, as will do justice to their services and stimulate others to like deeds of daring when necessary for the public security.

Soon after this bold attempt to burn all of the bridges of the Road (two of which had been burned and replaced but a short time previous,) I felt it my duty to organize a military company to guard this valuable property. Some time after the company had been raised, the Committee of the House of Representatives visited the Road and joined in a unanimous recommendation that I add another Company to the Guard. In deference to the recommendation of the Committee, which my own judgment approved, I directed the organization of a second company. These companies now consist of about 150 men each, the one commanded by Capt. E. M. Galt, the other by Capt. Albert Howell. They are mustered into service for an indefinite period of time and may be disbanded at the pleasure of the State. There are sixteen valuable bridges, besides smaller ones, upon the Road which is a great thoroughfare, and will be, during the war, a great military necessity. The destruction of two or three of these bridges over the large streams might not only cause great derangement of the business of the Road and great inconvenience to the traveling public, but might so delay military movements as to cause the loss of an

important victory. The expense to the State of keeping up a sufficient guard, is inconsiderable when compared with the object, and I shall feel it my duty to continue these troops in service unless otherwise directed by the General Assembly. The only question with me, is, whether the two companies should not be increased to two Regiments, and thoroughly armed, equipped and trained and kept constantly in the service of the State till the end of the war. So large a number of our arms-bearing men have gone from the State into the Confederate service, that we cannot feel entirely secure against internal troubles from servile insurrection, and even two regiments of well armed and thoroughly disciplined troops at the command of the State government, might, in such event, be the means of preventing scenes of massacre and misery too appalling to contemplate. Should you think proper, by resolution or otherwise, to direct such organization, it would meet my cordial approval, and I should lose no time in carrying your decision into practical operation.

Frequent complaints have been made to me that an association of persons, unfriendly to our government and cause, has been formed in the North-eastern portion of our State, and that the members of the Association, probably some fifty to one hundred in number, to avoid military service, have concealed themselves in the mountains and live by plundering the citizens whose homes are near their lurking places. The State owes it to her citizens to afford them all the assistance in her power to protect them against these inroads. Should an organization of the character recommended, be formed, a portion of it might be cavalry, which might be used to scour the

mountains for the protection of the inhabitants, or be thrown upon the coast, or into such other part of the State, as the security of the people might require.

DISTILLATION.

After our communication had been cut off by the enemy, and we could no longer get supplies of provisions from Tennessee and Kentucky, it was soon discovered that we had none to spare, and it was doubted whether there was enough of grain in the State to answer all the demands for bread. The supply of Western whiskey had, however, been cut off, as well as the supply of provisions, and the demand for this article increased till distillation was commenced at a rate that would, in the course of Spring and early part of the Summer, have consumed all the grain that could have been purchased, and increased the price to an extent that must have put it out of the power of the poorer classes of our people, and especially the families of poor men who were in the army, to get bread. These facts were made known to me from different parts of the State, and earnest appeals were made for such action as would protect our people against this great wrong. After mature reflection, I was satisfied that it was my duty to exercise all the power I possessed to check the evil. The only question was as to my constitutional power to act. There could be no doubt that I had the power to take private property for public use, and as we were hard pressed by a powerful enemy, and needed all the ordnance and ordnance stores we could command, and as the stills were made of copper which could be used in the manufacture of field artillery, I issued my proclamation ordering the militia officers of the State to seize

the still of any person in the State who should continue distilling after the 15th day of March. While there were doubtless cases in which the proclamation was evaded, and while some military officers may have failed faithfully to discharge their duty, the evil was in the main checked, and bread was saved to our people.

The proclamation only prohibited distillation till the meeting of the General Assembly, and I now submit the question for your consideration. While it is hoped we may have a plentiful supply of corn for the use of the people of the State, and can spare some for the army, we do not know what may be the vicissitudes of war, and it certainly is the duty of the Statesman, at such a crisis, to do all in his power to so husband the blessings of Providence, as to prevent suffering and secure a supply of food for the people. I therefore respectfully recommend the passage of a statute prohibiting the distillation of grain into alcohol or ardent spirits, except under sufficient restrictions, for mechanical and medicinal uses, till the end of the present war. I think this legislation is demanded alike by an enlightened public opinion, and by the exigencies of the times.

Since my proclamation I have permitted persons having contracts with the Confederate Government to manufacture necessary supplies of alcohol and whiskey for the army, but I have found it very difficult to prevent abuses of this privilege, and I recommended the terms upon which it shall in future be granted be accurately defined by law, and that Government manufactories be confined to one, or a few localities, so that this State shall not have to bear more than her just part of the burden of furnishing from

her grain, the ardent spirits claimed to be necessary for the use of the army of the Confederate States.

I have reason to believe that government contractors have been through the State sub-letting their contracts, and getting whiskey made at a much lower price than that paid them by the Government. This speculation should not be permitted, but the Government should be authorized to locate its distilleries at such points as it may select, and there by its agents to make Georgia's part of what it needs for medicinal uses and no more.

SALARIES OF PUBLIC OFFICERS.

I recommend that the salary of every public officer in Georgia, which is fixed by law, where there is no constitutional prohibition, including the fees of officers of the Courts, be increased fifty per cent, and that the Judges be all placed upon an equality as they stood prior to your last session, before the fifty per cent. is added, so as to give all the Judges of each Court the same compensation. Produce, clothing, groceries, medicines, and all the necessaries of life used by a family, have risen in the market to an average of at least five times as much as they cost when the fees and salaries of public officers were fixed by law. The depreciation of the currency and the scarcity of the supply of most of these necessaries, have united to produce this result. The public officer now receives the same number of dollars in currency which he formerly received in gold, and can purchase with it only one-fifth as much of the necessaries of life. I do not propose to add five hundred per cent, to the present salaries, which would place the public officer in as good condition as he was be-

fore the war, but I propose to add only fifty per cent. and let him lose the four hundred and fifty, as his part of the burden imposed by the war. I think the most parsimonious citizen of the State cannot deny the justice of this proposition, nor contend that the public officer shall take all the burden without any of the compensation resulting from the present high prices. This increase should include the pay of the members and officers of the General Assembly as well as other public servants, if the Constitution will permit, and I think it does. In making this recommendation, I cannot be justly chargeable with interested motives, as my own salary, though not worth as much as one thousand dollars was when I first went into office, cannot, under a provision of the Constitution, be either increased or diminished during my term in office. This, however, furnishes no sufficient reason why others should suffer injustice. The farmer gets for most of the articles which he produces, from three to five times as much as formerly; the manufacturer and merchant do the same on their productions and stock in trade. The pay of the public officer is his living; or, if you will allow the expression, his crop. Why, then, should he alone be confined to the old prices for his income and be compelled to pay the increased prices for all he has to purchase? It is not just, and a just people will not require it.

THE FAMILIES OF OUR SOLDIERS IN SERVICE.

The remarks made in reference to the high prices of the necessaries of life, apply to the families of our noble troops, who, by their gallant deeds, have illustrated the character of our State on the battle field, and rendered their names immortal on a brilliant historic page. These heroic citizen soldiers have till recently received but \$11

per month from the Government as wages. The act of Congress, passed at its last session, as reported by the newspapers, raises the wages of the private and the non-commissioned officer four dollars per month. Many of these privates are poor men, who have left behind, the large families dependent upon their own exertions for a livelihood. They may be obliged to spend part of their wages in camp for indispensable articles, but if they are not, and send it all back, it affords their loved ones at home a most meagre subsistence at the present prices of provisions and clothing. Some of the wealthier counties, under an act of the last session, are providing amply for the wants of the soldiers' families, while others are not able, without an oppressive tax, to render the large number within their limits much assistance. In this State of things I think it proper that the wealth of the whole State, when necessary, be compelled to contribute to the wants of soldiers' families in all parts of the State, who need assistance. I therefore recommend that the State provide, by general appropriation, a bounty of one hundred dollars for the family of each soldier from this State in service for the war, or who may hereafter enter the service for a like period, whose property when last given by him on the tax book, was worth less than one thousand dollars, and the like sum for each widow of a deceased soldier, and for each widow who has a son or sons in service, or who has lost a son in service. And I further recommend, that the whole net proceeds of the Western & Atlantic Railroad for the ensuing year be appropriated to pay the bounty, and that freights be increased for that purpose twenty-five per cent. upon present prices, and that each person in this State who has been engaged in any kind of speculation, in any of the necessaries of life, be taxed

thirty-three and one-third per cent. upon the net incomes of his speculation, to raise the balance of the fund. The oath of the tax-payer should be so amended as to compel each to state on oath the income of his speculation, and a heavy penalty should be provided against any one who swears falsely, I also recommend, that the Governor of the State be authorized to raise the money to meet the payment of this bounty by negotiating a temporary loan at five per cent. to be paid to the creditors, so soon as the money is paid into the Treasury by the State Road and the Tax Collectors. The Act should provide for the appointment of one or more proper persons in each county to receive the money for the families and see that it properly applied in the purchase of such supplies as are actually necessary for the comfort of each family, and should provide a heavy penalty against anyone who shall misapply the funds due a soldier's family, or speculate directly or indirectly upon the bounty money. While they are absent, enduring all the hardships and privations of camp life, their families should be supplied, if need be, at the public expenses, with such of the necessaries of life as their labor will not afford them, cost the State what it may. The money could be raised in the manner above recommended without serious burden to the people of the State, as a large part of the freight on the State Road is paid by speculators of this and other States, who, if their commodities were shipped for nothing, would still charge the highest prices for all they sell. The tax of thirty-three and a third per cent. upon the incomes of those who have been speculating upon the necessaries of life would be just and proper, and compel them to appropriate part of their gains to the benefit of our cause. Many of them are making large

fortunes by taking advantages of the necessities of the poor and needy, and will do nothing for the public good unless they are compelled by laws too stringent to be evaded.

We need not attempt to close our eyes to the stern reality. The success of our cause depends upon the gallantry and endurance of our troops. They cannot fight unless they and their families can be supplied with at least the necessaries of life. The wealth of the country must come to their relief, and contribute whatever the exigencies may require. The question for each property holder to consider is, whether he will give up part for the protection of the balance, or withhold the necessary contribution and lose the whole.

EXEMPTION OF SOLDIERS FROM TAXATION.

In consideration of the hardships and privations endured by our soldiers in service, and the necessities of the families of many of them, I recommend the enactment of a law exempting all soldiers while in service from the payment of poll tax. I also recommend the exemption of one thousand dollars of the property of each soldier from all taxation during his continuance in service. Large numbers of our troops have not more than one thousand dollars worth of property each. This is all needed for the comfort of their families in their absence, and should be exempt from the burdens of taxation. Those who have more than one thousand dollars should only be required to pay on the balance beyond that sum.

I think it just that the wealth of the State and those who remain in the enjoyment of home comforts, many of whom are accumulating fortunes by speculation, should bear the burden of the taxation necessary to support the Government, and the families of those who meet the enemy on the field of battle.

CLOTHING FOR THE GEORGIA TROOPS.

Information of the most authentic character has been received from the army, which verifies the report that many of the Georgia troops in Confederate service are almost destitute of clothes and shoes, and must suffer terribly this winter, if speedy relief is not afforded. This suffering should never be permitted by the people of the State as long as we are able to raise a dollar for their relief. I have recommended the Georgia Relief and Hospital Association to draw and expend for clothes and shoes for the most destitute, the remaining portion of the appropriation which they have not had occasion to use for hospital purposes, not doubting that such an application of the money would meet your cordial approval. They have done much, but there is still much more to be done.

To meet the emergency I recommend the passage of a joint resolution of the two Houses, at the earliest day possible, authorizing the Governor of this State, if satisfactory arrangements cannot be made with the proprietors, to seize all the factories and tanneries in this State and appropriate their whole products to this use, till a good pair of shoes and a good suit of clothes are furnished to every Georgia soldier in service who needs the

assistance. I do not know that the Confederate Government would pay for the supply thus furnished. If not, the State is able to give these necessary articles to her brave sons who are suffering for them, and her people should not hesitate a moment to do it. It would not be necessary to keep the possession of the factories and tanneries long, as the winter's supply could soon be made. The resolution should fix the price per yard to be paid for cloth, the price per pound to be paid for leather, and the price to be paid for shoes if found ready made. As no authority was given me at your last session to expend money to furnish necessaries to the troops in Confederate service, I have not felt authorized to make the seizures now recommended, till you have given your sanction to the proposed action. The cold part of the winter is fast approaching, the climate of Virginia and Kentucky is severe, and I think humanity, as well as justice to our fellow citizens under arms, requires prompt action.

COTTON AND PROVISIONS.

While cotton has long been the great staple production of the State of Georgia and several other States of the Confederacy, we have been accustomed to draw a large portion of our supplies of provisions from the Western States. In the present condition of the country this is no longer possible. Our ports are blockaded and we cannot import from abroad. We are therefore left to depend upon ourselves for the production of a supply sufficient for our people at home and our army. We have the ability to make this supply, if all our labor, except enough to make cotton for home consumption, is employed in the production of grain and other articles

used to sustain life. But so large a proportion of our laboring men will be under arms during the ensuing year, that we cannot probably do more than this. Without a supply of provisions it is impossible to sustain our army in the field and prevent the enemy from triumphing over us. This question, then, becomes one of the most vital importance, one upon which not the "*national life*," but the lives of our people and the cause of the *Confederacy* depend. The price which cotton now brings in the market, presents the strongest temptation to the planter to produce a large crop. And it is feared without the restraining influence of prohibitory legislation, much of our land and labor will be employed in its production next year. The conduct of the planters of this State during the present year has generally been alike commendable and patriotic. But few have produced large crops of cotton. The fact must not be overlooked, however, that the price was low last spring and the temptation very small in comparison with that now presented.

While our ports are blockaded, we cannot make useful, more than is required to clothe our own people. Then why produce it, and lay it up in store to tempt the enemy to penetrate the interior of our country to obtain it? Or why keep it for the benefit of commercial nations after we have achieved our independence? They have left us at a most critical period to take care of ourselves. Why, then, should we not leave them to feed their own starving operatives till such time as is compatible with our public interest to produce the supply of cotton, without which they must number their paupers by millions, and support them by taxation? The States can regulate this production by the exercise of their taxing power. There has, I

believe, never been a tax act in Georgia, from the earliest period of the State government to this day, which did not discriminate between different kinds of property and tax some one higher than another. When the power of discrimination is admitted the extent of its exercise is dependent upon the discretion of the Legislature. The power to discriminate has not only been admitted in this State, but the practice has been uniform in its exercise. I, therefore, recommend the enactment of a law imposing a tax of one hundred dollars upon each quantity of seed cotton, sufficient to make a bale of four hundred pounds of picked cotton produced next year upon all excess over what is actually necessary for a home supply. Beyond such supply, production should only be permitted upon the payment of a tax which renders it unprofitable to the avaricious.

I make no recommendation for the imposition of a tax upon the crop of the past year, for the reason that the Legislature had not in advance notified the people of the State of the necessity which must induce a change of policy in the taxation of this staple production. As the law upon the Statute Book exempted the growing crop from taxation when planted, and as many of our planters were absent from the State in military service and had but little opportunity to look to their crops and other home interests, it would seem to be improper, by retroactive legislation, to load it with a heavy tax when gathered. Our policy should be made known in advance, that each citizen, when he plants his crop, may know what the State will require on the production when made.

WESTERN & ATLANTIC RAILROAD.

For the operations of the Western & Atlantic Railroad during the past fiscal year, you are referred to the Report of its faithful Superintendent. It will be observed that the Road is now out of debt, so far as the existence of any just claim against it is ascertained. It has paid into the Treasury of the State four hundred and forty thousand dollars out of net earnings for the past year, and there was due on the road on the 30th of September last, \$577,864.78 from the Confederate Government for the transportation of troops and military stores. Payment had been demanded, but not made, the Secretary of the Treasury insisting that we should receive Confederate bonds. This I have declined to do, on the grounds that there is no law of the State authorizing the Superintendent to receive bonds and pay them into the Treasury; and on the further ground, that it is not the policy of the State, while she is in debt, to invest in the bonds of any other State or government. I have therefore demanded Confederate Treasury notes which pass as currency, and can be used by the State in payment of her own indebtedness and her current expenses. I trust the claim may be paid without much further delay.

The Road bed is in excellent condition, and I have at my command the means to keep it so. I was so fortunate last winter as to be able to purchase eleven hundred tons of new railroad bar at fifty dollars per ton. This iron is now worth in the market at least one hundred and fifty thousand dollars more than I paid for it. I was not the legal purchasing agent of the Road, and if iron had fallen as much as it has risen it is quite probably that

there might have been loud complaints, had I insisted that the Road take the iron. I have, however, given the Road the benefit of the contract, which is worth to the State the sum above mentioned. I could sell the iron at any time, and after refunding the sum paid for it, could pay into the Treasury of the State one hundred and fifty thousand dollars as a balance of the proceeds of the sale.

Since I was first inaugurated as Governor of the State, the Road has paid the State Treasury \$1,948,000, and has paid \$302,681.07 in satisfaction of debts and unliquidated demands for which it was then liable. It is now in as good condition in every respect as it then was with the exception of the rolling stock, which has not been kept up as well as usual for the last two years, on account of the impossibility of procuring, at any price, part of the material used in construction and repairs. The amount due the Road from the Confederacy is, however, more than double the sum that would be required to make the repairs complete.

Upon the application of the military authorities of the Confederate States they have frequently been permitted to take our cars and engines and carry them on other Roads, to such points as emergencies might require. The lamented General Albert Sidney Johnston had ordered a large number of our cars upon the Memphis and Charleston Road, a short time before the battle of Shiloh, which, on account of the possession of that Road by the enemy, have not been returned. At this and other points we have lost 180 cars while in Confederate service. Should they never be returned, it is expected that the Confederacy will pay for them just compensation.

DEFENCE OF SAVANNAH.

I have been informed by the Military Commander at Savannah that it is intended to make a defence of the city "to extremity," and he requests assistance from the State, in the removal of the women and children and other non-combatants from the city. In view of the fate of New Orleans and other cities which have been surrendered to the enemy, I cordially endorse and approve this resolution of the Confederate General. Let us hold the city as long as a house of a brick wall is left standing, behind which our troops can fight; and let the State assume the loss occasioned by the destruction of property, or at least divide it with the sufferers. It will be necessary that food and shelter be provided for such of the non-combatants as are unable to take care of themselves, as soon as possible, that they may be removed in advance of the attack. I therefore recommend an early appropriation of two hundred and fifty thousand dollars for this purpose.

OBSTRUCTIONS OF OUR RIVERS.

It is said the enemy are preparing gun-boats of light draught to ascend our rivers, and plunder our inland towns and cities, while the waters are high in the winter season. This can probably be prevented in no other way so effectually as by the obstruction of our streams. Most of them can be entirely obstructed by felling the timber which stands upon the banks into the channel of the stream. It may, however, be very difficult at the end of the war to remove these obstructions and restore the navigation of the river .

As a Confederate General, who is an engineer of the first order of ability and acquirements, is in command of the Military Department which embraces this State, I have thought it best to leave the matter entirely in his hands till your meeting.

The question as to the best means of defence, in the absence of any action by the Confederate authorities, is an important one well deserving your serious consideration. I doubt not that the Legislative department of the State Government participates in the regret felt by the Executive, that the Confederate authorities have done no more for the defence of the State, when so large a proportion of her militia have left her limits and gone into Confederate service, as to leave her almost powerless for her own protection.

MILITARY ORGANIZATION OF THE STATE.

The efforts which our relentless foe has proclaimed to the world, that it is his purpose soon to make, in violation of all rules of civilized warfare, to incite servile insurrection among us, not unnaturally create serious concern in the mind of every Georgian. So large a number of our arms bearing men have already gone into the military service of the Confederacy, and so many more may soon be required, that we have comparatively a small number left in each county, and in some localities where the slave population is very large, scarcely enough to direct their labor remain with them. Those who remain have generally given up all their best arms to those who have gone, and they are now nearly destitute of arms or ammunition. Our women and children are, therefore,

left at home almost entirely without protection. In this condition of our people, a general insurrection, even at the most exposed points, might be productive of scenes of misery and horror which no language can describe. To provide every means possible for the prevention of this terrible calamity, is the highest obligation of every Georgian, and the imperative duty of every representative of the people. Instead, therefore, of permitting our military organization to be disbanded at this critical moment, I recommend the enactment of such laws as will protect every military and other State officer in his position, and compel him to discharge his duties, or submit to heavy penalties. I also recommend an extension of our State militia laws so as to embrace all persons between sixteen and sixty years of age, who are able to perform service in their respective militia districts and counties; and that the best provision possible be made to arm at least a portion of the militia of each county most exposed to danger. As it is not possible to secure a supply of fire-arms for this purpose, I recommend that provision be made to arm as many as possible with good pikes and knives.

As the insurgents would not be able to procure many guns, pikes and knives in the hands of the militia might, in the absence of better arms, be made very serviceable in defence of our homes till the armed regiments, which I have recommended be kept in the service of the State, could be thrown to the point attacked, or menaced with attack. If it were generally known among our slaves that these precautions had been used, and, in addition to the militia, that a regular force is kept constantly ready to be thrown rapidly upon them, should they become insubordinate, I can not doubt that a salutary effect would be

produced. It might also be wise to provide for a mounted police in each of the counties most exposed, to be kept as a volunteer company, ready for service at a moment's call, to drill once a week, and each member to receive a reasonable compensation for his services on the day of drill.

GEORGIA MILITARY INSTITUTE.

It affords me pleasure to state that this valuable State Institution has been in a prosperous condition during the past year. Many more cadets were offered than the buildings would accommodate. I respectfully recommend an appropriation, of fifty thousand dollars to be used for the erection of the necessary buildings, the improvement of the grounds, and for such other purposes, as the board may find indispensable to the permanent establishment of the Institution upon a solid basis.

ADJUTANT AND INSPECTOR-GENERAL.

The report of the Adjutant and Inspector-General, of this State with the accompanying documents, which give a full and sufficiently detailed account of the official transactions, and expenditures connected with that Department, together with valuable suggestions upon the military organization of the State, is herewith transmitted.

General Wayne was the first man who responded to the call of his State, when the dissolution of the Union was seen to be inevitable, and resigned an honorable and comfortable position in the army of the United States to cast his lot with his native land, and share her fortunes whether for weal or for woe. From that day to the pres-

ent time no one has labored more incessantly or zealously, to secure the safety, and promote the prosperity and glory of his mother State. His labors connected with our military organizations, both for State and Confederate service, have been invaluable; and while he has always shown the self-sacrificing disposition which is seen in his report, no intelligent Georgian, acquainted with the duties of his office and its importance, would willingly consent to dispense with his services, during the existence of the war.

APPROPRIATION FOR MILITARY PURPOSES.

To meet any expenditures which it may become indispensable to make for the defence of the State, and the protection of our homes during the ensuing year, I recommend the appropriation of three millions of dollars as a military fund. I trust the action of those responsible during the past year, will be received as a sufficient guaranty, that no more of the fund will be used than the exigencies of the service may require.

SMALL POX.

This dangerous disease has made its appearance in several places in our State. Soldiers who have been exposed to it without their knowledge are occasionally returning home on furlough, and there is danger that it may spread and become a great scourge.

As our people are too careless about adopting the necessary preventative, I recommend such legislation as will secure the early vaccination of all persons in this State subject to the disease.

SALT.

Messrs. Statesberry and Humphries, of Screven county, complied with the terms prescribed by the act passed at your last session on the subject of the manufacture of salt, and after giving a mortgage on sufficient property, drew \$10,000 of the appropriation. I am not aware of any active efforts made by them to any considerable extent to make salt. Under the circumstances they should either proceed with the business or refund the money which under the law, they hold without the payment of interest.

Finding that the money placed at my command by the act would be wholly inadequate, and that but little could be expected under the provisions of this statute, I felt it my duty to take the responsibility to make such arrangements as in my judgment would do most to secure a supply of this indispensable article to our people. The Virginia Salt Works in Smythe and Washington counties, were believed to be the resource most to be relied upon. The Legislature of that State held an extra session early in the summer, and determined not to purchase nor lease those works, but to leave them in the hands of the proprietors. Immediately after the adjournment of the session, I sent Hon. John W. Lewis (who tendered his services without compensation, at his own expense,) to the works, as the agent of this State. While there, he succeeded in closing a contract with the proprietors for the use of water and privilege to make 500 bushels of salt per day. This was the greatest quantity he could at that time procure privilege to make. He also employed Maj. M. S. Temple, of East Tennessee, to manufacture the salt for

the State. The whole cost to the State of each bushel of fifty pounds is one dollar and fifty cents, when weighed for the kettles. We have to receive the salt as it is made, before it is thoroughly dry, and it loses about one-fifth in drippage and wastage by the time it reaches Atlanta. The sacks, the express freight upon them, and the Railroad freights on the roads in East Tennessee and Virginia are all uncommonly high.

Feeling that it was the duty of the State to afford relief as far as possible, first to the families of our gallant soldiers, I directed the Commissary General of the State, who is charged with the responsibility of the distribution of the salt, to make a donation of one-half bushel to the widow of each soldier of this State who has died in military service, and to each widow who has lost a son in service; and to sell to the Inferior Court of each county a half bushel for one dollar, for each family of a soldier now in service, or of a widow who has a son in service. The Justices of the Inferior Courts of the several counties have been requested to make a return to the Commissary General of the names of all the soldiers' wives and widows in their respective counties, and I direct that officer, to distribute the salt among the counties in the order in which the Courts made their reports. Consequently, the counties whose Courts were most active and reported first, have long since received their salt, while some, I believe, have not yet reported.

As soon as this distribution is completed, it is proposed to put the State salt upon the market, at such rates as will enable us to pay all cost upon it. It will probably be necessary to sell the balance at about five dollars per bushel, to make it pay all costs and charges. By the adoption of

this plan, all who purchase are taxed something for the assistance of the soldiers' families and widows who have had each one-half bushel on the terms above mentioned.

In the next distribution, each citizen will only be permitted to receive one bushel, till all have received some relief. The soldier's families needing over one-half bushel will be allowed the preference in this distribution upon the payment of the prices paid by others. Many a poor family will need little more than the half bushel which they receive under the first distribution. Those having more means can afford to pay the prices paid by other citizens, for what they need over the half bushel.

It affords me much pleasure, in this connection to state, that a company of patriotic citizens having its office in Troup county, and another in Augusta, have obtained privilege to make salt at the Virginia Works, and are now turning out daily a large quantity. The State is making five hundred bushels per day and these companies will soon average that quantity daily. They propose first to supply themselves and then to sell to the citizens of the State without speculation. The State and each of these companies has had much difficulty in procuring the necessary labor and material to put their works into successful operation. This difficulty has been overcome, however, after some delay, which we would gladly have avoided. I feel that I should fail to do my duty were I not to state in this connection, that the people of this State owe much of gratitude to Hon. B. H. Big- ham, who is a member of your body, for his great energy and activity as the President of the Troup company. He has spent his time at the works and superintended in per-

son, and has rendered very valuable service to the company and to the State.

The Railroad companies of the State have promptly responded to a request made by me, that they carry the State's salt to the depots of deposit, and thence to the depot of distribution for each citizen *free of charge*. This act entitles them to the thanks of the whole people. I have ordered that the State salt, the salt made by the two companies from this State, and all salt purchased at the works by persons or county associations for their own use, when no speculation is intended, be carried free of charge over the State Road.

As no appropriation has been made which could be used in carrying out my contract for the Virginia salt, I ordered the Treasurer of the W. & A. Railroad to advance to the Commissary General sufficient funds to meet the necessity. It will be necessary that the money be refunded to him to enable him to keep his accounts correctly. For this purpose, I recommend the appropriation of one hundred thousand dollars to be used in the purchase of salt and refunded to the Treasury of the State when the salt is sold.

Within the last few days Messrs. Graves and Goldsmith have proposed to devote their whole energies to the importation of salt into the State from the mine at New Iberia in Louisiana. They do not propose to sell the salt on speculation, but wish only compensation for their efforts and expenses. I have agreed to pay them \$7.50 per bushel of fifty pounds for all they will deliver in Atlanta by the 1st of March next. If the enemy do not interrupt the transportation, it is hoped their patriotic efforts will be attended by successful results.

Upon this subject it only remains for me to express my deep regret at the course lately taken by the Legislature of the State of Virginia. As above stated, no contract was made with the proprietors of the salt works in that State, till after the adjournment of the Legislature, which in extra session had taken the question of a supply of salt into its consideration, and had adjourned, without having taken any action, so far as I have been informed, indicating a purpose to seize the works. Feeling that I then had a perfect right to contract with the proprietors, I entered into the engagements, which I mentioned, with them, and have had large expenditures made in accordance with the contract. The two companies from this State, with my approval, acted in like manner, and having expended large sums in preparing to make salt, not for speculation but for home supply. Other States also followed the example of Georgia. I am not aware, however, that the State of Virginia made, or till a late period attempted to make, a contract with the proprietors of the works for the privilege of making salt on State account. About the time the works of this State, and of other States were going into successful operation, the Legislature of that honored commonwealth again went into extra session, and finding that the people of Virginia were in need of salt, authorized the Governor, in case of necessity, if other resources failed, to seize the works of the other sister States within her borders. This seizure, if made, takes from the families of Georgia soldiers now in Virginia, defending the homes of the people of that State more immediately than their own, all hope of getting salt in time to prevent great suffering. This is not an appeal to Virginia to furnish to our soldiers' families that which she has made with her own capital and labor.

If Virginia should make the seizure under the circumstances, her conduct will, in my opinion, be inconsistent with the character of the "Mother of States."

So soon as I saw the act of the Legislature of that State in the newspapers, I addressed a letter to His Excellency, Governor Letcher, upon the subject, a copy of which I herewith transmit. I regret to say that I have received no reply from him, and am therefore unable to announce to you what will be his policy. The salt made by the Troup company was seized under his proclamation and subsequently released, but we have no guaranty against future seizures. While I will not believe till compelled, that Virginia will attempt to rob Georgia of rights so important, at so critical a period, I shall be ready to carry out any instructions of the General Assembly for the defense of the rights of the State of Georgia to the last extremity. We can not submit to be deprived of the salt we are making under fair contracts made with the proprietors of the works, with the assent of the State of Virginia strongly implied, and with full knowledge on her part for months prior to the late act of her Legislature, that Georgia was making heavy expenditures at the works to which she did not object.

CONCLUSION.

Profoundly impressed with the importance of the struggle in which we are all engaged, the common dangers and privations to which we are exposed, and with the necessity for unanimity and harmony in our Legislative action, I am prepared to sacrifice every personal consideration, to the promotion of concord and unity, between

the different departments of the Government of the great State, whose people have honored us with their confidence at a time of no ordinary peril; and to join with the General Assembly in returning thanks to Almighty God for his past mercies, and offering fervent invocations for his future protection.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT.

The following special message of His Excellency, Joseph E. Brown, was this day transmitted to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, November 6th, 1862.

To the Senate and House of Representatives:

The great struggle for liberty and independence in which we have been engaged during the past year, against a powerful and relentless enemy, has called not only for the exercise of the united energies of our whole people, but for the most costly sacrifices of blood and treasure. When we look at the material of which the armies of the contending parties are composed, we can but exclaim, how unequal the contest! In the armies of the South are found her noblest and best sons, whose valor upon the battle field has been unsurpassed, and whose blood in abundant profusion has been poured out, a rich sacrifice upon the altar of liberty. The Northern armies, on the contrary, have been composed, in a

great degree, of imported foreigners and paupers, and of the worst classes of Northern society, who have served as mercenaries, and whose destruction, in many instances, has been rather a relief than a misfortune to society. But the contrast does not stop here. The motives which prompt the people of the two sections to protract the war, are as different as the material of which the two armies are composed is unlike the people of the North are fighting for power and plunder, the people of the South for the liberty and independence of themselves and their posterity. Our enemies have it in their power to stop the war whenever they are content to do justice and let us alone. We can never stop fighting while they continue to attempt our subjugation, but must prosecute the war with vigor, if necessary, to the expenditure of the last dollar and the destruction of the last man. If we are subjugated, let it be only when we are exterminated. We were born free; and though it be upon the battle field, we should die free.

This I believe to be the unanimous sentiment of the people of Georgia who have, on this question, laid aside all party divisions and differences; and have, from the commencement of the struggle, promptly discharged their whole duty to the cause, and to their brethren of the other Confederate States. Not a requisition has been made upon Georgia by the President of the Confederacy for assistance which has not been met without delay; and in every case of requisition on the State for troops, more men have been tendered than were required.

In the face of this proud record no plea of *necessity* could be set up, so far as Georgia was concerned, (and I believe the remark will apply generally to all the States,) for the passage of any Act by Congress to raise troops, which either infringed her constitutional rights or disregarded her sovereignty. The Act of Congress of 16th April last, usually known as the Conscription Act, in my opinion, does both; and is not only a palpable violation of the Constitution of the Confederacy, but a dangerous assault upon both the rights and the sovereignty of the States. We supposed, when we entered into this revolution for the defense of *State Rights* against federal aggression, that, in a little over one year, the persons of the free-born citizens of the respective States would be regarded and claimed, while at home in pursuit of their ordinary avocations, as the vassals of the central power, to be like chattels, ordered and disposed of at pleasure, without the consent, and even over the protest of the State to which they belonged; and that he who raised his voice against such usurpation would be denounced by the minions of power as untrue to the cause so dear to every patriotic Southern heart? And who that has noticed the workings of the conscription policy, will say that this picture is overdrawn? Not only the rights and the sovereignty of the States have been disregarded, but the individual rights of the citizens have been trampled under foot, and we have by this policy been reduced, for a time at least, to a state bordering upon military despotism.

This extraordinary Act has been defended, however, by two classes of individuals upon two distinct grounds. The first class admit its unconstitutionality, but justify

its passage upon the plea of necessity, and say that without it the twelve months' volunteers could not have been kept in the field in a time of great emergency; and further, that the Constitution is a mere rope of sand in the midst of revolution. The second class justifies it on the ground that Congress had the right under the Constitution to pass it. Is either correct?

To the first, it may be replied that the plea of necessity cannot be set up, till it can be shown that the States when called on had neglected or refused to fill the requisitions made upon them for troops by the President. Again, in reference to the twelve months' troops, it should be remembered that the Governor only called on them to volunteer for that period before they left their homes, and that the contract clearly implied between them and the Government, was that they should faithfully serve it and do all their duty as soldiers for that period, and that they should have all the rights of soldiers, with the legal pay and allowances, and should in good faith be discharged and permitted to return home at the end of that time. The Government cannot, therefore, be justifiable in violating its contract, and acting in bad faith towards them, no matter how great the emergency may have been, unless it can be shown that the Government, by the exercise of due foresight and energy, could not have supplied their places in time to meet the emergency. The fact that they were twelve months' men was well known to the Government from the time they entered the service. Why then were not requisitions made upon the State for enough of troops to fill their places a sufficient time before the expiration of their term, to have men in sufficient numbers ready

for service? But admit that the Government had neglected this plain duty until it was now too late to get the men from the States in time to meet the crisis, and that it had on that account become necessary for it to violate its contract with the twelve months' men, to save the cause from ruin; was it then necessary to pass a general Conscription Act to accomplish this purpose? Could it not have been done by simply passing an Act compelling all twelve months' men, of every age, to remain in service for ninety days, as all under 18 and over 35, though not conscripts, were compelled to do? This would have given the Government three months more of time to provide against the consequences of its former neglect and raise the necessary force, and would have left the troops, in the meantime, under the command of the officers appointed by the State, as provided by the Constitution. The emergency would thus have been met, more of justice been done even to the twelve months' volunteers, and no dangerous precedent at war with the constitutional rights of the citizen and the sovereignty of the States would have been established. It must also be recollected while upon this part of the subject, that the Act, by its plain letter, deprived the troops who had volunteered for the war, in response to calls made by the States to fill requisitions made upon them, of the right to elect their officers when so authorized by the laws of their respective States, and have them commissioned by their State authorities; and that it established a system of promotion of officers in violation of this right of the troops and authorized the President to issue the commissions. What pressing necessity existed to justify this Act of palpable injustice to the State volunteers, who had entered the Confederate service at

the calls of their respective States for the war, with a constitutional guaranty that their officers should be appointed by the States, and with the further guaranty from the States, as in this State, that they should have the right to elect those who were to command them? But it is said by the first class of advocates of conscription, that the Constitution must yield to the exigencies of the times, and that those in authority may violate it when necessary during the revolution; if so, it of course follows that those in authority must be the judges of the necessity for its violation, which makes their will the supreme law of the land. If this were the intention of the people, why did they form a Constitution at the beginning of the revolution, and why did they require all our senators and representatives in Congress, all the members of the legislatures of the several States, and all executive and judicial officers of the Confederate States and of the several States, to take an oath to support this Constitution?

When the Governor of this State and each member of the General Assembly took a solemn oath to support the Constitution of the Confederate States, no exception was made which relieved them from the obligations of the oath during the revolution. This fact should be remembered by those who admit the violation of the Constitution, but severally censure the public officer who, true to his obligation, throws himself in the breach for the support of the Constitution against the usurpation.

I here dismiss the first class of advocates, and turn to the justification set up by the second, which from its nature, however unfounded, is entitled to more respectful consideration. Does the Constitution authorize Con-

gress to pass an Act such as the one now under consideration?

The advocates of this power in Congress rest the case upon the 12th paragraph of the 8th section of the first article of the Constitution of the Confederate States, which is an exact copy of a similar paragraph of the same article and section in the Constitution of the United States. This paragraph gives Congress the power "to raise and support armies." The advocates of conscription take this single clause of the Constitution alone and contend that it does not define any particular mode of raising armies, and that Congress has the power, therefore, to raise them either by voluntary enlistment, or by conscription or coercion, as it may judge best.

The Convention which framed the Constitution of the United States, of which ours is a copy so far as it relates to this point, must be supposed to have used terms in the sense in which they were usually understood at the time, in the government which had lately been their own and from which as descendants, they had derived not only the terms used, but their whole system of language and laws, civil and military. In placing a just construction upon the phrase to "raise armies," as used by the Convention, we are, therefore, naturally led to enquire how armies had been, and were at that time, raised by the British Government, from which the members of the Convention "had derived most of their ideas upon the subject." By reference to the legislation and history of the British Government, it will be found that armies were not then raised in that Government by *conscription*, but only by *voluntary enlistment*. This was not only the case at the time of the adoption of the Federal Constitu-

tion, but had become the settled and established practice of that Government after deliberate consideration of the question, which fact cannot be presumed to have been unknown to the Convention when they used the phrase now under consideration.

The terms used by the Convention having acquired a definite meaning well understood and recognized by all, we cannot justly presume that the members of the Convention intended that these terms when used by them should be understood in a different sense. Had this been their design they would certainly have used such qualifying language as would have left no doubt of their intention to reject the ordinary acceptation of the terms and use them in a different sense.

By reference to the constitutional history of Great Britain, it will be seen that a bill was attempted in 1704 "to recruit the army by a *forced CONSCRIPTION of men from each parish, but was laid aside as UNCONSTITUTIONAL.*" It was tried again in 1707 with like success; but it was resolved instead to bring in a bill for raising a sufficient number of troops out of such persons as have no lawful calling or employment. A distinguished author says: "The parish officers were thus enabled to press men for the land service, a method hardly more constitutional than the former, and liable to enormous abuses." The Act was temporary, and was temporarily revised in 1757, but never upon any later occasion. The convention of 1787 sat thirty years after the British Government had abandoned the policy of *conscription*, even of persons having no lawful employment, as *unconstitutional*. The Convention was composed mostly of intelligent lawyers, who were well

acquainted with this fact, which leaves no room to doubt that when they gave Congress the power to "raise armies" they intended that the phrase to "raise armies" should be understood in the sense then attached to it, and that the armies should be raised by *volunteer enlistment*; which was the only constitutional mode then known in Great Britain or this country. It had not only been solemnly determined by the proper authorities in the kingly government of Great Britain long before the commencement of the American revolution, that it was *unconstitutional* to raise armies by *conscription*, but even the monarchial government of France had not yet ventured so far to disregard the rights of the subject of that Government as to adopt this practice which places each man subject to it like a chattel, at the will of him who, under whatever name, exercises monarchial power. The practice of the Government of the United States was also uniformly against conscription from its creation to its dissolution.

In view of these facts of history, can it now be just to charge the great and good men who framed our republican Government, with the grave mistake of having conferred upon the General Government of a Confederation of States powers over the persons of the citizens of the respective States, which were at the time, regarded too dangerous to be exercised by the most absolute European monarchs over their subjects?

When we construe all that is contained in the Constitution upon this subject together, the meaning is clear beyond doubt. The powers delegated by the States to Congress are all it has. These are chiefly enumerated in the 8th Section of the 1st Article of the Constitution.

Paragraph 11 gives Congress power, "To declare war; grant letters of marque and reprisal, and make rules concerning captures on land and water."

Paragraph 12. "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."

Paragraph 13. "To provide and maintain a navy."

Paragraph 14. "To make rules for the government and regulation of the land and naval forces."

If it were the intention of the Convention to give Congress the power to "raise armies" by *conscription*, these four consecutive paragraphs gave plenary powers over the whole question of war and peace, armies and navies; and it could not have been necessary to add any other paragraph to enlarge a power which was already absolute and complete.

If Congress possessed the power under the 12th paragraph above quoted, to compel every officer and every citizen of every State to enter its armies at its pleasure, its power was as unlimited over the *persons* of the officers and citizens of the States as the power of the most absolute monarch in Europe ever was over his subjects; and it was extreme folly on the part of the Convention to attempt to increase this *absolute* power by giving to Congress a *qualified* power over the militia of the States, when its power over every man composing the militia was unqualified and unlimited. That the Convention was not guilty of the strange absurdity of having given Congress the absolute, unlimited power now claimed for

it, will be seen by reference to the two next paragraphs, which give only *limited* powers over the militia of the States.

Paragraph 15 gives Congress the power, "To provide for calling forth the militia to execute the laws of the Confederate States; suppress insurrections, and repeal invasions."

Paragraph 16. "To provide for organizing, arming and disciplining the militia; and for governing such part of them as may be employed in the service of the Confederate States reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Now it must be admitted that Congress had no need of the *limited* power over the militia of the States, which is given by the last two paragraphs, if it possessed under the 12th paragraph the *unlimited* power to compel every man of whom the militia is composed to enter the military of the Confederacy at any moment designated by Congress.

When the six paragraphs above quoted are construed together, each has its proper place and its proper meaning; and each delegates a power not delegated by either of the others. The power to declare war is the first given to Congress; then the power to raise and support armies; then the power to provide a navy; then the power to make rules for the government and regulation of the land and naval forces. Congress may, therefore, make war; and as long as it can do so by the use of its armies

raise by voluntary enlistments, (which was the meaning of the term "to raise armies," when inserted in the Constitution,) and by the use of the navy it may prosecute the war without calling upon the States for assistance, or in any way interfering with the militia. But if it should become necessary for Congress to employ more force than the army and the navy at its command in the execution of the laws of the Confederacy, the suppression of insurrection, or the repulsion of invasion, Congress may then, under the authority delegated by paragraph 15, provide for calling forth the militia of the States, for these purposes. When this is done, however, paragraph 16 guards the rights of the States by reserving, in plain terms, to the State respectively the appointment of the officers to command the militia when employed in the service of the Confederate States. This authority was regarded by the Convention of 1787, as of such vital importance that they, with almost entire unanimity, voted down a proposition to permit the General Government to appoint even the *general officers*; while the most ultra federalists in the Convention, never seriously contended that the States should be deprived of the appointment of the *field and company officers*. The Convention doubtless saw the great value of this reservation to the States, as the officers who were to command the militia when in the service of the Confederacy would not be dependent upon the President for their commissions, and would be supposed to be ready to maintain with their respective commands, if necessary, the rights of the States against the encroachments of the Confederacy in case an attempt should be made by the latter to usurp powers destructive of the sovereignty of the former. On the contrary, should the officers to

command the militia of the States in the service of the Confederacy be appointed by the Confederate Executive and be dependent upon him for their commissions, they might be supposed to be more willing instruments in his hand to execute his ambitious designs in case of attempted encroachment.

When, therefore, the different delegations of power are construed together, the whole system is harmonious. When Congress has declared war, and has used all the power it possesses in raising armies by voluntary enlistment, and providing a navy, and still needs more forces for the purposes already mentioned, it may then provide for calling forth the militia of the several States, as contradistinguished from its *armies* and *navy*; and here, for the first time, the States as such have a voice in the matter, as Congress can not call forth the militia without giving the States the appointment of the officers, which gives them a qualified power over the troops in the service of the Confederacy, and an opportunity to be heard *as States*, if the delegated powers have been abused by Congress or the military force is likely to be used for the subversion of their sovereignty.

As the residuum of powers not delegated is reserved by the States, they may, when requisitions are made upon them for troops by the Confederacy, or when necessary for their own protection or the execution of their own laws, call forth the militia by draft or by accepting volunteers.

The advocates of conscription by Congress have attempted to sustain the doctrine by drawing technical distinction between the militia of the States, and all the

arms-bearing people of the States of whom the militia is composed. In other words, they attempt to draw a distinction between a company of militia of one hundred men in a district and the one hundred men of whom the company is composed. And while it is admitted that Congress can not call forth the company by conscription, but must take the company with its officers, it is contended that Congress may call forth, not the company, but the one hundred men who compose the company, by conscription, and by this evasion get rid of the State officers and appoint its own officers. This mode of enlarging the powers of Congress and evading the constitutional rights of the States, by unsubstantial technicalities would seem to be entitled to respect only on account of the distinction of the names of its authors, and not on account of its logical truth or the soundness of the reasoning by which it is attempted to be maintained.

If Congress may get rid of the militia organization of the States, at any time, by disbanding them and compelling all the officers and men of whom they are composed to enter its armies as conscripts under officers appointed by the President, the provision in the Constitution which reserves to the State the appointment of the officers to command their militia, when employed in the service of the Confederacy, is a mere nullity whenever Congress chooses to enact that it shall be a nullity.

Again, if Congress has power to raise its armies by conscription, it has the power to discriminate and say whom it will first call. If it may compel all between 18 and 35 years of age, by conscription, to enter its armies, it has the same right to extend the Act, as it has lately done, from 35 to 45; and if it has this power, it has the

power to take all between 16 and 60. The same power of discrimination authorizes it to limit its operations and take only those between 25 and 30, or to take any particular class of individuals it may designate. And it must be borne in mind that the power to raise armies is as unlimited in Congress in times of the most profound peace as it is in the midst of the most devastating war. If Congress possesses the power to raise armies by conscription it follows that it may disband the State Governments whenever it chooses to consider them an evil, as it may compel every Executive in every State in the Confederacy, every member of the Legislature of every State, every Judge of every court in every State, every militia officer, and every other State officer, to enter the armies of the Confederacy in times of peace or war, as privates under officers appointed by the President; and may provide that the armies shall be recruited by other State officers as fast as they are appointed by the States. Admit the power of conscription claimed for Congress by its advocates, and there is no escape from the position that Congress possesses this power over the States.

It may be said, however, that the case supposed is an extreme one, and that while Congress may possess the power to destroy the State Governments, it would never exercise it. If it possesses the power, its exercise depends upon the will of Congress, which might be influenced by ambition, interest or caprice. Admit the power, and I exercise the functions of the Executive office of this State, you hold your seats as members of the General Assembly, and our Judges perform their judicial duties, by the *grace and special favor of Congress* and not as

matter of right by virtue of the inherent sovereignty of a great State, whose people, in the manner provided by the Constitution have invested us, for the constitutional period, with the right to exercise these functions.

For my views upon this question somewhat more in detail, and for the strongest reasons which can be given on the other side to sustain this extraordinary pretension of power in Congress, I beg leave to refer you to the correspondence between President Davis and myself upon this question, a copy of which is herewith transmitted to each branch of the General Assembly.

In my letters to the President will also be found the reasons which induce me to resist the execution of the Conscription Act of 16th April last, so far as it related to the officers necessary to the maintenance of the Government of this State. It may be proper that I remark that my first letter to the President upon this question, in which I notify him that I will resist interference with the legislative, executive or judicial departments of the Government of the State, though dated the 22d of April, as it was expected to go by the mail of that day, was prepared on the previous day, which was the day the exemption Act was passed by Congress in secret session, of the passage of which I had no knowledge nor had I ever heard that such a bill was pending when the letter was prepared.

The question has frequently been asked why I did not resist the operation of the Act upon the privates as well as the officers of the militia of the State. But for the extreme emergency in which the country was at the time placed by the neglect of the Confederate Govern-

ment to make requisition upon the State for troops to fill the places of the twelve months' men at an earlier day, and the fact that the Conscription Act by the repeal of all other Acts under which the President had been authorized to raise troops, place it out of his power, for the time, to accept them under the constitutional mode, I should have had no hesitation in taking this course. But having entered my protest against the constitutionality of the Act, and Congress having repealed all other Acts for raising troops, I thought it best on account of the great public peril, to throw the least possible obstructions, consistent with the maintenance of the Government of the State, in the way of the Confederate Government in its preparation for our defense. I, therefore, at the expense of public censure which I saw I must incur by making the distinction between officers and privates, determined to content myself till the meeting of the General Assembly, with resistance to the execution of the Act, only to the extent necessary to protect the State Government against dissolution, and her people against the massacre and horrors, which might have attended negro insurrections in particular localities, had the militia been disbanded, by compelling the militia officers to leave the State, which would have left no legal vacancies that could have been filled by the Executive.

While the first Conscription Act made a heavy draft upon the militia of the State, it left all between thirty-five and forty-five subject to the command of her constituted authorities in case of emergency; and with these and her officers, she still retained a military *organization*. I did not at that time anticipate an extension of the Act, which would embrace the whole militia of the State, before your meeting. The late Act of Congress extends the

Conscription Act to embrace all between thirty-five and forty-five; and if executed *disbands* and *destroys* all military organization in the State. Not only so, but it denies to those between thirty-five and forty-five the right guaranteed by the Constitution of the Confederacy and laws of this State, to every Georgian to elect the officers by whom he is to be commanded while in Confederate service, and have been commissioned by the proper authority in his own State. This privilege has been allowed to other troops when called to the field. Even those embraced in the first Conscription Act, were allowed thirty days to volunteer and select their own officers from among those who at the time the Act was passed, had commissions from the Secretary of War to raise regiments. But even this limited privilege, which fell far short of the full measure of their constitutional rights, is denied those now called for; and they are to be compelled to enter organizations in the choice of whose officers they have had no part, till all the old organizations, with most of their officers appointed by the President, are filled to their maximum number. This Act, therefore, not only does gross injustice to the class of our fellow-citizens now called to the field, and denies them the exercise of sacred constitutional rights which other citizens, when they entered the service, were permitted to enjoy, but, if executed, it takes the Major Generals and all other militia officers of the State by force, and puts them under the command of third Lieutenants appointed by the President, and leaves the State without a military organization to execute her laws, repel invasion, protect her public property or suppress servile insurrection which the enemy now threatens to incite for the indiscriminate massacre of our wives and our children.

We entered into this revolution in defense of the rights and sovereignty of the States, and sundered our connection with the old government, because State rights were invaded and State sovereignty denied. The Conscription Act, at one fell swoop, strikes down the sovereignty of the States, tramples upon the constitutional rights and personal liberty of the citizen, and arms the President with imperial powers under which his subaltern in this State has already published his orders to drag citizens of Georgia, who are not in military service, from their homes "in chains" for disobedience to his behest; while invalids unfit for duty have too often been forced into camp and victimized by exposure which they were unable to endure. This action of the Government not only violates the most sacred constitutional rights of the citizens, but tends to crush out the spirit of freedom and resistance to tyranny which was bequeathed to us by our ancestors of the Revolution of 1776. When the first Conscription Act was passed, we had just gone through a series of reverses which saddened the hearts of our people, and the public mind acquiesced in the usurpation on account of the supposed necessity. The government, presuming upon the advantage gained by the precedent with the acquiescence, fastens upon the country a second Conscription Act which not only detaches part from the State militia, but disbands the whole. No plea of necessity can be set up for this last Act. Instead of reverses, all was success at the time of its passage. Our glorious armies had driven the enemy, at the point of the bayonet, from every battle field during the most brilliant summer and fall campaigns to be found upon the pages of history. These successes had been achieved by men who entered the service as volunteers, and were not

dragged from their homes as conscripts. The term of service of the troops was not about to expire at the time of the passage of the last Conscription Act, for they were then, every one in for three years or the war. The additional number needed to re-inforce the armies, if we may judge from the past, could be furnished by the States under requisitions, in half the time, and with much less than the expense which it will cost the President to get them into service as conscripts.

Under these circumstances, solemnly impressed with a sense of the injustice about to be done to a large class of our fellow citizens, under an Act which, in my opinion, plainly violates the Constitution of the Confederacy and strikes down the sovereignty of the States, I felt that I should justly forfeit the confidence reposed in me by a people who, ever jealous of their rights, had opposed stern resistance to Federal encroachments under my predecessors. Jackson, Troup and Gilmer, were I to permit the injustice, and allow the Government of the State to be virtually disbanded, and the right arm of her power severed from her, without first submitting the question of the *surrender* to the representatives of the people. I therefore informed the President of the Confederate States, in a letter dated the 18th of last month—a copy of which is hereto appended—that I would fill promptly, with volunteers legally organized, a requisition, (which I invite,) for her quota of the new levy of troops needed by the Government, but that I would not permit the enrollment of conscripts under the late Conscription Act, till you should have time to meet, deliberate and act. You have the power to adopt measures and give proper directions to this question.

During the approaching winter the enemy will make every effort in his power, with large fleets and armies, to take our sea-port cities, over-run a large portion of our States, plunder our people and carry off our slaves, or induce them to murder the innocent and helpless portion of our population. At so critical a moment, the portion of our militia who remain in the State should be encouraged to volunteer and form themselves into efficient organization, and should be kept within the limits of the State, to strike for their wives and their children, their homes and their altars. If all our population able to bear arms are to be forced by conscription to leave the State in the greatest crisis of the war, to protect more favored points, and our own cities are to be left an easy prey to the enemy, and our homes to be plundered by his marauding bands without resistance, I will not be privy to the deed. You are the representatives of the people, and must make the decision. I therefore conjure you to stand by the rights and the honor of the State, and provide for the protection of the property, the liberties and the lives of her people.

Hon. Thomas W. Thomas, a judicial officer of the State, of great ability and integrity, in a case brought regularly before him in his judicial capacity, has pronounced the Conscription Act unconstitutional, in an argument which has not been, and will not be, answered. Since the decision was made, Congress, as the newspapers report has passed an additional Act, authorizing the President to suspend the privileges of the writ of *habeas corpus*, in all cases of arrest made under the authority of the Government, which was doubtless intended to deny to the judiciary the exercise of its constitutional functions in this very case, and which places the liberty of every

citizen of the Confederacy at the mercy of the President, who may imprison any citizen under this order without legal warrant or authority and no court dare interfere to liberate the captive when the imprisonment is illegal. I now submit the question for the consideration and decision of the representatives of the people of the State, whether the constitutional rights of her citizens shall be respected and her sovereignty maintained, or whether the citizen shall be told that he has no rights and his State no sovereignty.

The question is not whether Georgia shall furnish her just quota of men and means for the common defense. This she has more than done to the present time, and this she is ever ready to do so long as she has a man or a dollar at her command. But it is, shall she be permitted to furnish troops as volunteers, organized in accordance with her reserved rights, or shall her volunteers be rejected and her citizens be dragged to the field as conscripts in violation of their rights and her sovereignty? Shall the pompous pretensions of imperial power, made by a Government constituted by the State as their common agent, be acquiesced in, or shall the Government be compelled to return to the exercise of the powers delegated to it by the Constitution?

I am aware that it has been said by the advocates of conscription, that it is no time now to correct errors. If so, it follows that there is no responsibility for, and no restraint upon their commission. Again, it is said we should first decide whether we are to "have States," before we undertake to define the rights of the States. We *had States* when we entered into this revolution. We *had States* before the passage of the Conscription Acts.

We still *have States*, but if conscription is to be executed to the extent of the power claimed for Congress by its advocates, we cease to *have States*, or to have constitutional liberty or personal rights. The solemn question now presented for your consideration is, shall we continue to have States, or shall we, in lieu thereof, have a consolidated military despotism?

MARTIAL LAW AND HABEAS CORPUS.

We were recently informed by the newspapers that a military commander holding a commission under the government of the Confederate States, had issued an order declaring the city of Atlanta in this State, to be under *martial law*, and had appointed a Governor and his *aides* to assume the government of the city. At the time this order was published, the headquarters of the General by whom it was passed and most of his command were, I believe, in another State, over 130 miles from the city of Atlanta. The order was issued without any conference with the Executive of this State upon the subject, and the Governor appointed by the General assumed the Government and control of the city. As you were soon to assemble, I thought it best to avoid all conflict upon this question till the facts should be placed before you, and your pleasure as the Representatives of the sovereign people of this State should be known in the premises. I consider this and all like proceedings, on the part of Confederate officers not only high-handed usurpation, depending for their authority upon military power without the shadow of constitutional right, but dangerous precedence, which if acquiesced in by the people of this State, tend to the subversion of the government and sovereignty

of the State, and of the individual rights of the citizen. This order of the commanding General was, after some delay, annulled by the War Department.

The 5th and 6th paragraphs of the 4th Article of the Constitution, of the Confederate States, are in these words:

5. "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people of the several States."

6. "The powers not delegated to the Confederate States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof."

Under these provisions of the Constitution, no department nor officer of the Confederate Government has the right to assume or exercise any power not delegated by the States, "each State acting in its sovereign and independent character." It follows, therefore, that no department nor officer of the Confederate Government has the right to suspend the writ of *habeas corpus*, which is the highest safe-guard of personal liberty, nor to exercise the high prerogative of sovereignty, by the representation of which alone, *martial law* may be declared, unless the grant of power from the States to do so can be found in the Constitution. That instrument declares;

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."

This clause contains a grant, by plain implication, of the power to suspend the writ of *habeas corpus* when

the public safety requires it, in the two cases of rebellion or *invasion*, but in no other cases; and no further in these cases than may be required by the public safety. But we look to the Constitution in vain for any grant of power by the States to the Confederate Government, or any department or officer thereof, to declare *martial law* and suspend the laws and civil process of the States, (other than the writ of *habeas corpus*) in any case or under any emergency whatever. If a Confederate officer may, by a declaration of *martial law*, set aside the laws and civil process of a State in a particular city or other locality, at his pleasure, he may extend his order to embrace the whole territory of the State, and set aside the Government of the State, and may, himself, enact the laws and appoint the Governors by which the people of the State shall in future be controlled. Not only so, but if the precedent in this case is to be tolerated, this may be done by any military commander in any part of the Confederacy, who chooses to send his edict to this State, and appoint his executive officers to carry it into effect.

IMPRESSMENT OF PRIVATE PROPERTY.

It is also my duty to call your attention to another matter considered by the people of this State a subject of grievance. The power is now claimed by almost every military commander, to impress the private property of the citizen at his pleasure, without any express order from the Secretary of War for the purpose; and in many cases, without the payment of any compensation—the officer who is in some cases only a Captain or Lieutenant, giving a certificate that the property has been taken for public use; which seizure, after long delay, may,

or may not, be recognized by the government; as it may determine that the officer had, or had not, competent authority to make it.

I am aware that the Constitution confers the power upon the Confederate Government to take private property for public use, paying therefore just compensation; and I have no doubt, that every true and loyal citizen would cheerfully acquiesce in the exercise of this power, by the properly authorized and responsible agents of the Government, at all times when the public necessities may require it. But I deny that every subaltern in uniform who passes through the country, has the right to appropriate what he pleases of the property of the citizen without being able to show the authority of the Government for the exercise of this high prerogative. As our people are not aware of their proper remedies for the redress of the grievances hereinbefore mentioned, I respectfully suggest that the General Assembly, after consideration of these questions, declare, by resolutions or otherwise, their opinion as to the power of the Confederate Government and its officers in these particulars. I also respectfully request that the General Assembly declare the extent to which the Executive of this State will be sustained by the representatives of the people in protecting their rights, and the integrity of the Government, and sovereignty of the State, against the usurpations and abuse to which I have invited your attention.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

November 8th, 1862.

The following message was transmitted to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, November 8th, 1862.

To the General Assembly:

Since I sent my annual message in which I referred to our State contracts with the Virginia Company for salt, and to my letter to his Excellency Gov. Letcher, I have received from him a reply, a copy of which I herewith communicate.*

While the language of the letter might leave some doubt upon our minds, whether the contracts of the two companies of this State, made with my sanction, under which the State authorities expect to derive much of the supply for our people, are included in the exemption, the whole purport of the letter and the well known character of Governor Letcher for liberality, justice and patriotism, I think fully justify the conclusion that he will not interfere with either the works put up by this State or by her citizens with her sanction, for the supply of consumers without speculation.

*[Enclosure]

While there is no written contract between the State and the companies that the salt is not to be sold on speculation, it was well understood between myself and them, and in execution of this agreement, I have carried their salt over the State Road free of charge, and they are carrying out, in good faith, the agreement on their part. The works of the companies are therefore in fact State works, and are no doubt embraced within the exemption made in our favor by the Governor of Virginia.

It is to me a source of much gratification that there will be no cause to interrupt the friendly relations which have always existed, and should ever exist between Georgia and that honored commonwealth.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

Richmond, Va., October 31, 1862.

His Excellency, JOSEPH E. BROWN.

DEAR SIR: Since my return from Saltville, I have been constantly employed with official duties of a pressing character, hence the unavoidable delay in replying to your letter of the 8th instant. I have endeavored at all times to pursue such a policy as would be calculated to insure harmony and concert of action between the States of the Confederacy and the Confederate authorities. In this case I provided in the contract made on the 22nd inst., as follows, viz.:

“And it is further understood and agreed that while the State of Virginia requires the salt hereby contracted for, to be furnished and delivered at the times and in the quantities specified, without failure, the delivery thereof shall not interfere with existing contracts made with the government of the Confederate States, or with any separate State of the Confederate States, or with any county or corporation court within this Commonwealth.”

This action will, I suppose, give satisfaction to the people of Georgia.

I am truly,

JOHN LETCHER.

The following message was this day transmitted to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

Milledgeville, Ga.,

November 10th, 1862.

To the General Assembly:

I transmit to each House a copy of a letter (Exhibit A) from Brig.-Gen. H. W. Mercer, commanding at Savannah, dated 7th instant, informing me that “a letter from the Secretary of War has been served upon him, which withdraws from him all power to retain the negroes now

working upon the fortifications of Savannah," and that, "from this time forward, he will make no further efforts to secure labor himself," and "if the people and government of the State mean Savannah to be defended, they must themselves furnish the necessary labor."

General Mercer also makes requisition upon the State for negroes to work on the defences.

I also append a letter from him, (Exhibit B) dated 8th instant, in response to one from me, asking him to make an urgent appeal to the Secretary of War to send to Savannah reinforcements at an early day.

It will be seen, by reference to the first of these letters, that the Confederate General looks alone to Georgia for the means to defend her sea-port city. While the right is denied to the State by the conscription Act, to call into the field and retain in her service any portion of her organized militia, or any part of the material of which it is composed, to defend herself against the invader at a time when the Confederate force within the State is inadequate to the task, the War Department has withdrawn from the General in command the power to retain the labor necessary to complete the fortifications which are indispensable to a successful defense.

I submit the question for the action of the General Assembly, and recommend that prompt provision be made, to the extent of the ability of the State, for carrying out your resolutions for the defense of the city to the last extremity.

In view of the fact that Georgia has furnished about seventy-five thousand troops to the Confederacy, who have rendered the most distinguished services on almost every battle field of the war, I can not forbear the expression of my deep regret that so few of them should be permitted to return to her bosom to strike for their homes, and at a time of so much peril, when the right even to supply their places in the field, upon her soil, with others now at home, is denied to the State.

JOSEPH E. BROWN.

[ENCLOSURES]

(EXHIBIT A.)

HEADQUARTERS DIST. OF GEORGIA,

Savannah, 8th Nov., 1862.

His Excellency, Joseph E. Brown,
Governor of the State of Georgia:

I have to inform your Excellency that this morning a letter from the Secretary of War has been served upon me, which withdraws from me all power to retain the negroes now working upon the fortifications of Savannah. Every negro, to the number of a thousand, will probably leave me in a few days, and a portion are discharged today.

From this time forward I will make no further efforts to secure laborers myself. If the people and government of the State of Georgia mean Savannah to be defended, they must themselves furnish the necessary labor. The

agency for the collection of labor hitherto existing by my creation, will continue only long enough to wind up its present business.

I have the honor to make requisition upon the State of Georgia for fifteen hundred able-bodied negroes to work on the defenses of Savannah.

I have the honor to be,

Very respectfully,

Your obedient servant,

H. W. MERCER,

Brig. Gen. Commanding.

(EXHIBIT B.)

HEADQUARTERS DISTRICT OF GEORGIA,

Savannah, 8th Nov., 1862.

His Excellency, Joseph E. Brown,

Governor of the State of Georgia:

SIR: I have the honor to acknowledge the receipt of your Excellency's letter of the 6th instant, and to State that I have represented, in urgent terms, to the War Department, the necessity for reinforcements in this quarter, and have requested that the two legions named may be ordered to report to me at once.

The question of election in the 4th Regiment Georgia Volunteers, I shall refer to the War Department for its decision. It is important that the principle involved in

this case should be authoritatively settled, for present and future guidance.

I take this occasion to express to your Excellency my grateful sense of the support afforded to me in my endeavors to provide adequate defenses for the city of Savannah, and which I trust your Excellency and the Legislature of the State will continue to afford me. With your invaluable aid I shall hope to be able to prevent the abolitionists from effecting a permanent lodgment anywhere on our shores.

I have the honor to be,

Your Excellency's most ob't. servant,

H. W. MERCER,

Brig. Gen. Commanding.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 10th, 1862.

To the General Assembly:

I herewith transmit a copy* of a letter from Col. William T. Wofford, commanding the 18th Regiment Georgia Volunteers in Confederate service, presenting to this State two stands of colors captured by that gallant Regiment in the battle of the 29th and 30th of August last,

* Not found.

upon the plains of Manassas. One of these flags was taken by D. H. Northcut, of Capt. Oneill's Company of Cobb county, from the 24th New York Regiment; the other by Wm. King of Capt. Roper's Company of Bartow county, from the 10th New York Zouaves. The Regiment also took from the enemy a battery of four splendid brass pieces on the 30th of August. The two stands of colors accompanying the letter are in the Executive Office, subject to the direction of the General Assembly.

It may not be inappropriate for me, in this connection, to state that the glorious 18th Regiment constituted part of General William Phillips' Brigade of State Troops, which were fully armed, accoutered and equipped by this State and trained by her authority under that gallant officer and their heroic Colonel and other officers, at Camp McDonald, prior to their transfer to Confederate service. They have met the enemy on several of the most bloody battle fields, and high as was the standard fixed for their imitation by other Georgia Regiments which had preceded them in the service, and glorious as was the conduct of those who have been their companions in arms, it cannot be invidious to state that no Regiment has displayed better discipline, cooler courage or more heroic daring than the 18th Georgia.

I recommend that the handsome donation,—the fruit of intrepid valor, tendered by the distinguished Colonel in behalf of his Regiment, be accepted and deposited among the archives of the State as a trophy won by the heroism of her sons, that the thanks of the General Assembly be tendered to the Regiment, and that appropri-

ate medals be awarded to the individuals who first took the flags out of the hands of the enemy.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 13th, 1862.

Col. Ira R. Foster, Quartermaster-General, is hereby authorized and directed to take charge of the Pay Department of this State, not only as relates to the duties heretofore imposed upon him, but to include the Commissary General, Chief of Ordnance with theirs and his commissioned assistants. Also he is directed to allow and pay a reasonable compensation to the servants in their and the Adjutant and Inspector General's official employment.

JOSEPH E. BROWN.

The following message was transmitted to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 13th, 1862.

To the General Assembly:

I communicate herewith a copy of a letter* received on yesterday from Col. Henry H. Floyd, commanding the

*[Enclosure]

militia of Camden county, informing me that on the fourth day of this month three companies of negroes were landed in St. Mary's who, after insulting the few ladies remaining there, and taking everything they could lay their hands upon, retired to their gun-boats without the slightest molestation. On the same day all the salt works in the county were destroyed except two, which by this time, have capacity to turn out twenty-five to thirty bushels per day. Unless protection is afforded, these must soon share the same fate. The people on the coast possess large numbers of cattle, hogs and other stock; the enemy leave their gun-boats, kill and carry off stock without opposition. The Colonel asked for an order to call out the militia for three or six months, and says he can muster about thirty to forty. Adjoining counties to the coast could add to the number enough to make a considerable force, who are well acquainted with all the localities, and could, on that account, act more effectively against the enemy than the like number of men taken from any other part of the State. It cannot be denied that the State owes it to her citizens, so long as she claims their allegiance, to afford them all the protection in her power.

The Constitution of this State having invested me, for the time, with the chief command of her militia, I should, under ordinary circumstances, have had no hesitation in issuing an order calling out the whole militia of her county, and of the adjoining counties if necessary, to protect our citizens, and especially the women against the outrages of invasion, robbery and insult by negroes.

Under the Acts of the Confederate Congress and the late decision of our own Supreme Court, the authority

to command the militia of the State, either for the protection of our mothers, our wives, our sisters and our daughters, against the brutality of our own slaves in a state of insurrection, seems to be denied to the Governor, as each man composing the militia of the State, except the officers, is declared to be subject to the command of the President, without the consent of the Executive of the State. It follows therefore, that if the Governor should order out the militia in this pressing emergency, which admits of no delay, to protect those citizens of Georgia to whom no protection is afforded by the Confederacy, the President may countermand the order and compel each person so called out to leave the State and go to the remotest part of the Confederacy to protect those who are not citizens of this State. The State has reserved to herself the right under the Constitution to "engage in war" when "actually invaded," and to "keep troops" while she is invaded. That authority which has the right to take from her this power, without which no State can exist, has the power to destroy her.

I believe it is admitted, however, by high authority in this State that the creature has no power to destroy the creator, the child no power to destroy the parent, and the parent no right to commit suicide. If this be true, the Confederate Government, which is admitted to be the creature of the States, can certainly have no power to deny to the States, which are the creators, the use of their own militia to protect their own inhabitants against the invasion of the enemy and the unbridled savage cruelty of their slaves in actual insurrection; nor can that Government, as the child, destroy the parent by paralyzing her right arm when raised to ward off a blow

struck at her very vitals, nor indeed can the parent, which is the State, commit suicide by surrendering the command of her entire militia when she is invaded and her people are left without other sufficient protection, nor by renouncing her obligation to protect her citizens and thereby forfeiting their allegiance.

Placed as I am in an embarrassing condition, when helpless innocents call upon the State for protection, and when the Constitution of this State and the Confederate States seem to point clearly to the path of duty upon the one hand, but when the Acts of Congress and the decision of our own Supreme Court, rendered under heavy outside pressure, and if not *ex parte*, under most peculiar circumstances, when the counsel on both sides who had brought the case before the court, agreed that, in their individual opinions the decision should be as it was made; I deem it my duty to submit the question to the General Assembly, who as a co-ordinate branch of the Government, represent the sovereign people of the State, and to ask your advice and direction in the premises.

If you should hold that the Governor no longer has the right to command the militia of the State for the protection of her people, it only remains for me to inform the people of Camden and the ladies of St. Mary's, that while the State collects taxes and requires them to bear other public burdens, she withdraws her protection from them and leaves them to the mercy of negro invaders who may insult and plunder them at pleasure. Should you hold, on the contrary, that the Governor still has the command of the militia of the State, and that she has the right to use her own militia for the protection of our homes, I shall not hesitate to call them forth and hold

them in service as long as the coast is invaded and our people are subject to the insult, robbery, and merciless cruelty of the enemy.

JOSEPH E. BROWN.

[ENCLOSURE]

(EXHIBIT A.)

JEFFERSONTON, CAMDEN Co.

November 6th.

To His Excellency, Gov. Brown:

SIR: The day before yesterday three companies of negroes were landed in St. Mary's, who, after insulting the few ladies remaining there and helping themselves to everything they could lay their hands on, returned to their gun-boats without the slightest molestation. On the same day all the salt works in the county were destroyed with the exception of two; and unless suitable protection is afforded, these two will share the same fate. By the time this reaches you they will turn out from twenty-five to thirty bushels per day, and if they are broken up will be of the greatest loss to this part of the country.

There are in Camden county two companies of Confederate Cavalry, but they are stationed so far from the coast that the Federals leave their gun-boats, kill beeves and carry off stock without any opposition. The people about here possess large numbers of hogs, cattle, etc., and the state of things is such that for the safety of their property they are necessarily compelled to move away. The troops stationed here, not being able to pro-

cure provisions, will be obliged to leave, and the consequence will be that the whole of this part of the country will fall into the hands of the enemy.

My object in addressing you is to procure from you an order to call out the militia for three or six months. I can muster about thirty or forty and can readily subsist men and horses. With these men I can do more efficient service than both companies of cavalry stationed here. Please oblige me by telegraphing to me at Waynesville at the earliest opportunity, as I shall await your answer with great anxiety.

Most respectfully,

Your obedient servant,

HENRY H. FLOYD.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 18th, 1862.

To the House of Representatives:

In response to your resolution of inquiry in relation to the mission of Hon. T. Butler King to Europe, I have the honor to transmit herewith his original report,*

*Not found.

with the accompanying documents,* which will afford all the information in my possession.

I do not recommend the ratification of the contract made with Mr. Frederick Sabel, of Liverpool, by Mr. King, for the establishment of a line of steamers. It will be seen, by reference to Mr. King's report, that he doubts the propriety of its ratification and hopes that a line of French steamers will be established without the payment of the subsidy.

During the protracted stay of Mr. King in Europe, it became necessary for him to draw upon me for \$2,500 in addition to the \$3,000 appropriated to defray the expense of the mission. This grew out of the necessity which compelled him to remain much longer than was anticipated, and the expense incurred on the publication of part of the accompanying documents in Europe, which it is believed, were productive of much good to our cause. I honored Mr. King's draft and paid the amount, with exchange, out of the contingent fund. I deem it but just to him that he be relieved of all responsibility to the State on account of the draft, and that reasonable compensation be allowed him on account of his services, if it shall be seen by a bill of his expenses rendered to the House, that he has not been able to retain a sufficient sum over his expenses out of the money received by him, to afford him such compensation.

JOSEPH E. BROWN.

*For commission and instructions see Jan. 30, 1861.

November 18th, 1862.

The following message was received from his Excellency the Governor, by Mr. Campbell, his Secretary, to-wit:

Mr. Speaker: I am directed by the Governor to deliver to the House of Representatives a communication in writing, with accompanying documents, relative to the mission of Hon. T. Butler King.

* * * * *

On motion of Mr. Cochran, of Glynn, the special message of the Governor on the subject of the mission of T. Butler King was taken up and read, when Mr. Cochran, of Glynn, offered the following resolution, to-wit:

Resolved, That a committee of five be appointed, to whom the message of the Governor in regard to the mission of Hon. T. Butler King to Europe, with accompanying documents, shall be referred, which resolution was adopted.

* * * * *

November 21st, 1862.

The special committee to whom was referred the communication of his Excellency the Governor, on the subject of the mission of the Hon. Thomas Butler King, to Europe, to secure the establishment of a line or lines of steamers from European ports, to the ports of Georgia, under the Act of the General Assembly, passed December, 1860, with accompanying documents, beg leave to report, that they have given the same a careful considera-

tion, and that they have been exceedingly gratified with the manner in which Mr. King has discharged the duties of his mission. He was charged with power to offer a subsidy to parties in Europe who would establish a line of steamers between European ports and the city of Savannah, or other ports in this State, which he succeeded in accomplishing, according to instructions, under many difficulties. The merchants and the people of England, France and Belgium were found to be quite ignorant of the commercial resources and power of the Southern States, having heretofore almost entirely received the productions of the South and shipped her supplies through Northern ports. It became therefore necessary, for Mr. King to collect and publish such facts and statistics as would enlighten the commercial mind on the subject; and for this purpose he wrote and published and distributed, over most of the European countries, over five thousand copies of his letter addressed to Lord John Russell, published in English, and memoirs to the French Minister of Commerce, and the French Minister of Foreign Affairs, in French, on the character of the blockade, besides an elaborate and well digested argument on the American blockade, also published in French, besides many other articles written for the French papers on the state of our political affairs. In addition to this, he also concluded a contract with Messrs. Sable & Co., of Liverpool, for the establishment of a line of steamers from Liverpool to Savannah with the subsidy of one hundred thousand dollars per annum, as provided by the Act under which he was commissioned, which is herewith submitted.

The result of Mr. King's labors in this behalf is seen and felt, in having secured the change of a law, unani-

mously, by the Senate Corps Legislatif and Imperial Council of France, granting a large subsidy to a company in Paris for the establishment of two lines of first-class steamers, one from Havre to New York, and the other to the West Indies, whereby those were changed, the one from New York to the city of Savannah, and the other from the West Indies to the city of New Orleans. This was a triumph of the intelligence and labor of our representative.

To enable Mr. King to accomplish this task it became necessary to incur much expense in employing a secretary and translator, and in securing such quarters and living as became the representative of the State of Georgia.

It will be remembered that Mr. King left the State of Georgia about the first of March, 1861, before hostilities commenced, and was in Europe when the blockade was established. It was not contemplated by the Governor or the Legislature that it would require more than two or three months to accomplish the purposes of his mission, but soon after his arrival the blockade was established and it was impossible for him to leave Europe until November, and he was detained two months in Havana, and did not reach his home until eleven months and seventeen days from the time of his departure, after enduring the perils of shipwreck. In consequence of this delay, the expenses were largely augmented, and in addition to the \$3,000 appropriated for the expense of the mission, Mr. King was driven to draw upon the Governor for \$2,500, which the Governor met upon presentation. Your committee have great pleasure and pride in saying that Mr. King has not only ably and faithfully accomplished the purposes of his mission, but has done

more, much more, in securing the two French lines referred to, to Savannah and New Orleans, to be put in operation as soon as the blockade is raised. And more, the committee is of opinion that the able documents referred to, have done more to place the real political condition and commercial resources of this country before the European people than any acts or papers which have fallen under their observation during our troubles, and that the people of this whole country are much indebted to him for their production. It is shown by the bill rendered by Mr. King that his actual expenses of living, traveling and preparing and publishing the papers referred to has been \$5,900, being four hundred dollars more than has been paid to him, and the committee recommend that Mr. King be relieved from all liability which he may have incurred by drawing the draft referred to, that he be paid the balance which he has expended, and that he be allowed the sum of twenty-five hundred dollars in compensation for his very valuable services to the State and country while in Europe, and that his able report to the Governor and his memoirs on Steam Navigation and the American Blockade, with his report, be published, and we forbear asking the publication of his letter to Lord John Russell, only because it has already been published in most of the newspapers of the country, and the people have had an opportunity to see it.

In consideration of the change of the circumstances of the country since the contract was made, and the establishment of the French lines, which will subserve all the purposes of the Legislature, we agree with the Governor that it would not be wise and prudent at present

to ratify the contract negotiated with Messrs. Sable & Co., of Liverpool, as provided in said contract.

All of which is respectfully submitted.

A. E. COCHRAN,

Chairman Special Committee.

* * * * *

November, 22nd, 1862.

On motion of Mr. Schley, it was ordered that 200 copies of the letter from the Hon. T. Butler King to Lord John Russell, be printed for the use of the House.

* * * * *

December 2nd, 1862.

On motion of Mr. Hester, of Elbert, the rule was suspended, when he introduced a series of resolutions upon the subject of remunerating the Hon. Thomas Butler King for his services while on his mission to Europe, which were taken up, adopted, and ordered to be sent forthwith to the Senate.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 20th, 1862.

To the House of Representatives:

I have to reply to your resolution in reference to the Quartermaster and Commissary Generals of this State,

with their assistants, that they are still continued in office because, in my judgment, these departments cannot be dispensed with in the present condition of affairs, without the most serious detriment to the interests of the State.

It will probably require most of the assistants they now have, added to their own exertions, for three months longer, to complete the unfinished business connected with the late Georgia army.

I have directed that a complete record be made of all the proceedings and of the reports of all assistant Quartermasters and Commissaries connected with the Division, Brigades, Regiments and Battalions, while in service, and that all the vouchers be numbered and carefully filed in perfect order.

While these records will be voluminous, I regard it very necessary that they be kept, as the State, at some future day, will expect the Confederacy to refund to her the money expended upon those troops, and may become necessary to show on what account every dollar was expended.

A person unacquainted with the business has a very imperfect idea of the immense amount of labor required to perfect and systemize these records and vouchers. After this duty has been performed it will still be necessary, in case we keep troops or have to call out the militia, for an emergency, to have a Quartermaster and Commissary General with the proper assistants.

As an instance, the resolution passed by the Legislature making it my duty to collect fifteen hundred able-

bodied negroes to fill the requisitions of Brigadier General Mercer, compels me at once to impose a very delicate and responsible duty upon the Quartermaster-General, who is now busy in the execution of orders intended to carry out the instructions of the General Assembly.

Upon the Commissary General is imposed the task, in addition to his other duties, of receiving and distributing the salt made by the States, among the soldiers' families and then among the people of the State. This is no small burden; it requires a number of assistants, and that regular books and accounts be kept.

This business is expected to continue during the ensuing year. If it were not done by the Commissary General it must be done by some other public agent by some other name at no less expense.

Other emergencies may add other duties before these now being performed by either of those officers are completed.

Upon the score of economy I entertain no doubt, that it is better to keep them in service, paying them a regular salary, and have them at all times subject to command, than it would be to employ agents as each emergency arises, and pay them such compensation as the Executive or General Assembly would say was reasonable in each particular case.

A State, of the importance of Georgia, in the midst of a war of the greatest magnitude, subject at any day to invasion and internal insurrection, without organized Quartermaster's and Commissary's Departments, would

be in a most singular position, which would cause serious detriment, much confusion and embarrassments, and would on that account add greatly to the public expense, and to the misfortunes of our people, by delaying prompt action for want of preparation and system in conducting our defenses. I shall not retain either of these officers in the employment and pay of the State a day longer than I consider his services necessary.

In response to the enquiry contained in the resolution about salaries, I have to state that the Quartermaster-General and the Commissary General each has the rank of Lieut. Colonel and receives the pay and allowance fixed by the present General Assembly, at its last session for officers of that rank.

The Quartermaster-General has one assistant with the rank and pay of Captain, and three clerks, each with a salary of \$100 per month. Major Octavus Cohen, of Savannah, who was division Quartermaster of the State Troops, has been in service, with the pay due his rank, till a late date, winding up the business of his office.

The Commissary General who, in addition to his other duties, was charged with the distribution of salt among the counties for soldiers' families, has had two assistants, each with the rank and pay of Captain, one of whom has performed the duties of Quartermaster and Commissary of the Bridge Guards. He has also had three clerks, each at a salary of \$100 per month, till a late date, when it was found necessary, on account of the increased duty of keeping a separate record of the reports of counties applying for salt, to employ an additional clerk with like compensation.

The regimental Quartermasters and Commissaries were each allowed a reasonable time after the army disbanded, (the precise dates are not before me) to wind up the business and make his report, when each was discharged.

The Commissary General also has a military store-keeper at Atlanta, at a salary of \$100 per month, and several agents in the different sections of the State for the distribution of salt, who are to receive a reasonable compensation, but none has yet been fixed or paid to either of them.

The Paymaster General having resigned, the Quartermaster-General is also charged with the settlement and payment of all outstanding claims due widows of deceased soldiers for pay not drawn, and all other outstanding claims.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 11th, 1862.

To Ira R. Foster, Quartermaster-General:

The General Assembly has passed the Resolutions hereto appended, as amendatory of the Resolutions passed at this session, authorizing the seizure of Factories, Tanneries and Manufactured Articles, for the purpose of clothing our self-sacrificing troops in Confeder-

ate service from this State. I have not approved and signed these resolutions, because they are accompanied by another, which limits the seizures to be made to a time not to extend beyond the 20th day of this present month. I could not, under the provisions of the Constitution, sanction the resolutions copied below without sanctioning the one which limits the time of the seizure to the next nine days, and I could not do this without virtually defeating the objects of the original resolutions. It is impossible for you to take possession within the next nine days of all the Factories and Tanneries of the State, and it would be unjust to seize part of them and limit them to the prices contained in these resolutions, and leave the others to grow rich by extortion, without limit as to price. Nor would it be just to seize the goods in the hands of one merchant and let another keep his goods for speculation because he may have been successful in hiding them till after the 20th of the month. Again, if the power of seizure is limited to so short a time, it may be impossible to procure a supply of clothing and shoes sufficient to afford substantial relief to our troops. As the prices fixed by the original resolutions were, however, considered by the General Assembly, upon more mature consideration, to be inadequate, and as discretion was allowed me to vary the prices then fixed, and as the resolutions below contain the latest expression of the will of the General Assembly upon the subject of the compensation to be paid to the owners of articles seized, I think it safest to adopt these resolutions under the discretionary powers given me in the first resolutions, and to be governed in settlements with those whose property has been or may be taken by the prices and rules laid down in the amendatory resolutions. You will,

therefore, proceed to execute the orders issued through the Adjutant and Inspector-General, with such variations only as may be necessary to conform prices to the orders herein contained.

In case any Manufacturer or Tanner or other person attempts to protect his goods or articles seized, under a contract with a Confederate officer, you will require the exhibition of a written contract, as directed in Resolution No. 3. It is not expected or intended that any conflict be produced between you and the officers of the Confederacy, but it is expected that you will, in a spirit of harmony, mutually assist each other in the accomplishment of the great object of clothing our gallant Georgia troops.

JOSEPH E. BROWN.

The following are the Resolutions referred to in the above order:

Resolved 1st, That the Governor be, and he is, hereby authorized and requested to order to be paid to such parties, not engaged in manufacturing, as have sold or may sell their goods to the proper authorities, under the resolution above referred to, or whose goods have been, or may be hereafter, seized by the authority aforesaid, ten per cent. on the cost, to the owners of all such articles so sold or seized; *provided*, that in every case the party owning said goods shall make an affidavit setting forth the price paid by him and the name of the person or persons from whom he purchased said article, and *provided, further*, that in all cases, when the officer of the State may suspect the correctness of the price reported by the owner, it shall be determined by arbitration, as follows,

to-wit: The officer and owner each shall choose a disinterested person, to whom the question shall be referred, and these, in case of disagreement, shall call in a third person, who shall act as umpire, and where such cost, when ascertained, exceeds the market value of the articles, the officer must abandon the seizure in that particular case, and may do so, in his discretion, when such cost exceeds the rate fixed by the original resolutions.

Resolved 2nd, That all goods taken from manufacturing establishments be paid for at the rate of "twenty-five per cent." on the "prime cost" of manufacturing said articles, said cost to be ascertained as provided in the foregoing resolution, and subject to the same conditions.

Resolved 3rd, That no contract made with the Confederate Government shall interfere with the execution of said resolutions as herein amended, except such as were made and reduced to writing previous to the passage of the original resolutions; unless the Governor or his agents, exercising their sound discretion, may conclude that public welfare will be promoted by allowing such contracts to stand.

The following Special Message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 12th, 1862.

To the General Assembly:

The complaint is frequently made to me by Georgia

troops in the service of the Confederate States that the right of electing their own officers to fill vacancies which happen in Companies and Regiments is denied them by the Generals in command, in the execution of the Conscription Act, and that officers, who have not their confidence, and are not of their choice for the positions to be filled, are assigned to them by promotion or otherwise, at the pleasure of the President.

The 16th paragraph of the 8th Section of the 1st Article of the Constitution of the Confederate States gives Congress power “To *provide* for organizing, arming and disciplining the militia, and for governing such part of them as may be employed *in the service* of the Confederate States; reserving to the *States respectively the appointment of the officers*, and the authority of training the militia according to the discipline prescribed by Congress.”

By this paragraph of the Constitution, the States reserve to themselves, in language strong and plain as could be used, the right to appoint the officers to command their militia, when *employed in the service* of the Confederate States. Each State is left to appoint its officers in such a manner as it may select.

The old Constitution of this State, after providing that the general officers should be elected by the people subject to militia duty, declared that all other officers of the militia should be elected in such manner as the Legislature might direct, and should be commissioned by the Governor.

The new Constitution of this State declares that "All militia and county officers shall be elected by the people in such manner as the General Assembly may by law direct."

The statutes of this State, in accordance with the provisions of the Constitution, provide for the election of all such officers by the citizens liable to bear arms; and that whenever any *vacancy* shall happen by death, resignation or otherwise, it shall be filled by election by the citizens liable to bear arms, who shall become subject to the command of such officers when elected.

By the above reference to the Constitution and laws of this State, it will be seen that the policy fixed by her and incorporated into her fundamental law for the election of officers, is that it be done by election by those who are to be subject to the command of the officers to be appointed. The wisdom of this policy cannot, I think, be successfully questioned. If our troops have confidence in their officers, and are cheerful and contented, it is naturally to be expected that they will display more distinguished valor, and do better service, than they could do if discontented and unhappy under officers assigned to command them without their consent, who have not their confidence, and have no fellow feeling with them.

Under the above-mentioned provisions of the Constitution of the Confederate States, and of this State, and of the statutes of this State, the right to elect officers to fill *vacancies* is as expressly guaranteed to the militia of this State, employed in the service of the Confederate States, as is the right to select their officers by election at the organization of the regiment, battalion or company.

The President of the Confederate States has made frequent requisitions upon me for regiments of troops as part of the quota of Georgia. I have in every such case promptly and fully responded to such requisitions and have sent militia of this State as *volunteers* organized, with officers, in accordance with her laws, into the service of the Confederate States.

These troops have generally been intelligent citizens of the State, and have entered the service with full knowledge of their Constitutional rights, and with a guarantee that this State would protect them in the exercise of their right of electing those who are to command them.

This right is now expressly denied them by the Conscription Act, and in most of the regiments it is practically denied them by the orders of the Confederate Generals who command them. Officers are now put upon them by promotion, or by appointment of the President, who, in many instances, have not their confidence; when, if their Constitutional right of election were not denied them, they would select those who, *in service*, have shown that they are much more competent, and who would have the full confidence of those by whom they might be chosen.

If Georgia's troops, who have nobly responded to her call, and have entered the service of the Confederacy as organized by the laws of the State, are part of the militia, "employed in the service of the Confederate States," there can be no question that she has the right to appoint the officers, and that the troops, under her Constitution and laws, have the undoubted right to elect those who are to command them. Nor can it be ques-

tioned that it is an imperative duty which the representatives of the people of this State owe to our gallant troops, to see that the right is not taken from them. Are they part of the militia of this State now employed in the service of the Confederate States? If I am not misinformed, both branches of the General Assembly of this State, at its present session, have determined that they are, and have protected the rights of their members by the decision. If this be so, are not the rights of our glorious troops in the field as much entitled to protection, and shall it be denied them?

The 5th paragraph of the 1st Section of the 2d Article of the Constitution of this State declares, that "No person holding any *military commission* or other appointment, having any *emolument* or *compensation* annexed thereto, under this State or the Confederate States, or either of them, (except Justices of the Inferior Court, Justices of the Peace, and *officers of the militia*), shall have a seat in either branch of the General Assembly."

Several members of each branch of the General Assembly now hold *commissions* in the Georgia regiments in the Confederate service, having *emolument* or *compensation* annexed thereto. This clearly disqualifies them to have seats as members of the General Assembly, unless they fall within the exception as *officers of the militia*. They now have their seats under the decision of their respective houses in their favor.

The constitutional prohibition applies not simply to the time of the qualification or election of a member, but it extends through his term. The language is not, that a person holding a military commission having emolument

or compensation annexed thereto (except an officer of the militia), shall not be eligible to election, or shall not *take* a seat in either branch of the General Assembly. But it is, that he shall not *have* a seat. The language applies to the present time—the time when he holds such commission. In other words, the language is, that no person "*holding*" such commission shall "*have*" a seat. He can therefore *have* the seat at no time while *holding* the commission. The same paragraph of the Constitution also declares that no person who is a defaulter for public money shall *have* a seat. I presume it would not be contended that a member who might become a defaulter for public moneys, after he had taken his seat, would, on that fact being made known to the branch of the General Asembly to which he belongs, be allowed to *have a seat* while he remained a defaulter. Doubtless, therefore, both branches of the General Assembly put the decision on the true ground, and now permit their members *holding* military commissions with compensation annexed, to *have* their seats, because they are officers of the militia of this State, employed in the service of the Confederate States.

Admit the correctness of the decision of both branches of the General Assembly, and I do not question it, that these members are *officers of the militia* of this State, and it cannot be denied that the Regiments, Battalions and Companies commanded by them are part of the *militia* of the State now in the Confederate service, and that the other officers in command in these Regiments are also *officers of the militia* of this State, employed in the service of the Confederate States; and in case of vacancy, that it is the right of the State to appoint the officers to fill such vacancy, and that ac-

ording to the Constitution and laws, it is the right of the men who are to be commanded, to elect the officers to fill these vacancies, and have them commissioned by the Executive authority of the State. And if this be true, it must also be admitted, that the provision in the Conscription Act which denies to the State the right of appointment, and to the men the right of election, and gives the appointment to the President by promotion or otherwise, is unconstitutional and void.

If it were necessary to sustain the decision of the General Assembly on this question, I need only to refer to the opinions of President Davis and the Secretary of State, Mr. Benjamin.

In his letter to me of the 29th May last, the President says, "Congress then has the power to *provide* for organizing the arms-bearing people of the State into militia. *Each State* has the power to *officer* and *train* them when organized." Again he says: "The term militia is a collective term meaning a body of men organized." Again, "The militia may be called forth in whole or in part into the Confederate service, but do not thereby become part of the 'armies raised by Congress', they remain militia, and go home militia, when the emergency which provoked their call has passed." And again, "During our whole past history, as well as during our recent one year's experience as a new Confederacy, the militia 'have been called forth to repel invasion' in numerous instances, and have never come otherwise than *as bodies organized by the States*, with their company, field and *General officers*, and when the emergency had passed they went home again."

So far as the *General officers* are concerned, the President must be understood to refer to "our whole past history" and not to "our recent one year's experience," as I am aware of no instance in which he has permitted them to enter the service of the Confederacy with their *General officers*. This right was expressly denied to Georgia, in the case of General Phillips' Brigade, but the Regiments, Battalions and Companies were allowed to enter the Confederate service with their officers appointed by the State. This has been permitted as far as Regiments, Battalions and Companies are concerned in every case where a call was made on the State for "*organized bodies of troops*" or for organized bodies of her militia to be employed in the service of the Confederate States. But while the right to appoint the officers when these Regiments were organized was allowed to the State, the right to fill vacancies which occur in them is now denied to the State by the Conscription Act.

The testimony of Mr. Benjamin, who was at the time Secretary of War, is also to the point upon this question. In his letter to me of 16th February, 1862, referring to the twelve Regiments, for which requisition had been made, he says: "I will add that the officers of the Regiments called for from the State, under the recent Act of Congress are, in my opinion, to be commissioned by the Governor of Georgia, as they are State troops tendered to the Confederate Government."

The right of the State to appoint the officers to command her militia now "employed in the service of the Confederate States," is therefore admitted by the President and Secretary of State, and has been decided by

the General Assembly, and is too clear for doubt or cavil. Yet this right is denied by the Conscription Act, and our troops are deprived of its benefits.

This is a *practical* question of the utmost importance to the troops. They feel and know that they are deprived of an important right. They have nowhere to look for protection but to their own State. At present they can only be heard at Richmond through their State authorities. They have appealed to me as their Executive for the protection due them. I have demanded of the President its practical recognition, and have failed to receive it. You are the Representatives of the people, and probably each one of you represent a portion of those whose rights are disregarded. All must admit that the State owes it to her people and especially to her brave troops, to see that their plain Constitutional rights are respected.

I therefore submit the question for your calm consideration, and earnestly recommend that you take such action in the premises as will vindicate the dignity and sovereignty of the State, and protect those rights which are so vital to her citizens now under arms for the defense of all that is dear to a people.

It may be inappropriate for me to remark in conclusion, that the abolition Government at Washington, from which we seceded, on account of its disregard for, and violations of State Rights, has in this respect, shown itself more attached to the rights of the States, and more careful not to violate them, than our own Government, which had its very origin in this great doctrine, as will be seen by reference to paragraph 1648 of the Regulations of the War Department at Washington,

edition of 1861, which is in the following words: "Vacancies occurring among the commissioned officers in Volunteer Regiments, will be filled by the Governors of the respective States by which the Regiments were furnished. Information of such appointments will, in all cases, be furnished to the Adjutant General of the Army." Thus it will be seen that the Lincoln Government does not dare to violate the rights of the remaining States of the old Union, by taking from them the appointment of the officers to command their Volunteer Militia, when employed in the service of the United States; and yet we say that Government is fast tending to military despotism. A very recent decision of our own War Department under the Conscription Act, upon a case carried before it from the 47th Regiment Georgia Volunteers, which is one of the Regiments furnished by this State under the call made upon the State last spring, for twelve Regiments, has, I am informed, expressly denied this right to the Georgia troops in the service of the Confederate States. In the whirl of revolution, whither are we drifting?

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 12th, 1862.

To the General Assembly:

It affords me pleasure, in response to your call for information upon the subject of the manufacture of

pikes and knives, to transmit copies of the statement of Major L. H. McIntosh, Chief of Ordnance, who has had this matter under his control, as it pertained properly to his department.

The accompanying document marked A, is the letter of Major McIntosh in reply to my call on him for the information desired. The inclosure marked B, is the usual form of proposal, which, when accepted by the party, becomes the contract and contains, as I am informed by Major McIntosh, the prices paid respectively for pikes and knives. C contains the names of the persons from whom knives were purchased at the prices contained in B, with the number received from each. D contains the names of persons by whom pikes were furnished, with the number received from each, at the prices mentioned. There were, occasionally, lots, or parts of lots, tendered and rejected, because they were not made according to contract, or not delivered within the time agreed upon. All pikes and knives were inspected by Mr. Peter Jones, our Master Armorer, before they were received.

By way of exception to the general rule laid down in my last remark, it is proper that I state that Major Brown, of the county of Habersham, at a time when we were quite scarce of arms to arm troops to defend Savannah, proposed to me that he would raise a battalion of troops to be armed with pikes, and would undertake to have them made if I would pay the actual cost of making them. To this I agreed. He attempted to raise his battalion and failed; but one brave Company was raised, who, under this agreement, armed themselves with pikes and went from the mountains to the defence of the

coast, and were the favorites of the gallant Walker, in whose brigade they were placed.

These pikes were, I think, mostly made by Mr. E. P. Williams, a citizen of high character. He had, I think, taken a contract for enough to arm the battalion, and when it failed, payment was made for the number which he had completed, or on the way to completion. These pikes were of a different pattern from that afterwards adopted by the Adjutant and Inspector General and the Chief of Ordnance, and as they were inferior to them, did not cost quite as much.

I issued my address to the mechanics, inviting them to make pikes and knives, soon after the fall of Fort Donaldson, when our prospects were gloomy and when serious alarm existed on account of the short supply of arms in the Confederacy. We could not make guns in this State at the time, and I felt it my duty to do all in my power to provide for our defense with the best weapon we could make. If I am not misinformed, other States, and the Ordnance Department of the Confederate States Government, commenced the manufacture of pikes about the same time.

By the mercy of a kind Providence, and the valor of our troops, we have since procured a much better supply of firearms, and but little use has been made of the pike.

At the request of President Davis I sent to his headquarters at Chattanooga, for the Western troops, 829 pikes and 321 knives, and have since issued to Col. William Phillips and Col. Jack Brown, 960 knives for the

use of the brave troops under their command in Confederate service.

Col. Griffin, in command at Augusta, had also been furnished with 400 pikes, for the use of the militia under his command.

The fact that President Davis, at a time when other arms were scarce, accepted pikes and knives from Georgia, showed his appreciation of them as a military weapon.

And it may not be amiss, in this connection, to state that the pike was in constant use as a military weapon prior to the invention of the bayonet, and that it has been used with fearful effect during the present century. By reference to William's life and campaigns of the Duke of Wellington, it will be seen that during the Spanish war of independence against Napoleon, England, in 1808 and 1809, sent 79,000 pikes, among other munitions of war, to Spain.

Those conversant with the history of that struggle have been struck with the terrible slaughter of the French troops by the Spanish mountaineers, who use pikes as their weapons.

In our last war with Great Britain, the lamented General Zebulon Montgomery Pike, whose name and gallant death are embalmed in our national history, was a great advocate for the pike and introduced it into his command. For the *charge* he regarded it superior to the bayonet and to resist cavalry much more reliable.

Still later, in 1832, Mitchell, in his *Thoughts on Tactics*, a work of great merit and high authority, advocated strongly the retention of the pike and its partial distribution among infantry battalions. He argues thus: What is the musket and bayonet, after all, but a "crooked pike," and an unwieldy one at that? And is not a straight, handy pike, light and readily wielded, a more effective weapon?

If Spaniards in 1808 and 1809 could rout the troops of the great Napoleon with pikes, and one of our most gallant Generals in the war of 1812 could use them with great effect against the enemy, why may not the gallant sons of Georgia take them in hand and strike for their homes and their liberties, when no better weapon is at their command?

In case of servile insurrection, as the insurgents would not probably have firearms, our militia might make the pike and knife a most destructive weapon. Those not distributed as above stated, remain in the arsenal of the State subject to the directions of the General Assembly.

The number on hand is stated in the accompanying documents.

JOSEPH E. BROWN.

A.

[Copy.]

STATE OF GEORGIA,

ADJ. & INS. GEN'S. OFFICE, ORDNANCE BUREAU,

MILLEDGEVILLE, December 8th, 1862.

To His Excellency Joseph E. Brown,

Governor of Georgia:

SIR: In obedience to your order I have the honor to report, under the resolution of the General Assembly requesting certain information from you as to pikes and knives, that the only agent employed to make contracts for their manufacture was myself, under your authority and that my compensation is that attached to my rank as Major and Ordnance Officer. All the contracts were made under your general instructions to me upon the subject. I enclose herewith the terms of the contracts, with a list of the contractors, and the number furnished by each. If any other pikes or knives were purchased than those herewith reported, I have no cognizance of the contracts or purchasers.

I have the honor to be,

Very respectfully,

Your obedient servant,

LACHLAN H. McINTOSH,

Chief of Ordnance, State of Georgia.

B.

[Copy of letter addressed to proposed contractors.]

March 12th, 1862.

SIR: I send you a pattern knife, and will send you a pattern pike as soon as we can obtain them.

We will take as many of either, or both, as you can furnish within this month—March. The heads of the pikes to be of steel, well tempered; the staff to be of ash, white oak, or hickory, well seasoned—to be of straight stuff, not cross-grained. For every pike, that passes inspection, we will pay five dollars.

The knives, with scabbard tipped, belt and clasp, we will pay four dollars and sixty cents (\$4.60) for, upon their passing inspection.

The knives and pikes to be sent to this place to Captain T. M. Bradford, Military Storekeeper.

Be pleased to send me a receipt for the pattern.

Very respectfully,

Your obedient servant,

LACHLAN H. McINTOSH,

Major and Chief of Ordnance.

C.

STATEMENT OF KNIVES RECEIVED AT THE ARSENAL.

Date-1862.	Number received.	From whom received.
April 1	84 knives	N. Weed.
April 1	4 knives	John Baker.
April 1	62 knives	N. Weed.
April 2	150 knives	J. W. & L. L. Moore.
April 7	50 knives	John C. Smith.
April 8	43 knives	Cameron & Winn.
April 9	14 knives	J. C. Zimmerman & Co.
April 12	49 knives	O. S. Haynes.
April 16	15 knives	James M. Hall.
April 16	1294 knives	R. J. Hughes.
April 16	1103 belts	R. J. Hughes.
April 16	50 knives without belts.	N. Weed.
April 18	91 knives with belts	J. C. Zimmerman.
April 23	327 knives with belts	J. W. & L. L. Moore.
April 24	99 knives with belts Christian.
April 30	104 knives with belts	J. C. Zimmerman.
May 9	199 knives with belts	J. W. & L. L. Moore.
May 9	25 knives with belts	H. Gilleland.
May 10	175 knives with belts	R. J. Hughes.
May 24	196 knives with belts	Cameron & Winn.
May 27	283 knives with belts	John D. Gray.
May 28	296 knives with belts	John Baker.
May 29	1 knife with belt	Will Berry.
May 29	15 knives with belts	H. Gilliland.
June 5	136 knives with belts	J. J. Ford.
June 13	219 knives with belts	Cameron & Winn.
June 13	507 knives with belts	J. W. & L. L. Moore.
June 21	55 knives with belts	John C. Smith.
June 30	49 knives with belts	F. M. Hail.
August 5	317 knives with belts	J. D. Gray.
	4908	T. M. BRADFORD M. S. K.

KNIVES-4909

321 sent to the Confederate Q. M., Chattanooga.

60 sent to Col. Wm. Phillips, Hardeeville, S. C.

900 sent to Col. Jack Brown, Macon, Ga.

3628 knives now in Arsenal.

D

STATEMENT OF PIKES RECEIVED AT THE ARSENAL.

Date-1862.	No. Received.	From whom received.
March 18	116 pikes	D. B. Woodruff.
March 27	45 pikes	J. R. Dorsett.
March 28	80 pikes	Grier & Masterson.
April 1	52 pikes	Marshall & Rice.
April 1	3 pikes	John Baker.
April 1	15 pikes	N. Weed.
April 3	16 pikes	Samuel Griswold.
April 4	11 pikes	W. L. Rainey.
April 7	48 pikes	Marshall & Rice.
April 8	44 pikes	J. R. Dorsett.
April 9	7 pikes	G. N. Wyman & Co.
April 9	29 pikes	J. C. Zimmerman & Co..
April 9	100 pikes	J. G. White.
April 10	33 pikes	Grier & Masterson.
April 14	90 pikes	Ford & Dumas.
April 14	63 pikes	O. W. Massey.
April 15	34 pikes	T. C. Nisbet.
April 15	198 pikes	D. B. Woodruff.
April 15	32 pikes	T. C. Nisbet.
April 15	90 pikes	S. Griswold.
April 15	17 pikes	James Hurt.
April 16	6 pikes	James M. Hall.
April 16	159 pikes	N. Weed.
April 16	10 pikes	Marion Cleveland.
April 18	45 pikes	J. C. Zimmerman.
April 19	12 pikes	J. J. Martin.
April 19	193 pikes	Lowry & Wilder.
April 19	210 pikes	Wm. J. McElroy & Co..
April 19	11 pikes	Turner & Webb.
April 21	80 pikes	F. F. Hyer.
April 22	100 pikes	Samuel Griswold.
April 24	76 pikes	Humphrey Reid.
April 26	46 pikes	J. J. Ford.
April 28	98 pikes	J. G. White.
April 28	19 pikes	William Berry.
April 29	199 pikes	H. Stephens.
April 30	78 pikes	J. C. Zimmerman & Co.
April 30	28 pikes	E. R. Hodgson & Bro.

STATEMENT OF PIKES RECEIVED AT THE ARSENAL—CONT.

Date-1862.	No. received.	From whom received.
May 1	29 pikes	S. Dunlap.
May 3	142 pikes	J. R. Dorsett.
May 9	105 pikes	J. G. White.
May 10	194 pikes	H. Stephens.
May 16	104 pikes	James M. Higgins.
May 17	83 pikes	Wm. Schley.
May 17	300 pikes	Samuel Griswold.
May 21	10 pikes	M. E. Mathews.
May 22	5 pikes	Mark A. Cooper, Agt.
May 22	50 pikes	W.H.Elder & D. H. Winn
May 23	87 pikes	James M. Higgins.
May 23	12 pikes	William N. Watkins.
May 27	18 pikes	William Berry.
May 27	676 pikes	John D. Gray.
May 27	97 pikes	Samuel Griswold.
May 27	525 pikes	John Esper.
May 30	215 pikes	H. Stevens.
June 2	201 pikes	Samuel Griswold.
June 10	290 pikes	John Esper.
June 12	168 pikes	John Esper.
June 17	126 pikes	J. C. Eve.
June 21	33 pikes	Alfred Kent.
June 30	18 pikes	B. B. Alfred.
July 10	107 pikes	E. P. Williams.
August 5	769 pikes	J. D. Gray.
Sept. 5	55 pikes	F. F. Hyer.
October 1	47 pikes	H. Stevens.
Sept. 16	140 pikes	E. P. Williams.
	7099	

*1229 issued to the Confederate Quartermaster, Chattanooga, Tenn., and W. B. Griffin, Augusta, Ga.

5870 now in the Arsenal.

State Arsenal, Milledgeville, December 6, 1862.

T. M. BRADFORD, M. S. K.

Received at Savannah, 156 pikes from Wm. J. McElroy.

*829 pikes sent to Confederate Quartermaster, Chattanooga, Tenn.
400 pikes sent to W. B. Griffin, Augusta, Ga.

The following message was transmitted to the Senate, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 15th, 1862.

To the Senate:

I herewith return, without my sanction, the resolution passed on the tenth, and enrolled and handed to me on the eleventh instant, entitled, "Resolutions supplementary, amendatory and explanatory of resolutions, (already passed) authorizing the Governor to provide clothing and shoes, etc., for the destitute Georgia troops in the Confederate service."

These resolutions fix a different rate of compensation to be paid to persons whose manufactured articles may be seized for the purposes mentioned, from the compensation fixed by the original resolutions, and, in my opinion, a more just basis of settlement. I have therefore, adopted the prices specified in these resolutions, under the discretionary powers given me by the first resolutions. But I have withheld my sanction from them for the reason that they direct "that all seizures authorized by the original resolutions and these amendments shall cease their operations after the 20th of December instant, except in the following cases: when a case of contest as to cost may be pending on the 20th instant, it shall be proceeded with until completed, and when a factory or tannery may be seized, it may be held until the

owner of it will agree to furnish, and will furnish, its products on the terms provided by the original resolutions, as hereby amended.

It is only the factories and tanneries which may be seized from the 20th instant, that can be held under this resolution till they agree to furnish, and do furnish, the articles, etc.

The time allowed is so short, that it is not possible for the Quartermaster-General, who is charged with this matter, to take possession of half the factories and tanneries of the State and attend to the other pressing duties of his office, within the time above specified.

The result must, therefore, be to place some of them under the restraint as to prices provided for by the resolution, and leave others free to charge the State as exorbitantly as they may choose to do, on account of her inability to get possession of them by the 20th of the month. This would not be justice as between them. Again, it is not just to seize the manufactured articles in the hands of part of our merchants, who do not hide them, and exempt from seizure, when needed, the goods of others who may succeed in hiding their goods, till after the day fixed for the seizure to cease. The great object of the passage of the original resolutions was to enable the State authorities to obtain with certainty, the supply necessary to alleviate the suffering of our troops in the field, and, in my opinion, this object would be, in a great measure, defeated by the adoption of the amendatory resolution above quoted.

JOSEPH E. BROWN.

100-10000

EXHIBIT - DECLARATION

DECLARATION OF JAMES H. ...

October 1, 1961, 1962

I, James H. ..., do hereby declare that the foregoing is a true and correct copy of the original document as it appears in my possession and control.

In witness whereof, I have hereunto set my hand and the seal of my office, at the City of ... State of ... this first day of October, 1961.

(The following text is extremely faint and largely illegible, appearing to be a continuation of a declaration or affidavit.)

that I may consider the necessary quantity, be let to the lowest responsible bidder who will give bond for the faithful performance of the contract and for the proper distribution of the spirits when made, and I will then require him to make the supply for all country. This will give each distiller a fair chance to obtain the contract, and the lowest bidder will be the best friend to those for whom the supply is to be made.

I will grant no license to anyone, except Confederate contractors, in any other way. Please make this public in your country, and it may save your distillers the trouble and expense of writing to me for license. When I have heard from you, I will specify the manner of letting out the contract and the terms and conditions to which the distiller must consent before he can get a license. I do not expect any distiller to make any money by the contract, but expect the lowest bidder to take it at a little less than will cover his actual expenses.

Hundreds who are writing me for licenses, put their applications upon the ground that they wish to distill for medical purposes, as a public benefit. I hope to see ample proof of their sincerity when they come to bid against each other for the privilege to under this public benefit.

The statute does not prohibit the distillation within twenty miles of a railroad or navigable stream of the quantity of whiskey or alcohol needed for the general purposes above mentioned by the people of this State. The prohibition was applied only to Confederate contractors and has been partially removed by an amendatory statute.

I am frequently asked whether it is a violation of the statute to distill the seed of what is usually called Chinese sugar cane. This is a question for the courts to determine, when a proper case is made before them. If this seed is *grain*, then it is a violation of the law to distill it; and he who does it, is subject to a fine of not less than \$2,000 nor more than \$5,000 and imprisonment for each day he distills. As the informer gets half the fine and the penalty is a very heavy one, I should think the risk greater than a prudent man would wish to take. Those who have those seeds on hand can feed them to stock and save their corn for bread, and rest satisfied that they violate no statute of this State.

Respectfully,

JOSEPH E. BROWN.

N. B.—A copy of the foregoing Circular was forwarded to each County in this State.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 22nd, 1862.

The following indorsement was made upon a communication of Lieut. Col. Wm. S. Rockwell to General Mercer, and by him referred to General Beauregard and by him referred to the Governor of Georgia, upon the subject of landlords dispossessing their tenants, who are soldiers' families, in Savannah; and the communication with the indorsement was returned to General Beaufort.

gard by mail on the 23rd of December, 1862, to Charleston, to-wit:

While I do not think a declaration of Martial Law necessary to the suppression of the evil complained of, and while I have not the power, without further legislation, to suspend the ordinary process, or even the summary process of the courts, as conferred upon them by the legislature, other than by a declaration of Martial Law, I am of opinion, the military authorities may take such cognizance of these evils within the lines, (as at Savannah) and apply such remedies by military discipline as will suppress the mischief. Such is my unlimited confidence in the wisdom, justice and prudence of General Beauregard, that I do not hesitate to say, I will sanction any action he may take for the suppression and punishment of the inhuman and disloyal practices referred to in the within statement.

Milledgeville, Dec. 20th, 1862.

JOSEPH E. BROWN.

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 17th, 1863.

Ordered, That the Secretary of State issue a Proclamation, commanding all persons, as well officers as privates, within the limits of this State, who have been actually engaged in the military Service of the Confeder-

acy, and who have deserted, or are otherwise absent from their respective commands, without legal furlough, to return to their commands immediately.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 9th, 1863.

To T. T. Windsor,

SIR: You have been appointed to sell the Cotton Cards made at the factory in this city, under the control of the State. The object had in view by those who originated this State enterprise, was the supply of the people of this State, at the earliest day possible, with this indispensable article, without which our people cannot much longer be comfortably clad. If the women of Georgia, who, from the commencement of our struggle for independence, have acted so noble a part, were supplied with Cotton Cards, they would not only clothe their families, but would, by untiring industry, contribute largely to the supply necessary for our gallant troops in service. With the assistance of those who are laboring hard to put the necessary machinery in motion, it will be my constant effort to supply the deficiency as fast as possible. This, however, can only be done to a limited extent for a considerable length of time to come. So long as there is not a supply for all, the distribution of the limited number produced will be a difficult task, which it is impossible to perform without displeasing such persons as look

only to their own interest and are never satisfied unless they are preferred. My object is to make the distribution among the different counties of this State as equitable as possible. It is not just that the counties nearest to this place, or to the railroads of the State, have all they ask, before the counties further back from the thoroughfares receive any. At present, we have but one machine in operation, which is turning out about an average of 20 pairs per day. We hope soon to have other machinery, made here, under the direction of Mr. Peter Jones, our Master Armorer, in successful motion.

If we succeed in this, we must have leather to make the cards, or our machinery will avail us nothing. As the supply of leather is very limited, probably nothing but cards will bring what we need. You will, therefore, give the preference to all persons who bring you leather, or hides suitable to make leather, fit for use in this business. He who brings one good skin, whether tanned or not, will be permitted to purchase one pair of cards at six dollars, and pay the difference in money. He who brings skins or leather suitable for use, worth more than six and less than twelve dollars, may purchase two pairs of cards, and pay the balance in money.

If the lot of leather or skins is worth over twelve dollars, the owner may receive two pairs of cards and the balance in money, unless he will sign a written obligation to sell to his neighbors the balance of the cards over two pairs, at six dollars per pair, not exceeding two pairs to any one family, and will bring the certificate of the Clerk of the Superior Court that the families for whom he proposes to purchase, reside in his county and that

he is a reliable man, in which case he may receive cards in payment for the whole lot of skins or leather.

Persons bringing skins or leather will be supplied each in his turn, in the order in which they are delivered at the Penitentiary. All cards made over what is necessary to pay for leather, will be distributed as follows: The first 3,300 pairs will be distributed among the 132 counties of the State, in proportion to population. This is an average of 25 pairs to the county. Of course, a larger county will get more than a smaller one, in proportion as its population is greater. For instance, one county of large population may get 40 pairs, while another of one fourth as many population, only gets 10 pairs.

These are to be delivered to the Justices of the Inferior Court of each county, on payment by them of six dollars per pair, which they will be authorized to pay out of the fund distributed to the county for the benefit of soldiers' families. The Court will be required to distribute the cards among the most needy families of soldiers (who will use them) in place of their value in money. In this distribution, each family to have one pair. As each county will wish to be first supplied, all cannot be gratified. As some must necessarily be supplied before others, and I wish to show partiality to none, you will take an alphabetical list of the names of the counties and supply each in the order in which its name comes in the list, beginning at A and going through the alphabet.

All the cards made will be disposed of for leather and skins and distributed among the counties for sol-

diers' families, in the manner above directed, till further order. To this rule you will not make a *single exception* in favor of any person whomsoever. As many persons are sending in money by mail and by express to try to get preference in the distribution of cards, you will return all such remittances by the same conveyance, at the risk of the owner. If we succeed in duplicating the machine and the enterprise is successful, as we have reason to hope, the people of the State may be generally supplied during the present year. When we have enough for general distribution, you will receive such change of orders as circumstances may require, which will be made public. You will annex to this order a statement of the kind of leather and skins you will receive and the price you will pay; and as there are so many letters addressed to the heads of different Departments that they cannot answer all, a printed copy of these instructions, with your statement, will generally be sent as a reply, which will give the desired information, as no person can get cards upon any other terms than those specified.

JOSEPH E. BROWN.

SALESMAN'S OFFICE,

GEORGIA CARD FACTORY,

February 11th, 1863.

In compliance with instructions of the Governor, cards will be given in exchange for sheep skins, goat skins, dog skins or deer skins, whether tanned or not. For every piece of good leather, five inches broad and twenty-two inches long, which will make one pair, I will pay

fifty cents. and for each piece of raw hide of the same size, twenty-five cents. In measuring the skin or leather, the thin parts not fit for use will not be paid for. A skin large enough to make six pairs of cards, if well tanned, will be worth three dollars; if not tanned, one dollar and fifty cents. No damaged hide will be received. Sheep skins that have been used as saddle blankets or covers, and all skins from any cause unfit to make good leather, will be rejected. If skins unfit for use are sent by express, they will be thrown aside and nothing paid for them. Every person sending leather or skins by express, must accompany them with a letter, giving a description of what he sends and the name and postoffice of the owner; otherwise, I cannot know who is the owner of each package, and will not be responsible. Each package sent by express must be *prepaid* to receive attention.

THOMAS T. WINDSOR,

Salesman.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 10th, 1863.

Revd. J. M. M. Calwell, President of Rome Female College, is hereby authorized to ship unmolested, over the Western & Atlantic Railroad, one bale of thread.

Officers on said road will respect this order accordingly.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 13th, 1863.

I consent, if the other parties do, that Messrs. Porter & Wells use the chimney of the engine at Cartersville belonging to the Card Manufacturing Co. till it is called for by me or other persons having the right to control the affairs of the Company, they having this day filed in the Executive Office their obligation to return it on demand.

JOSEPH E. BROWN,

Governor of Georgia.

The following is a copy of the obligation referred to in the above.

MILLEDGEVILLE, GA., Feb. 13th, 1863.

Having obtained the consent of owners of the Card Machine to use a sheet iron chimney or smoke pipe, now in Cartersville, belonging to said parties, to enable us to manufacture gun carriages at Etowah, Ga., for the Confederate States: We hereby obligate ourselves to return said smoke pipe to the owners whenever notified so to do.

PORTER & WELLS.

A PROCLAMATION.

BY JOSEPH E. BROWN,

Governor of Georgia.

To the Officers and Members of the General Assembly:

I am satisfied that developments have clearly shown the necessity for further legislation at an early day to secure the use of all our productive labor this year, in the cultivation of our lands in grain and other articles necessary to sustain, and not in cotton, tobacco or like productions, and to prevent the destruction of articles of food by distillation.

As the public exigencies do, therefore, in my opinion, require that the General Assembly convene at an earlier day than that fixed by your meeting when you last adjourned, I issue this, my Proclamation, requiring you and each of you to assemble in your respective Halls, in the Capitol, in this city, on Wednesday, the 25th day of this present month, at 10 o'clock, A. M.

Given under my hand and the Great Seal of the State, at Capitol, in the city of Milledgeville, this, the 11th day of March, in the year of our Lord, Eighteen Hundred and Sixty-three.

JOSEPH E. BROWN.

By the Governor:

N. C. BARNETT, Secretary of State.

The following message of his Excellency, Joseph E. Brown, was transmitted to the General Assembly, convened in the Capitol by his Proclamation, March 25th, 1863, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

To the Senate and House of Representatives:

I have felt it my duty to convene you at an earlier day than that fixed for your meeting when you adjourned.

In the midst of a revolution of such vast magnitude as that in which we are engaged, the constant change in the circumstances by which we are surrounded must frequently influence our actions, and develop sufficient reasons for a change of our opinions, or our policy. In December last, we passed an act prohibiting the cultivation of more than three acres of cotton to the hand this year, which virtually legalizes and invites its production to that extent. I am now fully satisfied, if the quantity of land mentioned in that Act, is planted in Georgia and each of the other cotton States, the result will be our subjugation by hunger, and the utter ruin of the Confederacy. Hence, I have felt it my duty, before the crop is planted, to call you together and recommend the passage of an Act, that will make it highly penal for any one to cultivate exceeding one-fourth of an acre to the hand. The enemy has overrun, and now holds, a large part of the most productive lands in the Confederacy. As our

limits are circumscribed and contracted, many of the loyal people of the sections in the possession of the enemy retire to the interior and the number of persons to be supported from the products of the land in our possession, is greatly increased, while the area of productive lands from which the support must come, is almost daily diminished. Most of the white laborers of the country are now in the army, and new levies are constantly being made from those who remain. As these enter the military service our fields are left uncultivated, while the women and children are still in our midst and must be supported. The result is, that the country and the army are mainly dependent upon slave labor for support. At the present prices of all the necessaries of life, it is impossible for the women and children to support themselves. In my opinion, it will take every acre of land, and every days' productive labor which we can command this year, to make our necessary support; and he who employs any portion of his lands and labor in the production of cotton, tobacco or any other products that will not sustain life, to that extent endangers the success of our cause. The present prices of cotton make the temptation to plant it very strong and the planter will quiet his conscience by the reflection that the Legislature has authorized him to plant three acres to the hand, and will plant his best land, place his manure upon it and make it the object of his special care and attention. There is now cotton enough in the Confederacy to clothe our people for several years, and there is no reason why we should plant more than is actually necessary to keep seed. It may be said that the planter can make more money out of cotton than grain and vegetables. This is very questionable. But if we admit that he can make

double as much, this is no reason why he should be permitted to do it, if by so doing, he hazards the very existence of the States. What will his money, or his cotton, or his slaves, or his lands be worth to him if we are subjugated and the evil and religious liberties of himself and his posterity are destroyed?

As the war is now prosecuted by the Lincoln Government, for the avowed purpose of abolishing slavery, no class of our people has so much at stake as our slaveholders, who are generally our chief planters. They are dependent upon our white laborers in the field of battle, for the protection of their property; and in turn, this army of white laborers and their families are dependent upon the slave owners for a support while thus engaged. The obligation is mutual and reciprocal, and neither party has the right to disregard it.

The conduct of our planters last year was most patriotic and praiseworthy, and has saved our cause for the present, but the temptations held out to the avaricious are much greater this year, owing to the high prices of cotton in the market, and I consider legislation absolutely necessary to restrain those who would hazard all for gain. As it is now time to commence planting, I invoke your early attention to this question, in my opinion, second in importance to no other that is likely to come under your consideration. At the present time money will not buy bread, in a large section of our State, at a reasonable price. This is caused partly by the severe drouth of last summer, but is probably owing, in a great degree, to the fact that the lands in that section of the State are cultivated most entirely by white labor; and most of that labor being now in the army, the lands lie

idle, and the women and children are destitute of bread. But for the large surplus in the cotton regions, scenes of suffering must ensue which would be appalling to contemplate, and which must demoralize, if not disband, that part of the army where the husbands and fathers of the sufferers stand as a bulwark between us and the enemy. Let not the people of the cotton sections of the State, where there is labor to cultivate all the lands, risk the chances of similar or worse distress another year, lest consequences ensue which may cost them, not only their cotton crops, but all that they have, and all that they expect to have in future. We can never be conquered by the arms of the enemy. We may be by hunger if we neglect to husband all the resources for the supply of provisions, which a kind Providence has placed within our reach. Attempt to conceal it as we may, the fact is undeniable, that the great question in this revolution is now a question of *bread*. The army must be fed and their families at home supported, or the sun of liberty will soon set in darkness and blood, and the voice of freedom will be forever hushed in the silence of despotism.

THE LAW AGAINST DISTILLERS.

Experience has shown that the law against the distillation of grain into ardent spirits, needs amendment. From information received from different parts of the State, I am satisfied that a large portion of the potato crop, most of the dried fruit, and a considerable quantity of the molasses in the State have been and are being distilled. Under pretense of distilling these articles, it is also said that quantities of corn are being used by distillers, who keep their doors closed and refuse to admit

visitors who might testify against them. In other sections, it is said, they are running their stills in open violation of the law, and no one has the nerve to withstand and prosecute them. To arrest these evils, I recommend that the law be so changed as to make it highly penal during the war for any one, in addition to the present prohibition, to distill potatoes, dried fruit, or molasses without a license. And that every person who keeps his distillery locked and refuses to admit visitors, day or night, when admission is asked, shall be held *prima facie* guilty of a violation of the law. And that every person who runs his distillery without a license, shall be presumed to be guilty of distilling grain, or other article prohibited, and the burden of proof shall rest upon him, to show the contrary.

The law should also make the owner of the distillery liable to the penalties if his stills are run by an insolvent person. And it should be made the duty of the Sheriff of the county to call to his aid all the force necessary and destroy any distillery which is run in violation of the law as he would abate any other nuisance.

It has been impossible for the Inferior Courts of some of the counties, under my instructions, to find a person who will take the contract to make the quantity of spiritous liquors or alcohol necessary for medicinal uses at the prices fixed by the statute. And as it is a violation of the law for a person distilling under a license to sell for more than the prices fixed by the statute, I recommend such change as will authorize the lowest responsible bidder to be licensed at such price as may be agreed on between him and the Court for the supply

necessary for the county; the quantity recommended by the Court to be subject to the approval of the Governor before he issues the license.

TRANSPORTATION OF PROVISIONS.

So great is the scarcity of provisions in Cherokee county that it is impossible to subsist the soldiers' families and the poor much longer without the transportation of corn from South-western Georgia. The rolling stock upon the South Western and the Macon & Western Railroads is not sufficient to carry forward the corn and to do the work required by the Confederate Government. Surrounded by these difficulties, I thought it best to direct the Superintendent of the State Road to put one of his best trains upon the roads to South-western Georgia for the transportation of corn to supply bread to those who must otherwise suffer. I shall be obliged to continue this policy till the emergency is passed, though I may not be able to carry over the State Road all Government freight offered as promptly as I could wish. I feel it to be my highest duty to so use the property of the State as to prevent if possible, suffering on the part of the poor or the families of soldiers for want of bread.

SALARIES.

I earnestly recommend the passage of an Act repealing the Act of 28th November, 1861, entitled "An Act to fix the salaries and compensation of certain officers mentioned therein, and for other purposes;" and that reasonable salaries be allowed.

It now takes the whole salary of a Judge of the Superior Courts for twelve months to purchase fifteen barrels of flour or fifteen hundred pounds of bacon in the markets of this State. The per diem pay of a Judge while on his circuit does not nearly defray his necessary traveling expenses. Is this right? Can any intelligent legislator claim that it is compatible with the justice or the dignity of a great State?

The Constitution of Georgia, which we are bound by solemn obligation to support, says, "The Judges shall have salaries adequate to their services fixed by law." Are the present salaries of the Judges or other officers of the State, *adequate* to their services? The question, to my mind, is too plain for argument. I trust it is only necessary again to bring it to your attention to secure prompt action.

THE NEW CODE.

The Code of this State having gone into operation on the first day of January last, it is a matter of great importance that the public officers be supplied with copies of it, that they and the people may have an opportunity of learning what the law is. It is not in my power to supply copies to even a considerable proportion of those who are entitled to them, on account of the neglect of Mr. John H. Seals, the printer, to comply with his contract. Since the contract was entered into by him he has represented to the General Assembly his inability to comply with his obligation without additional compensation, and five thousand dollars of extra pay has been allowed him. He has been paid the full amount agreed upon by the original contract for the whole job, and one-half

of the extra amount appropriated. After this has been done, he still failed to comply with the contract, alleging that he could not get leather to make the binding. To relieve him from this difficulty, at your session in November and December last, you authorized the Governor to receive the books bound in an inferior style. Since this action on your part, he has not delivered a single copy, and no assurance is given when the books will be delivered. I have reasons to believe that Mr. Seals has sold a considerable number of copies to individuals or to the trade. I call your attention to this subject, and recommend such action on your part as may be necessary to compel performance on his part, or to take the printed sheets out of his hands and have them bound by others at his expense.

SMALL POX.

The physicians' bills sent to this Department by the Inferior Courts of many of the counties, for attention to persons afflicted with small pox, have, in my opinion been so exorbitant that I have refused to pay them. There are several instances of physicians who have made out bills against the State for one or two months' attention to small pox cases, amounting to larger sums than they would, I suppose, be able to make by one or two years practice. I respectfully ask that the law be so amended as to establish some just rule by which I am to be governed in the payment of those claims. The Act only makes provision for the payment by the State of the expenses incurred at hospitals established by the Inferior Courts of the different counties. Many of the courts have established no hospitals and have had the cases treated at the houses of the afflicted, in different parts

of the county. It is desirable that the will of the Legislature be more clearly expressed in reference to cases of this character. While I do not think that stronger reasons exist why the state should pay the physicians' bills and other expenses incurred by attention to persons who have small pox, and are treated at home, when they are themselves able to pay, than in cases of other contagious diseases of a malignant character, it may be proper that such payments be made by the State, when the persons afflicted are unable to pay, and might otherwise be neglected on account of their poverty.

IMPRESSMENT OF NEGROES.

It will be remembered, that Brigadier-General Mercer made a requisition upon the State, while you were last in session, for twenty-five hundred negroes, for sixty days, to work on the fortifications around Savannah, and that the Governor was authorized, by the action of the General Assembly, to fill the requisition. A call was afterwards made by authority of General Beauregard, for three hundred negroes to work on the obstructions of the Altamaha River, which requisition was also filled.

Many of the negroes sent to Savannah have not yet been discharged, because, in the opinion of the military authorities there, the emergency was such as to make it a military necessity to retain them. New and additional fortifications have been projected, and no one seems to know when they will be completed. It is now required, that the negroes remain ninety days longer; or, if they are discharged, that their places be supplied immediately by a new levy.

The upper and western portions of the State, have not yet furnished their quota. If a new impressment is made, as the law now stands, it must be from these sections. The warm season is commencing, and the negroes from these parts of the State are not accustomed to the climate of Savannah. Much sickness and many deaths must therefore be expected among them. Again, the crop is now being planted, and it is a matter of great importance, that as little labor as possible be taken from the agricultural pursuits of the State.

In this state of the case, I respectfully ask, that the General Assembly, by joint resolution, or otherwise, give directions, at as early a day as possible, as to the best mode of furnishing the labor to complete the fortifications. It will also be proper that some just mode of ascertaining the value, and compensating the owners for the negroes who have died in the service, and the still larger number who may die during the summer season, be prescribed by law.

MILITARY LAW.

Section 1040 of the Code provides, that all elections for militia officers, of and above the rank of Captain, shall be ordered by the Commander-in-Chief.

This will cause a great accumulation of labor in the Executive Department, with much unnecessary delay and expense. I therefore recommend that the old rule be re-established, and that all vacancies below the grade of General, be filled by election ordered by the officer next highest in command, except in the case of lieutenants, whose election should be ordered by the Captain, as prescribed by Act of 11th February, 1850.

I also recommend the repeal of Sections 986, 987, 988, 989, 990, 992 and 993, of the Code, which provide for the payment of a commutation tax in lieu of military service, as wholly inapplicable to the present condition of the country. The Comptroller-General, by my direction, has left the columns relating to this commutation tax out of the Receiver's Digest, till you shall have considered the question.

RIGHTS OF THE CHURCHES.

I recommend the repeal of Section 1376 of the Code, which prohibits "any church, society, or other body, or any persons, to grant license or other authority, to any slave or free person of color, to preach or exhort, or otherwise officiate in church matters." I entertain no doubt, that the negroes are sometimes very useful among their own people as preachers or exhorters. This is a question of which the church of the living God, and not the legislature of a State, is the proper judge. The loyal support which the churches of all religious denominations have given the Confederate and State Governments, and the aid which they have afforded the Government, in the maintenance of our slavery institutions, have demonstrated that they understand this question, and may safely be trusted. The Legislature, under pretense of police regulation or otherwise, therefore, has no right to infringe upon religious liberty, or usurp the power which belongs to the churches. Render to Cæsar the things that are Cæsar's, and to God the things that are God's, is an injunction which the State has no right to disregard.

STATE ENDORSEMENT OF CONFEDERATE DEBT.

I transmit herewith copies of resolutions, passed by the legislatures of the States of Alabama, South Carolina, Mississippi and Florida, proposing upon different plans, the endorsement of the debt of the Confederacy by the States. No one can doubt the patriotic motives which have prompted this action of our sister States. But as this is a question of great magnitude, involving important principles, and as our action in the premises, must be followed by consequences seriously affecting the credit of the State, present and prospective, it is our duty to examine it for ourselves, and not to be controlled by the decision and action of others.

If the proposed endorsement will have the effect of arraying the capital of the country against the Confederacy, and in favor of a reconstruction of the old Union, however laudable the motive, the act would be most unfortunate. Again, if the effect would be to level the credit of all the States to an equality, without regard to the manner in which they have managed their financial affairs, or the amount of debt now owed by each, it would be gross injustice to those States which have conducted their affairs so well as to incur but little debt, and have maintained their credit at the highest point.

Furthermore, if the endorsement of the Confederate debt, by the States, can only be productive of temporary appreciation of Confederate credit, without permanent benefit, and must be followed by serious injury to the credit of the States, the policy is unwise, and should not be adopted.

Let us consider whether these would not be the legitimate effects of the proposed endorsement.

At present, almost every capitalist in the country, is the creditor of the Confederate Government, and is directly interested in maintaining its existence, and sustaining its credit. I speak not of individuals, but capital is generally selfish, and controlled more by interest than patriotism. When we have ascertained what will be the interest of capitalists we may generally have but little difficulty in determining what will be their action.

Suppose the whole debt of the Confederacy to have reached one billion of dollars, as it probably will have done by the time the States have all acted upon this proposition. It is not probable that capitalists, as a matter of choice, would prefer to credit our government with a larger debt than this hanging over it. But having already invested this enormous sum, if they feel that their only hope of payment rests upon the success and permanent establishment of the Confederacy, and it becomes necessary to invest another billion to establish the Government and avoid the loss of the sum already invested, interest will prompt them to stand by the Government, sustain its credit, and make further advance if they have the means. But suppose at this period, all the States indorse the whole debt, or each indorses its portion of it, what effect will this have upon the mind of the capitalist? If prior to the act, he looked only to the Confederacy for payment, and having now obtained the legal, as well as moral obligation of the individual States to pay, he is satisfied that this secures the debt, his interest in the permanent success of the Confederacy ceases, and he looks in future to the States for payment. If after this,

the old Union should be reconstructed, and the States of our Confederacy should return, and become members of it, the capitalist is not left to look to a Confederacy no longer in existence, for payment, nor to rely on the moral obligation of the States, to assume and pay the debt, but he rests upon the solemn legal endorsement of the individual States, which would be as binding upon them, in one Confederacy as in another. The capitalists having thus obtained the solemn indorsements of the States, for a sum as large as they could reasonably expect to pay, would naturally desire to prevent an increased liability, on the part of their debtors, the States, which would weaken their ability to pay, and might in future, cause the people to throw off the whole burden, on account of its accumulated weight. Knowing, in other words, that it is possible to increase debt to an amount so onerous as to drive a people to repudiation, they might prefer to take their chances of payment of one billion of dollars of *State debt*, in the old Confederacy, rather than of two billions in the new. Hence it would be their interest to oppose the appropriation of the second billion of dollars, to prosecute the war for the establishment of the Confederacy, and to advocate a reconstruction for the purpose of securing an early peace, and of stopping further expenditure, that they may save what is already owing to them.

The rivers of blood which have been drawn from the veins of our fathers, brothers, husbands, sons and other relatives by the hands of our cruel enemies, form an impassable gulf between us and our wicked invaders. How can we again shake hands with them over the slain bodies of our loved ones, and again embrace them in fraternal relations? Were Georgians to do this, the blood of their

brethren, who have fallen martyrs to our glorious cause, would cry to them from the ground, and rebuke the dastardly deed. Sooner than reunite with those now seeking to enslave us, and under the name of Union with them, become, with our posterity, hewers of wood and drawers of water for them, let us submit with more than Roman firmness, to the devastation of our fields, and, if need be, the extermination of our race. But let us do not act hastily, which, however patriotic the motive, may tend to array a powerful class in our midst against the Confederate Government. While Georgia, with the dignity of a great State, should firmly maintain her reserved rights, and, if need be, restrain the Confederate Government within the limits assigned it by the Constitutional compact to which she is a party, she should stand by it, confined within its Constitutional limits, with an unyielding determination to sustain it at every hazard, as well against injuries inflicted by the injudicious action of imprudent friends, as against the thrusts of domestic enemies, or the hereulean assaults of foreign foes. The future happiness of her posterity is firmly linked with the Confederacy. Thousands of her sons have nobly immolated their lives upon its altars, and the tens of thousands who survive should see to it that no rude hand is uplifted against it, that no false policy undermines its foundations, and that no usurpers destroy the beautiful symmetry of its magnificent structure.

We should not only sustain the Confederacy at all hazards, but we should also sustain the administration. We may differ from it on Constitutional questions, or questions of policy. Such is the nature of the human mind, and such is the variety of human intellect, that no two honest men were ever fully agreed in every senti-

ment. As long as freedom of thought and freedom of speech exist, we should have the independence to express our dissent from what we consider the errors of our rulers, and they should have the magnanimity to tolerate the difference. But while we contend earnestly for what we consider sound principles, we should do no act which can seriously embarrass the administration in the prosecution of the war. In my judgment the proposed indorsement would, in the end, array a class of capitalists against the Government which would amount to serious embarrassment.

Again, it can not be denied, that some of the States have managed their financial affairs better than others. Some have submitted to the necessary burdens of taxation, and met their liabilities as they were incurred, while others have added much of them to their debts. Hence, the debts of some are much larger, in proportion to their resources, than the debts of others. The consequence is, that the credit of the State that has the greatest resources and the least debt is worth most in the market. But, suppose all the States indorse the immense debt of the Confederacy, what is the result? As each State has its own individual indebtedness, and would then have assumed a legal liability for the debt of the Confederacy, the credit of each State is at once placed below the credit of the Confederacy; and as each would then be liable for as much as it could reasonably be expected ever to pay, the credit of the respective States would be placed not only at a low point, but very nearly upon a level with each other. This would be injustice to those States which have maintained their credit at the highest point. Take for instance our own State. It may be truly remarked, without disparagement to other States, that the

debt of Georgia is less, in proportion to her resources, than that of any other State in the Confederacy, or, indeed, any other upon the continent. The consequence is that her credit is worth a higher premium in the market than the credit of any other State in the Confederacy. Her people are therefore entitled to the benefits of her economy, her wise management and her far seeing statesmanship. If she and the other States now indorse the Confederate debt, her credit is at once placed upon a level with Confederate credit, if not below it, and very nearly or quite upon a level with that of all the other States. The result is that the people of the other States reap the benefits of her credit, to which the people of Georgia are alone entitled. This would be injustice to the people of Georgia, and to her creditors who have invested in her securities and are entitled to the benefits of her superior credit in the market. If it is said her people should make sacrifices for the common cause I reply that no State has responded more promptly to every call made by Confederate authority for men, money or other assistance, and that she is ever ready to comply with every Constitutional obligation.

Having shown, I trust to your satisfaction, that the proposed indorsement would place the interest of the capitalists of the country in the scale against hazarding further appropriations for the establishment of the Confederacy; that it would be productive of injury to the credit of the individual States, and of injustice as between the States themselves; I now proceed to inquire whether, if we waive these objections, it could be productive of the permanent benefits to Confederate credit claimed by its advocates.

Before proceeding, however, it is proper that I remark that the advocates of indorsement are not agreed among themselves, and that two plans are proposed. One proposition contemplates a general indorsement of the whole debt of the Confederacy, by the several States; each to be liable in proportion to its representative weight in Congress.

The other which may, I believe, properly be designated as the South Carolina proposition, proposes the indorsement of \$500,000,000 of the bonds hereafter to be issued by the Confederacy; each State indorsing its proportion of the bonds, on the basis of its relative representative weight in Congress. The latter proposition is, to my mind, the less objectionable of the two, as it does not hold out the temptation above mentioned to capitalists, to whom the present debt is owing, to favor the reconstruction of the old Union, to prevent an increase of debt to maintain the further existence of the Confederacy.

The advantages claimed for both propositions are I believe, substantially the same. The chief of which is, that the proposed indorsement would reassure the confidence of capital in Confederate credit and cause its investment in the bonds of the Confederacy, in amounts sufficient to fund all treasury notes issued in redundancy of healthy circulation, and thus reduce the circulation to an amount only necessary to meet the legitimate commercial demand for currency.

This looks well on paper, and might work well in practice, if there were enough surplus capital in the Confederacy, to convert hundred dollar bills into interest

bearing bonds, and lay them away as an investment, as fast as all the paper mills in the country can make the paper, and all the engravers can print upon it the likeness of circulating medium, and an army of Government clerks can sign these promises to pay. But here lies the difficulty. Whatever may be the confidences of capitalists in these securities, the country, devastated as it is by a destructive war, cannot yield surplus capital for permanent investment, as fast as hundred dollar bills, or thousand dollar bonds, can be manufactured.

Prior to the commencement of the war, the surplus capital of the South was invested in State Bonds, Bank Stock, Railroad Stock, Bonds of Corporations, etc. Since that time most of the surplus has been invested in Confederate Bonds; and our people have not now, probably, the half of five hundred millions of dollars that they can spare to invest in any securities, however desirable.

This measure might afford partial and temporary relief by inducing some capital not now employed, to seek investment in these bonds. But if the war goes on, and the Government is under the necessity of issuing two or three millions of dollars a day, of its notes, for the next one two or three years, it must be admitted that we have not the capital to absorb them as fast as issued; and the indorsement could only cause a temporary suspension of the depreciation which must follow our over issues, for the ultimate payment of which, no adequate provision is being made.

The advocates of this plan also contend that the Government could fund the debt at home at a heavy premium in its favor after the indorsement, basing the calculation

upon the fact that State credit is now worth a large premium when compared with Confederate.

To show the fallacy of this conclusion it is only necessary to inquire why the bonds of the individual States command this premium. The debts of most of the States are now small, compared with their resources and their ability to pay, and capitalists naturally conclude that in case of failure of the Confederacy, or ultimate repudiation by it, the States would pay their individual indebtedness, resting upon both legal and moral obligation in preference to their indirect indebtedness resting upon moral obligation, with no further legal obligation than that their people submit to such taxation as may be imposed by Congress to raise the money to pay the debt. Georgia's seven per cent. bonds are said to be worth 40 per cent. premium, in currency, in the market. Why? Because her resources are great, and her debt small. Increase her indebtedness to one hundred millions and her bonds will cease to command a premium. If we adopt either of the proposed plans her debt may soon exceed this sum. When the States have committed themselves to the policy and have indorsed the present Confederate debt, or have indorsed \$500,000,000, they must extend their endorsements as future exigences may, in the opinion of the Government, require, until they have indorsed all future issues to be made by the Government. The advocates of the plan will have much stronger reasons for claiming the extension when the States are once committed to the policy, than they now have for claiming the first indorsement. It is like a whirlpool, from which, when the States have once placed themselves within its power, there is no return. When the amount indorsed becomes, as it soon must, an enormous sum, the effect

of the indorsement will be to bring down State credit, even below Confederate credit, and not to bring up Confederate credit to the present level of State credit.

It is again said that the proposed State indorsement would enable the Government to negotiate its bonds abroad at a premium, and that there is a sufficiency of foreign capital to absorb all our issues. The sufficiency of capital in that case is admitted, but the inquiry is, would the indorsement induce its investment in these bonds at a premium or at par, or even near to par?

We are engaged in a gigantic war. Our ports are blockaded. The great powers of Europe refuse even to recognize us as a Government. Our expenditures are enormous, which cause our debt to accumulate rapidly, and we are not collecting taxes sufficient to pay interest, much less to create a sinking fund for the ultimate extinguishment of the principal. In this state of things, foreign capitalists refuse to invest in Confederate securities, and the credit of the individual States is far below par in foreign markets. How then is it to be reasonably expected that the endorsement of Confederate bonds by the States will give them a value in foreign markets, which is attached to neither the credit of the Confederacy nor of the individual States? While the war and the blockade last and while we refuse to submit to taxation sufficient to retire a reasonable proportion of our paper issues, it is vain to expect that we can fund the debt abroad without the most ruinous sacrifice, no matter how often the paper is indorsed by the parties now morally bound for its payment.

But it may be said, if the States are now morally bound for the payment of the debt, and their people are legally bound to submit to the necessary tax for that purpose, when imposed by the Confederate Government, why not indorse the bonds, and let the States take upon themselves the direct legal obligation to pay. To my mind, there are very obvious reasons why it should not be done.

While the Constitutional obligation rests upon the people of the States to submit to the taxation imposed *by Congress* to pay the debts of the Confederacy, the Constitution imposes upon Congress, which is the power that creates the liability, the sole responsibility of devising the means and assessing the taxes necessary to discharge the obligation. This is as it should be. The power in the Government that creates the debt should have resting upon it the sole responsibility of devising the means for its payment, and of imposing the taxes for that purpose which may be necessary. The people then know how to hold their agents to a proper accountability.

Suppose, however, the States indorse the debt and pledge their individual faith *as States*, for its payment at maturity, and Congress, afraid of its popularity, does not wish to take the responsibility to assess the tax to meet it. What follows? The States, to maintain their individual credit, must themselves assess and collect the tax, and make the payment. Congressmen finding that in this way they could avoid an unpleasant responsibility and retain their places with less difficulty would, after having contracted the debt, when pay day came, turn over the responsibility to the Legislatures of the States. Thus

we should have one Government to spend the money and another chargeable with the responsibility of raising it. Congress would then occupy very much the position of the rich man's prodigal son at college who, having no responsibility about footing the bill at the end of the year, feels very little concern about the size to which it accumulates.

Again, sad experience has shown us, that the tendency of our Government is to consolidation, and that the central Government is ever ready to usurp as much undelegated power as the States will consent to lose. As the central Government grows stronger the States grow weaker, and their just rights are disregarded. Now I can imagine no one Act of the States that will tend so much to strengthen the central Government at the expense to them of the loss of their just powers, as the adoption of the policy now proposed, which binds them individually to provide for the payment of all the debts which Congress may choose to contract, but may not be willing to impose the taxes to pay. The consummation of the policy is the complete consolidation of the Government, making the States the mere burden bearers of the central superior.

I may be met here with the remark often made that it is no time now to defend the rights of States or to maintain principles. State rights and Constitutional principles are the same in times of war as in times of peace and should be maintained at all times and under all circumstances. Power once usurped, with acquiescence, is never relaxed but at the point of the bayonet, and we should not forget that rights surrendered in war are never regained in peace. We should therefore do no

act tending to destroy the States in one grand consolidation, and lay the foundation of a central despotism upon their ruins.

Having given some of the reasons which satisfy my mind that the hopes entertained by the advocates of State indorsement, that the adoption of their policy would retire the excess of the currency and reduce it to a healthy condition, are entirely delusive, I may be asked if there is no remedy for the evil. My opinion is that so long as the war is carried on in its present magnitude, requiring the amount of daily expenditure now made, and the demand for all the necessaries of life exceeds the supply as it now does, there is no complete remedy for the present evils, of high prices and redundant paper currency. There is one remedy, and only one, which can mitigate the evil, inspire confidence in the stability of the Government and the ultimate payment of the debt and induce the investment of surplus capital of the people of other Governments as well as our own, in Confederate bonds. That remedy is taxation by Congress sufficient to pay the interest upon the whole debt in gold, or its equivalent, and to create an annual sinking fund sufficient to extinguish the debt within some reasonable time. Convince capitalists everywhere that this is the settled policy of the Government, and that our people are ready to submit to it and make all the sacrifices necessary to carry it out, and Confederate securities will be sought after in the market and most of our excess of circulation funded without the question being once asked whether State indorsements have been written upon the bonds.

In place of the indorsement of the bonds of the Confederacy by the States, I therefore recommend as our

response to be made to the propositions of our sister States and as the Georgia policy in which their co-operation is respectfully asked, the passage of a joint resolution by the General Assembly, urging the Congress of the Confederate States, in view of the full magnitude of the crisis, to come up with nerve and firmness to the discharge of its duty, by the assessment of a tax adequate to the purposes above mentioned, and pledging the people of Georgia to a prompt and cheerful payment of their proportion of it. If this be done I have no misgivings about the result. The good, common, practical sense of the people, which is seldom properly appreciated by politicians, has already grasped the question. The people understand it. Every practical business man knows that paper promises, with paper indorsements, can never sustain our credit as long as we appropriate and draw hundreds of millions of dollars annually from the treasury and return nothing to it. No matter how many expedients we may try, we shall be constantly driven back to the same point. Government has but one way of raising money to reduce its indebtedness, and that is by taxation, direct or indirect. And as our ports are blockaded, so that we cannot raise money by direct taxation upon imports, we have no alternative left but direct taxation. As long as we attempt to conduct this war and maintain our armies upon paper promises alone, we must expect to endure all the evils of depreciated credit, inflated currency and high prices.

European Governments are already convinced by the gallant deeds of our armies, that we can never be conquered as long as we can keep and maintain these armies; but they very well understand that the financial question underlies and is the foundation upon which the whole

structure is built. Thus far our policy has been such as to afford them but little evidence that this is with us a sure foundation. Whenever we have convinced them that we are prepared to make the sacrifices necessary to establish a safe and permanent financial system, we may expect both recognition and credit. Till we have done this we cannot reasonably expect either.

Again, we lose almost nothing by submitting to the taxation necessary to pay the interest and create a sinking fund upon the gold basis. Whenever this becomes the settled policy of the Government, the depreciation is very nearly stopped, and the currency left in our hands is worth almost or quite as much, as all we had was worth before we paid the tax. To illustrate: The mechanic has one hundred dollars of Confederate Treasury notes. He wishes to purchase a good cow and calf, and he finds it will take the whole sum to pay for them. The currency is still depreciating, and at the end of the next three months it may take one hundred and twenty-five dollars to make the purchase. At this point suppose the Government assesses a tax of five per cent. to establish the policy above indicated, and he is required to pay five dollars of his hundred to the collector. The effect of this is to absorb that much of the over issue and to give confidence in the ultimate redemption of the whole. This will at once stop the decline in the value of the notes, and may cause them to appreciate. The consequence will be, that he can probably purchase the same property with the ninety five dollars which remain in his hands after the payment of the tax. In a word, by paying back part of the redundant currency into the Treasury, we stop the depreciation of its value and leave the balance in circulation, worth as much in the purchase of property

as the whole was worth before the tax was paid. But suppose the tax to be burdensome, and to absorb a large proportion of our surplus income. Is this a reason why it should not be collected? We must submit to burdens, and make heavy sacrifices to sustain the Government, maintain our credit, and support our armies; or all we possess must go down together in a crash and involve us and our posterity in one common ruin.

Before closing my remarks upon this subject, I beg leave to express my firm conviction that the policy advocated by some of assuming the Confederate tax, when assessed, and adding it to the debt of the State, instead of collecting it, has already been carried as far as wise statesmanship or the exigencies of the times will permit. It is simply shifting the burden from one shoulder to the other. Or in other words it is an attempt, in another form, to conduct the war upon paper, without its costing us anything. We have no right to turn over all the burdens of the present generation to posterity. This would be as contrary to justice and sound principles as it would be for Congress to contract the debt and turn over to the State Governments the responsibility of providing the means for its payment.

The policy is exceedingly unwise in this also, that it causes the State to borrow the present currency at par, to be paid back, years hence, with interest in gold. What prudent man would do this in the management of his own affairs? Suppose one planter owes another ten thousand dollars, would he sell property now at the present high prices in currency and pay the debt, or would he hold on to his property and pay interest upon the debt till the war is over and the price of everything is again estimated

upon the gold basis, and then sell five times as much property to pay the same debt? If he adopted the latter alternative we would say he needed a guardian. If we agree that this policy would be unwise in individuals, we must not forget that the State is but an association of individuals. When upon a question of this character we have ascertained what would be the interest of a prudent individual, or a small number of individuals, we have only to enlarge the circle and we have the interest of the State. This is a rule by which I have been guided in the management of the finances of the States, and I believe it to be the only true and successful one.

Our people can now pay five millions of dollars in the present currency easier than they can pay one million in gold, in what are usually called hard times, when property is low and money scarce. It may be said, why not keep our property and leave this matter to posterity? Who are to be posterity? Our children. For whom are we laboring? Our children. If, then, our property is expected to descend to our children, why accumulate a debt to hang over it and descend with it, by borrowing money at the rate of twenty cents for a dollar, to be paid back by them out of our property, in gold, dollar for dollar, with interest. I trust this policy will find very few advocates.

It is infinitely better for us to submit to all the taxation, and make all the sacrifices necessary to maintain our Government and sustain our credit, than to permit the enemy to overturn our Government, plunder our homes insult our wives and our daughters, confiscate our property and enslave ourselves and our posterity. We can not avoid the one alternative or the other. Humbly

imploing a continuation of Divine favor, let us resolve to stand in our allotted places, make all the sacrifices necessary and place our entire trust in the God of Israel, who is "a very present help in trouble," and all will yet be well.

JOSEPH E. BROWN.

The following message was transmitted to the Senate, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 26th, 1863.

To the Senate:

In response to your resolution I herewith transmit a copy of the contract* made with Divine, Jones & Lee, by which it will be seen that I purchased the one-half interest in the Card Factory, with the material on hand, at the price fixed by the General Assembly, to-wit: Sixty Thousand Dollars. The Act only authorized the purchase of a half interest.

The business is being carried on in connection with the State Armory in the penitentiary. We could now turn out about one hundred pairs of cotton cards per day if there was on hand a supply of wire. But we are out of wire and are much embarrassed for the want of it. Mr. Jones, the late Superintendent, who has resigned, was of the opinion we could make the wire successfully

*Not found.

but up to the time of his resignation his success had not been productive of practicable benefit. We are still doing all in our power to make wire. I have also made an engagement with Messrs. Russell Bro. & Co., of Dalton, for the manufacture of wire and have sent an officer to make a contract with certain importers whose names, for public reasons, it may not be prudent to mention in this message, for the importation of a sufficient supply by running blockade. There may be more delay than I anticipate in procuring the supply by either of the modes employed. I shall do all in my power to accomplish the object, as I am fully sensible of the great importance of running our machines every day and increasing the number of machines as fast as possible.

It is not easy to estimate the exact cost of making a pair of cards with the present difficulty of getting leather and wire. It cannot I think, fall below four dollars at this time, and the tendency is upwards, owing to the increase in the prices of labor and materials. I am informed by the workmen that the cost of making a duplicate machine is, as nearly as can be estimated, about one thousand dollars.

The purchase of the State consisted of two old machines, one for making card clothing for factories, upon which, by dividing the pieces after the teeth are set in them, we have been making cotton cards. The other is for making filleting, which is a narrow card clothing for factories, about two inches wide, both of which are in good order and upon the latter of which a considerable supply of card clothing for factories could be turned out daily, if we had wire.

There are two new machines lately completed and three more well under way, with about three-fourths of the work on them done, there are about five more about half done, and three large machines just begun, with about one-tenth of the work on them done. These three are for making 44-inch card clothing for factories, but which by dividing the prices may be used in the manufacture of cotton cards.

Five of the machines are for cotton cards: Three for wool cards and three for filleting.

There have been manufactured, since the purchase by the State, about eleven hundred and seventy-seven pairs of cards. By reference to a printed circular herewith inclosed you will see how the cards are disposed of as manufactured. In this connection I feel it my duty to mention that Messrs. Divine, Jones & Lee did not furnish more than wire enough to make eleven hundred and seventy-seven pairs of cards.

They represented to me, previous to the purchase, and which was a part of the consideration, that they had wire enough to make twelve thousand pairs. This was my understanding when I made the purchase.

If they fail to furnish balance of the quantity, it is but just that the State withhold a sum equal to half its value out of the price agreed to be paid for the half interest purchased.

As the State has entire control of the work and can carry it on as successfully as if she had no partners, I do not think it would be good policy to purchase the other

half interest, as the parties would no doubt expect to charge the State a very high price, as they did for the first half interest.

JOSEPH E. BROWN.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 1st, 1863.

To the House of Representatives:

As the returns from the Inferior Courts of the respective counties of the State, made under the Act appropriating \$2,500,000 for the support of indigent soldiers' families, etc., are on file in the office of the Comptroller General, I referred your resolution of inquiry to that office and now have the honor to transmit herewith his report, which will afford the House the information desired.

The other two resolutions of inquiry will be responded to as soon as the facts can be collected. As they cover a wide scope and are very general in their nature, it will necessarily require time and labor to enable me to furnish all the information required by the House. Your indulgence is therefore asked until full reports from the different officers can be made up and forwarded to this department.

JOSEPH E. BROWN.

COMPTROLLER GENERAL'S OFFICE,

MILLEDGEVILLE, March 31st, 1863.

His Excellency Joseph E. Brown, Governor:

SIR: Your Excellency having referred to me for an answer the following resolution:

“Resolved by the House of Representatives, That his Excellency the Governor is hereby respectfully requested to inform this House, as early as practicable, what disposition has been made of the Two Million Five Hundred Thousand Dollars that was appropriated by this Legislature for the benefit of indigent and disabled soldiers' families and widows; the number of beneficiaries from each county in the State, and the count of money apportioned to each county.”

WARREN AKIN,

Speaker House of Representatives.

L. CARRINGTON,

Clerk House of Representatives.

I have the honor to submit the accompanying table, showing the classes and number of beneficiaries returned from each of the several counties in this State, under the Act of the 13th of December, 1862, and also the amount appropriated to each county, as provided for by said Act.

It will be seen that at the time the apportionment was made, there were 84,119 beneficiaries returned, and that

the amount appropriated was within a small fraction of \$29.72 to each beneficiary.

The Act required the returns of the Justices of the Inferior Courts to be made by the first day of February, and the Comptroller General was directed at that time to proceed to the consolidation of the returns of the several counties, and when finished, in connection with your Excellency, to make the apportionment. But, on the first day of February, not more than half of the counties had made their returns, and it was not until the 3d of March that sufficiently full returns had been received to enable a full and fair apportionment to be made. In the meantime, your Excellency, when called upon, advanced to the several counties such sums as you were authorized by the Act of 1862 to advance.

It will be seen that the particular classes of beneficiaries are not given for the counties of Charlton, Echols and Screven. This has occurred from the fact that these counties, among many others, made their returns in the first instance, without swearing to them or making them as the statute required. At the time, therefore, of sending back all these returns to be perfected, I only made an entry of the total number of beneficiaries, as an approximation of the amount going to these counties, in case their perfected returns did not reach this office before the distribution was made. The perfected returns from Charlton, Echols and Screven had not reached this department at the time the apportionment was made. Hence the apportionment was made to each of these upon the first imperfect return, but the amount apportioned will not go to either of said counties unless the perfected returns of each shows that, by the number

of its beneficiaries, it is entitled to the amount apportioned to it. Since the distribution, the perfected return of Screven county has been received, and as the number of beneficiaries does not amount to more than 491, the sum going to that county will be \$14,592 instead of \$15,345; which will leave \$753 in the Treasury not apportioned. What will be the results as to Charlton and Echols cannot be seen until the perfected returns of these counties are received. The return of Gwinnett county being much larger than any other county, and the proportion, according to the white population, exceeding that of any other county, your Excellency was "induced to an opinion" that perhaps persons were included in that return not embraced in the returns of other counties and therefore, by your direction I have, in accordance with the statute, asked a "full explanation and report from the Justices of the Inferior Court of such county, requiring in said report that the said Justices shall state, on oath, to the best and utmost of their information and belief, the amount and nature of the property held by any and all persons who have been allowed to become beneficiaries of this Act in their county." This report has not yet been received.

On the 3d of March, when the apportionment was made, your Excellency notified the Justices of the Inferior Court of the amount apportioned to each county; and as the Act authorizing the apportionment also authorized the Governor to "make distribution of the fund appropriated," "in quarterly installments, or at such other stated periods as he may think best," your Excellency directed that one-half (including the advance) apportioned to each county, be distributed upon the call of the Justices of the Inferior Courts of the several coun-

the amount appropriated was within a small fraction of \$29.72 to each beneficiary.

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ties; and also that one-half of this amount be paid to each county in Confederate Treasury Notes, and one-half in State Treasury Notes, if preferred. From day to day, since said order has been issued, the various counties have been calling for the sums coming to them, and the amount paid out on said fund, up to date, is \$869,137.50, leaving undrawn \$1,630,862.50.

Believing that the above, and accompanying table, fully answers the call made in the foregoing resolution, I am, very respectfully,

Your obedient servant,

PETERSON THWEATT,

Comptroller General.

**CONSOLIDATED SCHEDULE OF THE BENEFICIARIES OF THE
INDIGENT SOLDIERS FAMILY FUND.**

COUNTIES.	Widows of Soldiers.		Women dependent upon disabled or deceased soldiers or those in service.	Orphans of deceased soldiers under 12 years of age.	Children dependent upon soldiers in service.	Children under 12 years of age of disabled soldiers discharged.	Other persons over 12 years of age dependent upon soldiers.	Total number of beneficiaries.	Apportionment to each county.
	Disabled and discharged soldiers.								
Appling-----	9		127	30	293			459	\$13,641
Baker-----	13		64	21	99			197	5,854
Baldwin-----	30	2	149	33	215			429	12,749
Banks-----	46		108	114	256			524	15,573
Bartow-----	81	17	448	185	988	17	36	1,772	52,663
Berrien-----	30	1	140	76	330			577	17,148
Bibb-----	58	16	361	98	603		70	1,206	35,842
Brooks-----	14		65	44	155		3	281	8,351
Bryan-----	3		67		168			238	7,073
Bulloch-----	12		26	26	76		1	141	4,190
Burke-----	14	1	184	17	300			516	15,335
Butts-----	17	3	162	26	243	8	7	466	13,849
Calhoun-----	16	2	67	30	143		5	263	7,816
Camden-----			42		106		2	150	4,457
Campbell-----	52	7	269	123	587	3	14	1,055	31,354
Carroll-----	104	5	444	247	1,040	3		1,843	54,773
Catoosa-----	16	4	240	34	428	6	3	731	21,725
Charlton-----								200	5,943
Chatham-----	49	2	469	22	14		2	558	16,583
Chattahoochee-----	18	8	106	35	253	4	1	425	12,630
Chattooga-----	39	5	203	68	443	2	6	766	22,765
Cherokee-----	93	17	509	218	1,024	33	91	1,985	58,993
Clarke-----	40	6	177	49	354	11	20	657	19,525
Clay-----	17	2	97	54	210	8	8	396	11,769
Clayton-----	19	7	119	47	253	2	8	455	13,522
Clinch-----	17	2	108	34	319	14		494	14,681
Cobb-----	65	11	475	161	1,016	15		1,743	51,801
Coffee-----	22		68		245			335	9,956
Columbia-----	23		113	60	175		4	375	11,144
Colquitt-----	16	5	39	44	95	19		218	6,478
Coweta-----	59	6	306	123	700	5		1,199	35,634

CONSOLIDATED SCHEDULE, &C.—Continued.

COUNTIES.	Widows of Soldiers.	Disabled and discharged soldiers.	Women dependent upon disabled or deceased soldiers or those in service.	Orphans of deceased soldiers under 12 years of age.	Children dependent upon soldiers in service.	Children under 12 years of age of disabled soldiers discharged.	Other persons over 12 years of age dependent upon soldiers.	Total number of beneficiaries.	Apportionment to each county.
Crawford.....	31	5	116	65	263	8	4	492	\$14,622
Dade.....	14	6	153	39	278	---	---	490	14,562
Dawson.....	42	5	208	79	403	12	4	753	22,379
Decatur.....	40	2	173	96	365	1	22	699	20,774
DeKalb.....	41	6	387	84	703	4	8	1,233	36,644
Dooly.....	44	2	245	84	463	---	---	838	24,905
Dougherty.....	9	4	82	18	139	3	18	273	8,113
Early.....	20	1	115	44	200	---	3	383	11,382
Echols.....	---	---	---	---	---	---	---	270	8,024
Effingham.....	2	---	42	5	124	---	3	176	5,230
Elbert.....	34	---	155	84	301	50	5	629	18,693
Emanuel.....	22	2	73	64	180	3	---	344	10,223
Fannin.....	32	9	216	90	493	19	---	859	25,529
Fayette.....	50	5	252	123	526	---	20	976	29,006
Floyd.....	56	67	423	139	968	4	36	1,693	50,315
Forsyth.....	49	9	406	76	848	2	7	1,397	41,518
Franklin.....	48	---	142	117	281	---	3	591	17,564
Fulton.....	45	2	457	86	834	4	38	1,466	43,568
Gilmer.....	62	9	418	131	799	7	15	1,441	42,826
GlascocK.....	2	1	51	9	85	---	---	148	4,398
Glynn.....	3	---	28	7	36	6	---	80	2,377
Greene.....	18	2	82	46	166	---	2	316	9,391
Gordon.....	42	1	318	46	773	---	---	1,180	35,069
Gwinnett.....	118	18	615	294	1,378	48	34	2,505	74,448
Habersham.....	43	8	253	84	338	19	---	745	22,141
Hall.....	73	5	253	168	635	13	18	1,165	34,623
Hancock.....	9	6	117	15	189	8	7	351	10,431
Haralson.....	36	---	92	58	197	---	3	386	11,470
Harris.....	31	8	165	65	329	2	---	600	17,831
Hart.....	50	5	172	119	342	---	2	690	20,506
Heard.....	27	---	119	55	314	---	2	517	15,365
Henry.....	45	5	219	87	497	---	1	854	25,380
Houston.....	22	7	205	41	440	6	17	738	21,933

CONSOLIDATED SCHEDULE &c.—Continued.

COUNTIES.	Widows of Soldiers.	Disabled and discharged soldiers.	Women dependent upon disabled or deceased soldiers or those in service.	Orphans of deceased soldiers under 12 years of age.	Children dependent upon soldiers in service.	Children under 12 years of age of disabled soldiers discharged.	Other persons over 12 years of age dependent upon soldiers.	Total number of beneficiaries.	Apportionment to each county.
Irwin.....	9	1	16	20	40	---	---	84	\$2,496
Jackson.....	66	3	219	145	435	---	---	868	25,796
Jasper.....	16	5	98	36	234	---	---	389	11,561
Jefferson.....	27	2	138	3	326	7	---	503	14,949
Johnson.....	14	1	56	36	135	---	---	242	7,192
Jones.....	12	---	86	---	214	---	---	312	9,272
Laurens.....	17	2	182	62	485	5	26	779	23,151
Lee.....	12	---	80	31	148	---	---	271	8,054
Liberty.....	5	1	94	14	237	2	12	365	10,847
Lincoln.....	9	---	37	16	61	---	---	123	3,655
Lowndes.....	25	2	95	68	248	---	---	438	13,017
Lumpkin.....	45	---	336	108	485	---	---	974	28,947
Macon.....	21	3	122	46	229	---	---	421	12,512
Madison.....	46	---	126	117	283	---	---	572	16,999
Marion.....	22	1	170	20	452	---	4	669	19,882
McIntosh.....	10	1	44	20	77	5	---	157	4,666
Meriwether.....	45	2	239	107	487	---	3	883	26,242
Miller.....	16	---	84	33	148	---	---	281	8,351
Milton.....	25	5	198	43	420	5	---	696	20,684
Mitchell.....	30	---	151	57	329	---	5	572	16,999
Monroe.....	25	3	154	51	309	6	---	548	16,286
Montgomery.....	15	---	68	46	155	---	3	287	8,529
Morgan.....	11	2	64	29	111	---	7	224	6,657
Murray.....	26	1	248	59	549	---	16	899	26,718
Muscogee.....	37	4	382	91	587	8	28	1,137	33,791
Newton.....	53	10	40	107	171	21	2	604	17,950
Oglethorpe.....	16	2	284	5	162	---	2	271	8,054
Paulding.....	61	7	281	139	609	---	---	1,097	32,602
Pickens.....	51	11	92	127	529	34	---	1,044	31,027
Pierce.....	11	1	80	33	187	---	---	312	9,272
Pike.....	55	4	230	144	415	4	---	852	25,321
Polk.....	18	2	205	54	428	---	9	716	21,279
Pulaski.....	37	1	146	97	348	---	3	632	18,782

CONSOLIDATED SCHEDULE &c.—Continued.

COUNTIES.	Widows of Soldiers.	Disabled and discharged soldiers.	Women dependent upon disabled or deceased soldiers or those in service.	Orphans of deceased soldiers under 12 years of age.	Children dependent upon soldiers in service.	Children under 12 years of age of disabled soldiers discharged.	Other persons over 12 years of age dependent upon soldiers.	Total number of beneficiaries.	Apportionment to each county.
Putnam.....	17	18	68	32	185	32	---	352	\$10,461
Quitman.....	18	---	93	31	174	---	---	316	9,391
Rabun.....	13	3	112	32	252	12	2	426	12,660
Randolph.....	36	5	137	85	289	4	3	559	16,613
Richmond.....	48	5	412	9	470	5	4	953	28,322
Schley.....	8	1	84	13	181	---	---	287	8,529
Sereven.....	---	---	---	---	---	---	---	516	15,335
Spalding.....	27	1	210	61	428	1	3	731	21,788
Stewart.....	37	4	151	104	289	12	12	609	18,099
Sumter.....	36	12	301	12	607	---	---	968	28,768
Talbot.....	21	4	106	49	189	5	6	380	11,293
Taliaferro.....	12	1	31	29	40	---	---	113	3,358
Tattnall.....	20	---	131	39	293	---	---	473	14,057
Taylor.....	71	29	150	107	355	3	7	722	21,457
Telfair.....	12	---	---	64	131	---	1	208	6,181
Terrell.....	26	---	107	46	187	---	---	366	10,877
Thomas.....	27	8	214	70	472	9	4	804	23,894
Towns.....	16	2	145	41	346	---	---	550	16,345
Troup.....	26	5	121	94	268	---	1	515	15,305
Twiggs.....	24	4	116	55	205	5	8	417	12,393
Union.....	28	1	234	65	580	2	1	911	27,074
Upson.....	25	3	179	43	340	2	4	596	17,713
Walker.....	49	10	373	114	839	11	5	1,401	41,637
Walton.....	76	2	190	198	444	---	40	950	28,233
Ware.....	14	---	84	40	200	---	---	338	10,045
Warren.....	24	3	143	70	231	5	21	497	14,770
Washington.....	46	---	195	111	418	---	3	773	22,973
Wayne.....	11	2	102	5	331	1	40	492	14,622
Webster.....	20	1	63	51	174	---	2	311	9,242
White.....	35	6	147	73	306	4	3	574	17,059
Whitfield.....	56	---	356	53	719	---	---	1,184	35,188
Wilcox.....	32	4	76	88	186	---	---	386	11,471
Wilkes.....	13	3	73	29	174	---	6	298	8,856
Wilkinson.....	35	1	197	91	434	---	---	758	22,527
Worth.....	19	9	70	16	104	13	---	231	6,865
	4,003	550	22,637	8,492	45,718	592	843	84119	2 500 000

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 2d, 1863.

To the House of Representatives:

I herewith transmit a report from Ira R. Foster, Quartermaster-General, which contains a statement of the amount of the \$1,500,000 appropriation, which has been expended, with the quantity of clothing supplied to the troops and the quantity now on hand ready to be forwarded to them, which will, I trust, afford the information desired by the House. The report of the Quartermaster-General contains important suggestions in reference to the procurement of future supplies of clothing for the troops, which are worthy the serious consideration of the Legislature. If it is the policy of the State to continue to supply her needy soldiers, and I think it should be, I entertain no doubt that the supply for the next twelve months could be purchased now for one-third less than it can be had six months hence. The price of all articles of clothing has, I believe, advanced nearly one-third since your adjournment in December last.

JOSEPH E. BROWN.

REPORT
OF
LIEUT.-COL. IRA R. FOSTER, QUARTERMASTER-GENERAL,
ON THE
\$1,500,000 APPROPRIATION.
March 25th, 1863.

QUARTERMASTER-GENERAL'S OFFICE,

ATLANTA, March 25th, 1863.

Col. H. C. Wayne, Adjutant General:

COLONEL: I have the honor herewith to submit to you, to be laid before his Excellency the Governor, the following report of my operations in procuring clothing for the destitute Georgia troops in Confederate service, under an Act entitled, "An Act to appropriate money to procure and furnish clothing, shoes, caps or hats, and blankets for the soldiers from Georgia, and to provide for raising the same," and instructions from your office.

I entered upon the duties assigned me by the above instructions under circumstances the most embarrassing. The State had been stripped of the necessary material, both by home consumption and the officers of the Confederate government. I have succeeded, however, far beyond my most sanguine expectations.

Fortunately for the country, I succeeded in securing a large quantity of wool at reduced prices, which is rapidly being manufactured into clothing. I found it im-

possible to obtain a sufficiency of upper leather, hence I had to resort to the use of duck as a substitute, which subserves the end sought admirably. Its power of resisting moisture is greater than ordinary leather manufactured in haste. With it our troops are well pleased.

I have established a clothing bureau at Augusta, under the control of my efficient assistant, Capt. Geo. W. Evans. He is discharging his duties creditably to himself and beneficially to the State.

I have also established a shoe manufactory at Marietta, under the superintendence of Capt. E. M. Field, A. A. Q. M., who is managing it with energy and ability.

Up to this date I have filled requisitions made by C. S. Quartermasters, and approved by the officers commanding, showing the number of men present, the number of men actually destitute, and the articles of which they were destitute, of nineteen Regiments and two Battalions, as follows:

Nos. of Regiment.	Stations.	Hats.	Coats.	Pants.	Draw's	Shirts.	Socks.	Shoes.
14th.....	Va.....	100	38	114	86	78	200	159
17th.....	Va.....	162	102	189	124	118	250	225
24th.....	Va.....	18	33	69	81	61	202	40
27th.....	Va.....	317	317	317	317	317	350	317
51st.....	Va.....	285	291	303	270	233	400	303
59th.....	Va.....	632	632	632	632	632	632	632
55th.....	Tenn.....	119	88	117	71	80	93	133
5th.....	Tenn.....	179	38	100	32	36	152	115
6th.....	Va.....	118	183	184	185	185	203	180
19th.....	Va.....	106	69	145	160	143	174	130

Nos. of Regiment.	Stations.	Hats	Coats	Pants	Draw's	Shirts	Socks	Shoes
23d.....	Va.....	20	110	165	133	160	160	131
28th.....	Va.....	134	71	127	116	91	110	55
43d.....	Vicks.....	300	435	425	---	460	500	410
36th.....	Vicks.....	775	775	775	775	775	775	775
20th.....	Va.....	525	525	525	525	525	525	525
Col. Gordons'	Sav'h.....	100	100	150	200	400	200	300
Sav. Vol. G'ds	Sav'h.....	---	5	33	108	80	123	217
21st Bat.....	Chas'n.....	---	71	71	50	---	200	---
39th Reg.....	Vicks.....	750	750	750	750	750	750	750
21st.....	Va.....	---	---	---	---	---	200	200
25th.....	Sav'h.....	8	13	47	243	225	172	148
Total issued.....	-----	4648	4556	5288	4858	5449	6371	5744

These stores have been shipped to their destination in charge chiefly of bonded State Agents. In a few instances the Quartermasters of the Regiments have received them at our storehouses.

Requisitions are still coming in, which we can easily fill. Information, however, has reached us that through the irregularities of the mails, a number of Georgia Regiments have not heard of the appropriation, and are complaining for want of clothing.

Our amount of clothing on hand is as follows:

Hats.	Coats.	Pants.	Drawers.	Shirts.	Socks.	Shoes.
129	7,272	9,257	11,867	10,400	1,976	5,878

Besides the clothing manufactured, we have stock on hand amounting to the following:

Osnaburgs.	Shirtings.	Kerseys.	Duck.	Leather.
12,983	18,850	6,410	970	35,063

We have entered, quite largely, into contracts with factories and tanneries. I would here take occasion to state that the proprietors of these factories and tanneries have, in the main, shown themselves worthy of the great struggle in which we are engaged.

I have labored to my utmost ability to use the funds appropriated prudently and economically. Thus far I have expended about \$800,000. To meet contracts already entered into, will require about \$400,000.

From present indications the appropriations already made will scarcely be sufficient to meet the pressing *summer* demands of our troops. If another appropriation be not made by which to provide in advance, a further supply of clothing, our troops will suffer more the coming winter than they did during the past. Prices are continually going up. Owing to the increasing scarcity of material and the redundancy of our currency, the sooner contracts are entered into and purchases made, the better for the State.

If it should be the intention of the Legislature to furnish our destitute troops with clothing *during the war*, the earlier their action, the better. It will, I fear, be

suicidal to indulge the hope that our armies will be disbanded before the rigors of another winter will have set in. Our better policy will be to prepare for the sad crisis, should it come upon us. In view of our prospects in the future, and the alarming bareness of our leather, hide and wool markets, I have been induced to send competent agents to Savannah, Vicksburg and Texas to purchase and ship these articles to me to this place. I expect at an early day, unless the enemy intercepts our western transportation, to procure a sufficiency to supply our pressing demands next winter, provided I am not ordered to abandon the enterprise. I have already purchased and put in process of tanning, several thousand pounds of green hides, which will be ready for use early in the coming winter.

The leather and cloth, manufactured out of hides and wool thus purchased, will be much less abundant next winter than the past, or even now, and will be of vital importance to the State in shoeing and clothing her brave, but destitute troops. In case the Legislature fails to make additional provisions for her troops in the field (which I feel confident they will not do) the products of these purchases will be in great demand and the prices thereof very high. In either case, the enterprise will be *profitable* to the State; and in no wise can the State be the loser.

The noble women of Georgia have patriotically responded to my appeal for socks; for which they are entitled to the country's gratitude. The appeal was made because the article could not be had until they were manufactured by our ladies. Already a large quantity have

been received and we are daily receiving them. As will be seen above, several thousands have been issued.

All of which is respectfully submitted.

IRA R. FOSTER,
 Quartermaster-General,
 State of Georgia.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,
 MILLEDGEVILLE, GEORGIA,

April 3d, 1863.

To the House of Representatives:

I communicate herewith a copy of the contract (Exhibit A) made through the agency of Hon. John W. Lewis with Maj. M. S. Temple, for the manufacture of salt at Saltville, Virginia, together with a correspondence (Exhibit B) between Major Temple and myself upon the subject of increased compensation for the manufacture of salt. I am also permitted, by the kindness of Hon. B. H. Bigham, of the House, to copy a letter (Exhibit C) from the Superintendent of the Virginia and Tennessee R. R. Co., upon the subject of the transportation of salt from Saltville to Bristol, and of wood to the Georgia works at Saltville. These documents will, I trust, be

found to contain the information required by the resolution of the House.

It may not be improper for me to remark that while, as a general rule, I oppose the payment of additional compensation to those who have undertaken to perform any service for the State for a sum agreed upon by the parties, I am of opinion that the interest of the State would be advanced by a departure from the rule in this case. The outlay of money in the manufacture of salt with the present difficulties in procuring wood, and at the present high prices of labor and provisions, is so much greater than it was at the time the contract was made, that it is not now possible for the contractor to make the salt at the price agreed upon. As the contract is a large one, running through the war, the result must be the bankruptcy of the contractor and the suspension of the work. I therefore recommend such change in the contract as will enable the contractor to press forward with the work, *upon condition* that he enlarge his works, if not already sufficient, so as to supply to the State the full quantity of five hundred bushels per day, while he receives the additional compensation.

By reference to the letter of Dr. Dodamead it will be seen that our trains will not be permitted to run over his road to Saltville to transport our salt to this State. This settles the question that it is impossible for us to do our own carrying, as we can have no control over the roads beyond the limits of this State. We are therefore at the mercy of the railroads and will be obliged to submit to such terms as they may impose.

While the compensation offered by the Virginia and Tennessee road for the use of engines and cars which

we may furnish to the Superintendent of that road, to be used by him in the transportation of wood and salt for this State and her people, is much less than that actual value of the hire of the trains, I recommend that his proposition be accepted and that two trains be furnished by the State for the purpose of supplying all the Georgia works with wood and bringing out the Georgia salt to Bristol. To accomplish this object it will be necessary that I be authorized to purchase or impress the trains from some of the company roads of this State, as the resolutions of the last session do not, in my opinion, contemplate a permanent impressment, but only a temporary seizure of trains to run from this State to Saltville. The State Road cannot furnish the trains, as we have already lost about two hundred cars and several of our most valuable engines, which were carried to other sections of the Confederacy in military service and never returned to the road. The press of business, especially for the Confederate Government, is very heavy upon the road, and I am obliged to continue to run the corn train to South-western Georgia during most of this spring and summer to supply bread to the people in the destitute sections of the State. It will become necessary for the State and her companies to build a warehouse at Bristol and store the salt as fast as it is brought from Saltville. We shall then be dependent upon the East Tennessee and Virginia and the East Tennessee and Georgia roads to bring it to Dalton. While I anticipate difficulty in getting it through from Bristol to Dalton, I trust arrangements may be consummated by which it can be done within the year. Provision should be made for furnishing additional rolling stock on these roads to carry it, if we can do no better. Every effort in our power

should be made to secure a supply of salt for the State as soon as possible, that we may avoid the panic and high prices which may result from scarcity next fall.

JOSEPH E. BROWN.

(EXHIBIT A)

SALT CONTRACT.

Whereas, A Contract was made and entered into on the 30th day of May, 1862, between Stuart, Buchanan & Co., of the first part, and John W. Lewis, Agent of the State of Georgia, under power of attorney, from the Governor of said State, of the other part, the terms and considerations of which is as follows, to-wit:

(Copy)

STATE OF VIRGINIA,

SMYTH COUNTY, May 30th, 1862.

Articles of Agreement made and entered into between Stuart, Buchanan & Co., of the first part, and John W. Lewis, Agent of the State of Georgia, under power of attorney from the Governor of said State, of the other part,

WITNESSETH, That the said party of the first part agrees to furnish and raise sufficiently high to run to the salt kettles, at the location selected in the meadow below the Preston Furnace, at the Salt Works, known as the

Preston & King Salt Works, in the county and State aforesaid, a sufficiency of salt water to make as much as five hundred bushels per day of salt, (if that much can be made by the party of the second part) for which the party of the second part is to pay at the rate of fifty cents per bushel of fifty pounds, on every bushel of salt manufactured from said water so raised, payment for the same to be made every week. The party of the second part is to incur every expense connected with the manufacture of said salt, except furnishing the water raised as above stated, and have liberty connected with the grounds adjacent to the location above described, to put up the necessary kettles, shelters, hauling wood, salt, etc.

The party of the second part has the liberty of extending this contract until the end of the present war, and until three months thereafter. The party of the second part does not obligate himself to make any given quantity per day, but will, after getting kettles, shelters, etc., make, if he can, 500 bushels per day. If it becomes necessary to increase the stationary motive power, or otherwise increase the power of elevating the salt water, the party of the second part can have it done and retain pay for the same out of the salt rent. In the event of a failure of an ample supply of salt water of good strength, the said Stuart, Buchanan & Co. are to be liable for no damages on account thereof. And the said John W. Lewis, agent, is not to interfere with the said Stuart, Buchanan & Co. in getting wood hauled upon the railroad; and unless both parties can have enough hauled for their purposes, said Stuart, Buchanan & Co., for their furnaces now in operation, shall have the preference, so far as the hauling of the Virginia and Tennessee

Railroad is concerned; and the said Lewis, Agent, agrees to dispose of the salt manufactured by him to the citizens of the State of Georgia for their consumption.

Signed in duplicate. Witness the following signatures:

(Signed) STUART BUCHANAN & Co.

JOHN W. LEWIS, Agent,

Under Power of Attorney for the State of Georgia.

Now, in order to the full execution of the above recited contract, the said John W. Lewis, Agent, agrees with M. S. Temple, of the county of Greene and State of Tennessee, as follows: The said M. S. Temple assumes the carrying into effect in good faith the above recited contract, on the part and in the stead of the said John W. Lewis, Agent. The said Lewis turns over to the said Temple: forty-one kettles, now at the place; 2,500 feet of plank; 11,050 brick, now at the place; one and a half barrels of nails; two iron ladles; 3 small iron bevy chisels, pointed for cleaning kettles; 12 bars of old railroad iron; and 3 axes. These articles are to go without special charge, but form a consideration in the general contract. The said Lewis is to have furnished, at the salt works, to the said Temple, ready made, sacks to hold the salt and twine to sew the same, as much as five hundred bushels of salt per day, unavoidable accidents in breakage, leakage and things not within his power to control, excepted.

The said Temple obligating himself, his heirs, executors and administrators, to furnish that much salt deliv-

ered in bags as above, on the cars, provided the cars are furnished at the salt works, and is to receive one dollar and fifty cents per bushel, of fifty pounds to the bushel, for the same, payable weekly, in bankable currency, and is to continue to deliver that much until the end of the present war, and until three months afterwards. The said Temple is to put up the kettles as soon as possible, those now on hand; and to have enough in operation to make as much as five hundred bushels per day, as soon as it is possible to do it. If the present war should terminate before the amount of sixty thousand bushels is made, the said Lewis, agent, is to take that much on the above terms at any rate. In case the public enemy should take and possess the said salt works, then, as a matter of course, none of the parties to these contracts are bound by them, while so possessed by the enemy. The said Temple is to pay for the water out of the funds received for the salt.

Witness our hands and seals, this 17th day of June, 1862.

(Signed) JOHN W. LEWIS, (L. S.)

(Signed) M. S. TEMPLE, (L. S.)

Witness: W. E. RECTOR.

We guarantee to John W. Lewis, Agent, the full and faithful performance of the above contract on the part of M. S. Temple.

Witness our hands and seals.

(Signed) SAMUEL MCGAUGHY, Security. (Seal.)

STATE OF GEORGIA, COBB COUNTY,

July 3rd, 1862.

Whereas, it is not convenient for the Hon. John W. Lewis, Agent of the State of Georgia, in the capacity mentioned in the foregoing copy contracts, to remain at the salt works to see in person to the carrying out of the said contracts and to attend to all the business incident to the same; I hereby appoint and constitute Jesse R. Wikle, of the county of Bartow, in this State, Agent, to remain at the salt works, to do and perform all necessary acts and things to be done on the part of the State of Georgia in carrying out said contracts; but not giving him power, unless specially authorized hereafter, to change or alter said contracts; nor revoking hereby any powers heretofore given to said John W. Lewis.

(Signed) JOSEPH E. BROWN,
Governor of Georgia.

(EXHIBIT B)

LETTER OF M. S. TEMPLE TO GOV. BROWN.

SALTVILLE, VA., Feb. 1st, 1863.

HON. JOSEPH E. BROWN,
Governor of the State of Georgia.

DEAR SIR: I hope you will not be deterred from giving this communication a careful perusal on account of its great length.

The vital interest I have in the subject embraced, and the deep solicitude manifested by your Excellency for its success, justify the expectation and belief that you will give it a patient and impartial consideration, and pass such judgment on the merits of the question embraced between the parties in interest, as the character of the case under all the circumstances may seem to justify.

I refer, of course, to the subject of making *salt*, with all its attending perplexities, annoyances and difficulties. These things attended my early efforts at preparation for salt making in a most remarkable manner, and have, I regret to say, more than kept pace with every subsequent movement up to the present hour. Difficulties without number or parallel have been met that were not anticipated, and of course not provided for. My present purpose is to bring to your notice the question of the propriety and justice of allowing increased compensation for the production of salt for the people of Georgia. I have no legal claim to present, I offer none. I ask, however, the privilege to refer to some of the circumstances by which I was surrounded at the time of making said salt contract, and which had their influence in causing me to engage in making salt, as distinguished from those that now surround me.

In the first place, I was negotiating at the time I met with Dr. J. W. Lewis, with Messrs. Stewart, Buchanan & Co., for a salt water privilege on my own private account, and on terms that would have made me a large fortune. Dr. Lewis at once urged me in an earnest and pressing manner to undertake to carry out his contract, and to lose sight of all idea of speculation. He more than once remarked to me that it was all wrong for any man to specu-

late on the necessities of a suffering people, and that the voice of public sentiment would overwhelm any man in such an undertaking.

To the representations and entreaties of our mutual friend, Dr. Lewis, I am today indebted for my connection with your State, believing as I then did, and as things then were, I could perform a patriotic act for a noble and public spirited people, and at the same time make a reasonable compensation for my family. The result of our frequent interviews was the contract you have on file in your office.

I have spared neither money nor effort to carry it into successful execution. I am sorry it has not been in my power to make more salt and thereby enable you to realize your highest expectations on this important subject. At the time I made my contract, no other State, nor do I remember of any individual having made salt contracts with the proprietors, consequently no competition in the various articles of supplies for making salt on the part of States, communities, counties and individuals to an almost indefinite extent, could have entered into the cost of making salt at the time.

At that time there was a very flattering prospect for the growing crops of all this country—no sign of a famine or famine prices for farm products. Labor was comparatively plenty and cheap. Most supplies could be had in abundance and at moderate rates. No excess was perceptible in the volume of the currency of the country at that time. No conscript law had been passed and put into force. No demonstration had been made by military or other authorities to seize and impress and appropri-

ate property regardless of ownership or circumstances. There were then no fears of an almost total failure of the Railroads to haul wood, nor could we anticipate such unheard of charges for transportation of wood and other supplies. I certainly had a right to expect the privilege of shipping to this place for my own consumption, the production of my own farm, but even that has been denied me, until consumed by degrees by the military authorities until but little remains for shipment. Since I commenced work here, the military of the C. S. and the Lincoln troops, when in view at the bridges, have taken corn and hay and appropriated the same without one dime of compensation, to the value of between four and five thousand dollars. Every article that enters into the production of salt has rose from one hundred to one thousand per cent. in the past seven months. The people of the entire country have become excited, I may say gone wild with the spirit of speculation. Promises made today are disregarded and broken tomorrow by nineteen out of twenty of the community, provided they can make money by the operation. These are some of the circumstances that surround me today, in trying to make salt for your people. They are the result of causes beyond my power to foresee or control. The cost today of making salt is more than I am receiving from the State.

For the convenience of comparison, I append a list of present and past prices for some leading articles of consumption.

I have no idea of repudiating the contract, nor of relaxing my energies in any particular, but candor compels me to say, that should the war continue for a great length of time, and supplies remain at present prices, it is un-

certain how long I may be able to carry on the business.

I have spent at this place a large share of the earnings of a very active life for 25 years, in preparation and supplies for making salt, hoping for a reasonable reward from our contract, but at present I am fully of the opinion I am to be greatly disappointed unless you see proper to alter the contract to correspond with the very remarkable and unprecedented change that has taken place in the value of every article connected with the business.

The agents for making salt for the State of Tennessee and Alabama are, as I am informed, receiving net for each bushel of salt made, *two dollars*, with an additional privilege of raising salt in payment of all supplies from the first beginning, which enable them to buy, at very low rates, all articles to carry on their works. These payments have had precedence over the deliveries to the States for consumption. Our contract was the first one made, in the absence of, and not expecting competition, consequently less guarded, and at much lower rates than any contract since made by any party.

I respectfully ask of your Excellency a careful survey of all the facts and circumstances of the trade, and decide the question that I now propose, (*viz.*): So to change the contract as to allow me the same the Tennessee and Alabama agents are receiving, *two dollars per bushel* instead of one, as per the present agreement.

The change proposed, if made, can not be very injurious to a whole State, and yet may save an individual and his family from bankruptcy and ruin, and who had certainly hoped for very different results. In this connection I will remark, that last fall I made a private con-

tract for salt water privileges to a small extent, but had to agree to give *gold coin* in payment at high rates. On this contract I was able to make only a small amount of salt, and the amount made was mainly appropriated to aid in carrying on your contract in the shape of payments for supplies, etc.

I would be glad to hear from you at your earliest convenience. I have sent to Dr. John W. Lewis a copy of this communication, as he is quite familiar with all the circumstances, and being the agent to make the contract. We have on hand between 20 and 30 carloads of salt, and making as fast as we can when we get wood. My wood forces in Tennessee are progressing finely up to latest accounts.

Yours respectfully,

M. S. TEMPLE.

	Jan. 1862.	Jan. 1863.
Corn per bushel.....	1.00	4.00
Hay per cwt.....	75.....	4.00
Iron per pound.....	6.....	30
Tallow per pound.....	25.....	85
Beans per bushel.....	1.00.....	5.00
Nails per pound.....	10.....	75
Domestics 4 1-4.....	20.....	85
Jeans per yard.....	1.50.....	5.00 to 8.00
Shoes.....	4.00.....	10.00 to 15.00
Irish potatoes per bushel.....	1.00.....	5.00
Bacon per pound.....	20.....	60
Cord wood per cord.....	5.00 <i>delivered</i>	30.00 to 50.00
Do in woods standing.....	40 to 1.00.....	2.00 to 4.00
Mechanics per day.....	2.00 to 3.00.....	6.00 to 10.00
Cutting cord wood.....	1.00.....	3.00 to 4.00
Hauling cord wood.....	2.00.....	10.00

Horses, mules, wagons, etc., in like proportion.

LETTER OF GOV. BROWN TO M. S. TEMPLE.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 12th, 1863.

Maj. M. S. Temple:

DEAR SIR: I have to acknowledge the receipt of your letter in reference to extra compensation for making salt under the contract made between you and this State, acting through Dr. Lewis as agent. The contract has been reported to the Legislature, and approved by them, and I do not feel at liberty to change it and allow more compensation without the concurrence of that authority.

Col. Bigham, who is also engaged in manufacturing salt at Saltville, and knows the cost of making it, is a prominent member of the General Assembly. When the Legislature meets again in April, I will confer with him and others, who have had experience, and will advise such action as may be considered just and right.

The fact that you have not delivered, up to this time, or to the time your wood failed, near as much per day as the contract called for, may be a circumstance not favorable to your application. I would suggest that you deliver all in your power till the Legislature meets.

Col. Whitaker will place funds in the hands of Mr. Wikle to pay for it.

Very respectfully, etc.,

(Signed)

JOSEPH E. BROWN.

LETTER OF M. S. TEMPLE TO GOV. BROWN.

SALTVILLE, VA., 25th March, 1863.

Hon. Joseph E. Brown, Governor of Georgia:

DEAR SIR: Your favor of the 12th February last, in reply to my application for increased compensation for manufacturing salt for your State, was duly received. I beg leave respectfully to reply to that part of your letter, in which you refer to the fact, that previous to the burning of the bridges on the line of the E. T. & Va. R. R., on the 29th December, I had not delivered to your agent as much salt per day as the contract required.

I will briefly state the circumstances and allow you to arrive at your own conclusions. I commenced building salt furnaces the last days in June. By the 20th of August I had one furnace completed, and at once commenced making salt, at the rate of about two hundred bushels per day, for six days in the week. By the 23d of October I had a sufficient number of kettles in successful operation to make five hundred bushels of salt per day. The balance of that month, and all the month of November, we succeeded finely. The first days of December, our business was mainly suspended. The great demand for salt by the Confederate States, and the State of Virginia, was such, that nearly all the available transportation on the Va. & Tenn. R. R. was appropriated to the benefit of those interests, in hauling wood and salt, they demanding the preference in every instance, over all other States. Thus matters stood at that important season for making salt for your State. Seeing no other remedy, I

left the works and called on your Excellency in person, at Milledgeville, for an engine and cars to aid me in carrying on the business, equal to my own wishes and your just expectations.

Your patriotic desire to accomplish every thing possible, for the good of the people of Georgia, prompted you without a moment's hesitation, to give me an order for an engine and cars, but unfortunately, our common enemy burned two bridges on the E. T. & Va. Road before I had time to receive the train. Memoranda made at the time by my clerk, show that our furnaces were idle for the want of wood hauled by the trains in the month of December, sixteen days at one time, to say nothing of previous stoppages at short intervals, from the same cause. Since the first of January, the transportation for wood and salt has been mainly for the Confederate States and the State of Virginia; of course but a small amount of salt has been made by the agents of other States. I have sent from this place to Bristol, since the first of January, only 8 carloads of salt. The combined efforts of your agent, Mr. Wikle, and myself have been unable to accomplish more.

My principal difficulty at present is, transportation. Our expenses are very heavy and must go on day and night, whether we remain idle or make salt. Your agent will furnish you with a statement of salt shipped, as well as salt now on hand ready for shipment.

I hope I am, under the circumstances, excusable for again calling your attention to the propriety of allowing an increase in the compensation for making salt. I find, in making a careful comparison of the relative value of the leading articles of consumption, that enter into the

production of salt, since the first of February, as set forth in my letter to you of that date, vary from 25 to 60 per cent. of an increase in value, over the value of the same articles, less than sixty days since. I may, with propriety, refer to the fact that quite recently Charles Scott & Co., have made a salt contract with a joint committee of the Legislature of Virginia for 750,000 bushels of salt at \$2.23 per bushel, reserving privileges of an important character to those making the salt. The Confederate States pay for their salt this year \$2.50 per bushel.

For further and fuller information in regard to the facts set forth in my correspondence, and the salt question generally, I respectfully refer you to Col. Bigham of the House of Representatives of the Legislature of your State.

Yours most respectfully,

(Signed) M. S. TEMPLE.

J. R. WICKLE'S LETTER TO GOV. BROWN.

SALTVILLE, VA., March 27th, 1863.

HON. JOSEPH E. BROWN,

DEAR SIR: Our friend, Maj. Bigham, will hand you this letter, who can inform you on the subject of our salt operations. We have about 40 carloads of salt sacked, with every prospect of getting all or more than our contract in the future, provided we can procure transportation for it. That is the great object to be consummated now. Maj. Bigham will hand you for perusal and con-

sideration, a communication and proposition from Mr. Dodamead. You will perceive it is in answer to letters from Maj. Bigham, Maj. Temple and myself, on the subject of transportation. He admits that he has not sufficient rolling stock and motive power to do the work of the road and carry off the salt for us, yet he has determined not to permit foreign trains to run over his road. The acceptance of the proposition which will be submitted you from Mr. Dodamead, is the only means of getting off our salt. I think it a better plan than to send trains here. It will not require as many engines and cars as to send trains through, and it will not be near so expensive to the State. It is true, the compensation proposed is very low, yet it is better than none, and relieves the State of the expense of engines, firemen, oil, tallow, etc., which would have to be incurred by the State, were trains to run through. I think one engine—large size—and sixteen cars would carry all our salt to Bristol, if a schedule is made to make a trip daily. If a trip could not be made daily, it would probably require more. An engine will carry eight cars from here to Bristol.

Maj. Temple will be at Milledgeville. on the subject of an increase of compensation for salt. He is evidently losing money at the present price.

It will require an engine and about eight open cars to haul wood for the Georgia furnaces. Should you decide to send engines and cars to this road, the sooner the better.

I get a car load *occasionally*. If we depend upon this road as at present managed, we will get comparatively

little salt shipped here. In the meantime I shall continue to importune them for cars, and get off as much salt as possible.

If not too much trouble, will you kindly send to me a certificate of my appointment as salt agent, with the seal of the State attached?

Yours truly,

J. R. WIKLE.

(EXHIBIT C)

COL. THOS. DODAMEAD, SUPT. OF VA. & TENN.
R. R., TO MAJ. B. H. BIGHAM.

VIRGINIA AND TENNESSEE RAILROAD CO..

LYNCHBURG, VA., March 24, 1863.

MAJ. BIGHAM, *Prest. Planters' Salt Mfg. Co.*:

DEAR SIR: In reply to your application through Mr. Cox, and the application of M. S. Temple & Co., and of Judge Wikle. making inquiry on what terms this Company would permit trains belonging to roads in the State of Georgia to run over this road between Bristol and Saltville, I would state that my judgment and past experience has convinced me that it is injudicious and inexpedient, as well as dangerous and embarrassing, to the operations on the salt works branch to allow the trains from other roads (under the control of their respective employees who are not familiar with the peculiarities of this road, or with the rules or regulations

of the road, and not responsible to the officers of this road) to be run over it, consequently we have determined to refuse all applications for that purpose. At the same time, being desirous of facilitating the transportation of salt, and believing that we have not a sufficient supply of motive power or cars, we are disposed to make such arrangements as will effect the object without the danger and inconvenience attending the running of strange trains over the roads, I therefore propose, if the State of Georgia has a surplus stock of engines and cars, that they shall furnish to this company one or more locomotives, and sufficient number of freight cars, to be supplied with good brakes (on each car) to be used with the engine or engines, they to be run and managed entirely by the employees of this company, under the control of, and to be responsible to the officers of this company, and to be used in the transportation of salt for the State of Georgia, wood and other supplies necessary to the manufacture of salt for that State. I propose that this company shall pay to the proprietors or owner of said engines and cars a reasonable rate of compensation for the use of them, to be hereafter named, and that after the salt required to be transported for the State of Georgia, wood supplies shall have been transported, then this company to have the privilege of using said locomotives and cars for the transportation of salt or wood supplies, etc., for other parties, provided they shall not be used on any part of the road except between Bristol and Saltville, and only so to be used for the purpose of keeping the said locomotives and cars, and the hands in charge of same employed. This company propose, in consideration of the use of said locomotives and cars, to pay for each locomotive the sum of (\$10) ten

dollars per day, furnishing engineman and fireman, oil, waste, fuel, etc., and to do the small ordinary repairs necessary to keep the engine in running condition; but not to perform any large or important repairs. The consideration proposed for the use of the cars, is that this company shall pay 2 cents per mile run by each car; an accurate account to be kept of the same, and to furnish oil and grease for the purpose of keeping the axles properly lubricated; the same conditions as to repair as proposed for the engines. It is further to be understood that the size of the engine or engines to be furnished shall be such as may be approved by me; in consequence of the heavy grades over which they are compelled to work, the heaviest class engine in use on the roads in the State of Georgia, where the grades are light, will be required. I would further state that if the companies furnishing the engines prefer to send their own engineers and firemen for the time being, to be in the employment of this company, and paid by them, and subject in all respects to be governed as employees of this company, I have no objections.

Yours very respectfully,

THOS. DODAMEAD.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, April 6th, 1863.

To the General Assembly:

The armies of the Confederate States are composed, in a great degree, of poor men and non-slaveholders, who

have but little property at stake upon the issue. The rights and liberties of themselves and of their posterity are, however, involved; and with hearts full of patriotism, they have nobly and promptly responded to their country's call, and now stand a living fortification between their homes and the armed legions of the Abolition Government. Upon their labor their families at home have depended for support, as they have no slaves to work for them. They receive from the Government but *eleven dollars per month*, in depreciated currency, which, at the present high prices, will purchase very little of the necessaries of life. The consequence is, that the wives of thousands of them are now obliged to work daily in the field to make bread—much of the time without shoes to their feet, or even comfortable clothes for themselves or their little children. Many are living upon bread alone, and feel the most painful apprehensions lest the time may come when enough even of this can not be afforded them. In the midst of all the privations and sufferings of themselves and their families, the loyalty of those brave men to the Government can not be questioned, and their gallantry shines more conspicuously upon each successive battle field. Freemen have never, in any age of the world, made greater sacrifices in freedom's cause, or deserved more of their country or of their posterity.

While the poor have made, and are still making, these sacrifices, and submitting to these privations to sustain our noble cause and transmit the rich blessings of civil and religious liberty and national independence to posterity, many of the rich have freely given up their property, endured the hardships and privations of military service, and died gallantly upon the battle field. It must be admitted, however, that a large proportion of the

wealthy class of people have avoided the fevers of the camp and the dangers of the battle field, and have remained at home in comparative ease and comfort with their families.

If the enrolling officer under the Conscript Act has summoned them to camp, they have claimed exemption to control their slaves, or they have responded with their money and hired poor men to take their places as substitutes. The operation of this Act has been grossly unjust and unequal between the two classes. When the poor man is ordered to camp by the enrolling officer, he has no money with which to employ a substitute, and he is compelled to leave all the endearments of home and go. The money of the rich protects them. If the substitution principle had not been recognized, and the Act had compelled the rich and poor to serve alike, it would have been much more just.

Again, there is a class of rich speculators who remain at home preying like vultures upon the vitals of society, determined to make money at every hazard, who turn a deaf ear to the cries of soldiers' families and are prepared to immolate even our armies and sacrifice our liberties upon the altar of mammon. If laws are passed against extortion, they find means of evading them. If the necessities of life can be monopolized and sold to the poor at famine prices, they are ready to engage in it. If contributions are asked to clothe the naked soldier or feed his hungry children, they close their purses and turn away. Neither the dictates of humanity, the love of country, the laws of man, nor the fear of God seem to control or influence their actions. To make money and accumulate wealth is their highest ambition, and seems to be the only

object of their lives. The pockets of these men can be reached in but one way, and that is by the tax gatherer, and, as they grow rich upon the calamities of the country, it is the duty of patriotic statesmen and legislators to see that this is done, and that the burdens of the war are, at least to some extent, equalized in this way. They should be compelled to divide their ill-gotten gains with the soldiers who fight our battles; both they and the wealthy of the country, not engaged as they are, should be taxed to contribute to the wants of the families of those who sacrifice all to protect our lives, our liberty and our property.

I consider it but an act of simple justice, for the reasons already stated, that the wages of our private soldiers be raised to twenty dollars per month, and that of non-commissioned officers in like proportion, and that the wealth of the country be taxed to raise the money. I therefore recommend the passage of a joint resolution by the Legislature of this State, requesting our Senators and Representatives in Congress to bring this question before that body, and to do all they can, both by their influence and their votes, to secure the passage of an Act for that purpose, and to assess a tax sufficient to raise the money to pay the increased sum. This would enable each soldier to do something to contribute to the comfort of his family while he is fighting the battles of his country at the expense of his comfort and the hazard of his life.

I respectfully but earnestly urge upon you the justice and importance of favorable consideration and prompt action upon this recommendation.

Let the hearts of our suffering soldiers from Georgia be cheered by the intelligence that the Legislature of this

State has determined to see that justice is done them, and that the wants of themselves and their families are supplied, and their arms will be nerved with new vigor when uplifted to strike for the graves of their sires, the homes of their families, the liberties of their posterity, and the independence and glory of the Republic.

JOSEPH E. BROWN.

The following message was transmitted to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., April 10th, 1863.

To the General Assembly:

Your resolution has been communicated to me, calling for the information in my possession touching the necessity for a longer continuance of the office of Adjutant and Inspector-General of this State.

While I am not aware that I possess any important information upon this subject which is not common to the General Assembly, and to all intelligent citizens of this State who have any knowledge of military offices, I do not suppose there can be a doubt upon the mind of any one who has any connection with the military system and operations of the State, that the office is a very important one, especially during the continuance of the war.

It is the duty of the Adjutant and Inspector-General to keep a fair record of all orders, which he shall, from

STATE OF GEORGIA,
ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,

MILLEDGEVILLE, April 10th, 1863.

To the Commander of the 33rd Regiment, G. M., Baldwin County—

SIR: It having been represented to the Governor, by a Justice of the Inferior Court, that a lawless mob is now engaged in pillaging the stores of the merchants of Milledgeville, and that the city authorities of Milledgeville are either unable or indisposed to preserve the order and peace of the city; and to protect the merchants in their rights and goods, His Excellency directs you to assemble at once such portion of your regiment as can be immediately warned, and reporting with them to the Mayor of Milledgeville, to act, under his orders, as a *posse comitatus* for the suppression of the riot and for the recovery and restoration of the goods pillaged to their respective owners. The men engaged in the riot should be arrested at all hazards and lodged in jail, to await the action of the civil courts, and all such women as can be recognized will be noted also for indictment and prosecution under the laws.

The Ordnance Officer, Maj. McIntosh, will furnish you and your command with arms and ammunition on application to him.

Very respectfully,

Your obedient servant,

HENRY C. WAYNE,
Adj. and Insp. General.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 16th, 1863.

This is to show that I have employed Capt. Simeon Gerstmann to procure and bring in from beyond our military lines articles which the State very much needs. I respectfully request our military authorities and the agents of transportation to afford him all the facilities in their power for the speedy delivery of said articles within this State.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 18th, 1863.

To Whom it May Concern—Greeting:

Whereas, In view of the changed political and commercial relations of the State of Georgia with other States, by reason of her separation from the "United States of America," as a sovereign independent State, and whereas the General Assembly of the State, deeming it of the first importance that her industrial and commercial interests, embraced in the extension, by direct trade, of her cotton interest, should be promoted among the principal European powers; and reposing special trust and confidence in the ability, wisdom, pru-

dence and fidelity of C. G. Baylor; Therefore, be it known that I, Joseph E. Brown, Governor and Commander-in-Chief of the Army and Navy of this State, and of the militia thereof, do hereby constitute, commission and appoint the said C. G. Baylor as Commissioner to the Government of her Britannic Majesty, Victoria, Queen of Great Britain, to the Government of his Imperial Majesty, Napoleon III., Emperor of France, and the Governments and Empires respectively of Belgium, Prussia, The Hollands, Spain, Austria, Switzerland, Sardinia, Portugal, Russia, Norway, Sweden and Denmark, with powers, and charged with the duties set forth in the *Instructions and Joint Resolution of the General Assembly of Georgia accompanying this Commission.† And I request for the said C. G. Baylor, as Commissioner of the State of Georgia, such protection, courtesies and official facilities in the prosecution of his duties as are accorded among all civilized States to persons engaged in the discharge of responsible public trusts.

Done at the Capitol, in the city of Milledgeville, on the 18th day of April, in the year of our Lord One thousand, eight hundred and sixty-three. In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State.

JOSEPH E. BROWN,

Governor of Georgia.

By the Governor:

H. H. WATERS,

Sec'y. Ex. Dept.

* Not found.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 18th, 1863.

*SIR: The accompanying commission confers upon you the powers and facilities contemplated by the joint resolution of the General Assembly of the State of Georgia, passed at its annual session, approved on the ----- day of-----186--, and numbered -----, an official and certified copy of these resolutions are herewith attached and made a part of these instructions. You will be careful to observe the conditions and objects of these resolutions, and report to me from time to time the progress of your mission, and such facts and information as may be useful or instructive to the interests you represent. Particularly your attention is called to the importance of communicating to me, as soon as you arrive in Europe, such information, financial and commercial, derived from reliable sources, as may prove useful to the Executive Department.

Relying upon your discretion and the knowledge of that official caution and propriety in the discharge of public duty which your long and honorable position in the consular service of the United States government has taught you the importance of,

I have the honor to be,

Respectfully your obt. servt.,

JOSEPH E. BROWN.

To C. G. BAYLOR, Commissioner, etc., etc.

*[Enclosure]

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 24th, 1863.

It is hereby ordered that U. B. Wilkinson, of the county of Coweta, in this State, be, and he is hereby, appointed an Appraiser under the impressment Act of Congress, to act with the person appointed by the President under said Act.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 24th, 1863.

COL. H. H. WATERS:

SIR: You are hereby appointed to go to Augusta, Georgia, on the 28th instant, then and there to attend the Railroad Convention, called at the suggestion of Col. W. M. Wadley, A. A. G., and in conjunction with E. B. Walker, Master Transportation of the W. & A. R. R., to represent said road and to make any arrangements to carry out Col. Wadley's plans which will not cripple the working of the State Road.

If the engine and cars, now sent to Virginia, are delivered over to the R. R. company there, it must be with the distinct understanding and agreement on the part of that road that it be used solely for the transportation of wood for the Georgia interests, and salt for

them to Bristol, in preference to all other uses or transportation, and that Col. Wadley shall take the train and deliver it back to the State Road, or its agent, when such contract is not carried out.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 25th, 1863.

COL. IRA R. FOSTER,

Quartermaster-General, State of Georgia—

Being satisfied that our armies will remain in the field next winter, and fearing that Georgia troops in Confederate service will suffer for want of shoes and clothing, unless early preparations are made to avert calamity, you are hereby directed to draw your requisition for two millions of dollars on the military five million fund, appropriated in the year 1861 for 1862, and deposit Executive Warrant with John Jones, Treasurer of this State, taking his receipt therefor, subject to be drawn by you from time to time, as the demands of your Department in that line may require; and you are further directed so to use said funds as will enable you to furnish next winter, if needed by Georgia troops, forty or fifty thousand pairs of shoes, and about thirty thousand suits of clothes.

The order is given to draw the whole sum now, to prevent it from reverting to the Treasury on the first day of May next, as it would do. This fund was appropriated

as a military fund, subject to my discretion, and I am satisfied it is my duty to the State and her brave sons in military service to commence in time to provide for them, so as to prevent suffering next winter. There can be no doubt that clothing and leather will have greatly advanced in price and will be exceedingly scarce by the time the Legislature meets next fall. The course now directed to be pursued will secure a supply at greatly reduced prices, when compared with what the same articles will cost next winter. You will take immediate steps to make the necessary contracts before there is further advance on the materials of which clothing and shoes are made.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 26th, 1863.

To the People of Georgia:

I have this day received a dispatch from General Joseph E. Johnston, commanding the army in Mississippi, stating that he is informed that numbers of stragglers from the army are reported going east through Georgia, especially in the northern part, and requesting me to have them, officers as well as men, arrested and sent back to Jackson, "employing for that purpose associations as citizens as well as State troops."

I, therefore, order the commanding officers of the State troops and all the militia officers of this State, and request all good citizens, to be vigilant and active in ar-

resting all stragglers or deserters, whether officers or men, and when arrested to deliver them to Col. G. W. Lee, commanding post at Atlanta, to be by him sent to Jackson, in obedience to the orders of General Johnston. Prompt and energetic action is necessary.

JOSEPH E. BROWN.

PROCLAMATION.

By JOSEPH E. BROWN,

Governor of Georgia.

To the People of Said State :

The serious aspect of affairs threatening, as they do, an early invasion of our State, impels me, your Chief Magistrate, to address you once more, and to appeal to your patriotism and valor in defence of your homes, your wives and your children. Whatever may have been your opinions of coercive measures, you have never failed to respond promptly and nobly to every appeal made for volunteers. If the enemy be successful in overrunning Mississippi and Alabama, the State of Georgia can be taken in flank, and we shall be open to serious and dangerous attack. A powerful force of cavalry is being organized in Tennessee and Kentucky, with the avowed object of penetrating our State, plundering and burning our cities and devastating our factories, our workshops and our fields. The first raid was well nigh successful, when the gallant Forrest and his brave followers stopped the destruction by the capture of the vandal force. To repel the enemy in future, it is necessary that every

man capable of bearing arms should rally to the defence of the State and devote his strength and, if need be, his life, not only to prevent the invasion, but to roll back the tide of war from our borders. For this purpose, I call upon old men and young men to rally around the banner of our glorious old State, which has never yet trailed in the dust, and strike for their loved ones, their homes, their firesides and their altars. I address you with more than usual earnestness, as I am satisfied that never, since the commencement of this struggle, has the danger to our State been so imminent. Heretofore the din of battle has been heard in the distance and has been echoed among us only in the heaving bosoms of the bereaved. Now the thunders are rolling towards our borders and the storm threatens to burst with fury upon our heads. In solemn adjuration, therefore, I pray you to prepare to meet and withstand it. Burying past differences and remembering only our common danger, let us work harmoniously in our heaven-protected cause, putting forward in places of command and responsibility our ablest and best men, and grounding our trust in the justice of our undertaking and the mercy of Him who will protect the right.

From the reciprocal confidence which has existed between us for the last six years and the prompt response made by you to every call since the commencement of the war, I feel that my appeal to you, my fellow citizens, will not be in vain.

I, therefore, request and urge upon you to organize Military Companies of Volunteers, infantry and cavalry, throughout the State, at least one in each county and more where the population is sufficient, and to arm your-

selves with the best weapons you can command. At present, I have nothing but pikes and knives to give, but I have appealed to the Confederate Government to return part of the arms in its possession belonging to Georgia, and I trust its response to my appeal may soon enable me to arm all who volunteer. So soon as organized, you will send by letter or otherwise to the Adjutant and Inspector-General of the State, at this place, your election returns, together with a list of the names of all persons belonging to the organization, when commissions will be sent to the officers and you will be held in readiness to meet any emergency. This will place you regularly in the service of the State, when called out, and will protect you from the fate of unorganized citizens in arms and entitle you to the rights of soldiers in service.

You will not be called from your homes, however, except in cases of absolute necessity. It will not be in my power to protect, in these voluntary organizations, those who are subject to conscription and liable to be called by the common government for service in the provisional army; but I trust all not within the conscript age, or otherwise exempt, and all conscripts till called to other service, will enroll themselves in these organizations and unite with those under arms in what may, I trust, be our final successful struggle for liberty and independence. All militia officers in this State will provide themselves with the best arms they can obtain, and hold themselves in readiness to march at a moment's warning.

Given under my hand and the Seal of the Executive Department, at the Capitol, in Milledgeville, this 26th day of May, 1863.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 27th, 1863.

IRA R. FOSTER, *Q. M. G.*,

SIR: A resolution of the General Assembly, passed at its late session, makes it my duty to procure and distribute spun yarns to the Inferior Courts of the respective counties of this State, for the use of the needy soldiers' families, in place of part of the money appropriated for their relief, and makes it the duty of the Inferior Courts of the respective counties to report to me, by the 15th of June next, the quantity needed in each county. Notice of the passage of this resolution was at once mailed to the Justices of the Inferior Courts of all the counties in the State, and you are instructed, as Quartermaster-General, to do all in your power to procure the yarn from the factories, upon the best terms possible. I have received your report, detailing your actings in the premises, and feel it my duty to say that the promptness and energy which you have displayed meet my cordial approval and entitle you to commendation. The liberality shown by the manufactories of the State in response to your call entitles them, also, to the thanks of our people, for agreeing to furnish the thread at six dollars per bunch. The helpless families of our brave, self-sacrificing soldiers must not only be fed but they must have clothes, at the expense of the State, when necessity requires.

You will, from time to time, be furnished with statements of the reports made by the Inferior Courts of the

different counties, in the order in which they are returned to this office; and you will supply them in the order in which they report, giving to diligence its proper reward. So soon as you have received notice from this office of the quantity of yarn required by a county, you will write to the Justices of the Inferior Court, informing them that they will receive the yarn on sending you a power of attorney, of which you will send them a proper form, authorizing you to receive and receipt for and apply in payment such part of the fund due the county for the relief of indigent soldiers' families as may be necessary to pay for the yarn. Upon the receipt of the power of attorney, you will send the thread in such way as the Justices may direct; and you will at once notify John B. Campbell, financial Secretary of the Executive Department, of the amount for which the power of attorney is given, that he may retain that sum to meet your draft.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 2nd, 1863.

IRA M. FOSTER, *Q. M. Genl.*:

As the time has arrived when you are to begin to receive spun yarn from the factories for distribution among soldiers' families, as required by the resolutions of the Legislature, and as it is impossible in taking the power of attorney from each Inferior Court to know in advance what will be the freight on the thread for each county

from the factory to your office, so as to include it in the power; and it being, therefore, almost impossible to apportion this freight fairly among the counties, I hereby order and direct that the freight on the bales of yarn from the factory to the store in Atlanta, when shipped to a store there or elsewhere, before distributed, be paid out of the general Military Fund; and that the thread when shipped to the respective courts from the store, be sent without payment of freight, so that the courts may pay, each, upon its own thread when received.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 8th, 1863.

Whereas, The manufacture of cotton cards in the State Card Manufactory is greatly impeded for want of suitable card wire; and

Whereas, What little of such wire there is in the country for sale is held at enormous prices, viz.: about thirty dollars per pound, the cost of which delivered in the Confederacy did not exceed two dollars per pound in our currency; and

Whereas, Mr. Solomon L. Waitzfelder, of Milledgeville, who is in every way trusty, reliable and prudent, is about to go to Europe, to purchase and import card clothing for the Milledgeville Manufacturing Company, and is willing to undertake to purchase in Europe and

import a quantity of card wire for the State, to be used in the State Card Manufactory; it is

Ordered: That Peter Jones, Esq., Superintendent of the State Card Manufacturing Company, draw the sum of four thousand dollars in currency from the Treasury of this State, chargeable to the one hundred thousand dollar appropriation for the manufacture of wool and cotton cards and card clothing for factories, by Act of December 6th, 1862, and to hand the same over to said Waitzfelder for said purposes, and to take his receipt therefor; and that a warrant do issue to said Peter Jones on the State Treasury for said four thousand dollars, chargeable as aforesaid.

Given under my hand and Seal of the Executive Department, this 8th June, 1863.

JOSEPH E. BROWN.

By the Governor:

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 15th, 1863.

COL. P. THWEATT, *Comptroller-General:*

I am informed that some wealthy individuals and corporations, who have made very large profits during the year, from 1st April, 1862, to 1st April, 1863, refuse to give in their tax returns under the Income Tax Act,

passed 18th April, 1863, as they are of opinion that the penalty fixed by law for such refusal is less than the tax due under the Act; while others, with less capital, who have probably labored harder, are obliged to give in and pay the tax on all they have made, as they are not able to pay the penalty for refusing to make their returns. It is generally understood that the penalty is \$5,000. This depends upon the proper construction of the third section of the Act, which declares: "That if any person or body corporate shall fail or refuse to make a return of his, her, or their profits made or realized aforesaid, he, she or they shall be held to have made the sum of \$100,000, and shall be taxed accordingly."

The defect in this Section is that it does not say at *what per cent.* he shall be held to have made the \$100,000. If at 100 per cent., then the penalty is \$5,000. But if at 1,000 per cent., it is \$50,000. Upon a careful review of the whole statute, I adopt the latter construction, and hold that this is the penalty or tax assessed for refusal to make a return.

In the 4th Section it is provided that a person or body corporate charged with having made a false return and refusing to produce his or their books of entry, if they kept any, shall be held to have made 1,000 per cent. upon \$100,000. Construing the two Sections together, I think it a fair conclusion that the *per cent.* which a person refusing to make a return shall be presumed to have made was intended to be as large as that which a person refusing to produce his books of entry is presumed to have realized. This conclusion seems not only to be warranted by the usual rules of construction, but it can work no injustice, as no one can be compelled to pay the \$50,000 who

will make a fair return and pay the amount of tax which the statute requires him to pay upon his actual income.

He who refuses to make the return may be safely set down as having made profits so large as to subject him to more than the \$50,000 of tax, and he is not injured by being compelled to pay a sum less than the tax which would be due from him if he obeyed the law and gave in, as other citizens do.

You are, therefore, directed to order the Tax Collectors of the respective counties of this State to assess and collect a tax of \$50,000 from each person or body corporate in this State who shall fail or refuse to make a return of his, her or their profits, made or realized as aforesaid.

I am also informed that some persons in the State who commenced with very small capital have made several thousand per cent. during the year, and as the whole amount made by such person will not pay his tax, if his profits exceed 2,000 per cent., and as I can not suppose it was their intention to take all a person made for tax, much less to bring him in debt, as authorized in the 76th Section of the Code, I direct you to order the collectors, in all cases, where the tax exceeds one-half of all net profits a person or body corporate has made, to collect one-half of the whole amount made by such person as tax and suspend the collection of the balance required by the statute till the meeting of the Legislature.

JOSEPH E. BROWN, Governor.

PROCLAMATION.

EXECUTIVE DEPARTMENT,

Milledgeville, Georgia, June 22d, 1863.

To the People of Georgia:

In view of the exigencies of the public service and in compliance with the request of His Excellency President Davis, made through the Secretary of War, I again address you upon the subject of our local defence against the threatened raids of our vindictive foe.

It is not doubted that our enemies are increasing their cavalry force and making preparations to send raids of mounted men through Georgia, as well as other States, to burn all public property in our cities, destroy our railroad bridges, workshops, factories, mills and provisions, leaving our country, now the home of a happy people, little better than a desolate waste behind them.

They have met our brave troops in battle and have been again and again ingloriously defeated and driven back. Despairing of their ability to conquer us in honorable warfare, they now violate all the rules of war as recognized by civilized nations, disregard the rights of private property, arm our slaves against us, and send their robber bands among us to plunder, steal and destroy, having respect not even for the rights or the necessities of infirm old age, or of helpless women and children.

To hold in check the mighty hosts collected for our destruction by the Abolition Government, the President is obliged to mass the provisional armies of the Confed-

eracy at a few important key points, and can not, without weakening them too much, detach troops to defend the interior points against sudden incursions. He, therefore, calls upon the people of the respective States, who are otherwise not subject to be summoned to the field, under the Conscription Laws of Congress, to organize; and while they attend to their ordinary avocations at home, to stand ready at a moment's warning to take up arms and drive back the plundering bands of marauders from their own immediate section of country. To this end, he requests me to organize a force of eight thousand men in this State, who are over the age of forty-five years or who are not otherwise subject to military duty in the armies of the Confederacy, to be mustered into the service of the Confederate States for six months from 1st of August next, for home defence. If this force is not organized by the first of August, by the tender of volunteers, I am notified that he then makes a positive requisition for it and requires that such requisition be responded to if need be *by draft*.

It is never yet been necessary, in filling a requisition on this State, to draft Georgians to go to the remotest parts of the Confederacy for the war. They have always volunteered in larger numbers than have been required. And I know it will not now be necessary to draft them to hold themselves in readiness at home, to drive the enemy away from their own plantations, workshops, firesides and churches.

The President predicates this call upon the different Acts of Congress for local defence and not for general defence. No volunteer, under the requisition, will be called into active service except in case of pressing emergency,

and then only until the emergency is passed. In case a raid is made upon a particular point in the State, the troops nearest that point and those most accessible to it will be called out, and those more remote will not be disturbed, unless the force of the enemy is so strong as to render it absolutely necessary. In no case is it expected to call out this force to guard bridges or other public works longer than the enemy is in the vicinity or threatening an early dash upon it. The State troops, now in service, are regarded sufficient for such guard duty.

The Government appreciates the necessity of leaving the productive labor of the country not subject to conscription, as free as possible, to make all the provisions and other supplies of clothing, etc., which can be made, and it is not intended to call this class of laborers from their occupations at any time for a longer period than is indispensable to drive the enemy from our midst. Will Georgians refuse to volunteer for this defence? The man able to bear arms who will wait for a draft before he will join an organization to repel the enemy, whose brutal soldiery comes to his home to destroy his property and insult and cruelly injure his wife and his daughters, is unworthy of the proud name of a Georgian, and should fear lest he be marked as disloyal to the land of his birth and to the government that throws over him the ægis of its protection.

The object of mustering this force into the service of the Confederate States, is to have it in readiness, that it may be relied upon and to afford to the volunteers the protection, in case of capture by the enemy, which is en-

joyed by other troops in service, including the right to be exchanged as prisoners of war.

Pay, rations and transportation will be allowed to all, when on active duty; but no one will receive any pay or allowances while at home, as each is expected to be most of his time attending to his own business.

The command of the troops now required of this State will, under the Act of Congress, belong to the President and not to me, so soon as they have been organized and mustered into service. The President, however, having called upon me to organize the troops who volunteer, under the Acts of Congress, in this State, has thought proper to say, through the Secretary of War, that he places the execution of the organization entirely under my supervision and control. For the purpose of maintaining order and system in the organization and that I may know when the full number required has been raised, it becomes necessary that all companies, battalions and regiments which have lately organized and tendered to the President or to any Confederate officer, for local defence in this State, as well as all hereafter to be organized, report to me without delay. By virtue of the authority vested in me, I therefore require all such organizations, as well those heretofore formed as those hereafter to be formed, to report immediately to the Adjutant and Inspector-General, at this place, with their muster rolls made out in conformity to law, accompanied by their election returns, if they have not already received commissions. And I request the commandants of the different military posts in this State, who have accepted the tender of volunteers for local defence, to see that the companies, battalions or regiments accepted by them

comply with this requirement as early as possible. Cordial co-operation and assistance on the part of the Confederate officers in the State are invited and expected, as harmony between the State and Confederate officers is essential to success in the prompt formation of the organization required by the President.

All militia and civil officers of this State are hereby authorized and are expected to unite with these organizations for home defence, and to be active and energetic in assisting to form such organizations.

Furloughs of six months, unless sooner revoked, are hereby granted to all militia officers of this State, from the time they connect themselves with companies formed under this proclamation, and are mustered into service, and they are authorized to occupy any position as officer or private to which the companies may assign them, (by election, if it be an official position,) without prejudice to their commissions as militia officers and without the loss of the protection which the Constitution and Laws affords them as such, and no presumption of resignation will be raised against them on account of having entered this service. They are expected to show the same promptness and patriotic devotion to the State, in response to this call which they have shown in response to every previous call. As it is not expected that the troops now called for will be on active duty any considerable proportion of their time, the civil officers of the State, of every grade, can do the service required without much detriment to the public interest, in their respective offices, and each of them who is able to bear arms is invited to unite with his fellow citizens for the defence of his home.

Any commissioned officer of the militia of this State of the rank of Captain or of a higher grade, is authorized to muster into service any company, when organized, and to send muster rolls of the company immediately by mail to H. C. Wayne, Adjutant and Inspector-General, at Milledgeville. The clerk of the Superior Court, Sheriff and Ordinary of each county are directed to assist such officer, on his application, in making up the muster rolls in proper form and in a plain legible handwriting. Proper forms will be sent by mail to the Clerk's office of the Superior Court of each county as soon as they can be prepared.

The patriotism of the civil officers is hereby appealed to for efficient and prompt aid in forming these organizations.

An apportionment will be made, having in view the strength and exposed condition of each county, and a statement of the number of volunteers required of each will be forwarded in a few days to the commanding officer of the county; and to provide against miscarriages of the mail, a copy will be sent to each Ordinary, Clerk of the Superior Court and Sheriff in the State, who are requested to give publicity to it in the county.

The citizens of the respective counties in this State are requested to lay aside all other business on the first Tuesday in July next and assemble at the court-house in each county, in mass meeting, and organize the number of volunteers required of county, and report them to the Adjutant and Inspector-General, at Milledgeville, as soon as possible. Every militia and civil officer in the county, from the highest to the lowest, is expected to be

present, to aid and encourage the organization. In case any county fails to raise its quota on that day, it is hereby required of the civil and military officers of each county to travel through the county without delay and see the citizens and enroll the names of all who will agree to volunteer, till the number is completed. Let no officer forget that he will be more successful in inducing others to volunteer when he can show *his own name* upon the list *as a volunteer*. And let the people of each county mark every one, officer or private, who without sufficient cause refuses to defend his home.

Georgians, I appeal to your patriotism and your pride. Let the people of no other State excel you in promptness of action or in the overwhelming numbers tendering in response to the President's call. Your brethren in the field have undergone hardships and endured privations to which you have not been exposed, and have nobly illustrated the character of their State when in deadly conflict with the enemy. The time has now arrived when you are expected to defend their homes and your own in the interior, while they defend the border. Grey headed sires, your influence and your aid is invoked. The crisis in our affairs is fast approaching. *Georgia expects every man to do his duty*. Fly to arms and trust in God to defend the right.

Given under my hand and
the Seal of the Executive
Department, at the Capitol,
in Milledgeville, this
23d day of June, 1863.

JOSEPH E. BROWN.

To the People of Georgia:

Since the date of my proclamation calling for eight thousand volunteers for home defence, I have received a letter from the Secretary of War, dated 19th June, 1863, upon the subject of the proposed organizations and the material of which they are to be composed, embracing a class of fellow citizens not included in the original requisition. The Secretary says: "It is expected that men between forty and forty-five shall enter the proposed organizations, but should such be hereafter called out by the President, they will be liable to be transferred or discharged and conscribed."

"It is expected that as far as the men entering these organizations have guns or arms they shall use them, but we hope to be able to make up deficiencies in arms and accoutrements and to supply ammunition when needed."

In obedience to the above requirement of the President, made through the Secretary of War, it is expected that each man in the State able to bear arms, *including those between forty and forty-five years of age*, will promptly unite with one of the volunteer organizations called for by my proclamation. Let no county fail to organize on the first Tuesday of July and let each tender its full quota within the appointed time. The late raid of the enemy into East Tennessee and the destruction of the railroad bridges, together with their depredations upon our own sea coast, admonish us that we have no time to lose in preparation for our defence. Let no one, high or low, rich or poor, officer or private, who has physical ability to endure one week's service, falter or make an excuse.

The patriotic daughters of Georgia will mark with perpetual reproach and regard in future with merited distrust every man who hides himself behind any sort of exemption and has not the courage and the manliness to take up arms, when the enemy is in our very midst, to protect their houses against the flames, their little children against nakedness and hunger and their persons against the insults and injuries of bands of ruffian robbers, who are destitute alike of honor, civility and shame.

Given under my hand and
the Seal of the Executive
Department, this 30th day
of June, 1863.

JOSEPH E. BROWN.

To the People of Georgia:

The late serious disaster to our arms at Vicksburg and Port Hudson, together with General Bragg's retreat with his army, to our very borders, while they are cause of despair of ultimate success, if we are true to ourselves and place our trust in God, admonish us that if we would protect our homes from the ravages of the enemy, it is time for every Georgian able to bear arms to unite himself, without delay, with a military organization and hold himself in readiness, at a moment's warning, to strike for his home and the graves of his ancestors, with an unalterable determination to die free rather than live the slave of despotic power.

Tens of thousands of our fellow citizens have volunteered for the war, and those of them that have not been

slain or disabled are still risking everything for our success in distant fields, upon the borders of the Confederacy. On account of the near approach of the enemy to the interior, the call is now upon those at home, who have made comparatively little sacrifice, to volunteer to defend their own habitations and property, and the homes and families of their neighbors who are in the army against the threatened attacks of the enemy.

Is there a Georgian able to bear arms so lost, not only to patriotism but to all the noble impulses of our nature, that he will, in this emergency, refuse to take up arms for the defence of his home and his family, when the enemy comes to his very door to destroy the one and insult and cruelly injure the other? If there is a Georgian possessed of so little courage or manliness, let his fellow citizens mark and remember him. If he hides himself behind some legal exemption, as a mere pretext to avoid duty, let him be exposed to the censure he deserves; or, if in his anxiety to make money and become rich, he turns a deaf ear to the promptings of patriotism and would sacrifice his liberties to his avarice, let him be exposed with indignant scorn to public contempt. The time has come for plain talk and prompt action. All that is dear to a people on earth is at stake. The best efforts of every patriot are required to save our cause from ruin and our children from bondage. We are determined to be a free people, cost what it may, and we should permit no man to remain among us and enjoy the protection of the Government who refuses to do his part to secure our independence.

If all our people at home will organize for home defence, and the Secretary of War will issue and enforce

such orders as will compel the thousands of persons in Confederate service who, on account of the wealth of parents or political influence or other like causes, are now keeping out of the reach of danger, as passport agents, impressment agents, useless subalterns connected with the different Departments, including other favorites of those in position, stragglers, etc., many of whom are suspected of riding over the country at public expense, engaged on private speculations—enrolling officers in counties where the officers exempt are almost as numerous as the conscripts now in the counties subject to enrollment, and the host of officers in uniform and others who are daily seen in every city, town and village and upon every railroad train and in every hotel in the Confederacy, to return immediately to their respective commands in the field, we should soon have armies strong enough to roll back the dark cloud of war which now hangs over us, and drive the invaders from our soil.

By reference to the General Order herewith published, it will be seen that a draft will be had on Tuesday, the 4th day of August next, in each county in this State which neglects or refuses to furnish the quota of men required of it.

Though some few of the counties have exhibited too little interest, I can not believe that a single one will have its character stained by the necessity for a draft for men to defend their own homes.

To those counties which have nobly and promptly responded, and especially to those which have tendered much more than their quota, I return my sincere thanks.

While the militia officers of this State have generally responded promptly and willingly, I regret to hear that some of them, in contradiction of all the professions they have made, that they remained at home for home defence, now refuse to volunteer. To all such, I hereby give notice that if they fail to connect themselves, as volunteers, with the organizations now called for and to enter the service as invited in my proclamation calling for eight thousand troops, by the fourth day of August next, the protection of the State against conscription will be withdrawn from them and they will be turned over to the enrolling officers under the conscription act. If, however, any militia officer, when approached by the conscript officer, will make an affidavit that he has not heard of or seen this proclamation or had notice of it, he shall have five days from that date within which to join one of the companies now called for, as a volunteer.

This rule does not embrace any one connected with the Staff of the Commander-in-Chief, as they are expected to hold themselves in readiness at all times to obey his orders, and are not expected to join these companies. All justices of the peace and constables are to be subject to the same rule as militia officers, as their offices are not now so important that they can not be spared to do local and temporary service in the defence of the State.

In protecting State officers against conscription, I have acted upon what I considered an important principle. If any of them now refuse to aid in defence of their homes, it will be proper that the State withdraw this protection from such in the future.

Let no one despair of our ultimate success. We should not expect to be victorious upon every field. The splendid achievements of our armies in the past have made us an historic people and clearly foreshadowed the final triumph of our arms and the future glory and grandeur of the Confederacy. Such a people, inhabiting such a country and having such mothers, wives, sisters and daughters, need only be true to themselves and humbly trust in Almighty Powers, to be invincible.

Given under my hand and
the Seal of the Executive
Department, this July 17,
1863.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

Milledgeville, Georgia, July 28th, 1863.

To the Commanding Officer of Baldwin County:

Should it become necessary to draft men on Tuesday, the 4th of August, to fill the requisition made on said county, you will not draft any of the officers of the State House or any one regularly employed in any of said offices or any of the clerks employed in issuing State Treasury Notes or Change Bills. Nor will you draft any of the officers, overseers or guards in the Penitentiary or the State Armory or the Card Factory, nor any of the officers or necessary employees of the Lunatic Asylum, who were employed there one month prior to the draft, nor any of the officers or operators in the Factory in the city, nor those regularly employed as editors or other-

wise of the newspapers of the city. All the above, except the State House officers and those employed by them, are expected, prior to the draft, to unite in one or more military companies and tender and be mustered into the Confederate service, under my proclamation for the defense of Baldwin county, including the interests with which they are connected and the Capitol of the State.

In case of attack, it will be the duty of the State House officers and clerks to see that the Treasury, the Public Records, Papers and other valuable articles in the State House are removed to places of safety. If any of the persons above mentioned, except those connected with the State House, fail to join a company for the local defence of the county before the draft commences, they will be subject to draft.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

Milledgeville, Georgia, July 29th, 1863.

To the Commanding Officer of Richmond County:

You will exempt from the draft on the 4th day of August next, should one become necessary in your county, the editors and all other persons connected with, and necessary to the publication of, each and all newspapers in your county, upon their furnishing to you evidence that they have united themselves with one of the companies formed under the orders already issued for the local defence of the county of Richmond.

JOSEPH E. BROWN,
Governor of Georgia.

PROCLAMATION.

EXECUTIVE DEPARTMENT,

September 5th, 1863.

To the Arms-bearing People of Georgia:

Thus far you have experienced but little of the horrors of war; and while you have been obligated to dispense with luxuries which you might otherwise have enjoyed, you have suffered comparatively little privation, except the loss of friends on battle fields in other States. Now, a powerful army, commanded by one of the most unscrupulous of the Generals of the enemy, is advancing upon your Northwestern border, threatening to violate your homes, lay waste your fields, destroy your cities, desecrate the graves of your fathers and the altars where you worship the living God.

If the enemy is successful, you must flee from your native country and, as outcast paupers, wander in foreign lands; or you must submit to tyranny, with chains of oppression the most galling that were ever worn by an enlightened people.

Let no one hope to escape by mean abandonment of our cause, in the midst of our troubles, or by swearing allegiance to a government that has wantonly shed so much precious Southern blood and laid his friends and relatives cold in death. Our noble dead, slain by the enemy, would rebuke such dastardly conduct from their bloody graves. Let none hope to save their property by favoring a reconstruction of the Old Union or by any

re-union with our wicked and heartless invaders. All such dreams are worse than delusions. Three quarters of a century of experiences has proved that no covenant, agreement or Constitutional compact will bind the people of the Northern States, as communities, longer than it is their interest to observe the obligation. It would take all the property of the South to pay the immense war debt of the North and to satisfy Yankee cupidity in possession of unrestrained power. Reconstruction is nothing but submission; and submission plunges us into the deepest degradation and the most abject poverty and misery. If there be any who favor such means to secure peace, let them remember the sentiment of the great Carolina statesman: "It is the peace which the kite gives to the dove, the wolf to the lamb, Russia to Poland, and death to its victim." If we prefer to die free rather than live slaves, we must put forth our whole energies in this crisis of our fate.

Georgia has never failed to respond to every call made by the President for troops, from the commencement of the war to the present day, and has, in every case, when a call has been made for volunteers, tendered more than the number required. In response to the late call for 8,000 men for local defence, I shall have the gratification to tender to the President over 15,000 without counting the drafted men. The draft was only necessary in a few localities to compel each county to do its just part, when some had tendered three times the number required, and to compel a few men to enter service who could not otherwise be influenced to do so. The result has been a triumphant vindication of the character and volunteer spirit of the State. There yet remains in our

beloved State, including the organizations formed for home defence, over forty thousand men able to bear arms in an emergency. If but half this number will reinforce the Confederate army now on our border, we can drive the enemy out of East Tennessee and free our State from threatened invasion.

Georgians, you who remain in the State owe this to the gallant men who have left their homes and gone to distant fields to meet the foe. You owe it to the orphans of the immortal dead, who have lost their lives in your defence. You owe it to the noble women of Georgia who, with hearts full of patriotism, have by their untiring energy clothed the naked and contributed millions of dollars to the support of our cause; and who, like guardian angels, have ministered to the comfort and soothed the agony of the sick and wounded of every State, who in their passage over our territory, have come within their reach. You owe it to your wives and children, to the families of our soldiers now in service in other States, and to unborn posterity. Will you not rise in your might and put forth all your manliness for this glorious consummation?

Having been asked by the authorities at Richmond to call out the Home Guards to assist in this emergency, I invite their attention to the order of the Adjutant and Inspector-General of this State and direct that it be promptly obeyed.

Men of Georgia who have stout hearts and strong arms: when you leave your farms and your merchandise to assist in driving the vandals from our borders, the remembrance of the fate of New Orleans, Nashville, and

other places which have surrendered to the enemy, must unalterably fix your determination that they shall not occupy Georgia's territory and tyrannize over Georgia's citizens; and must nerve your arms for the contest and impel you to strike for the preservation of your homes, the protection of your property, the purity of your wives and daughters, and the transmission of your liberties to the latest posterity.

Dark clouds hang around us and we are passing through a trying ordeal, but truth and justice are on our side; and if every man will put his trust in God and do his whole duty, our cause will triumph and we shall not only conquer a peace, but we shall establish Constitutional Liberty without which our struggle will have been in vain.

JOSEPH E. BROWN.

PROCLAMATION.

To the Civil and Military Officers of Georgia:

It becomes my duty to notice the complaints which frequently reach me from different parts of the State of the outrages and abuses which are being committed by those who profess to have power, under the Act of Congress, to make impressments of private property for public use; and to afford to the citizens of this State all the protection in my power against the robberies which are being committed by unprincipled persons, under pretence of legal authorities.

I am informed that subaltern officers of the army, without authority from the General in command of the

Department, not infrequently make impressments of private property and give certificates which will not bind the government to compensate the owner for his property, as they are not authorized by the Government to make impressments. Stragglers, deserters and refugees are daily impressing horses, cattle, provisions or other property, under pretense of authority to do so for the public service. Those professing to be agents of the Quartermaster's and Commissary Departments are also making impressments. In some instances, the persons above designated, without legal authority, sense of propriety or feelings of humanity, have taken the last yoke of oxen or cow in possession of the aged and infirm and have deprived soldiers' families of the scanty means of support for which they have labored and without which they must suffer.

Such practices of persons professing to be Government Agents are alienating the affections of our people from the Government at a time when it is very important to the public safety that it have the confidence and support of all good citizens. I am quite sure the President approves of no such injustice and outrage.

While I entertain no doubt of the Constitutional power of the Government to make such impressments of private property for public use, upon the payment of just compensation, I am satisfied that this power should never be exercised by subalterns without written instructions from the Government, in which the powers they are to exercise should be well defined. Nor should any citizen be deprived of his necessary means of support.

While I consider it the duty of every good citizen to furnish to the Government, at reasonable prices, all the

supplies of provisions for the army which he can possibly spare and support his family, I consider it the duty of the State authorities to protect such, as far as possible, against unauthorized seizures and open robberies. To this end I hereby inform the citizens of this State that it is their right and duty to resist all impressments of their property by persons who cannot show legal authority to make the impressment, and to use all the force, in such cases, which is necessary to the protection of their persons and property. And I hereby direct all civil and military officers in this State to assist all persons who are defending their property against illegal seizure; and they, in connection with the Home Guard Companies of this State, or any of them separately, are hereby directed to arrest and lodge in the nearest secure jail all persons making impressments without authority, until warrants can be sued out against them for robbery and they can be bound over to attend court and answer for their offense, as the law directs. All persons should be arrested who attempt to deprive the citizens of this State of their property by impressment, unless they can show written authority to do so from the President of the Confederate States, the head of one of the Departments at Richmond, the General in command of a Department, or the Chief Confederate Quartermaster or Commissary in this State.

In the latter case the written authority must show upon its face that the Chief Quartermaster or Commissary has instructions from the head of the Department to exercise this power and to delegate it to others. In all cases, the person who is to make the impressment must be named in the written authority and the property to be seized must be described, of the kind and quan-

tity of property to be impressed by such person must be distinctly specified. The person making the impressment will, in all cases, be required to produce and show his authority as above stated, or he will be arrested.

This order is not intended to embarrass Government Agents in the just and equitable execution of the Impressment Act of Congress, but only to protect the people of the State against the outrages of thieves, robbers and other bad men who are not agents of the Government, but represent themselves to be such, to enable them to plunder and rob with impunity.

Given under my hand and the Seal
of the Executive Department, this
23d day of September, 1863.

JOSEPH E. BROWN.

HEADQUARTERS,

MARIETTA, September, 1863.

To the Home Guards now called into service:

I have had a correspondence with President Davis upon the subject and he has decided, that, as you were organized under his requisition upon the State for troops for home defence and have been mustered in to Confederate service, it is his right to appoint the General Officers to command you. He therefore denies my right to command you and advises me that he has directed Brigadier-General Howell Cobb to attend to the organization of the troops now called out.

Whatever may be my opinion of my rights or the rights of the State in connection with the command in the present state of the organizations, I can have no conflict with the Confederate authorities in the face of the enemy, when they are upon our soil, threatening our homes. I have therefore, in compliance with the directions of the President, turned over the command to General Cobb, an eminent Georgian well known to all, who is now in Atlanta, to whom all future communications in reference to supplies, details and other matters connected with the organization should be addressed. I shall render General Cobb all the assistance in my power and am ready to do all I can for your comfort and to share with you any danger, or serve in any capacity where I can best promote the public interest. Let every Georgian rally to the rescue and let us bury all past differences of opinion and personal jealousies till we have driven the wicked invader from the sacred soil of our beloved old State.

JOSEPH E. BROWN.

ATLANTA, October 10th, 1863.

It is agreed between Joseph E. Brown, Governor of Georgia, and A. K. Seago, of the firm of Seago, Kennedy, Palmer & Co., that said Seago shall proceed to Virginia and have the engine "Texas" belonging to the State, now in the possession of the Virginia and Tennessee road, repaired, and that he shall use the "Texas" and all the cars now in Virginia belonging to the State, in the shipment of the salt now at Saltville or other points in Virginia, which is the property of the State of Georgia or of said Company of which said Seago is a member, until

the salt now in Virginia belonging to either the State or said Company is shipped.

It is to be shipped by the Southern route; and said Seago is to give his own individual attention closely to the business until it is done, and is to ship by each train an equal quantity of salt for the State and the Company.

The State and Company are to share equally the expense of the repairs of the engine and all the expense of transportation of the salt of the State; and said Seago and such other member of the Company or other person as the Company may select, are to put in their whole time and energy in getting the salt through, their time to set off against the use of the train.

This contract is to be subject to the right of the State to take the train for other uses, at any time, after five trains of salt have been shipped, one-half of State and the other half of Company salt. Mr. Seago is to exhibit the contract to Mr. Q. R. Wikle, the State Agent at Saltville, who will deliver the rolling stock to him and will see that the shipments are made as herein agreed, and that as much salt is shipped for the State as the Company.

The salt is to be consigned to J. I. Whitaker, Commissary-General, at Atlanta.

(Signed)

JOSEPH E. BROWN,

Governor of Georgia.

A. K. SEAGO.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

October 28th, 1863.

Whereas, at the instance and request of the Inferior Court of the county of Harris in this State, I did, on the 18th day of May last, issue a license to Thomas H. Moore of said county, under the Act of the General Assembly of this State, passed the 11th day of April, 1863, entitled, "An Act to alter and amend an Act to prevent the unnecessary consumption of grain by distillers and manufacturers of spirituous liquors in this State, approved 22d November, 1862," authorizing the said Thomas H. Moore to distill fifteen hundred gallons of whiskey for said Inferior Court, to be used by the people of said county for medicinal, hospital, chemical and mechanical purposes: *And Whereas*, the said Inferior Court have notified me that the said Thomas H. Moore has entirely failed to distill and deliver to said Court the said whiskey, or any part thereof, as he had contracted with them to do, and have let a contract to another person to distill said quantity of whiskey for said county, and have rescinded said contract with said Moore to distill as aforesaid for said county, and have requested me to license Mr. J. Hudson of said county, to distill for said county of Harris fifteen hundred gallons of whiskey, instead of the quantity to be made by said Moore, which license to said Hudson has this day been issued to him, Therefore it is

Ordered That the said license issued as aforesaid to said Thomas H. Moore on the 18th day of May, 1863,

being license No. 49, be, and the same is, hereby revoked, and that the sheriff or his lawful deputy of said county of Harris, do serve personally upon said Moore a certified copy of this order and return the order, with his entry of such service thereon, to this department.

Given under my hand and seal of the Executive Department this 28th day of October, 1863.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

October 29th, 1863.

Whereas, at the instance and on the recommendation of the Justices of the Inferior Court, and of certain county officers of the county of Lincoln in this State. I issued, on the 11th day of March last, a license to William H. Davie of said county, under and by virtue of the statute in such case made, authorizing him to distill in said county, five hundred gallons of whiskey, to be used by the people thereof for medicinal, chemical and mechanical purposes; *And Whereas*, from information which has been furnished me, I have reason to believe that said license has been abused or perverted from the uses intended by the Act authorizing its issue, It is therefore,

Ordered, That the license issued as aforesaid to the said William H. Davie, being license No. 6, be, and the same is, hereby revoked, and that the sheriff, or his lawful deputy, of said county of Lincoln, do serve personally upon said Davie, a certified copy of this order, and that he return to this department the order with his entry of such service thereon.

Given under my hand and the Seal
of the Executive Department, this
29th day of October, 1863.

By the Governor, H. H. WATERS,
Sec'y. Ex. Dept. JOSEPH E. BROWN.

The following annual message of his Excellency, Joseph E. Brown, was this day delivered to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 5th, 1863.

To the Senate and House of Representatives:

Since the last annual meeting of the General Assembly our noble State, in connection with her Southern sisters, has passed through the vicissitudes of another year of bloody war, waged with more than savage cruelty, by a revengeful and unjust, though powerful enemy. Thousands of her most gallant and chivalrous sons have poured out their life's blood upon the battle field or yielded to the stern messenger upon the sick couch of the soldier; and

as they have entered the dark valley of the shadow of death, covered with wounds, or emaciated with disease, they have cast a lingering look back upon the land for whose freedom they have fought; and in the heaving pangs of dissolution have exhorted all who survive to emulate their example and die as they have died, sooner than permit their descendants to be enslaved. These noble men have risked and lost all in their own and our defense, and we should merit and receive the scorn of the civilized world if we should permit their orphan children to pass under the yoke of bondage, for lack of manliness on our part to meet the foe face to face and grapple with him hand to hand while he invades our territory and we are able to maintain an army in the field, or to strike a blow in freedom's cause.

No one can doubt what his duty is if he reflects upon the nature of the contest in which we are engaged and the motives which impel the people of the two Governments to action.

We of the South are fighting for the great principles of self-government bequeathed to us by our fathers of the revolution of 1776. We are fighting for the land of our nativity, our homes and our property, our wives and our children. We have waged no aggressive war upon the people of the Northern States. We have not denied their right to govern themselves or to adopt such form of Government as they may prefer. We have neither insulted their wives, destroyed their cities, stolen their property, desecrated their churches, nor the graves of their ancestors; but we have conceded their right of self-government, respected their private property and treated

as sacred the altars of their religion and the resting places of their dead. All these have been violated on our soil by their vandal armies.

In imitation of our fathers of the first revolution, we submitted to wrong till our grievances were intolerable, and when we could no longer live with the people of the Northern States in peace and were obliged to throw off the yoke, we only asked to be permitted to depart in peace. This right was denied us and the present cruel and unjust war waged against us. We fight then, for the inalienable right of self-government and for the civil and religious liberties of ourselves and our unborn posterity.

For what are our enemies fighting? They fight for power and plunder and for the destruction of the right of self-government. They commenced the war under the hypocritical pretext of restoring the Union and maintaining the Constitution. Recently, however, the despot who now rules at Washington has thrown off this mask and has informed a committee from a Southern State, claiming loyalty to his Government, that he now conducts the war for the abolition of slavery, the subjugation of Southern States and the confiscation of their property. Abolition, subjugation and confiscation are the terms offered us. Who that is not a dastard is prepared to submit to either?

I have heard it remarked that this is the rich man's quarrel and the poor man's fight, and that the abolition of slavery would not injure the poor, who are not slaveholders. A greater error has never been conceived. While I admit that many of the rich have fallen far short of the discharge of their duty in this contest and have

merited the condemnation of all true patriotes; I affirm that no class of society would suffer as much from abolition as the poor, and that no class has a greater interest in every thing but property, at stake upon the triumphs of our arms and the success of our cause.

Mr. Lincoln avows his purpose to abolish slavery by force of arms and to establish negro equality among us. If he is successful the rich who own slaves will lose their money which is invested in them, but they will generally have enough left to enable them to take their families and get away from a state of society so wretched and so degrading. The poor, who have not the means to enable them to leave, must remain with their families and submit to negro equality. What is the result? The poor white man goes to the polls to vote, if he is ever again permitted to vote, and the negro, claimed by Mr. Lincoln to be his equal, goes by his side to exercise the same right and make a set-off against his vote. The poor man enters the jury box in the Court of justice where important rights are to be decided and the negro takes his seat by his side and is recognized by the Court as his equal. The poor man is on trial for his life, the negro appears upon the stand, as his equal, and is permitted to testify against him. The poor man who labors for his daily bread goes to his wealthier neighbor to seek employment, the negro appears by his side and underbids him in fixing the price of labor. The poor man sends his children to school, and the children of the negro are seated by their side, and if he remonstrates he is informed that the negro child is the equal of his own.

Again, our form of Government is emphatically the poor man's best Government, and he loses all his political

rights if he permits it to be overthrown. If our Government were monarchical, and wealth and honors, with the right to Govern, descended by the laws of the kingdom in the same family from generation to generation, the poor man would have but little interest in it, and but little inducement to fight for it. But under our form of government, wealth and honors are the exclusive prerogatives of no particular family. Like the waves of an ocean they are constantly changing place, and are transferred as generations pass, from one family to another. The youth who learns that his father has wealth and honors, is apt to make them his dependence and relax his energies, and it not infrequently occurs that his mental and physical constitution are destroyed by drunkenness, or other dissipations. The consequence is that he descends to a lower position in society. On the other hand, the son of the poor man, who has been trained in the school of adversity and labor, if he has ambition, talent, honesty, integrity, and energy, finding the road to wealth and honor open before him, often distances competition, and carries off the most valuable prize. Some little bright-eyed boy, now meanly clad and neglected, the son of the poorest man in the Confederate army, may by his economy and energy, become the wealthiest man in his State, or by his talent and eloquence, he may in future lead the Senate; or on account of his wisdom, his patriotism and his administrative ability, he may be called to the responsible position of President of the Confederacy. Tell me not that the poor man has no interest in the contest, when the social elevation, or degradation of himself and his children, depend upon its results. Let it never be said that he is disinterested, when the momentous decision is to be made, whether he is in future to be the superior,

or only the equal of the negro. Surely no poor man will say that this is not his fight, when the very existence of republican government is at stake, which is the only government that guarantees to him and his children equality of political rights. Let the South be conquered, and the sun of liberty will set in blood, military despotism will be established, and the equal political rights of the poor, and their children will be forever lost.

But the abolition of slavery is not the only object for which the war is now prosecuted. We are informed that the armies of the enemy are to be used for our *subjugation*. What would then be our condition? We should have no political rights, except such as our masters chose to permit us to exercise. Our States would be reduced to provinces, or territories. We could neither have legislatures nor courts, without the consent of the visitors. Our right to vote, or to hold property, or to sit upon juries, or testify in court, would be subject to their caprice. Whether we were permitted to worship God according to the dictates of our own consciences, or must submit to such established form of religion as our conquerers might prescribe, would depend entirely upon their will, as we should then have no constitutional rights, and no guarantee of the liberty of conscience. It is impossible to conceive of a people in a more wretched condition, than we would be after our subjugation. But our misery is not to end here. Our slaves are not only to be set free among us and be made our equals; and our subjugation to be complete; but all our property is to be confiscated to pay the war debt of the abolition government, and to maintain an insolent army in our midst, to dragoon us into perpetual submission, and to rivet our chains more closely from generation to generation.

Every reflecting mind is obliged to comprehend that it would take nearly or quite the whole property of the South to pay the immense war debt of the North; and if any should be left after its payment, that Yankee cupidity in possession of unrestrained power, would soon appropriate the balance to its own use. But suppose the abolition government should modify its policy and repeal the confiscation act, what would be the result? We should be permitted to keep the possession of our property, but we should be taxed to the full extent of its annual incomes. Instead of giving it up to pay a debt at once, we should be compelled to act as overseers for the Lincoln government, receiving a bare subsistence for our labor. Whether our property is all confiscated and sold to pay the debt immediately or is left in our hands, and taxed till it is worthless to us, matters very little, as in either case we are subjugated serfs—mere paupers and slaves to abolition power. Not only every principle of honor and of manliness, but every obligation which ancestry can be under to future posterity, requires that we should never yield to subjugation, but that we should defend our liberties and strike for independence, as long as we have a man to muster or a weapon to use.

The reconstructionist who imagines that if the war were ended, we should be placed back where we were when it commenced, labors under an egregious error. The Lincoln government offers no such terms, and it is not in his power to grant any such, as it could not restore our slaughtered kindred, compensate our injured females, or return our devastated fields and cities as they were when this wicked war was waged upon us. Let the reconstructionist remember that the terms offered by the Government at Washington are not the restoration of

the Union, and compensation for the injuries it has done us; but they are abolition, subjugation, and confiscation. It is announced by an officer high in position, upon the authority of the Supreme Court, that all the property of *all* the citizens of a State in rebellion, as they term us, is subject to confiscation, whether such citizens favored the rebellion or not. In other words, they declare their intention, so soon as we are subjected, to confiscate all the property of all the people of the Confederate States, no matter what may have been their opinions of the war, or their conduct during its prosecution. These terms can not be very consoling to the friends of the abolition government, if there be any such in the Confederacy.

SUBSTITUTES IN THE ARMY.

That portion of the Conscript Act which authorizes those within conscript age to employ substitutes, has, in my opinion, been productive of the most unfortunate results. If conscription is right, or if it has to be acquiesced in as a matter of necessity, it is certainly just that it act upon all alike, whether rich or poor. With the substitution principle in the Act, its effect has been to compel the poorer class, who have no money with which to employ substitutes, to enter the army, no matter what may be the condition of their families at home, while the rich, who have money with which to employ substitutes, have often escaped compulsory service. This is not just as between man and man. While I trust that I have shown that the poorest man in the Confederacy has such interest at stake as should stimulate him to endure any amount of hardship or danger for the success of our cause, it can not be denied that the wealthy are under as great obligation to do service, as they have, in

addition to the rights and liberties of themselves and their children, a large amount of property to protect. If every wealthy man would do his duty, and share his part of the dangers of the war, but few complaints would be heard from the poor. But if the money of the rich is to continue to secure him from the hardships, privations, and dangers, to which the poor are exposed, discontent, and more or less demoralization in the army must be the inevitable result.

He who has paid two or three thousand dollars for his substitute, has often made it back in a single month by speculation, and it has not infrequently happened that the families of those in service at eleven dollars per month, have been the most unfortunate victims of his speculation and extortion.

A very large number of stout, able-bodied young men, between 18 and 45 years of age, are now out of the army, and in their places the Government has accepted old men over 45, who have, in most cases, been unable to undergo the long marches, privations and fatigue. Thousands of these have sunk by the way, either into the hospitals or into the grave. It is also understood that much the larger number of deserters and stragglers from the army have been substitutes, who have entered it for hire, and after receiving the stipulated price, have sought the first opportunity to escape, which they have in some instances been permitted to do, with the acquiescence and encouragement of the officers, who have been their partners in guilty speculation. Thus the same individual has been accepted as a substitute for each of several able-bodied young men who have been left at home to seek for

gain and enjoy comfort, while our enemies have gained advantages on account of the weakness of our armies.

If we expect to be successful in our struggle, the law must be so changed as to place in service the tens of thousands of young men, who are now at home. This would reinforce our armies, so as to enable us to drive back the enemy upon every part of our borders. After this change in the law the Government could provide for the protection of the most important interests at home, by making proper details of such persons as are indispensably necessary. This would be much better than the extension of the Conscription Act up to 50 or 55, as it would bring into the field young men able to endure service, in place of old men who must soon fail when exposed to great fatigue and hardship, many of whom are as competent as young men to oversee plantations and attend other home interests.

But it may be denied that the Government can now so change the law, as to make those who have furnished substitutes liable to service, as it is bound by its contract to exempt them, and they have acquired vested rights under the contract, which it is not in the power of the Government to divest. Let us examine this for a moment. I purchased a lot of land from the State of Georgia, and pay her one thousand dollars for it, and she conveys it to me by grant under her great seal. The contract is as solemn, and binding as the Government can make it. My fee simple title is vested and complete. But while I have the grant in my pocket and the State has my money in her treasury, it is discovered that public necessity requires the State to repossess herself of the land; I refuse to sell it to her; she may pay me just compensation

and take the land without my consent, and she violates no fundamental principle, as all our private rights must yield to the public good, and if we are injured we can only require just compensation for the injury.

Again, suppose I have labored hard and made upon my land a surplus of provisions, which are my own right and property, and I refuse to sell them to the Government, when the army is in need of them; it may take them without my consent and pay me just compensation, and I have been deprived of none of my constitutional rights.

The right of a person who has employed a substitute to be exempt from military service, can certainly stand upon no higher ground. The Government has extended to such persons the privilege of exemption upon the employment of a proper substitute, but if the public safety requires it, the Government certainly has as much right to revoke this privilege as it has to take from me my land, or my provisions, or other property for public use; and all the persons who employed the substitute could demand what would be just compensation for the injury. The measure of damages might be the amount paid by the principal for his substitute, less the pro rata for the time the substitute has served; and upon the payment of the damage or just compensation for it, the Government would have the right to retain the substitute, as well as the principal, in service, as the substitute has been paid by the principal for the service, and the principal has been compensated for the damage done him by ordering him into service. It would be competent, however, in estimating the damage in such case, to take into the account the interest the principal has in the success of our

cause, and the establishment of our independence, as necessary to the perpetuity of his liberties, and the security of all his rights. It would also be competent to inquire whether he has indeed suffered any pecuniary loss. If he has paid three thousand dollars for a substitute, and has been kept out of the army for that sum for one year, and during that time he has made ten thousand dollars more, by speculation, or otherwise, than he would have made had he been in the army, at eleven dollars per month, the actual amount of compensation due him from the Government might be very small indeed, if anything.

Believing that the public necessity requires it, and entertaining no doubt that Congress possesses the power to remedy the evil, without violating vested rights, I respectfully recommend the passage of a joint resolution by this General Assembly, requesting Congress to repeal that part of the Conscript Act, which authorizes the employment of substitutes, and as conscription is the present policy of the Government, to require all persons able to do military duty, who have substitutes in service, to enter the military service of the Confederacy, with the least possible delay, and to provide some just rule of compensation to those who may be injured by the enactment of such a law. I also recommend that said resolution instruct our Senators, and request our Representatives in Congress, to vote for and urge the passage of this measure at the earliest possible day.

DESERTERS AND STRAGGLERS FROM THE ARMY.

Deserters and stragglers from the army, and the too common practice of overstaying the time allowed those

on furlough, are evils which if not checked, must result in great injury to our cause and endanger our success.

A person who has travelled over the country to any considerable extent can not have failed to observe the vast number of persons in the uniform of Confederate officers, and of soldiers, who crowd our railroad cars, and fill every hotel on our lines of travel. Many of these persons are believed to be neglecting duty, and attending to speculations and other private interests or pleasure. Some who are not in commission no doubt wear Confederate uniform to enable them to avoid enrollment as conscripts. Those absent on sick leave have frequently stayed weeks and months after they were able to return to camps, have procured from unscrupulous surgeons, certificates, which have excused them with their commanders. Others overstay their time without excuse, till they fear the penalties that await them, and they then determine never to return. By these practices, the army is greatly depleted, and has not in the field much more than half its strength; and many in the service are denied furloughs which ought to be granted, because others have not been compelled to do their duty, and return at the appointed time. Whether these abuses are caused by the favoritism or negligence of officers in command, or by the failure of the people at home to require of all who are absent, in violation of orders, to return, I do not pretend to decide. The evil is an alarming one, however, and calls for a speedy remedy.

In response to the request of Confederate Generals in command, I have by proclamation, directed the civil and military officers of this State, and the State troops, to be vigilant in the arrest of deserters and stragglers. Many

have been arrested by them, and returned to their respective commands, but further legislation is required, to enable the Executive to apply an effective remedy. It is necessary that the law make it the imperative duty of all sheriffs, constables, and all other civil officers of every grade; and of all the militia officers of this State, to arrest each and every person in their respective counties who belong to the Confederate army, and can not show that he has a legal furlough, and has not overstayed the time allowed him. A heavy penalty should be imposed upon each officer who neglects to discharge his duty, and execute the law; and a sufficient sum should be appropriated to defray the expense of the arrest of all deserters and stragglers, and of their conveyance and delivery to a Confederate officer authorized to receive and return them to their commands. A resolution should also be passed, requesting the Confederate Government to refund to Georgia, all sums necessarily expended in the return of such persons to their places of service; or to authorize the Post Quartermaster at the place where the deserter or straggler may be delivered to a Confederate officer, to pay all necessary expenses. The latter plan if adopted by Congress, would be the more equitable and just, and would be attended with less complication of the accounts between the Confederate and State Governments.

If each State will adopt a policy of the character above indicated, and the Government at Richmond will require its Generals in command of Departments, to punish severely, all officers guilty of favoritism, in granting furloughs, and will compel all its Chief Commissaries and Quartermasters to dismiss from their service, all persons subject to conscription, and to send back to the

army, the large number of idlers, who are found about all our towns and cities, many of whom have details with very little duty to perform, or positions, which are of little practical use, other than to keep them out of reach of danger; and if it will put negroes in the place of eight out of ten of our teamsters in the army, leaving enough of the most experienced and energetic white teamsters to control the negroes; and will fill with negroes the places of nine-tenths of the white men now engaged in making potash, and attending to other similar duties, and will in each case compel the white men relieved to take their positions in the ranks as soldiers, and will order into service the swarm of enrolling officers, who in some counties are spending their time in idleness and dissipation, and are scarcely sending to the camp of instruction once a month, a number of conscripts as large as their own number, we shall soon see the army greatly strengthened, and the troops much better contented and more irresistible. Justice to those who have done their duty faithfully requires that others shall be compelled to do likewise.

EXEMPTION OF STATE OFFICERS.

The Congress of the Confederate States, at its last session, passed an Act, exempting from conscription, all State officers, claimed as exempt by the Governor of each State, till the meeting of the next Legislature of the State, after the date of the Act. It is now left for the General Assembly of this State to determine what State officers shall in future be exempt from conscription. While Congress has no power to disband the Government of a State, or take from it any of its officers civil or military by conscription, without its consent, the State has the power, if

it chooses to exercise it, to turn over any of its officers not necessary to its existence, to the Confederate Government, for military service.

Entertaining the opinion that the State should always keep within her limits, and at her command, a sufficient force to execute her laws, do police duty, and repel raids and robber bands from her soil, and should preserve intact her government; I have felt it my duty to refuse to permit her officers to be enrolled as conscripts; but I have required them to hold themselves in constant readiness to do local service, and to enter the organizations formed for home defence, without regard to rank; and have given the officers furloughs when necessary, to enable them to discharge even the duties of privates in volunteer organizations. When I refused to permit the officers to be taken as conscripts, I acted upon a principle, and not from favoritism to the officers as individuals, as I have no personal acquaintance with one in ten of them, and there is no reason why I should be more partial to them than other good citizens. Though my course at the time gave much dissatisfaction, and political opponents seized upon the occasion, to prejudice the minds of the people against me, I trust the result has vindicated my conduct.

Had I permitted the military organization of the State to be disbanded, it would not have been in my power to have filled the late requisition of the President upon this State for 8,000 troops for local defence, as I should have had no officers at my command in the several counties to conduct the organization required by the President. This will be more clearly seen by contrasting the action of Georgia with that of Alabama. The legislature of

Alabama by joint resolution, if I mistake not, turned over all militia officers in that State within conscript age, to enrollment. Georgia retained hers. The President called upon Georgia for 8,000 men for home defence; and upon Alabama for her quota. Georgia raised and tendered over 18,000. Alabama failed to raise the number required, and the Governor was obliged to convene the Legislature, and recommend the reorganization of the militia, and the appointment of new officers, before the quota of the State could be filled. The fault rested not with the people of Alabama, for none are more loyal, gallant and patriotic, but it resulted from the action of the Legislature in permitting the militia system of the State to be virtually destroyed by the enrolling officers, which left the Governor without officers to obey his orders, and conduct the organizations necessary to fill the quota.

He who yields to popular clamor, in the midst of excitement, and abandons principle, whether from mistaken ideas of patriotic duty, or for mere expediency, is sure to have abundant cause to regret it. The majority of the people are honest, and though they may become excited, and may for a time be led astray by designing politicians or unprincipled leaders, they will, when correctly informed, generally do right, and stand by principle; and will in the end bestow their confidence most liberally upon the public man, who has the moral firmness and determination to resist their will, when they are excited and misled, and to invite them back to the true path of first principles.

PAY OF SOLDIERS.

The rate of monthly compensation fixed by law for officers and soldiers when everything was upon the gold basis, which was the case when the Act was passed, may then have been sufficient. But the currency has been depreciated till it is now virtually no reward for their services. Take for instance a Lieutenant in a company, who has to purchase his clothing and his rations out of his pay, and his wages will not pay for his board, much less will it clothe him. Our company officers have to live upon scanty allowance, and can not afford generally to purchase uniforms, to distinguish them from privates. The private gets rations and clothing and eleven dollars per month in the present depreciated currency. The question of an increase of compensation was, at my suggestion, pressed upon Congress by the last Legislature of this State, but the Senate refused to sanction it. The objection urged against the measure with the most earnestness seemed to be, that the soldiers were not fighting for pay, but for glory, liberty, patriotism and independence. There might be some force in this position, if Congress, which compels the soldier to fight at eleven dollars per month, for independence and glory, could compel the manufacturer to make cloth to clothe the soldiers' naked families, or the tanner to make leather for their shoes, or the merchant to sell them goods, or the farmers to supply them with provisions, at the rates which existed at the commencement of the war, when the soldiers' pay was fixed, and to take all the balance of the present price in glory and independence. There is not the semblance of justice in the pretext, that it is the duty of the soldier to serve his country at these low prices,

when every necessary of life which his family must purchase has risen five fold in the market. When the products of the manufacturer, the goods of the merchant, the leather of the tanner, the corn and meat of the farmer, and the wages of every other class of the community, have increased several fold, what fair and just minded man can say, that the soldier who makes the greatest sacrifice of all others, should alone be made an exception to the rule?

Another objection urged against the increase of soldiers' pay is that it increases the quantity of the currency, by compelling the Government to issue a large amount of treasury notes to meet the payment, and that this causes still greater depreciation and higher prices; and it is contended that soldiers could buy but little more with twenty-two dollars per month than he now gets with eleven. The same argument might be urged with equal force against allowing the manufacturer to charge one dollar per yard for cloth, which he sold for ten cents at the time the Act was passed fixing the soldiers' pay; or against permitting the farmer to charge five dollars per bushel for wheat, which was then worth only one dollar, or one dollar a pound for meat, which was then only worth ten cents; or against permitting the mechanic to charge ten dollars per day, when he formerly got but two. All this has had its effect upon the currency, and raised the price of provisions. But the price of provisions used by the soldiers' family has increased as much as the price of those used by the manufacturer or the farmer, and the soldier receives only the price for his services which he got before the depreciation began, while all other interests get the benefit of the increase in the price of labor and material. This can not be defended upon any just or

equitable principle. Let all be affected equally by the increase of prices, and if the volume of the currency is too largely increased, let it be absorbed by taxation, which acts equally upon all. But do not single out our brave defenders and compel them to bear all the burthens of the depreciation without receiving any of the benefits of increased compensation which are allowed to all other classes.

In my opinion, it is the duty of the Legislatures of the several States, to continue to urge upon Congress a reconsideration of the question, till justice is more nearly approximated. I therefore recommend the passage of a joint resolution by the General Assembly, instructing our Senators and requesting our Representatives in Congress to use all their influence and energy, to procure the passage of an Act to allow all commissioned officers in the Confederate service an increase of twenty-five per cent. upon their pay, and to allow them rations in addition to the compensation now allowed by law, and to increase the compensation of private soldiers to twenty-two dollars per month, and of non-commissioned officers in like proportion.

CLOTHING OUR TROOPS IN SERVICE.

It is the duty of the Confederate Government to furnish all our troops in service with comfortable clothing; but as this is not always done, it should be the settled determination of the Government and people of this State, that her sons in service shall not suffer for clothing, as long as she has the means at her command to supply them. The State violates no principle and assumes no unwar-

ranted powers, when she clothes her naked sons whose wants are not provided for. Humanity as well as duty requires this.

Acting upon the proper policy, the Legislature at its session last winter, appropriated \$1,500,000 for this purpose. It was found, however, that the troops suffered much for clothing, on account of the delay which was caused by consumption of time in debating upon the appropriation, and the time necessarily taken after the bill was passed, before the clothing could be procured.

I thought it very desirable that this delay be avoided in future; and as I had the means at my command to make purchases for this winter, though not appropriated with a view to this specific object, I felt it my duty to make an effort to procure the necessary supply. The \$5,000,000 appropriated by Act of December, 1861, was a general appropriation for military purposes, to be expended at the discretion of the Governor. A large balance remained unexpended, which under the law, would have reverted to the Treasury on the 1st day of May, 1863, had it not been drawn. On the 26th day of April, 1863, I directed the Quartermaster-General of this State, to draw \$2,000,000 on the appropriation, to be expended in the purchase and manufacture of clothes and shoes for the troops, and for other military purposes, and to deposit it in the Treasury subject to his draft, from time to time, as he needed it for the uses aforesaid. The Quartermaster-General has on hand, besides those already distributed, nearly forty thousand suits of clothes, which are ready for distribution among the troops as their necessities may require. He has been unable to get blankets, and it has been very difficult to procure shoes. A very

considerable quantity of raw hides has been purchased, which are now in tan, and will add to the number of shoes. For a detailed statement of the supplies procured and distributed, you are respectfully referred to the report of the Quartermaster-General. He has been energetic and attentive, and has acted with much foresight and prudence. The stock which he has purchased would now command probably \$2,000,000 profit, if placed upon the market.

Should the war last another year, (and we can not assume to the contrary), it will be necessary to make further appropriations to secure clothing for next winter. This should be done at the present session, to afford time to avail ourselves of the best market, and to enable us to be ready to supply the needy and prevent suffering. It may be the best to make suitable provisions for the importation of part of our future supplies.

To meet the demands likely to be made upon us for the next year, I recommend the appropriation of \$2,000,000 as a Clothing Fund.

SUPPORT OF SOLDIERS' FAMILIES.

It will not only be necessary to clothe our naked troops while they are in the army, but it is an imperative duty which the people of Georgia owe to them, to see that their families do not suffer for the necessaries of life, in their absence. While I am no advocate for supporting them in idleness, and hold that it is the duty of every man, woman and child in the State, able to work, to labor with all their strength to support themselves and those dependent upon them, I know it is impossible for a woman,

at the present high prices of provisions, to support herself and children, by her labor. Many of our soldiers who are almost destitute of property, have responded nobly to their country's call, and have endured an amount of fatigue, hardship and danger to which those at home are strangers, while their wives and children, and the widows and orphans of the slain, have been supported upon the most scanty allowance, or left to suffer for the necessaries of life. This should never be so. Our soldiers from every part of the State fight for the protection of the liberties of the whole people, and the wealth of the whole State; and I hold that it is their right to demand of the people and of the wealth of the State, that their wants be supplied while in camp, and that such assistance be afforded their families at home, as may be necessary to save them from the want of the necessaries of life. This should be done at the expense of the wealth of the State, if it takes an annual tax of ten per cent. If it is neglected, the army must be demoralized, if not disbanded, and our liberties and property are all lost. I do not think, in view of the scarcity of provisions and the depreciation of the currency, that less than \$5,000,000 will be sufficient; and I recommend the appropriation of that sum for the purpose. I also recommend such changes in the mode of disbursing the fund, as experience in the different counties may have shown to be necessary. The system should be as nearly uniform as possible in all the counties.

ASSISTANCE TO COUNTIES OVERRUN BY THE ENEMY.

In addition to the appropriations necessary for the assistance of soldiers' families, it is absolutely necessary that relief be afforded to the people of Dade, Walker, Catoosa, Chattooga, and part of Whitfield counties, whose

territory has been partly overrun by the enemy, and whose supply of provisions has been almost entirely consumed by the enemy, and by our own army. The supplies of these people have either been taken by the common enemy, or by our army for the common good. In either case, it is the duty of the whole people of the State to consider the loss as a common one, and provide assistance from the common treasury. Having no other appropriation at my command upon which I could draw for this purpose, I set apart two thousand dollars of the contingent fund, for the purchase of provisions in each of the counties of Catoosa, Walker and Chattooga. I was unable to extend relief to the people of Dade, on account of the impossibility of procuring transportation, as the enemy hold Chattanooga through which the railroad passes to the county. I recommend liberal appropriations for the relief of the people of these counties, many of whom must suffer unless relief is afforded by the State.

PROVISION SUPPLY.

I feel that I can not too earnestly invoke the attention of the people, and their representatives, as to the importance of looking well to our future supply of provisions. This is the only point upon which we have anything to fear for the success of our cause. If we can continue to feed our armies and sustain our people at home, we can fight the enemy for an indefinite period of time, without the least danger of subjugation. But should our provision supply fail, our armies must be disbanded, and all will be lost.

The last Legislature passed an Act restricting the cultivation of cotton to three acres to the hand. This act needs amendment. No one should be allowed to plant, cultivate or gather more than one-fourth of an acre to the hand, while the war continues. This, with the quantity on hand, will keep seed and clothe our people, and we should permit no more to be raised. All the land, labor, and energy of the State, should be employed in the production of provisions and every family, whether rich or poor, should live upon the smallest quantity which will sustain life and preserve good health. The man who, because he has the means, indulges in luxuriant abundance is guilty of a crime against society, as others must suffer on account of his indulgence of his appetite or his vanity, when there is not a plentiful supply for all.

In the northeastern part of our State, especially in the mountains, the crop of the present year has been almost a failure. The season has been very unfavorable, and the early frost has destroyed a large proportion of what was being made.

It is believed that the patriotism and loyalty of the people of no other part of the State has been subjected to so severe a test as has been applied in that section. The people own but few slaves, and almost the entire productive labor has been called to the military field, leaving a large population of women and children, and old men, to support themselves. This they are unable to do with good seasons, and when these fail many of them must starve unless they get assistance. To add to their embarrassments the impressment officers of the Confederate Government have gone among them, and taken from them part of their scanty supply. They have been de-

prived of most of their oxen, which was their dependence to transport food from the railroad. In many cases they have received insolent treatment, from those who have taken their means of living, under circumstances little better than robbery.

With the exception of the section above mentioned the crop has been generally good, and it is hoped that bread enough has been made to maintain the people of the State and the army upon her border. In addition to the difficulties above mentioned, heavy drafts are made upon our productions to support the large negro population imported into the State, from sections of the country overrun by the enemy, who, after their arrival, have not been employed in agricultural pursuits, or have not been here long enough to make a crop.

We are also called upon to divide our provisions with a large refugee population of our fellow citizens from sister States. These persons are generally of the better classes of society, intelligent, high-toned, and honorable, who, on account of the leading positions which they have occupied, and their unyielding devotion to our cause, have been obliged to leave their homes upon the approach of the armed legions of the enemy, to avoid banishment and imprisonment. Having as a class made sacrifices for Southern independence, to which we are yet strangers, they are entitled to our highest respect and most profound sympathy, and we should welcome them with warm hearts, divide with them as long as we have bread, and be willing to share with them a common fate.

I refer to these facts to show the heavy demands made upon the productions of the State, and the great impor-

tance of exerting every energy to secure supplies for another year. The bread question is *the* question in this contest. Our independence is staked upon our ability to continue to raise a sufficient supply of provisions to support the army, and maintain the women and children at home. By the blessings of Divine Providence we shall succeed, but to do it, we must lay aside every production not necessary to sustain life.

STATE TROOPS.

The two regiments of State troops raised under the joint resolution of the last General Assembly, are now a well organized body of men, with good arms and equipments. During the earlier part of the year they were, at the request of the Confederate General in command at Savannah, ordered to that point, to assist in the protection of that city. While there, the enemy made the first attack upon Fort Sumter, and an assault upon the city of Charleston was expected. Believing that they could then defend Savannah more successfully at Charleston, they volunteered and went to that place, where they remained till the danger of attack was passed. In May, when the bridges upon the State Road were seriously threatened by the enemy, they were ordered up for the defence of the road, where they have since remained, and I have been assured by General Bragg, that they have been of great service to him in protecting his rear, since the army has been near Chattanooga. Atlanta has been his base of supplies, and the destruction of the bridges on the State Road, would have destroyed the communication between him and his base, and might have compelled him to fall back. Had the State not been able to protect his

rear, the General must have sent part of his own army to do that duty, which would have weakened his force and made his success more doubtful. Part of the State troops were ordered to the mountains early in the year to suppress threatened insurrection, and arrest offenders and deserters. This service was rendered in a manner very creditable to the troops. Detachments from the regiments have frequently been sent out during the year, to arrest deserters and stragglers, which service they have performed with promptness and efficiency. In case of a raid into this State, this force would be of great service in the protection of public and private property, and in repelling the aggressors. No State in the Confederacy should be without such a force during the continuance of the war, as emergencies must frequently arise, which make it indispensably necessary that the State should have at her command a force sufficient to suppress slave insurrection, repel incursions of the enemy or meet other sudden exigencies. I notice that the Governor of South Carolina has lately convened the legislature, and recommended the organization of a similar force in that gallant State.

For more detailed information in reference to the organization and services of the State troops, as well as for information upon other military subjects, you are referred to the able report of Henry C. Wayne, Adjutant and Inspector-General, to which your attention is respectfully invited.

MILITARY APPROPRIATION.

I recommend the appropriation of three millions of dollars as a military fund for the support of the State

troops, and for other military purposes, for the ensuing year.

TAXATION.

As the appropriations of the present session must be heavy to meet the public necessities, it will be the duty of the legislature to provide for raising the money. The currency, both State and Confederate, is so much depreciated, that it is extremely unwise to contract debts at the prices now demanded for all articles purchased by the State, and agree to pay, after the war is ended, when property must again be estimated upon the gold basis. This is like borrowing ten cents and agreeing to pay a dollar in gold for it after the war is over. No prudent man would do this in the transaction of his private business, and no wise, sagacious statesman should do so, in the management of the affairs of the State. The people of the State can probably pay ten millions of dollars in the present currency, as easily as they could pay one million after the war is over, when property has depreciated ten fold in value. Then why add our expenditures to our debt. Nothing could be more unwise.

I recommend and urge upon you to make an estimate before the adjournment of the session of the amount appropriated, and to impose a tax sufficient to raise and pay it. There is not a sensible thrifty man in the State, who reasons upon the question, who would not prefer this, rather than add the sum appropriated to our State debt. It is believed, that from one to one and a half per cent. upon the property of the State, will raise all that will be needed for the year. This will be a nominal tax compared with the present Confederate tax.

If it should be necessary to raise money for use, before the tax can be collected, it is not doubted, that an arrangement could be made with our banks, for a temporary loan of the amount required upon reasonable terms.

If the General Assembly should differ from me in this policy, and determine to continue to increase our debt, at the present depreciated rates of currency, thus virtually giving ten dollars for one, I recommend a continuance of the issue of Treasury notes, or Treasury certificates, to raise all sums appropriated, for which no provision is made by taxation. I feel, however, that I can not too earnestly urge upon you, the importance of imposing a sufficient tax, to raise such sums as may be needed. This would preserve the credit of the State, and protect us and our posterity from a heavy burden, which it would at present cost us but little to avoid.

THE CURRENCY.

Without reproducing the argument here, I respectfully refer the General Assembly to my message addressed to your predecessors, when convened in extra session in March last, for my views upon this question, so far as they relate to the action proper to be taken by the Legislature.

The Constitution of the Confederate States, gives that Government full and ample power over the whole subject matter of the Confederate currency.

Congress has power :

To borrow money on the credit of the Confederate States.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

To coin money and regulate the value thereof.

To provide for the punishment of counterfeiting the securities and current coin of the Confederate States.

And to lay and collect taxes, duties, imposts and excises, for revenue necessary to pay the debts, provide for the common defence, and carry on the government of the Confederate States.

It is worthy of remark, that the power is given not only to regulate commerce, coin money, and borrow money, but to impose taxes, based upon proper equality, to an unlimited extent upon exports, imports, and the individual property of every citizen of every State in the Confederacy, to pay the debts, provide for the common defence, and carry on the Confederate Government.

The States having delegated to the Confederate Government these vast and unlimited powers over the public debt and the means providing for its payment should leave the management of the Confederate finances and the responsibilities therewith connected, where the Constitution leaves them.

An offer by the States, *as States*, to interfere actively with the Confederate finances, or a request by the financial officers of the Confederacy that the States do so interfere by indorsing the bonds of that Government or by loaning their bonds to it to be sold in the market to purchase its own issues at depreciated rates, when the States have delegated the full, ample and exclusive manage-

ment of this matter to the Confederate Government, is a virtual declaration that the Government is a failure; or that the officers entrusted with this branch of the Government are incompetent to the task of establishing a wise financial system, unworthy of public confidence, and deserve to be superseded by men who have financial ability and practical statesmanship to discharge the duties imposed by the Constitution and laws upon them. I am not prepared to make this charge, if I were I would say that a change of administration in this department and not the inauguration of a patch-work policy by which the States are called upon to discharge the duties of the Confederate officers on account of their incompetency, would be the proper remedy. Let the State and Confederate Government each move within the sphere assigned it by the Constitution, and let each be responsible to the people for the faithful discharge of the trust reposed in it. When either undertakes to discharge the duties which properly pertain to the other it not only takes responsibilities not its own but it assumes the incompetency of the other.

But it may be said that State credit is worth more than Confederate credit in the market, and if the States will issue fifty millions of dollars of their bonds and loan them to the Confederacy, it can purchase sixty-five millions of its outstanding issues and thus make fifteen millions of dollars.

It is not denied that the Confederacy, by turning broker of its own bills, might make some money by such an operation, so long as the relative difference between State and Confederate credit could be maintained. But it must be apparent to all that this speculation would

be overbalanced by loss of character and of the confidence of the public in the ability of a Government which would resort to such an expedient; ever to establish and maintain a wise financial system of its own. The speculation made by such a transaction could have little or no influence in regulating the currency. Instead of increasing public confidence in Confederate credit it would do much to destroy it, as it would be an implied acknowledgement of the imbecility and incompetency on the part of those responsible for the management of the Confederate finances.

If the war lasts a few months longer it will require the proper management of billions, not millions of dollars, to regulate the currency and sustain public credit. Suppose in place of fifty millions the States should issue their bonds for a billion of dollars (and less would not long suffice) what would be the result? The debt of each State would become so large that its bonds in the market would be worth less than Confederate bonds, which are the bonds of all the States combined. So soon as the system is adopted and published to the world, State credit will at once sink below Confederate credit and the whole speculation is at an end. In a word, the infant giant, so soon as its proportions are developed, immediately commits suicide.

But it may be said that the States are only asked to loan the Confederacy fifty or one hundred millions of their credit. It is very true that all this is proposed to *initiate* the system. But he must be a very superficial observer who does not see that as soon as this amount is disposed of, another one hundred or five hundred millions will be demanded, with more confidence than the

first demand is made, as the officers of the Confederate Government will then have precedent to quote in favor of the demand and the credit of the States must at once be dragged down below Confederate credit and the country still left without a financial system to carry it through the difficulties by which it is now surrounded. I am fully satisfied that each Government should be left to meet its own obligations and manage its own affairs, within the bounds assigned by the Constitution, and that when either, with ample powers, becomes incompetent to the task, a change of administration, where the defect exists, is the only proper remedy.

IMPRESSMENT OF PRIVATE PROPERTY.

The right of the Government of the Confederate States to make impressments upon the personal property of the citizens of the respective States for public use, upon the payment of just compensation, is not questioned. Congress has passed an Act regulating impressments and defining the powers and duties of Confederate officers in making them. This Act of Congress provides, "that the property necessary for the support of the owner and his family and to carry on his ordinary agricultural and mechanical business," "*shall not be taken or impressed for the public use.*" The Act also provides, when the owner and impressing officer cannot agree, for the appointment of two appraisers, one to be chosen by the owner of the property and the other by the impressing officer, and if they disagree, that they shall choose an umpire, who shall determine upon the *quantity* of property necessary as aforesaid, and such decision shall be binding upon the officer and all other persons.

The Act of Congress, therefore, expressly and positively prohibits any impressing officer from taking, under any circumstances, the property necessary for the support of the owner and his family, etc. In open violation of this positive law, those professing to be officers of the Government, under appointment of one or more of its District Commissaries, have impressed the property absolutely necessary for the support of the owner and his family and carried it off with threats of armed force if resisted, after refusing to submit the question to the decision of appraisers. They have pretended to justify these outrages by saying that they had orders from those who appointed them to take *all* of certain kinds of property. Such orders if given, so far from being a justification for a violation of the Act of Congress, could only subject the officers issuing them, to just punishment. It is believed that large and corrupt speculations have been made by those professing to be impressment officers and others acting in concert with them, and that many persons have made impressments who have no shadow of legal authority for so doing, but have plundered and robbed the people under pretense of such authority.

While it is the duty of every good citizen to furnish to the Government, for the support of the army, all the provision he can possibly spare, it is the imperative duty of the Government to see that the people are not plundered by unprincipled speculators or thieves, who may profess to be or may be, Government officials.

These impressments have been ruinous to the people of the northeastern part of the State, where there is not, probably not half, a supply of provisions made for the support of the women and children. One man in fifty

may have a surplus, and forty out of fifty may not have enough. If the impressing officer is permitted to seize and carry off the little surplus in the hands of the few, those who have not enough have nowhere to look for a supply. Every pound of meat and every bushel of grain carried out of that part of the State by impressing officers must be replaced by the State at public expense, or the wives and children of the soldiers in the army must starve for food.

As all efforts to procure the suppression of this system of moral robbery and plundering in a portion of the State almost destitute of supplies has failed, I deem it the duty of the Legislature to take the matter into its own hands and protect its own people.

To this end I recommend the passage of a law making it felony, to be punished by ten years imprisonment in the penitentiary, for any person, claiming to act as a Confederate officer or agent, to impress the property of any citizen of this State in violation of the Act of Congress, or to refuse to allow the citizen all the rights given by the Act of Congress. And if any person should profess to be an officer or agent of the Government, with power to make impressments, who has not such authority, I recommend that the Act make it the duty of the court to sentence such person to receive thirty-nine lashes on his bare back and to be imprisoned ten years in the penitentiary. I also recommend that the law be so changed as to make it a felony in any Commissary or Quartermaster to send an officer or agent into any county in the State to make impressments until he has published the name and description of such officer with the nature of his powers, in a newspaper having general

circulation in the county, or by posting such advertisement upon the door of the court-house and at three of the most public places in the county. So much oppression and corrupt speculation is believed to have grown out of this power that it will require stringent laws to arrest the evil.

INCOME TAX.

I invite the attention of the General Assembly to the remarks of the Comptroller-General in his able and very valuable report upon the subject of the income tax, and recommend such change in the law as will in future guard against the evasions and abuses to which he refers. I think it would be wiser policy to compel each person dealing in the articles enumerated in said Act to give in, on oath, the amount of capital or credit actually employed, and the amount of income made from 1st of April 1863, to the 1st of April, 1864, and deduct 20 per cent. of the profits made upon which no tax should be paid, and impose a tax of twenty-five per cent. upon all balance of profits realized. This would be more equitable as between the different tax payers, and would yield a much larger amount to the Treasury than has been received for the past year.

PUBLIC PRINTING.

On account of the great advance in the price of labor and material as well as provisions, the compensation fixed by the Code of this State for the public printing, will not enable the printers to do the work without the loss of several thousand dollars per annum. The prices were fixed at what was considered reasonable at the

time the Code was prepared, but are wholly inadequate in the present condition of the country.

As an act of justice, I recommend that the law be so changed as to allow the printers a reasonable per cent., say 25, upon the actual cost of the labor and material employed.

CORRESPONDENCE WITH THE BRITISH CONSUL.

I beg leave to lay before the General Assembly copies of the correspondence between Mr. A. Fullerton, Her Britannic Majesty's acting consul at Savannah, and myself upon the question of the liability of British subjects to do military service in defense of their domiciles. Regarding this service as unquestionably due from all domiciled foreigners by the laws of nations, I can only regret that the British Consul felt it his duty to call in question the right of the State to demand it. So long as the British Government recognizes no legal commerce with the Confederate States and denies the existence of such a power, we are certainly under no obligation to extend to the subjects of that Government privileges or exemption not provided for by the laws of nations.

SALARIES OF PUBLIC OFFICERS AND AGENTS.

I feel it my duty, as an act of justice to the public officers and agents of this State to recommend an increase of their salaries, in all cases where there is no Constitutional prohibition.

I am sure I need not enter into an argument to convince the Legislature that the present salaries will not

support the public servants and their families. The last General Assembly authorized me to increase the salaries and compensation of the officers and employees on the W. & A. Railroad fifty per cent. It will be necessary that the law be so changed as to authorize a further increase, or the employees and workmen can not support themselves and their families by their labor and they will be compelled to leave the Road and go to other Roads where they can get better wages. In the present state of things it would not be possible to supply their places with others at the same compensation. It would certainly be very unwise to turn them off for want of support. We should raise the freights to cover the cost and give them good wages. I must express my regret that the Constitution and law does not allow the members of the General Assembly sufficient compensation to pay their actual expenses. I apprehend no liberal-minded citizen approves it.

SALT SUPPLY.

Prior to the occupation of East Tennessee by the enemy we were succeeding well in the importation of salt. Since that time we have been unable to get any from the Virginia works. The appropriation of our trains by the order of the Board of public works of Virginia, has been a serious interruption. I have, however, through the agency of Hon. B. H. Bigham, a member of this General Assembly, laid our complaint before the Governor and Legislature of Virginia and have great confidence that we shall receive justice and even liberality at the hands of the Government of that noble old commonwealth.

Before our communication with the works was cut off I had succeeded in securing a sufficient quantity to furnish every soldiers' family in Georgia with a half bushel in addition to that furnished at a former distribution.

The responsibility of receiving and distributing the salt has been placed upon Col. J. I. Whitaker, the Commissary-General of the State, who has discharged it as he has every duty, with ability, honesty, promptness and fidelity.

The different salt companies of the State have imported large quantities, and while it is feared we shall be hard run for a supply, it is hoped there may be no suffering.

COTTON CARDS.

For a statement of the operations of the Card Factory, I refer you to the report of its Superintendent. While we have not been so successful as we could have wished, the number made and distributed has been of great service to the people.

The greatest difficulty has been in procuring wire. I do not consider our undertaking to make wire, in sufficient quantities, as by any means a success. But I have lately been able to get a good quantity through the blockade, and anticipate but little future difficulty in keeping up the supply.

As the wire costs very high and has to be paid for in lots as it arrives, I ask an appropriation of \$200,000 for

that purpose, to be refunded to the Treasury out of the proceeds of the sale of the Cards.

TREASURY CERTIFICATES FOR STATE TREASURY NOTES.

I am informed that State Treasury Notes have generally been laid away as an investment and that bankers and capitalists who hold large amounts of them, to get rid of the care of so great a bulk of paper, desire to exchange them for Treasury certificates of large amounts, binding the State to the same obligations contained in the face of the notes. I can see no objection to this, and therefore recommend the passage of an Act authorizing the Treasurer to take up the State Treasury Notes when presented in sums of five thousand dollars or upwards, and give Treasury certificates in place of the bills, payable to bearer, upon the terms mentioned in the face of the bills. It would certainly be quite an accommodation to a person having ten thousand dollars of State Treasury Notes in five dollar bills, which he designs to hold as an investment, to be permitted to return them to the Treasury and receive in place of them a certificate for ten thousand dollars. I would not recommend the issue of a certificate for a smaller sum than five thousand dollars.

If the General Assembly should not levy a tax sufficient to carry on the operations of the Government and should adhere to the policy of issuing State Treasury Notes to meet appropriations, the Treasurer might be authorized to re-issue the notes redeemed by him and thus save the expense and labor of issuing new notes.

WESTERN AND ATLANTIC RAILROAD.

The report of the Superintendent of the State Road shows that \$1,650,000 has been paid into the Treasury of the State from the incomes of the Road, during the last fiscal year, and that there was due from the Confederate Government on the 30th of September, 1863, \$427,586.75 as a set-off against \$577,864.76 due the 30th of September, 1862, showing the net earnings of the Road to have been nearly one and a half millions of dollars for the year.

This would of course be subject to reasonable deduction for the wear of rolling stock and of the track, which has not been kept in as good condition as usual, on account of the impossibility of procuring supplies of material essential in making repairs.

As a great proportion of the property transported over the road, other than Government freights, belongs to speculators, I have felt it my duty to order the freights raised from time to time, so as to keep them nearly as high as the freights on other roads. This enables the State to raise, by the use of the road, a considerable amount of revenue in a manner less burdensome to the people of this State than it could be done in any other way, and to transport freights necessary for the support of the poor without charge. And as the price of nearly every kind of property has increased immensely in the market, it is right that the freights for transporting it be increased in a just proportion. There is no justice in requiring the road to transport a barrel of flour, a hogshead of sugar, or a ton of iron at the old rates, paid in currency, when either is worth in the market in the same currency ten times the old rates to the producer.

To enable us to continue to run the road, if the war should last for a year or two longer, it will be necessary to import, by some means, such supplies as are indispensable in making repairs. On account of the position which the road occupies as a main trunk, with so many roads diverging from it at each end, the drafts made upon its rolling stock, for military use on other roads, in sudden emergencies, has been greater than upon any other road in the Confederacy. Our rolling stock has not only been greatly injured when under military orders, but we have lost about two hundred cars and a number of valuable engines, when upon other roads, by the interception of the enemy.

The State Road is not singular in needing repairs. No other Road in the Confederacy called upon to make equal sacrifices of its rolling stock in the service of the country, is believed to be in better condition.

After the death of Major John S. Rowland, its late honest and upright superintendent, Dr. George D. Phillips, whose high character is well known to the people of Georgia, has been appointed Superintendent of this great State work.

REORGANIZATION OF THE MILITIA AND THE HOME GUARD.

The conscript law having been executed in the State upon persons from 18 to 45, the organized militia of the State not in Confederate service, under existing laws, is composed of the non-conscripts between those ages.

The late call of the President upon this State for 8,000 volunteers as Home Guards, and for local defence,

was addressed to those exempt from conscription. To this call, as will be seen by reference to the report of Adjutant and Inspector-General H. C. Wayne, over 18,000 men responded. These troops were organized for six months only, with the understanding that they were not to be called out and kept in the field as regular soldiers, but that they were to be mustered into the service and remain at home in pursuit of their ordinary avocations, when not needed to repel a raid or meet an emergency. Part of them have been called out and have now been nearly two months in service; and I regret to say, that I do not see satisfactory evidence of an intention on the part of the Government, to discharge them at as early a day as our home interests imperatively require. It is now time that the corn crop were gathered and the wheat crop sowed. If we are to continue the war, we must take care of the provisions already made; and if we would harvest next summer, we must not neglect seed time this fall. The troops are now well organized, and if permitted to go home, could, in case of emergency, return to their respective commands on the shortest notice. We shall doubtless need Home Guards after the expiration of the six months; and it is to be feared that the effect of continuing these troops in the field longer at a time than necessity requires, will be to discourage volunteering at the end of their present term. If the Government will act in good faith with these men, there will be no difficulty in keeping up a sufficient Home Guard organization during the war; but if it should fail to do this, the task may be difficult, as the men who compose the organization are the indispensable productive class, and can not spend all their time in the military field without ruin to our home interests.

It was said by some, as a justification for the adoption of the conscription policy, that the volunteer spirit was dead when that bill was passed. The very reverse, however, was true. Only a few weeks before the passage of the conscript law, the President called upon Georgia for twelve regiments of volunteers, and they responded promptly, with a large additional number. Lately he called upon the State for eight thousand troops, which is the first call made since the conscript policy was adopted; and over double the number responded. From the first day of the war till the present hour, Georgia has never failed to fill promptly every requisition made upon her for volunteers, and I think I may safely say, that if good faith is observed and their constitutional rights in the selection of their officers are respected, she never will fail to fill a requisition for her just quota as long as the war may last.

To provide, however, for any future contingency which may occur from mismanagement or otherwise, and to maintain an organization for police purposes, I recommend the passage of an Act making all white male persons 18 and 60 years of age, subject to militia duty, when not on active duty in the military service of the Confederate States, and subject to draft to fill any future requisitions to be made upon the State by the Confederate States for troops; with a proviso that the State will not hold them liable to serve when their Constitutional right of electing their officers is denied, and will not permit them to be punished for refusing to serve when this clear and important right is usurped; with a further proviso, exempting ministers of the gospel and the most important civil officers, both of the State and

counties, whose official duties are onerous and indispensable, from all military service.

It will also be necessary to authorize the Governor to appoint such staff officers as may, in his judgment, be necessary to enable him to organize troops to fill promptly and future requisitions made upon the State, or to meet other emergencies.

RIGHT TO ELECT OFFICERS.

In this connection I earnestly invite the attention of the General Assembly to the correspondence, (copies of which are herewith forwarded) between the Secretary of War and myself, in reference to the right of Georgia's volunteer militia in the military service of the Confederacy, to elect their own officers. And it is proper that I here remark that since the correspondence was ended, even the right of the Home Guards to elect to fill vacancies is also denied, and the power of appointing the company officers, as well as the field officers, is claimed by the President.

The Constitution gives Congress power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be *employed in the service of the Confederate States*, reserving to the States respectively, *the appointment of the officers*. The right of the State to appoint the officers to command her militia or any part thereof, when employed in the service of the Confederate States, is not left to inference, but is reserved in plain, simple language, which admits of no two constructions. The State, by her Constitution and laws, has provided how she will make these appointments.

All militia officers are to be elected by the people subject to do military duty under them, and the officers of the volunteer militia are to be elected by the members of the volunteer organization, to be commanded by the officers when elected, and all vacancies are to be filled in the same way. In a word, the State *appoints* those who are *elected* by the persons to be commanded.

If the militia of Georgia, or any part thereof, is now employed in the service of the Confederate States, no one can question the right of the State, as reserved in the Confederate Constitution, to appoint the officers to command them, and the right of the troops, under the Constitution and laws of the State, to have those elected by them, appointed or commissioned to command them, is equally unquestionable.

By the militia of the State, I understand the farmers of the Constitution to have meant the arms-bearing people of the State. That they intended to use the term in this sense is evident from the fact that they speak of the militia as in existence at the time they are making the Constitution, and confer power upon Congress, not to create a new militia, nor to organize that already in existence, but to *provide for organizing* the militia. In other words, they gave Congress power to provide for forming into militia organizations the arms-bearing people of the respective States. Had the Constitution given Congress power to organize the militia without any qualifying words, it would have had power to appoint officers to command them, or to authorize the President to appoint them, as the militia can not be organized without officers. The language used was well weighed and carefully guarded. Power was given to Congress to *provide*

for organizing that already in existence without sufficient organization—the militia or arms-bearing people of the States. When Congress has provided for the organization, and the States have organized the militia, congress may authorize the President to employ them in the service of the Confederate States, but in that case the States expressly reserve to themselves the right to appoint the officers to command them, and Congress can not, without usurpation, exercise that power or confer it upon the President.

The President has made repeated calls upon this State, for organized bodies of her troops for Confederate service, and his requisitions have invariably been filled by the tender of militia organized and officered by the State, and they have been accepted by him with their officers as organized. In addition to this, the Conscript Act has been passed, which has made all persons between 18 and 45, (except those exempted by the Act), subject by compulsion to Confederate service. This Act has been executed in Georgia. In contemplation of law, every person in this State between 18 and 45, not specially exempt, is now in Confederate service; and the fact corresponds very nearly with this contemplation of law. Thus the whole organized militia of the State is now *employed in the service of the Confederate States*; and, notwithstanding the State in such case has expressly reserved the right to appoint every officer to command them, her right to appoint a single officer to fill a single vacancy in a single company, battalion or regiment, is now denied; and it is claimed that they are all in future to be appointed, not by the State, but by the President.

One of the reasons given for this extraordinary pretension is that it will not do to trust the troops after they are in service, with this important right of choosing their own officers, as they would not elect officers who are faithful and who maintain discipline and do their duty. This objection would certainly apply with equal force to the first election, when a regiment or company is being organized. If the men are competent on entering the service to elect those who shall command them, why are they not equally competent to elect to fill vacancies which afterwards occur? Do experiences in the military field and intimate acquaintance with their comrades in arms, make them less competent to judge of the qualifications of those who aspire to command? The simple statement of the proposition is a sufficient expose of its fallacy. At the organization of our regiments, the men elected officers on short acquaintance, as but little time was allowed them, and doubtless made some mistakes, putting in men less competent than some others left out. They have since seen them tried in service, and now know who is best qualified. But when a vacancy occurs, they are now to be confined to those who were first elected to lower positions, to fill the higher positions to which they never chose them. And if an officer who claims promotion is set aside for incompetency by an examining board, the next in rank may step forward and claim the place, and is held to be entitled to it over the best man in the regiment if he is a private, though he may be the choice of every man in the command. It is only the lowest commissioned officer in the company who is taken from the ranks; and if the best and most competent man failed to get a commission at the first election, he can not now aspire from the ranks to a higher position than the lowest lieutenancy. The

policy of filling all vacancies by promotion, not only disregards the Constitutional rights of all the States, but it does the grossest injustice to those who are often the most deserving of promotion, and denies to the men the valuable right of selecting their own rulers.

If it is said the President may go out of the regular line of promotion, and reward merit in the ranks, it may be truly replied that this is seldom done; and that the men can not look to their companions in arms, but can look only to the President for promotion. This not only concentrates all power in his hands, but subjects every man's claims to his favoritism, prejudice or caprice; and destroys independence of thought and action, by compelling all to depend for promotion upon their capacity to flatter or their ability to please a single individual. Georgia's troops have done their duty nobly in the field, and they have a right to look to the government of their State for the protection of their rights. Many of them now claim this protection. Shall they have it?

I recommend that this General Assembly pass a joint resolution declaratory of the reserved rights of the State, and of the Constitutional right of election by her troops, and demanding of the Confederate Government the recognition of this right.

While they took no formal action upon this particular point, your predecessors of the last General Assembly virtually decided the question in favor of the right of the State to appoint her own officers to command her militia now in Confederate service, and determined further that the troops which the State has furnished for the field are the *militia* of Georgia, "employed in the service of

the Confederate States," and not the *armies* of the Confederacy, in the sense in which the Constitution uses that term.

Several gentlemen holding commissions in command of Georgia troops in Confederate service, furnished by the State as organized by her to fill requisitions made by the President, were members of the last General Assembly. The question of their right to hold seats was raised and decided in their favor, on the express ground, as I understood from the discussions, that they were officers of the *militia of this State*, and not officers of the *armies of the Confederacy*. Indeed, it was impossible, under the oaths which the members had taken to support the Constitution, for them to have determined that these were officers of the armies of the Confederacy, and not officers of the militia of Georgia, and still have permitted them to have their seats as members of the General Assembly. The 5th paragraph of the 1st Section of the 2nd Article of the Constitution of this State declares that,

“No person holding any military commission, or other appointment having any emolument or compensation annexed thereto, under this State or the Confederate States, or either of them, (except Justices of the Inferior Court, Justices of the Peace and officers of the militia), shall have a seat in either branch of the General Assembly.”

This language of the Constitution is plain, positive and unequivocal. No person holding a military commission under this State or the Confederate States, having any emolument or compensation annexed thereto,

(*except officers of the militia*), shall have a seat in either branch of the General Assembly. If the Georgia troops in Confederate service are not the *militia* of the State employed in the service of the Confederate States, then their officers are not officers of the militia. If they are part of the *armies* of the Confederate States, then their officers are officers of the armies of the Confederate States, and not officers of the militia of Georgia, and are, by the express language of the Constitution, excluded from seats in either branch of the General Assembly. And if their officers are officers of the militia of Georgia, "employed in the service of the Confederate States," and are entitled to the Constitutional privilege of having seats in the General Assembly, then the men whom they command are the militia of Georgia, "employed in the service of the Confederate States," and are equally entitled to the exercise of their Constitutional right to elect officers to command them. The one right is as plain, as broad, and as valuable as the other. If the General Assembly recognizes and protects the right of the officers to have their seats, as I think it should do, I am unable to see upon what principle of justice, right or equality, it can refuse to recognize and protect the right of the privates to elect their own officers. They are co-extensive and co-equal rights, and he who claims the privilege to exercise the one, is obliged to admit the existence of the other, and is bound to protect it.

GEORGIA MILITARY INSTITUTE.

This Institution is in a very flourishing condition, and is entitled to the fostering care of the legislature.

Its efficiency and usefulness would be greatly promoted by the erection of additional dormitories, so as to provide for the reception of a larger number of cadets. Numerous applicants for admission have been rejected during the past year for want of room to accommodate them. Difficulty in procuring building material may, however, be in the way of extending the accommodations for the present. The Faculty and Cadets have responded to every call made upon them for military service, and stand ready to do their duty in every emergency.

THE STATE UNIVERSITY.

The exercises of the University have been suspended for a time, by the patriotic response, made by the Chancellor and Faculty, to their country's call. When the soil of Georgia was invaded by a large army of the enemy, and I, in compliance with the request of the President, called for volunteers to rally to the rescue, the whole faculty responded nobly and promptly, and laying aside for a time the scientific and literary pursuits in which they stand so deservedly high, they assumed the habit and garb of the soldier, and have undergone the hardships and fatigues of the camp. Rev. Dr. Mell, the Vice-Chancellor, was called by his fellow soldiers to the command of a regiment, and Rev. Dr. Lipscomb, the Chancellor, preferring not to accept official position entered the ranks as a private. I have had the pleasure of visiting these gentlemen with the balance of the faculty around their camp fires with their gallant comrades in arms, and have been assured by other persons connected with the command, that every member of the faculty has discharged promptly and cheerfully every duty of the soldier.

This does not exhibit the spirit of a people prepared for subjugation. There is indeed a moral grandeur in this conduct of the faculty of the University which is worth thousands of men to our cause. What State can exhibit more encouraging evidence of the patriotic determination of her citizens, to uphold her honor and her sovereignty at every hazard. Every Georgian should be proud of the University, and of its noble, patriotic, self-sacrificing faculty.

I transmit herewith the annual report of the Board of Trustees of the University, by which it will be seen that not only the faculty, but a large number of the students have entered the military service in defence of our honor and our independence.

DAY OF FASTING, HUMILIATION AND PRAYER.

Believing that the present miseries of the country have overtaken us on account of the wickedness and transgressions of the people, and that the Almighty Ruler of the Universe who controls as well the Hosts of Heaven as the armies of earth, and has the powers to cause wars to cease at his pleasure, will enable us to drive our enemies from our territory, and will restore peace and prosperity to the country, when our rulers and people shall have forsaken their transgressions, and have humbled their hearts in deep penitence before Him. And believing that it is the imperative duty of a Christian people in times of national calamity and distress, to assemble together and publicly acknowledge God as their Ruler, and implore his forgiveness, through the merits of His Son, Jesus Christ, I recommend the General Assembly of this State, by joint resolution, to set apart Thursday, the 10th of December next, as a day of fasting, deep humilia-

tion and prayer; and that the Congress of the Confederate States, and the Legislatures of the different States, together with all the people of the Confederate States, and all our armies in the field, be respectfully requested to unite with us in the religious observance of the day.

Let it be no formal observance, but let all public and private business be suspended, and let the people assemble with the Reverend Clergy, at their respective places of worship, and let us present before God a whole nation on its knees, fasting, in deep humility, and penitential confession; and it is my solemn conviction that God will hear our prayers, strike terror and dismay into the hearts of our enemies, and give such victories to our arms as will soon establish our independence, and restore peace in all our borders.

JOSEPH E. BROWN.

ORDNANCE DEPARTMENT,

Milledgeville, November 5th, 1863.

I have this day received of Joseph E. Brown, Governor of Georgia, seven thousand five hundred dollars, (7,500) which said Brown pays on account of sale of Confederate bonds, etc., and which I received and am to appropriate in payment of accounts against my Department, and am to account for it in my report under the same liability as if I had drawn it from the Treasury under appropriation, as I receive it as public money to be paid out in satisfaction of dues against the State.

(Signed)

LACHLAN H. McINTOSH,

Major and Chief of Ordnance,

State of Georgia.

The original of which the above receipt is a copy, is filed, by order of the Governor in the Executive Department and is here entered of record.

H. J. G. WILLIAMS,
Recording Clerk Ex. Dept.

SATURDAY, NOVEMBER 7th, 1863.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA,
November 7th, 1863.

His Excellency Joseph E. Brown, of the county of Cherokee, elected by the people for the Fourth Term, on the first Wednesday in October last, Governor and Commander-in-Chief of the Army and Navy of this State, and the Militia thereof, for two years next ensuing, was this day, at 12 o'clock M., inaugurated in the Representative Chamber, at the Capitol, and being conducted by a Committee to the Executive Office, entered upon the discharge of his duties.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA,
November 10th, 1863.

Whereas, on the 26th day of December, 1863, at the instance and request of Captain A. M. Allen, as the agent of the Commissary Department of the Confederate Government, I issued, under the Act of 22d November, 1862,

entitled, "An act to prevent the unnecessary consumption of grain by distillers and manufacturers of spirituous liquors in Georgia," a license to Andrew Dunn of the county of Monroe in this State, authorizing him to distill out of grain at his distillery in said county, twenty thousand gallons of whiskey for the use of the said Commissary Department; *And Whereas*, I have been requested by Maj. J. L. Locke, Chief Commissary, to withdraw said license, it is

Ordered, That the said license issued as aforesaid to said Andrew Dunn of said county of Monroe, authorizing him to distill in said county, twenty thousand gallons of whiskey for said Commissary Department, being license No. 1, issued on the 26th day of December, 1862, be, and the same is, hereby revoked and annulled; And it is further Ordered, That the sheriff or his deputy of said county do serve personally upon the said Andrew Dunn a certified copy of this order, and that he return to this Department this original order with this entry of such service thereon.

Given under my hand and
the Seal of the Executive
Department, the day and
year first above written.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sect'y. Ex. Dept.

To His Excellency JOSEPH E. BROWN,

Governor of Georgia:

We, the undersigned Commissioners, appointed under an Act of the General Assembly of Georgia, entitled, "An Act to alter the Great Seal of the State of Georgia," to prepare, in co-operation with the Secretary of State, a new Great Seal for the State of Georgia, and to make all necessary preparations and arrangements to bring the same as agreed on into use, beg leave to

REPORT:

That they have performed the duty with which they were charged by said Act, and have deposited the new Great Seal, agreed on and prepared by them, in the office of the Secretary of State, of which the following is a description, to-wit: The face of the Seal measures two inches in diameter, and has on it the following device, to-wit:—three pillars, supporting an arch, with the words and figures "*Constitution 1861*" engraved within the same, emblematic of the Constitution supported by the three Departments of Government, viz., the Legislative, Judicial and Executive; the pillars are entwined with a scroll, and on that hanging round the first pillar the word "*Wisdom*" is engraved; on that hanging on the second pillar, the word "*Justice*" is engraved; and on that portion of the scroll hanging round the third pillar, the word "*Moderation*" is engraved. The motto: "State

of Georgia, 1776": which they respectfully submit to your Excellency, this November 12th, 1863.

S. S. STAFFORD,
G. N. LESTER,
B. H. BIGHAM,
Commissioners.

N. C. BARNETT,
Secretary of State.

EXECUTIVE DEPARTMENT,

Milledgeville, Georgia, November 12, 1863.

The Commissioners above named, with the Secretary of State, having this day deposited the new Great Seal of the State in the office of the Secretary of State, as agreed upon and prepared by them, in compliance with the statute of 14th December, 1861: It is hereby

Ordered, That said new Great Seal be adopted and used, on and after this day, as the Great Seal of the State of Georgia; And it is further

Ordered, That the Report of the Commissioners, with this order, be entered upon the Minutes of this Department.

JOSEPH E. BROWN.

And it is further Ordered, That the old Great Seal be deposited in the office of the Secretary of State for preservation and future inspection.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 16th, 1863.

To the General Assembly:

Complaints are reaching me from different parts of the State that there are large numbers of distilleries now constantly running in violation of law, consuming corn that is absolutely necessary to sustain the lives of helpless women and children.

The law as it now stands, provides that a distillery running in violation of the statute may be abated as a public nuisance by the ordinary process of law. Experience has shown, however, that this provision is wholly inadequate to suppress the evil. If proceedings are commenced before a justice of the peace to abate the distillery as a nuisance, and the justices rule that it is such and pass an order to abate it, the party may carry the case by certiorari to the Superior Court, and after one or more continuances, if the ruling is against him, then he may carry it to the Supreme Court and thus delay the final judgment for a year or two, within which time he can make enough whiskey to pay all the expense of the litigation and have almost a fortune as clear profits.

This mischief calls for a speedy remedy, for which the people can look only to their Representatives. In my opinion there is but one way to stop it effectually, and that is to destroy, by the use of military force, every still

that is run in violation of law. I therefore recommend the passage of an Act making it the duty of the Governor when he has satisfactory evidence that any still has been run contrary to law, to order out such military force as may be necessary, and to seize the still and use the metal of which it is made for military purposes, or sell it to the Confederate States for military use, and apply the proceeds of the sale to the support of indigent soldiers' families.

This power of military seizure and confiscation will afford an effectual remedy, and, in my judgment, no other will arrest the evil.

While whiskey is thirty or forty dollars per gallon in the market, and corn can be purchased at four times the present prices, unprincipled and avaricious men will continue to evade the law or to set it at open defiance as long as they are permitted to retain possession of their still. The exigencies demand a prompt remedy, and I am satisfied none more tardy than that recommended will answer the purpose.

JOSEPH E. BROWN.

The following Special Message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 20th, 1863.

To the General Assembly:

Justice to the citizens of Georgia, and to the great cause in which we are struggling, requires that I invite

your attention to a matter which I consider of vital importance and urge upon you to take such action as will lead to the application of the proper remedy for an existing evil. For the last eighteen months I have repeatedly stated that, in my honest opinion, our greatest difficulty will be in maintaining our supply of provisions. If we can do this, which is in our power with God's blessing, if not abused, we have nothing to fear from the power or armies of the enemy. Deeply impressed with the importance of this subject, I consider the waste of the necessaries of life as highly culpable, and any action of the government which causes such waste as unfortunate and unwise.

Entertaining these views, I am obliged to conclude that the tithing system adopted by the Congress of the Confederate States was an unfortunate error, which can only be retrieved by an entire and early change of policy.

I think it safe to estimate that at least one-third of the amount of tithe or tax in kind of this State, will be wasted and lost on account of the want of storeroom and the management and carelessness of the government agents who, unfortunately, are seldom practical planters, but are, in very many cases, young and inexperienced men who have but little practical knowledge of the business in which they are engaged.—The result is that large quantities of shelled corn are thrown together in heaps and left to must and spoil, or to be wasted by hogs and other stock on account of the insufficiency of the storerooms to protect it. Fodder or hay in bales is hauled to the common place of deposit, and is there thrown out without cover and permitted to take the rain as it falls, and is soon rotten. Potatoes and other like productions,

collected in places remote from the army, are almost an entire loss. Much of the meat, if collected at the time fixed by law, will be thrown together in heaps before it is well cured, and will be tainted and spoiled.

It is not reasonable to suppose that all the government agents, appointed as they are, will look after and take care of the government stores with the same care and diligence exercised by planters and producers in looking after their individual property. Again, if every agent were as faithful as he would be in the management of his own affairs, it is not possible, in many cases, for them to procure storehouses in which they can safely keep such large quantities of provisions as must be collected in many counties of this State. And it is also worthy of consideration that, in a large number of counties in the State, the storehouses are so far from railroad transportation that it is worth nearly half the tax in kind to haul it to the road, when, in these very counties there is not, on account of the absence of so much of our productive labor in the military field, a sufficient supply of provisions to sustain the lives of the people. The consequence is, the government must pay a very large amount of money for hauling the title out of the county, and the State must then appropriate money out of her treasury and purchase corn elsewhere, and pay a large amount to haul it back to the same place to sustain the lives of soldiers' families.

This system is not only working badly and causing the waste of a large quantity of provisions greatly needed by our people, but it has, so far as I am able to learn, given general dissatisfaction.

The people are perfectly willing to pay in the currency of the country any amount of taxes which the necessities of the government may require, till we are through this struggle. But they are not willing to pay a tax in kind which is very burdensome to them to deliver, and which, after all their toil, they often have the mortification to see wasted without benefit to the government or any one else.

In the present condition of the country, it seems to me that there is but one course left for the government to adopt which will do justice to all, sustain our cause, and be sustained by the people; and that is to repeal the tithe law, or go into the market, purchase its supplies at market value, and impose a tax, payable in currency, sufficient to absorb all that portion of the currency which it can not induce the people to fund, and which is in redundancy of healthy circulation. This would not only be the best regulator of prices, but it would relieve the agricultural class of the unjust and unequal burdens which are imposed upon them under the impressment acts as now executed, and cause the burden of sustaining the government to fall alike upon all classes of our people.

I therefore recommend the passage of a joint resolution by this General Assembly, requesting our Senators and Representatives in Congress to use all their influence and do all in their power to procure the speedy repeal of the law which provides for the imposition and collection of a tax in kind, and to procure such modifications of the impressment act as will compel the government to pay the market value as just compensation for property impressed by it. And to urge the passage of such laws as will require the tax in future to be collected in currency,

and will absorb any redundancy of the currency caused by the payment of just compensation for property purchased by the government.

I am quite sure the people of Georgia are willing to bear their just and full share of the burdens of the war, and to pay any tax necessary to sustain the credit of the Confederacy.

They are well aware that it is infinitely better to pay their debts in the present currency than to avoid taxation now and have to pay in gold or its equivalent after the war is over. This remark applies with as much force to the maintenance of State credit as of Confederate credit. I think I may safely say that there is not a member of the Senate or House of Representatives who, in the management of his own private business, will borrow the present currency and agree to pay back dollar for dollar in gold after the war is over. I will say further that there is not a member of either house, who has a single sensible constituent, who will make any such contract. How then can we justify our conduct if we do for the State that which no one of us would do for ourselves, and which no prudent citizen of the State will do in the management of his own private affairs? If we refuse to assess a tax sufficient to raise the sums we appropriate, we are guilty, it seems to me, of this inexcusable folly, as we must then borrow for the State the present currency, and bind the people of the State to pay the amount we borrow in gold after the war is over. I am sure that nine-tenths of the thinking men of the State will agree that it is far better to meet our expenditures by taxation, to be paid in the currency, than to accumulate

a State debt at present rates to be paid hereafter in gold or its equivalent.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 23d, 1863.

STATE OF GEORGIA,
BALDWIN COUNTY.

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Articles of agreement made and entered into this twenty-third day of November eighteen hundred and sixty three, between Messrs. Seago, Palmer & Co., of Atlanta, Fulton County, Georgia, the individual members of said firm are A. K. Seago, L. D. Palmer, S. D. Niles and L. L. Abbott, of the first part, and Joseph E. Brown, Governor of Georgia, in his official capacity as Governor of said State of Georgia, and not individually, of the second part:

Witnesseth: That for the consideration hereinafter mentioned. that said party of the first part covenant and agree with the said party of the second part, to make, at Saltville, Virginia, five hundred bushels of salt—50 lbs. to the bushel—per day, Sabbaths excepted, and such other days as may be set apart for thanksgiving or humiliation and prayer by authority of the State government of Virginia, or by the Confederate government, and except also when the said party of the first part may be prevented by the public enemy from hauling wood or salt, or both, by R. R. train to or from the salt works on both the railroads leading to and from the works be-

tween Georgia and the works, or when they may be prevented from making that quantity of salt per day for want of salt water being furnished them, or the breaking the engine hereinafter mentioned, or from some other unavoidable accident, for said State of Georgia.—The said party of the first part agree to ship said salt to Atlanta, Georgia, as fast as made, if possible, consigned to the Commissary General of the State, and to superintend the shipping thereof free of charge.

When the salt arrives at Atlanta it is to be equally divided between the said parties of the first and second part, each party having one-half and each party to furnish one-half the sacks at Saltville, and to pay one-half of the cost of transportation of the salt from Saltville to Atlanta.

The said party of the first part agrees to commence making the salt under the contract by the 16th day of January, 1864, and to continue during the present war between the United States and the Confederate States.

In consideration that the said party of the first part covenants and agrees to make the quantity of salt per day as aforesaid, at Saltville—to have it all shipped to Atlanta as aforesaid, and to receive but one-half of it there, said party of the second part covenants and agrees to furnish the engine “Texas” and train of nine box cars, and a few platform cars now at Saltville belonging to the W. & A. Road, to the party of the first part, to be used by them in hauling wood and salt and necessary supplies to carry on the works to and from the salt works without other compensation for the use of said rolling stock; the said party of the first part to make all ordi-

nary repairs needed upon said rolling stock at their own expense, and to deliver the same in a reasonably good condition to the said W. & A. R. Road when the said party of the first part shall cease to use it for the purposes aforesaid, or when this contract shall be fulfilled: *Provided*, the said rolling stock shall not be taken, cut or destroyed by the public enemy so that it can not be returned—or shall be destroyed by an unavoidable collision or other accident without blame upon the said party of the first part.

Whereas, heretofore a contract was entered into between Dr. J. W. Lewis, as agent of this State, and Messrs. Stewart, Buchanan & Co., of Smythe county, Virginia, by which the said Stewart, Buchanan & Co. agreed to supply to this State, at Saltville, Va., a quantity of salt water sufficient to make five hundred bushels of salt per day for a certain period of time, at fifty cents per bushel of salt made therefrom:

And Whereas, M. S. Temple & Co. have since been making salt from said supply of salt water for this State, under a contract with the State, and have notified the Governor of this State of their desire to discontinue the further manufacture of salt under their contract for the State: Now, the said party of the first part, in consideration that they are to receive said supply of salt water from Stewart, Buchanan & Co. to make salt under their contract, agree to pay to said party of the second part for said supply of salt water, at the rate of fifty cents in Confederate States Treasury Notes, per bushel of salt made by them therefrom *until* such time as the said party of the first part shall make a satisfactory revision of the said contract between the State of Georgia and Stewart,

Buchanan & Co. for salt water; from which time the said party of the first part assumes the payment to Stuart, Buchanan & Co. for the said supply of salt water to the extent of said contract with them. The said party of the first part further agrees that in any reversion of the said contract between this State and Stewart, Buchanan & Co. for said supply of salt water which the said party of the first part may hereafter make, it is to be distinctly stipulated that the right to said supply of salt water shall be given to any other party to make salt for this State which may be selected, contracted with, or appointed by the said party of the second part without impairing in the least the State's rights under subsisting contract with Stuart, Buchanan & Co. for said supply of salt water in case, from any cause, the said party of the first part shall fail to carry out the contract in good faith. It is also further agreed, by and between both of the said parties to this contract, that the said party of the second part may appoint and keep an agent on the part of this State at Saltville, who shall have the right, at all times, to examine, view and inspect the works, salt houses, and all other matters and things pertaining to the manufacture of salt for the State of Georgia under this contract, and pertaining to the measuring and shipment thereof; and it is further agreed that in case the said party of the first part shall, at any time, fail to carry out this contract in good faith, the right is hereby reserved to the said party of the second part to annul and rescind this contract in all respects, except so far as the same may at such time have been performed or executed, on giving ten days' notice of such intention to annul the same.

The party of the first part is to procure the written consent of Stewart, Buchanan & Co. that they be sub-

stituted for and permitted to make the State's salt in place of M. S. Temple & Co., and that if they cease to be the State's agent to make salt, any other responsible person or persons employed by the State shall have the right, under the original contract between the State and Stewart, Buchanan & Co., so that none of the State's rights shall be affected by the change of the agents, who are selected from time to time, to carry out the State's contract with said Stewart, Buchanan & Co.

Signed and sealed the day and year above written.

Attest:

J. B. CAMPBELL,

Sec. Ex. Dept.

LEROY SUTTON.

(Signed) SEAGO, PALMER & Co. (Seal.)

(Signed) JOSEPH E. BROWN, (Seal.)

Governor of Georgia.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 25th, 1863.

To the General Assembly:

It becomes my pleasant duty to communicate to you the fact that I have received at this office a number of

the old battle flags of distinguished Georgia Regiments, and several flags taken from the enemy by the intrepidity and valor of our Georgia troops, and to ask you to order such disposition to be made of them as will best perpetuate the memory of the glorious deeds which have been performed under them upon the battle field, and will do appropriate honor to the gallant men who have participated in the brilliant achievements which will transmit their names to posterity as the benefactors of their countrymen and the bravest defenders of their country's rights.

Each battle flag has attached to it a statement showing the engagements with the enemy through which it has been carried; and each captured flag a statement of the regiment or brigade by which it was taken from the enemy. I recommend the appointment of a committee to receive these flags and report to the General Assembly the disposition proper to be made of them. As a Georgian, I am proud of the valor displayed by her sons when they have met the enemy in deadly conflict, and it will afford me great pleasure, upon all appropriate occasions, to unite with the General Assembly in doing honor alike to the memory of her immortal dead and to the names of her living heroes.

Appended hereto is a statement giving the numbers of the Georgia regiments whose battle flags are returned, and of the regiments and brigades which have sent in flags of the enemy captured by them.

JOSEPH E. BROWN.

Battle Flag of 4th Georgia Regiment.

Battle Flag of the 14th Georgia Regiment.

Battle Flag of the 20th Georgia Regiment.

Battle Flag of the 26th Georgia Regiment.

Battle Flag of the 12th Georgia Battalion.

Federal Battery Flag captured with the guns of the enemy at the battle of Chancellorsville, by the 4th Georgia Regiment.

Two Battery Flags, captured at the battle of Gettysburg by Gen. Doles' Georgia Brigade.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 28th, 1863.

To the General Assembly:

I herewith communicate copies of a letter received from Maj. Locke, the chief commissary of the Confederate government in this State, in reference to the difficulties which he encounters in having manufactured the whiskey which the statute authorizes that government to have made in this State.

For the accommodation of the Confederate authorities, I recommend such change in the law as will remove

the restriction complained of, to the extent that the distiller who has already been licensed to make whiskey for the government shall not be prohibited from distilling corn furnished to him by the government, nor shall he be required to know where the government purchased the corn. I also recommend that such distillers for the government be permitted to use rye, barley or shorts purchased within twenty miles of a railroad or navigable stream.

JOSEPH E. BROWN.

[Enclosure.]

OFFICE CHIEF COMMISSARY,

Savannah, Nov. 25th, 1863.

To His Excellency Governor JOSEPH E. BROWN,

Milledgeville.

SIR: It is known to your Excellency that under Acts of the last Legislature, the Confederate Government was authorized to make contracts for the distillation in this State of one million gallons whiskey for the use of the troops. A few contracts have been made for this purpose, and of these nearly all, with one exception, that of Messrs. High, Lewis & Co., of Atlanta, have proved abortive. The quantity distilled by Col. Parr, on his contract with Maj. Allen, is quite insignificant.

Mr. Andrew Dunn, of Forsyth, after distilling a trifle more than 3,100 gallons, has lost his distillery by fire; and your Excellency has withdrawn his license already, at my request. Of the 80,000 gallons attributed to High, Lewis & Co., they have not yet furnished more than about

one-third, as our receipts and issues show. At the present moment, our sole reliance is upon them. Meanwhile unexpected difficulties of the greatest magnitude have interposed themselves—such as the price of labor, fuel, its transportation, hops and other material. The greatest obstacle, however, is found in the prohibition against taking their corn and small grains, consisting of rye, shorts and ship stuff, from any point within 20 miles of any railroad or navigable stream. It is extremely desirable that this restriction should be removed; and I propose that a bill be presented to the legislature withdrawing it. I therefore respectfully invoke the aid and countenance of your Excellency in favor of the introduction of a bill in behalf of the Confederate Government embodying this feature.

I have the honor to remain,

your Excellency's most obedient servant,

J. L. LOCKE,

Major and Chief Commissary.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 30th, 1863.

Dr. Geo. D. Phillips, Sup. W. & A. R. R.

DEAR SIR: It having been represented to me that on account of the great difficulty in procuring teams with

which to haul wood for delivery along the line of road from places where contractors are able to procure it, the supply is about to run out, which event would be followed by very serious consequences in embarrassing the conveyance of supplies to Genl. Bragg's army, and also to destitute portions of our own population.

To meet this emergency, you will direct the detail of soldiers, and also any other labor that is now or may be at your command for that purpose, to cut as much wood as may be necessary, from any timbered lands which may lie contiguous to the line of road, except groves, shade trees, and also rail and board timber.

For the purpose of compensation to the owners, you will cause all the wood cut to be carefully piled and measured, and tender to the owner, or cause the same to be done, one dollar per cord for all the wood so taken from his land, and if the owner is not content with the same, let the road choose some disinterested party and he another, who shall fix the value, on oath, and if they disagree, then to call in a third as umpire, and the amount so ascertained by them shall be the value paid by the road. You will pursue this course only so long as the emergency lasts, or until a supply is procured sufficient to enable you to get a start with the contractors, so as to keep the requisite supply on hand.

JOSEPH E. BROWN.

The following special message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 2d, 1863.

To the General Assembly:

As the Western & Atlantic Railroad is justly relied upon by the people of this State as a source of considerable revenue, it becomes my duty to call the attention of the General Assembly to the present heavy losses sustained by the State in the transportation of freights for the Confederate Government. The rates now allowed by the government are the same that were agreed upon at the Augusta convention, when all the supplies used by the Road were worth in the market less than half their present market value, which rates are much less than half the prices charged to citizens of this State. I have therefore notified the proper officer that, in future, the Road will charge one hundred per cent. upon the rates now paid for the transportation of Confederate freight. With the heavy increase of expenses, it will not be possible to make the Road a source of much revenue and charge less. I trust my action in this regard will meet the approval of the General Assembly.

It became absolutely necessary that we import some springs for cars and other necessary material for repairs. Since the General Assembly has convened, part of these have arrived at a Confederate port, and the cost to the Road will be over twenty-five times the old prices.

It is proper that I mention the additional fact that the amounts now charged by the Confederate officers for

losses upon the Road amount to very heavy sums. These officers load their own cars at one end of the Road and frequently check out their own freights at the other end and charge the Road with such losses as they may choose to report. Under these circumstances, if a Confederate Quartermaster should be dishonest, he might appropriate to his use large amounts of freight and charge it to the Road as lost on the way.

It may be said that the authorities of the Road should see that they are not imposed upon in this way. In the present state of things, this is often impossible. Two or three freight trains arrive together, and the army needs the supplies and officers are sent with detachments of men to unload all at one time. Each checks out for himself and makes such report as he thinks proper, and the officers of the Road can get no other account than the one rendered by the officers in charge of these detachments. What they choose to report as lost is charged up against the Road and withheld upon settlement of freight account.

Again, it frequently happens that the loaded trains have to lie over for a time before the Confederate officers are ready to receive the freights. While thus detained, they are often entered by bands of straggling soldiers and valuable articles taken from them, which the Road is required to pay for. Our freight cars have again and again been cut to pieces by the troops being transported in them over the Road, which often leaves freight in them exposed, after all possible energy has been exercised in making repairs. This causes much loss, not only of public but of private freights, for which the Road is held liable.

To relieve the Road from these heavy losses, I propose that the Confederate officers be permitted to load and unload their own cars, under the inspection of officers of the Road, at the place of shipment, and that the government be permitted to send a guard upon each freight train, free of charge for transporting the guards, and that the Road shall not be liable for any losses which occur after the freights are placed upon the cars. I should be happy to know that the course which I propose to adopt in the above mentioned particulars meet the approval of the General Assembly.

I again beg to call your attention to the imperative necessity which exists for a change of the law which authorizes an increase of fifty per cent. only upon the salaries and pay of officers and employees of the Road over the rates which existed when they were paid upon the gold basis. The officers and employees can not live at these rates, and I shall be unable to work the Road much longer if I am not permitted to increase their pay. They have to perform great labor and take heavy responsibilities, and I think it right that the freights be increased, and that they be paid reasonable compensation.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 4th, 1863.

To the General Assembly:

The report of the Commissary-General of this State has been delayed on account of difficulties in getting in report from the salt agent in the different parts of the State, as that department has been charged with the receipt and distribution of salt among the soldiers' families.

I now have the pleasure to transmit copies* of both his military and salt report. These reports show that their author has been faithful and prompt in the discharge of his duties, and they also afford much interesting information.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 5th, 1863.

Whereas, I have been notified that, by order of Surgeon-General S. P. Moore, C. S. A., all [contracts] entered into by W. H. Prioleau, Surgical and Medical Purveyor, on the part of the Medical Department of the Confederate Government, and Messrs. Shone and Crawford

*Reports not found.

for the manufacture of alcohol and whiskey, have been cancelled; therefore it is

Ordered, That license No. 7, issued by me on the 21st day of January, 1863, to said Shone and Crawford, authorizing them to distill thirteen thousand gallons of whiskey for said department of the Confederate Government, near the city of Macon, in Bibb county in this State, be, and the same is, hereby revoked; and also, that license No. 8, issued by me on the said 21st day of January, 1863, to the said Shone and Crawford to distill for said medical department two thousand gallons of alcohol, near the city of Macon in said county of Bibb, be, and the same is, hereby revoked; and it is further

Ordered, That said Shone and Crawford, or one of them, or the person having charge of their distillery near the city of Macon, be served personally with a copy of this order by the sheriff, or his deputy, of said county of Bibb, and that this original order be returned to this department with entry of such service thereon.

Given under my hand and
the Seal of the Executive
Department, this the 5th
day of December, 1863.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA.

December 5th, 1863.

Whereas, It has been officially represented to me that it is confidently believed that the license issued on the 11th day of March, 1863, to William G. Smith authorizing him to distill, in Campbell county, in this State, for medicinal, chemical and mechanical purposes, two thousand gallons of whiskey for the use of the people of said county for said purposes, has been abused and perverted from the uses intended by the act of the General Assembly of this State, by authority of which it was issued; therefore it is

Ordered, That said license issued as aforesaid, being license No. 3, be, and the same is hereby revoked and declared, from this date forward, to be of no effect and void; and it is further

Ordered, That the sheriff, or his deputy, of said county of Campbell, do serve personally upon said William G. Smith, or upon such person as shall have his distillery in charge, a certified copy of this order, and that he return to this department this original order with his entry of such service thereon.

Given under my hand and
the Seal of the Executive
Department, this 5th day
of December, 1863.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 5th, 1863.

Whereas, It has been officially recommended to me by four of the Justices of the Inferior Court of the county of Carroll, in this State, to revoke the license issued by me on the 9th day of May, 1863, authorizing John B. Bailey to distill in said county twelve hundred gallons of whiskey for the use of the people of said county for medicinal, chemical and mechanical purposes, for the reason that said Bailey had, up to the 17th of November last, distilled and delivered only about one-fourth the said quantity of whiskey, and because of the scarcity of corn in said county; therefore it is

Ordered, That said license, being license No. 36, issued as aforesaid, be, and the same is, hereby revoked, and become null and void from the time of the service of a copy of this order upon the said John B. Bailey; and it is further ordered, that a certified copy hereof, be served personally upon said Bailey by the sheriff, or his deputy, of said county; and that this original order be returned to this department with entry of such service thereon.

Given under my hand and
the Seal of the Executive
Department, this 5th day
of December, 1863.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 15th, 1863.

To the House of Representatives:

I feel it my duty to refuse my assent to the bill which originated in the House, entitled, "An Act to authorize the taxpayers of the State to pay their State and county tax in Confederate Treasury Notes, and for other purposes."

The bill declares that the "taxpayers of this State may pay their State and county taxes in the Treasury Notes of the Confederate States, and the Tax Collectors of the several counties are hereby authorized and required to receive said notes, when tendered, in payment of taxes." To this there is no objection; but it gives the taxpayers no privilege which they do not already enjoy, as the State has received Confederate Treasury Notes for all taxes and other public dues from the time the first note was tendered to her collectors till the present day.

I presume, however, that the exception which follows the language above quoted is the main objection of the bill. It is in the following words: "Except such persons as may, after this Act shall have gone into effect, refuse to receive Confederate Treasury Notes in payment of any claim due them in their individual capacity,

or as a corporation, or agents, or who shall refuse to receive Confederate Treasury Notes in payment for produce or merchandise, in which case the tax due on such claim, or produce, or merchandise, shall be payable in specie; *provided*, this exception shall not apply to promissory notes payable in specie, and so expressed on the face.”

The Constitution of the Confederate States declares that no State shall “make any thing but gold and silver coin a tender in payment of debts,” or pass any “law impairing the obligation of contracts.”

The passage of this bill is a legislative attempt to do indirectly what the Constitution declares shall not be done; make Confederate Treasury Notes a tender in payment of debts. In the present state of the currency, it is a heavy penalty for the State to compel one of her citizens to pay his tax in specie, when others pay in Confederate Treasury Notes. This bill then proposes to compel creditors to receive Confederate Treasury Notes as a legal tender in payment of debts under a heavy penalty for refusal. If the State has no right to make any thing but gold and silver coin a tender in payment of debts, has she a right to impose penalties upon creditors for refusing to receive any thing else in payment? If so, all that is necessary is to declare what else shall be a legal tender, and make the penalty heavy enough, and she compels her citizens to receive it as a tender in payment of debts due them. Again, no State shall pass any law impairing the obligation of contracts. A purchased a horse of B three years since, which was worth one hundred dollars in gold and gave his note for one hundred dollars, due one month after date. When due, he refused

to make payment. He now comes to B when one dollar in gold is worth twenty dollars in currency, and when the horse, which he purchased for one hundred dollars, will bring fifteen hundred dollars in the market, and proposes to pay B one hundred dollars in Confederate Treasury Notes and the interest for the note. B refuses to take it, because the contract was made upon the gold basis and its obligation is for the payment of gold or its equivalent. The Legislature compels B to receive the money or submit to a severe penalty. Does not this impair the obligation of the contract, and is it just?

But aside from Constitutional objections, this bill ought not to become a law, as it can benefit no one but a class of debtors who received gold value for the notes which they have given to their creditors, and who now wish to pay off their debts with the present currency, when they, in many cases, would not take ten times as much currency for the property they received as they expect to pay to the creditor in discharge of the debt. I have noticed that this is the class of individuals who are the most bitter in their denunciation of those who refuse to receive Confederate Treasury Notes in payment of old debts. All other persons can see the injustice of such a tender; but the debtor, who got the amount mentioned in the face of the note in gold or its equivalent, can seldom see it. What reason is there why a promissory note, given for property upon the gold basis, should not be estimated at its value in Confederate notes as well as a barrel of flour or a pound of bacon? And who takes Confederate Treasury Notes for flour or bacon at par? A barrel of flour, in ordinary times, is worth five dollars in gold, and a pound of bacon ten cents. A barrel of

flour is now worth, in Confederate Treasury Notes, \$80, and a pound of bacon \$2.50. If a barrel of flour is now worth \$80 in Confederate Treasury Notes, how is it that a five dollar note given for a barrel of flour on the gold basis is now worth only five dollars in Confederate Treasury Notes? And why compel the holder of the note, if he refuses to receive five dollars in treasury notes for it, to pay his taxes in gold, which will cost him twenty for one, and permit the owner of the flour to sell it for \$80 and impose no penalty on him?

Why not say he, too, shall pay his taxes in specie if he refuses to receive the Confederate notes as gold; in other words, if he refuses to take five dollars in treasury notes for his barrel of flour, which is the ordinary gold value? Upon what principle of equity is it that a barrel of flour is worth sixteen times as much Confederate currency as a note given for a barrel of flour upon the gold basis is worth?

This bill proposes to inflict the same penalty upon him who refuses to receive Confederate Treasury Notes for produce or merchandise, as it does upon him who refuses to receive it in payment of debts given for property on the specie basis. But it does not say what price persons may charge in Confederate Notes for produce or merchandise. If they price produce or merchandise worth five dollars at eighty dollars, and receive payment in Confederate notes when tendered, they escape the penalty. Then why not permit the owner of the promissory note to price his note at its value in the currency, and punish him only when he refuses to receive its value in Confederate notes when tendered?

Again, the Act excepts from the penalty those who refuse to take Confederate Treasury Notes in payment for "promissory notes payable in specie, and so expressed upon the face." Many persons have borrowed gold and given notes for it who have not expressed in the face of the notes they are payable in specie. If two notes of equal amount are given for gold lent, and one says upon its face payable in specie, and the other simply says for value received, and the holders refuse to take Confederate notes in payment, I confess my inability to see the justice of compelling one to pay his tax in specie, while the other is permitted to pay in treasury notes, because his note chanced to have on its face the expression "payable in specie." Nor do I see the equity of the difference in any case where the note is given for specie value, whether expressed in the face of the note payable in specie or not.

But it may be said there are principles of public policy which over-ride private interest, and that the public safety requires that the currency be sustained and treated as gold in all individual payments. Public policy and justice require that the currency be received at its market value. No more, no less. And in this connection it should not be forgotten that the Confederate Congress does not estimate it as equivalent to gold, but draws a clear distinction by compelling the holders of gold to give in and pay Confederate tax upon the value of the gold in Confederate Treasury Notes, and the Confederate collectors have estimated the difference at eight and ten for one. We need not attempt to shut our eyes to a fact well known to every intelligent man, woman and child in the Confederacy, and to our enemies, and which is acknowl-

edged by the Confederate Congress, that the Confederate currency is greatly depreciated and that Confederate Treasury Notes are not worth par in specie. It would be wiser to acknowledge, by our legislative action, what all our constituents know, and to use all Constitutional and proper means by taxation and otherwise to improve the currency, than to attempt to sustain its value by compelling one class of citizens to receive it as gold, and permitting all others to treat it as of but little value.

If this bill had excepted all notes given for specie value prior to the depreciation of the currency, there might have been some justice in its passage.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 30th, 1863.

Whereas, on the 23d day of March, 1863, at the instance of the Justices of the Inferior Court of Meriwether county, I issued a license, being license No. 20, to Rhodom M. Brooks of said county, authorizing him to distill one hundred and fifty gallons of alcohol for the use of the people of said county for medicinal, chemical and mechanical purposes: *And Whereas*, the said Justices now request me to revoke said license, therefore it is

Ordered, That said license issued as aforesaid, to said Rhodom M. Brooks be, and the same is, hereby revoked,

and that a copy of this order be served personally upon said Brooks by the sheriff, or his deputy, of said county of Meriwether, and that this original order be returned to this department with entry of such service thereon.

Given under my hand and
the Seal of the Executive
Office, this 30th day of
December, 1863.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 30th, 1863.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Warren county, license No. 61, issued to William Battle on the 6th day of June, 1863, for the distillation of sixteen hundred gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon said Battle by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 5th, 1864.

By order of the Governor, and at the instance of W. H. Prioleau, Surgeon and Medical Purveyor, as agent of the Medical Department of the Confederate States, the license issued to A. J. Simmons, on the 21st day of January, 1863, to distill fifteen thousand gallons of whiskey in the county of Monroe, in this State, for the use of the Confederate Government, was this day revoked, and a copy of said revocation ordered to be served upon said Simmons by the sheriff of Monroe county, or his deputy.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 5th, 1864.

By order of His Excellency the Governor, and at the instance of W. H. Prioleau, Surgeon and Medical Purveyor, as agent of the Confederate States for the Medical Department thereof, the license issued to W. T. Maynard and J. B. Maynard on the 3d day of February, 1863, to distill 15,000 gallons of whiskey, in the county of Monroe in this State, for the use of the Confederate Government, was this day revoked, and a copy of which revocation

ordered to be served upon the said W. T. and J. B. Maynard by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA,
January 28th, 1864.

Whereas, satisfactory evidence has been submitted to this department that B. Bernstien of Bibb county, in this State, has been examined by Wm. F. Holt, Surgeon of the 22d Senatorial District, and found unfit for military duty on account of "organic disease of the heart,"

It is therefore Ordered, That the said B. Bernstien be permitted to visit Richmond, Virginia, with his family, with a view of going to Europe, provided no member of his family be subject to do military duty.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA,
January 30th, 1864.

By the order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Macon county, license No. 106, issued to John C. Rodg-

ers on the 14th day of November 1863, for the distillation of one hundred and fifty gallons of alcohol; also at the same time license No. 107 issued to said Rodgers to distill eleven hundred and fifty gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said John C. Rodgers by the sheriff of said county of Macon, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 8th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Sumter county, license No. 59, issued to Thomas E. Smith, W. A. Bell and Charles W. Coker, on the 6th day of June, 1863, for the distillation of two hundred gallons of alcohol for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Thomas E. Smith, W. A. Bell and Charles W. Coker, or either of them by the sheriff of said county of Sumter, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 8th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Sumter county, license No. 37, issued to William Mize on the 9th day of May, 1863, for the distillation of one thousand gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said William Mize by the sheriff of said county of Sumter, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 13th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Thomas county, license No. 91, issued to Thomas B. Little of said county, on the 19th day of September, 1863, for the distillation of seven hundred and fifty gallons of whiskey, also license No. 92, issued at the same time, authorizing said Little to distill two hundred and fifty gallons of alcohol for the

use of the people of said county, were this day revoked, a copy of which revocation was ordered to be served upon the said Thomas B. Little by the sheriff of said county of Thomas, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 15th, 1864.

TO GEORGE HARRISS, of the firm of
HARRISS & HOWELL,

Wilmington, N. C.

Reposing special trust and confidence in your capacity and integrity, I hereby commission you as agent of the State of Georgia, to act for her in Wilmington in receiving and storing, and under my instructions, exporting cotton for said State and receiving, storing and forwarding supplies for soldiers' clothing, blankets, military equipments, etc., imported for said State. This commission to continue in force till you are notified by me of its revocation.

Given under my hand and Seal of the Executive Department at Milledgeville, the day and date above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 17th, 1864.

It is agreed by and between Joseph E. Brown as Governor of Georgia, and not as an individual, and on behalf of this State, and W. P. Howard, of Bartow county, that the amount of damage done by the State Troops, under order from Gen'l. Wayne, to the property of said Howard, in cutting and taking off timber, trees and shrubs from his land, and in constructing fortifications thereon at or near Etowah Bridge in said county, may be assessed and fixed by a special jury of said county in a case made before the Superior Court thereof at the next March term of said court; and that the State shall be represented by the Solicitor General of that Judicial District, and the said Howard by himself as counsel; and the State will pay such amount of damages as may be thus assessed.

(Signed) JOSEPH E. BROWN,

Governor of Georgia.

(Signed) W. P. HOWARD.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 17th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of

Upson county, license No. 7, issued to Daniel Denham on the 11th day of March, 1863, for the distillation of two thousand gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of which revocation was ordered to be served upon the said Daniel Denham by the sheriff of said county of Upson, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 17th, 1864.

By order of His Excellency the Governor, and at the instance of the agent of the Medical Department of the Confederate States, the license issued to John A. Chapman & Co., of Marion county, on the twenty-eighth day of October, 1863, authorizing him to distill ten thousand gallons of whiskey for the use of the Confederate Government, was this day revoked, and a copy of which revocation ordered to be served upon the said John A. Chapman & Co. by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 24th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Lowndes county, license No. 79, issued to Mitchell S. Griffin on the 27th of July, 1863, for the distillation of ten hundred and thirty-six gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Griffin by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 24th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Lowndes county, license No. 100, issued to Mitchell S. Griffin of Lowndes county, on the 17th day of October, 1863, authorizing him to distill one hundred gallons of alcohol for the use of the people of said county, was this

day revoked, and a copy of which revocation was ordered to be served upon the said Mitchell S. Griffin by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 24th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Lowndes county, license No. 99, issued to Mitchell S. Griffin of said county, on the 17th day of October, 1863, authorizing him to distill one thousand gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of which revocation was ordered to be served upon the said Mitchell S. Griffin by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 26th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Quitman county, license No. 52, issued to Joel Daws of said county on the 21st day of May, 1863, authorizing him to distill sixty gallons of alcohol for the use of the people of said county of Putnam, was this day revoked, a copy of which revocation was ordered to be served upon the said Joel Daws by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 26th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Putnam county, license No. 51, issued to Joel Daws of said county, on the 21st day of May, 1863, authorizing him to distill nine hundred gallons of whiskey for the use of the people of said county of Putnam, was this day

revoked, a copy of which revocation was ordered to be served upon the said Joel Daws by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 29th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Troup county, license No. 73, issued to Robert M. Young of said county, on the 11th day of July, 1863, authorizing him to distill two thousand gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Robt. M. Young by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 29th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Troup county,

license No. 74, issued to Robert M. Young of said county, on the 11th day of July, 1863, authorizing him to distill three hundred and forty gallons of alcohol for the use of the people of said county, was this day revoked; a copy of which revocation was ordered to be served upon the said Robert M. Young by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 1st, 1864.

This certifies that I have this day chartered the Steamers "Little Ada," "Florrie," "Little Hattie," "Lillian" and one other, now being built, from the Importing and Exporting Company of Georgia, to be used for the State in exporting cotton and other productions and commodities and importing supplies for the State; and I have appointed Col. C. A. L. Lamar, the Agent of the State of Georgia, to take charge and conduct said importation and exportation for the State. He will be authorized agent of the State to load said vessels and obtain clearances from any custom houses in the Confederacy, and to receive for the State inward cargoes.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 3d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Brooks county, license No. 8, issued to George R. Frazer, of said county, on the 12th day of March, 1863, authorizing him to distill five hundred gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said George R. Frazer by the sheriff of Brooks county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 3d, 1864

By order of the Governor, and in compliance with the recommendation of the authorities of Taliaferro county, license No. 40, issued to Thomas S. Irby, of said county, on the 11th day of May, 1863, authorizing him to distill seven hundred gallons of whiskey for the use of the people of said county, was this day revoked, a copy

of which revocation was ordered to be served upon the said Thomas S. Irby by the sheriff of Taliaferro county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 4th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Taylor county, license No. 25, issued to Thomas Amerson of said county, on the 8th day of April, 1863, authorizing him to distill four thousand gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Thomas Amerson by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 4th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Taylor county, license No. 26, issued to William Turner of said county, on the 8th day of April, 1863, authorizing him to distill four hundred gallons of alcohol for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said William Turner by the sheriff of said county of Taylor, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 4th, 1864.

By the order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Talbot county, license No. 24, issued to F. M. Veasey of said county on the 24th day of March, 1863, authorizing him to distill twelve hundred gallons of whiskey for the use of the people of said county, was this day revoked,

a copy of which revocation was ordered to be served upon the said F. M. Veasey by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA,
March 4th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Houston county, license No. 10, issued to Jefferson G. Way of said county, on the 20th day of March, 1863, authorizing him to distill fifteen hundred gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Jefferson G. Way by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GEORGIA,
March 5th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of

Washington county, license No. 78, issued to Nathan W. Haines of said county, authorizing him to distill three hundred gallons of alcohol for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Nathan W. Haines by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 5th, 1864.

By order of His Excellency the Governor, and in compliance with the recommendation of the authorities of Washington county, license No. 77, issued to Nathan W. Haines of said county, on the 16th day of July, 1863, authorizing him to distill fifteen hundred gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon said Nathan W. Haines by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 10th, 1864.

In compliance with the Proclamation of His Excellency, the Governor, of the 27th of February, the General Assembly convened this day, March 10th, 1864, at the Capitol in Milledgeville, in Extra Session.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 10th, 1864.

To the Senate and House of Representatives:

The patriotic zeal exhibited by you at your late session, for the promotion of the interest and protection of the liberties of the country, and the personal kindness and official courtesy which I received at your hands, and for which I renew my thanks, have satisfied me that laying aside all past party names, issues and strifes, your object as legislators is to discharge faithfully your official duties, and to sacrifice all private interests and personal preferences, to the public good. In view of these considerations, I feel that I can rely upon your counsels as a tower of strength in time of darkness and gloom.

I have, therefore, convened you that I may have the benefit of your advice and assistance, at this critical juncture in our State and Confederate affairs.

TRANSPORTATION OF CORN TO INDIGENT SOLDIERS' FAMILIES.

Since your adjournment, experience has shown that it is not possible without assistance from the State, which will require further legislation, for the agents of the counties where there is great scarcity of provisions, to secure transportation for the corn purchased in southwestern and middle Georgia, to the places where it is needed. To meet this difficulty, I respectfully recommend the passage of a law, authorizing the Quartermaster-General of this State, or such other officer as the Governor may from time to time designate, under the order of the Governor, to take possession of and control any of the railroads in the State, with their rolling stock or any other available conveyance, and require that corn or other provisions, for the needy or for the county agents for soldiers' families be transported in preference to all other articles or things, except the troops, and the supplies necessary for the support of the armies of the Confederate States, and that the Act provide for the payment of just compensation for the use of such means of transportation, while in the possession of the authorized officers of this State, the compensation to be paid out of the money already appropriated as a relief fund by the agents or persons at whose request the transportation may be furnished.

Experience has also proved that the counties of northeastern Georgia most remote from the railroad can not obtain sufficient means of transportation to carry the

corn from the railroad to the place of consumption. The scarcity of teams is owing to the fact that their horses have been taken for cavalry service, and their oxen have been impressed for beef for the army. Finding that there was likely to be much suffering in that section for bread for soldiers' families, I ordered the energetic Quartermaster-General of the State to purchase teams and wagons by drafts upon the military fund and aid those most destitute, and most remote from the railroad in the transportation of the corn. If this action is approved by the Legislature, and I trust it will be, the teams now about ready for use can be employed in this service for a portion of the year. If not approved, they will at any time command more in the market than they cost the State, if not needed for military uses.

RELIEF FUND FOR SOLDIERS FAMILIES.

I am satisfied that the indigent families of soldiers, in many of the counties of this State, are not receiving the benefits to which they are entitled, on account of the neglect or mismanagement of the inferior courts. Six millions of dollars have been appropriated for this purpose for the present year, which, if properly applied, is sufficient to prevent any actual suffering. Complaints come up constantly that adequate provisions are not made for the needy. In many cases, I have no doubt, these cases are well founded. As evidence of the neglect of parts of the courts, it may be proper to state that great as the destitution is among those entitled to the fund, the amount due for the last quarter of last year has not in some cases been applied for. Some courts have not yet sent in their reports of the number entitled for the pres-

ent year, so as to enable me to have the calculation made and the amount due each county ascertained, while many of the counties have made no application for any part of the fund appropriated for this year.

While the Governor has power to require the courts to make reports of the disposition of the fund, in cases where he suspects it is being improperly applied, and to withhold payments to the courts in such cases, he has no power to compel the courts to do their duty, nor can he take the fund from them and appoint any other person or agent to distribute it among those for whom it was intended. If the courts fail to act, the law makes no other provision for the distribution of the fund. Unless some better plan is adopted, I am satisfied the objects of the Legislature will be very imperfectly carried out in many of the counties, and the needy will not receive the benefits of the liberal provision made for them by the appropriation. As it may be necessary to provide for the appointment of active reliable agents in the counties to assist the courts, or to take charge of the fund in case of neglect or mismanagement by them, I respectfully suggest that provision should be made for commissioning all such as officers of this State, so as to protect them against conscription. It will be impossible to relieve the needy, if our most valuable county agents are taken from the discharge of their important duties by the enrolling officers of the Confederacy.

Provision should also be made for the removal from office of all Justices of the Inferior Courts who neglect or refuse to discharge their duties promptly and faithfully.

COTTON PLANTING.

Having on former occasions brought the question of farther restriction of cotton planting to the attention of the General Assembly, I feel a delicacy in again recurring to that subject. The present prices of provisions, and the great importance of securing a continued supply of the necessaries of life, are my excuses for again earnestly recommending that the law be so changed as to make it highly penal for any person to plant or cultivate in cotton more than one-quarter of an acre to the hand, till the end of the war.

This additional restraint is not necessary to control the conduct of the more liberal and patriotic portion of our people, but there are those who for the purpose of making a little more money will plant the last seed allowed by law, without stopping to enquire whether they thereby endanger the liberties of the people and the independence of the Confederacy.

To control the conduct of this class of persons, and to the extent of our ability to provide against the possible contingency of a failure of supplies in the future, I feel it to be an imperative duty, again, to urge upon your consideration the importance of the legislation above recommended.

ILLEGAL DISTILLATION.

I beg leave again to call the attention of the General Assembly to the illegal distillation of grain into spirituous liquors. So great are the profits realized by those engaged in this business that the law is evaded in every way that

ingenuity can devise, and I am satisfied that evil can not be effectually suppressed without farther and more stringent legislation. Some of the Judges have ruled that the Act passed at your last session does not give them authority to draw and compel the attendance of a jury out of the regular term time of the court to try the question of nuisance, while some public officers have shown no disposition to act for fear of incurring the ill-will of persons of wealth and influence who are engaged in the daily violation of the law.

Distillers in some parts of the State are paying ten dollars per bushel for corn to convert into whiskey, while soldiers' families and other persons are suffering for bread.

I renew the expression of my firm conviction that the evil can only be effectually suppressed by the seizure of the stills. We now need copper for the use of the State Road, and for military uses, and I earnestly request that an Act be passed authorizing the Governor to impress all the stills in the State which he has reasonable grounds to suspect have been used in violation of the law, and convert them into such material for the Road, and implements of war, as the State may need; and that he be authorized to use all the military force necessary to accomplish the object; and that provision be made for paying the owner just compensation for such stills when seized. I also recommend that provision be made for annulling the commission of any civil or military officer of this State who fails to exercise vigilance, and to discharge his duty faithfully in the execution of the law against illegal distillation.

IMPRESSMENT OF PROVISIONS.

Since your last session experience has proven that from distrust of the currency or from other cause, many planters have refused to sell corn, or other provisions, not necessary for their own use, to State or county agents for the market price when offered, while soldiers' families have been suffering for provisions.

I recommend the enactment of a law authorizing State officers, under the direction of the Governor, to make impressments of provisions in all such cases, and providing for the payment of just compensation to the owners of the property impressed.

SLAVES ESCAPING TO THE ENEMY.

The official reports of Federal officers are said to show that the enemy now has 50,000 of our slaves employed against us. If these 50,000 able-bodied negroes had been carried into the interior by their owners, when the enemy approached the locality where they were employed, and put to work clearing land and making provisions, we should today have been 50,000 stronger and the enemy that much weaker, making a difference of 100,000 in the present relative strength of the parties to the struggle. When a negro man worth \$1,000 upon the gold basis escapes to the enemy that sum of the aggregate wealth of the State, upon which she should receive taxes is lost, one laborer who should be employed in the production of provisions is also lost, while one laborer, or one more armed man, is added to the strength of the enemy.

It is therefore unjustifiable and unpatriotic for the owner to keep his negroes within such distance of the

enemies' lines as to make it easy for them to escape. This should not be permitted, and to prevent it in future such laws should be enacted as may be necessary to compel their removal by the owner in such case or to provide for their forfeiture to the State.

No man has a right to use his own property so as to weaken our strength, diminish our provision supply, and add recruits to the army of the enemy.

DESERTION OF OUR CAUSE BY REMOVALS WITHIN THE ENEMY'S LINE.

I am informed that a number of persons in the portion of our State adjoining to East Tennessee have lately removed with their families within the lines of the enemy, and carried with them their movable property. Those persons have never been loyal to the cause of the South, and they now avail themselves of the earliest opportunity to unite with the enemies of their State.

I recommend the enactment of a law providing for the confiscation of the property of all such persons, and that all such property be sold and the proceeds of the sale applied to the payment of damages done to loyal citizens of the same section, whose property has been destroyed by raids of the enemy or by armed bands of Tories.

I am also informed that some disloyal persons in that section have deserted from our armies, or avoiding service have left their families behind and gone over to the enemy, and are now under arms against us. I am happy to learn that the number of such persons is very small.

I recommend the confiscation of the property of this class of persons also, and in case they have left families behind that are a charge to the county, that no part of the relief fund be allowed them, but that they be carried to the enemy's lines and turned over to those in whose cause their husbands now serve.

I also recommend the enactment of such laws as shall forever disfranchise and *decitizenize* all persons of both classes, should they attempt to return to this State.

THE CURRENCY.

The late action of the Congress of the Confederate States upon the subject of the currency has rendered further legislation necessary in this State upon that question. It can not be denied that this Act has seriously embarrassed the financial system of this State, and has shaken the confidence of our people in either the justice of the late Congress or its competency to manage our financial affairs. Probably the history of the past furnishes few more striking instances of unsound policy combined with bad faith.

The Government issues its Treasury note for \$100, and binds itself two years after a treaty of peace, between the Confederate States and the United States, to pay the bearer that sum; and stipulates upon the face of the note that it is fundable in Confederate States stocks or bonds, and receivable in payment of all public dues except export duties. The Congress while the war is still progressing, passes a statute that this bill shall be funded in about forty days or one-third of it shall be repudiated, and that a tax of ten per cent. a month shall be paid for

it after that time by the holder, and it shall no longer be receivable in payment of public dues, and if it is not funded by the first of January next, the whole debt is repudiated. Did the holder take the note, with any such expectation? Was this the contract, and is this the way the Government is to keep its faith? If we get rid of the old issues in this way what guaranty do we give for better faith, in the redemption of the next issues? Again, many of the notes have expressed promise on their face, that they shall be funded in *eight* per cent. bonds. When? The plain import is, and so understood by all at the time of their issue, that it may be done at any time before the day fixed on the face of the note for its payment. With what semblance of good faith then, does the Government before that time, compel the holder to receive a *four* per cent. bond, or lose the whole debt? And what better is this than repudiation? When was it ever before attempted by any government to compel the funding of almost the entire paper currency of a country amounting to seven or eight hundred millions of dollars in forty days? This is certainly a new chapter in financeering.

The country expected the imposition of a heavy tax, and all patriotic citizens were expected to pay it cheerfully at any reasonable sacrifice; but repudiation and bad faith were not expected, and the authors of it can not be held guiltless.

The expiring Congress took the precaution to discuss this measure in secret session, so that the individual act of the representative could not reach his constituents, and none could be annoyed during its consideration by the murmurs of public disapprobation being echoed back into the Legislative Hall. And to make assurance doubly

sure, they fixed the day for the assembling of their successors at a time too late to remedy the evil, or afford adequate redress for the wrong.

The *secret sessions* of Congress are becoming a blighting curse to the country. They are used as a convenient mode of covering up from the people such acts or expressions of their representatives as will not bear investigation in the light of day. Almost every act of usurpation of power, or of bad faith, has been conceived, brought forth and nurtured, in *secret session*. If I mistake not the British Parliament never discussed a single measure in secret session during the whole period of the Crimean War. But if it is necessary to discuss a few important military measures, such as may relate to the movement of armies, etc., in secret session, it does not follow that discussion of questions pertaining to the currency, the suspension of the writ of *habeas corpus* and the like, should all be conducted in secret session.

The people should require all such measures to be discussed with open doors, and the press should have the liberty of reporting and freely criticising the acts of our public servants. In this way the reflection of the popular will back upon the representative, would generally cause the defeat of such unsound measures as those which are now fastened upon the country in defiance of the will of the people.

But dismissing the past and looking to the future, the inquiry presented for our consideration is, how shall the State authorities act in the management of the finances of the State? As the Confederate States Treasury Notes constitute the currency of the country, the State has been

obliged to receive and pay them out; and she must continue to do so as long as they remain the only circulating medium. The present Legislature has very wisely adopted the policy in the present depreciated condition of the currency, of collecting by taxation a sufficient sum in currency to pay the current appropriations of the State Government; instead of adding them to the debt of the State to be paid in future upon the gold basis. If the State issues her own bonds and puts them upon the market, or if she issues her own Treasury notes redeemable at a future day in her bonds, she adds the amount so issued to her permanent indebtedness and defeats the policy of paying as she goes, as her own bonds or notes would then be out and could not be redeemed with the Confederate notes when received into her Treasury.

If the State receives in payment of taxes the present Confederate Treasury Notes, they will be reduced in amount one-third by Act of Congress after first of April next, and the State receiving them at par pays a Confederate tax of $33\frac{1}{3}$ per cent. upon all monies that pass through her Treasury. This, of course, cannot be submitted to.

The repudiation policy of Congress seems therefore to have left us but one alternative, and that is to receive and pay out only such issues of Confederate notes as under the Acts of Congress pass at par, without the deduction of $33\frac{1}{3}$ or any other per cent. But as we are obliged to have funds before the time when the new issues of Confederate notes can go into circulation, the question presented is how shall we supply the Treasury in the meantime? In my judgment the proper plan will be to issue State Treasury Notes, payable on the 25th day of

December next, at the Treasury, and in each of the more important cities of this State in Confederate Treasury Notes of such issue as may be made after first April next to be used as circulating medium. This enables the State to anticipate the new issues, and use them in advance of their circulation by Confederate authority. The new Georgia Treasury Notes of this issue would be just as good as the new issue of Confederate notes, because payable in them, and would be as current in payment of debts. The Act should provide that all taxes hereafter due the State for this year, shall be payable in the Confederate Treasury Notes of the new issue, and that they shall be deposited in the treasury when collected, to redeem the State notes payable in them. The Act should also provide that the State notes shall be returned and the Confederate notes received in place of them within three months after they are due, or that the State will no longer be liable for their payment. This would prevent holders from laying them away and refusing to bring them in for payment when due, according to the terms of the contract. As the State tax is not due till next fall, there will be an abundant supply of the new Confederate notes in circulation by that time to obviate all difficulty in obtaining them by our people to pay the tax.

I recommend the passage of a joint resolution authorizing the Governor to have funded in the six per cent. bonds, provided for by the Act of Congress, all Confederate notes which may remain in the Treasury, or may be in the hands of any of the financial agents of the State, after the first day of April next, and to sell and dispose of such bonds at their market value in currency which can be made available in payments to be made by the

Treasury, and to credit the Treasurer with any losses that may accrue by reason of the failure of the bonds to bring par in the market.

ORPHANS' ESTATES.

On account of the present depreciated value of the Confederate securities, I recommend the repeal of the law which authorizes executors, administrators and trustees to invest the funds of those whom they represent in these securities. As the law stands it enables unscrupulous fiduciary agents to perpetrate frauds upon innocent orphans, and other helpless persons represented by them; and in effect, compels orphans and those represented by trustees to invest their whole estates in government bonds which no other class is required to do.

FURLONGHS REFUSED.

On the 27th of February, when I issued my proclamation calling you into extra session, I telegraphed the Secretary of War and asked that furloughs be granted to members in military service to attend the session, and received a reply stating that it had "been concluded not to grant furloughs to attend the session," that "officers so situated are entitled to resign and may so elect."

I regret this determination of the Confederate Government, as it places our gallant officers, who have been elected by the people to represent them, and to whom as well as their predecessors similarly situated, furloughs were never before denied in a position where it costs them their commissions to attempt to discharge their duties as representatives of the people.

THE NEW MILITIA ORGANIZATION AND CONSCRIPTION.

Since your adjournment in December, the Adjutant and Inspector-General, under my direction, has done all in his power to press forward the organization of the Militia of the State, in conformity to the Act passed for that purpose; and I have the pleasure to state that the enrollments are generally made, except in a few localities where proximity to the enemy has prevented it, and the organizations will soon be completed.

At this stage in our proceedings, we are met with formidable obstacles thrown in our way by the late Act of Congress which subjects those between 17 and 50 to enrollment as conscripts, for Confederate service. This Act of Congress proposes to take from the State, as was done on a former occasion, her entire military force who belong to the active list, and to leave her without a force in the different counties sufficient to execute her laws or suppress servile insurrection.

Our Supreme Court has ruled that the Confederate Government has the power to raise armies by conscription, but it has not decided that it also has the power to enroll the whole population of the State, who remain at home, so to place the whole people under the military control of the Confederate Government and thereby take from the States all command over their own citizens, to execute their own laws, and place the internal police regulations of the States in the hands of the President. It is one thing to "raise armies," and another and quite a different thing to put the whole population at home under military law, and compel every man to obtain a

military detail upon such terms as the central government may dictate, and to carry a military pass in his pocket while he cultivates his farm, or attends to his other necessary avocations at home.

Neither a planter nor an overseer engaged upon the farm, nor a blacksmith making agricultural implements, nor a miller grinding for the people at home, belongs to or constitutes any part of the armies of the Confederacy; and there is not the shadow of Constitutional power vested in the Confederate Government for conscribing and putting these classes and others engaged in home pursuits under military rule, while they remain at home to discharge these duties. If conscription were Constitutional as a means of raising armies by the Confederate Government, it could not be Constitutional to conscribe those not *actually* needed, and to be *employed* in the army; and the Constitutional power to "raise armies" could never carry with it the power in Congress to conscribe the whole people who are not needed for the armies but are left at home because more useful there, and place them under military government and compel them to get military details to plough in their fields, shoe their farm horses, or go to mill.

Conscription carried to this extent is the essence of military despotism—placing all civil rights in a state of subordination to military power and putting the personal freedom of each individual in civil life at the will of the chief of the military power. But it may be said that conscription may act upon one class as legally as another, and that all classes are equally subject to it. This is undoubtedly true. If the government has a right to conscribe at all, it has a right to conscribe persons of all

classes till it has raised enough to supply its armies. But it has no right to go farther and conscribe all who are by its own consent to remain at home to make supplies. If it considers supplies necessary, somebody must make them; and those who do it being no part of the army, should be *exempt* from conscription and the annoyance of military dictation while engaged in civil, and not military pursuits.

If all between 17 and 50 are to be enrolled and placed in constant military service, we must conquer the enemy while we are consuming our present crop of provisions, or we are ruined, as it will be impossible for the old men over 50 and the boys under 17 to make supplies enough to feed our armies and people another year. I think every practical man in the Confederacy who knows anything about our agricultural interests and resources will readily admit this.

If, on the other hand, it is not the intention to put those between 17 and 18, and between 45 and 50, into service, *as soldiers*, but leave them at home to produce supplies, and occasionally to do police and other duties within the State, which properly belong to the Militia of a State; or in other words, if it is the intention to simply take the control of them from the State so as to deprive her of all power and leave her without sufficient force to execute her own laws or suppress servile insurrection, and place the whole militia of the State, not needed for constant service, in the Confederate armies under the control of the President, while engaged in their civil pursuits, the Act is unconstitutional and oppressive, and ought not to be executed.

If the Act is executed in this State, it deprives her of her whole *active* Militia, as Congress has so shaped it as to include the identical persons embraced in the Act passed at your late session, and to transfer the control of them all from the State to the Confederate Government.

The State has already enrolled these persons under the solemn Act of her Legislature, for her own defence, and it is a question for you to determine whether the necessities of the State, her sovereignty and dignity and justice to those who are to be affected by the Act, do not forbid that she should permit her organization to be broken up and her means of self preservation to be taken out of her hands. If this is done, what will be our condition? I prefer to answer by adopting the language of the present able and patriotic Governor of Virginia: "A sovereign State without a soldier, and without the dignity of strength—stripped of all her men, and with only the form and pageantry of power—would, indeed, be nothing more than a wretched dependency, to which I should grieve to see our proud old Commonwealth reduced."

I may be reminded that the enemy has three times as many white men, able to bear arms, as we have, and that it is necessary to take all between the ages above mentioned, or we cannot keep as many men in the field as he does.

If the result depended upon our ability to do this, we must necessarily fail. But, fortunately for us, this is not the case. While they have the advantage in numbers; we have other advantages which, if properly improved, they could never overcome. We are the invaded party, in the

right, struggling for all we have, and for all we expect our posterity to inherit. This gives us great moral advantage over a more powerful enemy who, as the invaders, are in the wrong, and are fighting for conquest and power. We have the inner and shorter lines of defense, while they have the much longer and more difficult ones. For instance, if we desire to reinforce Dalton from Wilmington, Charleston, Savannah and Mobile, or to reinforce either of these points from Dalton, we can do so by throwing troops rapidly over a short line from one point to the other. If the enemy wishes to reinforce Charleston or Chattanooga from Washington or New Orleans, he must throw his troops a long distance around, almost upon the circumference of a circle, while we meet them with our reinforcements by throwing them across the diameter of a semi-circle. This difference in our favor is as great as four to one, and enables us, if our troops are properly handled, to repel their assaults with little more than one-fourth their number.

In consideration of these and numerous advantages which an invaded people, united and determined to be free, always has, it is not wise policy for us to undertake to keep in the field as large a number as the enemy has.

It is the duty of those in authority, in a country engaged in war, which calls for all the resources at command, to consider well what proportion of the whole population can safely be kept under arms. In our present condition, surrounded by the enemy and our ports blockaded, so that we can place but little dependence upon foreign supplies, we are obliged to keep a sufficient number of men in the agricultural fields to make supplies for

our troops under arms and their families at home, or we must ultimately fail.

The policy which would compel all our men to go to the military field, and leave our farms uncultivated and our workshops vacant, would be the most fatal and unwise that could be adopted. In that case, the enemy need only avoid battle, and continue the war till we consume the supplies now on hand, and we would be completely in their power.

There is a certain proportion of a people in our condition who can remain under arms and the balance of the population at home can support them. So long as that proportion has not been reached, more may safely be taken; but when it is reached, every man taken from the field of production and placed as a consumer in the military field, makes us that much weaker; and if we go far beyond the proportion, failure and ruin are inevitable, as the army must soon disband, when it can no longer be supplied with the necessaries of life. There is reason to fear that those in authority have not made safe calculations upon this point, and that they do not fully appreciate the incalculable importance of the agricultural interests in this struggle.

We are able to keep constantly under arms two hundred thousand effective men, and to support and maintain that force by our own resources and productions for twenty years to come. No power nor State can ever be conquered so long as it can maintain that number of good troops. If the enemy should bring a million against us, let us remember that there is such a thing as whipping the fight without fighting it, and avoiding pitched battles

and unnecessary collisions; let us give this vast force time to melt away under the heat of summer and the snows of winter; as did Xerxes' army in Greece and Napoleon's in Russia, and the enemy's resources and strength will exhaust when so prodigally used, so much more rapidly than ours, when properly economized. In properly economizing our strength and husbanding our resources, lie our best hope of success.

Instead of making constant new drafts upon the agricultural and mechanical labor of the country, for recruits for the army to swell our numbers beyond our present muster rolls, which must prove our ruin, if our provisions fail, I respectfully submit that it would be wiser to *put the troops into the army* and leave men enough at home to support them. In other words, compel the thousands of young officers in gold lace and brass buttons, who are constantly seen crowding our railroads and hotels, many of whom can seldom be found at their posts; and the thousands of straggling soldiers who are absent without leave or, by the favoritism of officers, whose names are on the pay rolls, and who are not producers at home, to remain at their places in the army. This is justice alike to the country, to the taxpayer, to the gallant officers who stand firmly at the post of duty, and the gallant soldiers who seldom or never get furloughs, but are always in the thickest of the fight. When they are enduring and suffering so much, why should the favorites of power and those of their comrades who seek to avoid duty and danger, be countenanced or tolerated at home, while their names stand upon the muster rolls?

If all who are able for duty, and who are nominally in service drawing pay from the Government, are compelled

to do their duty faithfully, there will be no need of compelling men over 45 to leave their homes, or of disbanding the State militia to place more men under the President's control.

CONFLICT WITH THE CONFEDERATE GOVERNMENT.

But it may be said that an attempt to maintain the rights of the State will produce conflict with the Confederate Government. I am aware that those who, from motives not necessary to be here mentioned, are ever ready to raise the cry of *conflict*, and to criticise and condemn the action of Georgia in every case where her constituted authorities protest against the encroachments of the central power and seek to maintain her dignity and sovereignty as a State, and the Constitutional rights and liberties of her people.

Those who are unfriendly to State sovereignty and desire to consolidate all power in the hands of the Confederate Government, hoping to promote their undertaking by operating upon the fears of the timid after each new aggression upon the constitutional rights of the States, fill the newspaper presses with the cry of *conflict*, and warn the people to beware of those who seek to maintain their constitutional rights as *agitators* or *partisans* who may embarrass the Confederate Government in the prosecution of the war.

Let not the people be deceived by this false clamor. It is the same cry of *conflict* which the Lincoln government raised against all who defended the rights of the Southern States against its tyranny. It is the cry which the usurpers of power have ever raised against those who

rebuke their encroachments and refuse to yield to their aggressions.

When did Georgia embarrass the Confederate Government in any matter pertaining to the vigorous prosecution of the war? When did she fail to furnish more than her full quota of troops when she was called upon as a State by the proper Confederate authority? And when did her gallant sons ever quail before the enemy, or fail nobly to illustrate her character upon the battle field?

She can not only repel the attacks of her enemies on the field of deadly conflict, but she can as proudly repel the assaults of those who, ready to bend the knee to power for position and patronage, set themselves up to criticise her conduct, and she can confidently challenge them to point to a single instance in which she has failed to fill a requisition for troops made upon her through the regular constitutional channel. To the very last requisition made she responded with over double the number required.

She stands ready at all times to do her whole duty to the cause and to the Confederacy, but while she does this, she will never cease to require that all her constitutional rights be respected and the liberties of her people preserved. While she deprecates all conflict with the Confederate Government, if to require these be *conflict*, the *conflict* will never end till the object is attained.

“For Freedom’s battle once begun,
Bequeath’d by bleeding sire to son,
Though baffled oft is ever won.”

will be emblazoned in letters of living light upon her proud banners, until State sovereignty and constitutional

liberty, as well as Confederate independence, are firmly established.

SUSPENSION OF THE HABEAS CORPUS.

I cannot withhold the expression of the deep mortification I feel at the late action of Congress in attempting to suspend the privilege of the writ of *habeas corpus*, and to confer upon the President powers expressly denied to him by the Constitution of the Confederate States. Under pretext of a *necessity* which our whole people know does not exist in this case, what ever may have been the motives, our Congress with the assent and at the *request* of the Executive, has struck a fell blow at the liberties of the people of these States.

The Constitution of the Confederate States declares that "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." The power to suspend the *habeas corpus* at all is derived, not from express and direct delegation, but from implication only, and an implication can never be raised in opposition to an express restriction. In case of any conflict between the two, an implied power must always yield to express restrictions upon its exercise. The power to suspend the privilege of the writ of *habeas corpus* derived by implication must therefore be always limited by the *express* declaration in the Constitution that:

"The right of the people to be secure in their *persons*, houses, papers and effects, against unreasonable searches and seizures *shall not be violated*; and *no warrants shall issue but upon probable cause, supported by oath or affir-*

mation, and particularly describing the place to be searched, and the *persons* or things to be seized," and the further declaration that "no person shall be deprived of life, *liberty* or property without due process of law." And that

"In *all criminal prosecutions* the accused shall enjoy the right of a *speedy* and public trial by an *impartial jury* of the State or district where the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense."

Thus it is an express guaranty of the Constitution that the "*persons*" of the people shall be secure, and "*no warrants* shall issue," but upon probable cause, supported by *oath* or *affirmation*," particularly describing "the *persons* to be seized"; that "no *person* shall be deprived of *liberty* without due process of law" and that in "*all criminal prosecutions*" the accused shall enjoy the right of a *speedy* and *public* trial, by an *impartial jury*."

The Constitution also defines the *powers* of the Executive, which are limited to those delegated among which there is no one authorizing him to issue *warrants* or *order arrests* of persons not in *actual* military service; or to sit as a judge in any case, to try any person for a criminal offense, or to appoint any *court* or *tribunal* to do it, not provided for in the Constitution as part of the judiciary. The power to *issue warrants* and try persons under criminal accusations are *judicial* powers, which belong under

the Constitution, exclusively to the *judiciary* and not to the *Executive*. His power to order arrests as Commander-in-Chief is strictly a *military* power, and is confined to the arrests of *persons subject to military power*, as to the arrest of persons in the army or navy of the Confederate States; or in the militia, when in the *actual* service of the Confederate States; and does not extend to any persons in civil life, unless they be followers of the camp or within the lines of the army. This is clear from that provision of the Constitution which declares that,

“No person shall be held to answer for a capital or otherwise infamous crime, unless on a *presentment* or *indictment* of a *grand jury*, except in cases arising *in the land or naval forces*, or *in the militia* when in *actual service* in time of war or public danger.” But even here the power of the President as Commander-in-Chief is not absolute, as his powers and duties in ordering arrests of persons in the land or naval forces, or in the militia when in *actual* service, are clearly defined by the rules and articles of war prescribed by Congress. *Any warrant* issued by the President, or *any arrest* made by him, or under his order, of *any person* in civil life and not subject to military command, is *illegal* and in *plain violation of the Constitution*; as it is impossible for Congress by implication, to confer upon the President the right to exercise powers of arrest, expressly forbidden to him by the Constitution. Any effort on the part of Congress to do this, is but an attempt to revive the odious practice of ordering political arrests, or issuing letters *de cachet* by royal prerogative, so long since renounced by our English ancestors; and the denial of the right of the Constitutional judiciary to investigate such

cases, and the provision for creating a court appointed by the Executive and changeable at his will, to take jurisdiction of the same, are in violation of the great principles of the Magna Charta, the Bill of Rights, the Habeas Corpus Act, and the Constitution of the Confederate States upon which both English and American liberty rest; and are but an attempt to revive the odious Star Chamber court of England, which in the hands of wicked kings was used for tyrannical purposes by the crown until it was finally abolished by Act of Parliament, of 16th Charles the first, which went into operation on the first of August, 1641. This Act has ever since been regarded as one of the great bulwarks of English liberty; and it was passed by the English Parliament to secure our English ancestors against the very same character of arbitrary arrests which the late Act of Congress is intended to authorize the President to make; I append a copy of it to this message, with the same italics and small capital letters, which are used in the printed copy in the book from which it is taken. It will be seen that the court of "Star-Chamber," which was the instrument in the hands of the English king, for *investigating* his illegal arrests and carrying out his arbitrary decrees, was much more respectable, on account of the character, learning and ability of its members, than the Confederate Star-Chamber or court of "proper officers," which the Act of Congress gives the President power to appoint to *investigate* his illegal arrests.

I am aware of no instance in which the British king has ordered the arrest of any person in civil life, in any other manner than by judicial warrant, issued by the established courts of the realm; or in which he has suspended, or attempted to suspend the privilege of the writ

of *habeas corpus*, since the Bill of Rights and Act of settlement passed in 1689. To attempt this in 1864 would cost the present reigning Queen no less price than her crown.

The only suspension of the privilege of the writ of *habeas corpus* known to our Constitution, and compatible with the provisions already stated, goes to the simple extent of preventing the release under it of persons whose arrests have been ordered under Constitutional warrants from judicial authority. To this extent the Constitution allows the suspension in case of rebellion or invasion, in order that the accused may be certainly and safely held for trial; but Congress has no right under pretext of exercising this power to authorize the President to make *illegal arrests* prohibited by the Constitution; and when Congress has attempted to confer such powers on the President, if he should order such illegal arrests, it would be the imperative duty of the judges, who have solemnly sworn to support the Constitution, to disregard such unconstitutional legislation and grant relief to persons so illegally imprisoned; and it would be the duty of the Legislative and Executive departments of the States to sustain and protect the judiciary in the discharge of this obligation.

By an examination of the Act of Congress, now under consideration, it will be seen that it is not an Act to suspend the privilege of the writ of *habeas corpus* in case of warrants issued by *judicial authority*; but the main purpose of the Act seems to be to authorize the President to issue warrants supported neither by *oath* nor *affirmation* and to make arrests of persons not in military service, upon charges of a nature proper for investigation in the

judicial tribunals only, and to prevent the courts from inquiring into such arrests, or granting relief against such illegal usurpations of power, which are in direct palpable violation of the Constitution.

The Act enumerates more than twenty different causes of arrest, most of which are cognizable and tryable only in the judicial tribunals established by the Constitution; and for which *no warrants* can legally issue for the arrest of persons in civil life by any power except the judiciary; and then only upon probable cause supported by *oath* or *affirmation*, particularly describing the *persons* to be seized; such as "treason" "reasonable efforts or combinations to subvert the Government of the Confederate States," "conspiracies to overthrow the Government," or "conspiracies to resist the lawful authority of the Confederate States," giving the enemy "aid and comfort," "attempts to incite servile insurrection," "the burning of bridges," "railroad" or "telegraph lines," "harboring deserters," and "other offences against the laws of the Confederate States," etc., etc., And as if to place the usurpation of power beyond doubt or cavil, the act expressly declares that the "suspension shall apply only to persons, *arrested or detained by the President, the Secretary of War, or the General officer commanding the Trans Mississippi Military Department, by authority and under control of the President,*" in the cases enumerated in the Act, most of which are exclusively of judicial cognizance, and in which cases *the President* has not the shadow of Constitutional authority to *issue warrants* or order arrests, but is actually prohibited by the Constitution from doing so.

This then is not an Act to suspend the privilege of the writ of *habeas corpus*, in the manner authorized by implication by the Constitution; but it is an Act to authorize the President to make *illegal and unconstitutional arrests*, in cases which the Constitution gives to the judiciary, and denies to the Executive; and to prohibit all judicial interference for the relief of the citizen, when tyrannized over by illegal arrest, under letters *de cachet* issued by Executive authority.

Instead of the legality of the arrest being examined in the judicial tribunals appointed by the Constitution, it is to be examined in the Confederate Star Chamber; that is, by *officers* appointed by the President. Why say the "*President shall cause proper officers to investigate*" the legality of the arrests ordered by him? Why not permit the Judges, whose Constitutional right and duty it is to do it?

We are witnessing with too much indifference assumptions of power by the Confederate Government which in ordinary times would arouse the whole country to indignant rebuke and stern resistance. History teaches us that submission to one encroachment upon Constitutional liberty is always followed by another; and we should not forget that important rights, yielded to those in power, without rebuke or protest, are never recovered by the people without revolution.

If this Act is acquiesced in, the President, the Secretary of War, and the commander of the Trans Mississippi department under the control of the President, each has the power conferred by Congress, to imprison whomsoever he chooses; and it is only necessary to allege that

it is done on account of "treasonable efforts" or of "conspiracies to resist the lawful authority of the Confederate States," or for "giving aid and comfort to the enemy," or other of the causes of arrest enumerated in the statute, and have a subaltern to file his affidavit accordingly, *after the arrest* if the writ of *habeas corpus* is sued out, and no court dare inquire into the cause of the imprisonment. The Statute makes the President, and not the courts, the judge of the sufficiency of the cause for his own acts. Either of you, or any other citizen of Georgia may at any moment (as Mr. Vallandigham was in Ohio) be dragged from your homes at midnight by armed force, and imprisoned at the will of the President, upon the pretext that you have been guilty of some offence of the character above named, and no court known to our judiciary can inquire into the wrong or grant relief.

When such bold strides towards military despotism and absolute authority are taken by those in whom we have confided, and who have been placed in high official position to guard and protect Constitutional and personal liberty, it is the duty of every patriotic citizen to sound the alarm, and of the State Legislatures to say in thunder tones to those who assume to govern us by absolute power, that there is a point beyond which freemen will not permit encroachments to go.

The Legislatures of the respective States are looked to as the guardians of the rights of those whom they represent, and it is their duty to meet such dangerous enactments upon the liberties of the people promptly, and express their unqualified condemnation; and to instruct their Senators and request their Representatives to repeal this most monstrous Act, or resign a trust which by

permitting it to remain on the statute books they abuse, to the injury of those who have honored them with their confidence in this trying period of our history. I earnestly recommend that the Legislature of this State take prompt action upon this subject, and stamp the Act with the seal of their indignant rebuke.

Can the President no longer trust the judiciary with the exercise of the legitimate powers conferred upon it by the Constitution and laws? In what instance have the grave and dignified Judges proved disloyal or untrue to our cause? When have they embarrassed the Government by turning loose traitors, skulkers or spies? Have they not in every instance given the Government the benefit of their doubts in sustaining its action, though they might thereby seem to encroach upon the rights of the States, and for a time deny substantial justice to the people? Then why this implied censure upon them?

What justification exists now for this most monstrous deed, which did not exist during the first or second year of the war, unless it be found in the fact that those in power have found the people ready to submit to every encroachment, rather than make an issue with the Government, while we are at war with the enemy; and have on that account been emboldened to take the step which is intended to make the President as absolute in his power of arrest and imprisonment as the Czar of all the Russias? What reception would the members of Congress from the different States have met in 1861, and they returned to their constituents and informed them that they had suspended the *habeas corpus* and given the President the power to imprison the people of these States with no restraint upon his sovereign will? Why

is liberty less sacred now than it was in 1861? And what will we have gained when we have achieved our independence of the Northern States, if in our efforts to do so, we have permitted our form of government to be subverted, and have lost *Constitutional liberty* at home?

The hope of the country now rests in the new Congress soon to assemble. They must maintain our liberties against encroachment and wipe this and all such stains from the statute books, or the Sun of Liberty will soon set in darkness and blood.

Let the constituted authorities of each State send up to their Representatives, when they assemble in Congress, an unqualified demand for prompt redress; or a return of the commissions which they hold from their respective States.

THE CAUSES OF THE WAR, HOW CONDUCTED, AND WHO RESPONSIBLE.

Cruel, bloody, desolating war is still waged against us by our relentless enemies, who, disregarding the laws of nations and the rules of civilized warfare, whenever either interferes with their fanatical objects or their interest, have in numerous instances been guilty of worse than savage cruelty.

They have done all in their power to burn our cities when unable by their skill and valor to occupy them; and to turn innocent women and children who may have escaped death by the shells thrown among them without previous notice, into the streets destitute of homes, food and clothing.

They have devastated our country wherever their unhallowed feet have trod our soil, burning and destroying factories, mills, agricultural implements, and other valuable property.

They have cruelly treated our sons while in captivity, and in violation of a cartel agreed upon, have refused to exchange them with us for their own soldiers, unless we would consent, against the laws of nations, to exchange our slaves as belligerents, when induced or forced by them to take up arms against us.

They have done all in their power to incite our slaves to insurrection and murder, and when unable to seduce them from their loyalty, have, when they occupied our country, compelled them to engage in war against us.

They have robbed us of our negro women and children who were comfortable, contented and happy with their owners, and under pretext of extraordinary philanthropy, have in the name of liberty congregated thousands of them together in places where they could have neither the comforts nor the necessaries of life, there neglected and despised, to die of pestilence and hunger.

In numerous instances their brutal soldiers have violated the persons of our innocent and helpless women; and have desecrated the graves of our ancestors, and polluted and defiled the altars which we have dedicated to the worship of the Living God.

In addition to these and other enormities, hundreds of thousands of valuable lives both North and South have been sacrificed, causing the shriek of the mother, the

wail of the widow, and the cry of the orphan, to ascend to Heaven, from almost every hearthstone in all the broad land once known as the United States.

Such is but a faint picture of the devastations, cruelty, and bloodshed, which have marked this struggle.

War in its most mitigated form, when conducted according to the rules established by the most enlightened and civilized nations, is a terrible scourge, and can not exist without the most enormous guilt resting upon the heads of those who have, without just cause, brought it upon the innocent and helpless people who are its unfortunate victims. Guilt may rest in unequal degrees in a struggle like this upon both parties, but both can not be innocent. Where then rests this crushing load of guilt?

While I trust I shall be able to show that it rests not upon the people nor rulers of the South, I do not claim that it rested at the commencement of the struggle upon the whole people of the North.

There was a large and intelligent and patriotic portion of the people of the Northern States, led by such men as Pierce, Douglas, Vallandigham, Bright, Voorhies, Pugh, Seymour, Wood, and many other honored names, who did all in their power to rebuke and stay the wicked reckless fanaticism which precipitated the two sections into this terrible conflict. With such men as these in power, we might have lived together in the Union perpetually.

In addition to the strength of the Democratic party in the North, there were a large number of persons whose education had brought them into sympathy with the so-

called Republican, or in other words the old federal consolidation party, who would never have followed the wicked leaders of that party who used the slavery question as an hobby upon which to ride into power, and who today stand before heaven and earth guilty of shedding the blood of hundreds of thousands, and destroying the brightest hopes of posterity, had they known the true objects of their leaders, and the results which must follow the triumph of their policy at the ballot box.

The moral guilt of this war rested then in its incipency neither upon the people of the South, nor upon the Democratic party of the North, or upon that part of the Republican party who were deluded and deceived. But it rested upon the heads of the wicked leaders of the Republican party, who had refused to be bound by the compacts of the Constitution made by our common ancestry. These men, when in power in the respective States of the North, arrayed themselves in open hostility against an important provision of the Constitution, for the security of clearly expressed and unquestionable rights of the people of the Southern States.

Many of the more fanatical of them denounced the Constitution because of its protection of the property of the slaveholder, as a "covenant with death and a league with Hell," and refusing to be bound by it, declared that a "higher law" was the rule of their conduct, and appealed to the Bible as that "higher law." But when the precepts of God in favor of slavery were found in both the Old and the New Testament, they repudiated the Bible and its Divine Author, and declared for an *anti-Slavery Bible and an anti-Slavery God*.

The abolition party having, when in power in their respective States, set at naught that part of the Constitution which guarantees protection to the rights and property of the Southern people, and having by fraud and misrepresentation obtained possession of the federal government, the Southern people in self-defence were compelled to leave the Union in which their rights were no longer respected. Having destroyed the Union by their wicked acts and their bad faith, these leaders rallied a majority of the people of the North to their support with a promise to restore it again *by force*. Monstrous paradox! that a Union which was formed by a compact between sovereign States, being eminently a creature of consent, is to be upheld *by force*. But monstrous as it is, the war springs ostensibly from this source—this is its origin, its soul and its life, so far as a shadow of pretext for it can be found. In their mad effort to restore by force a Union which they have destroyed, and to save themselves from the just vengeance which awaited them for their crimes, the abolition leaders in power have lighted up the continent with a blaze of war, which has destroyed hundreds of millions of dollars worth of property, and hundreds of thousands of valuable lives, and loaded posterity with a debt which must cause wretchedness and poverty for generations to come. And all for what? That fanaticism might triumph over Constitutional liberty, as achieved by the great men of 1776, and that ambitious men might have place and power. In their efforts to destroy our liberties, the people of the North if successful would inevitably lose their own, by overturning as they are now attempting to do, the great principles of Republicanism upon which Constitutional

liberty rests. The Government in the hands of the abolition administration is now a despotism as absolute as that of Russia.

Unoffending citizens are seized in their beds at night by armed force and dragged to dungeons and incarcerated at the will of the tyrant, because they have dared to speak for Constitutional liberty and to protest against military despotism.

The Habeas Corpus, that great bulwark of liberty, without which no people can be secure in their lives, persons or property, which cost the English several bloody wars, and which was finally wrung from the crown by the sturdy Barons and the people at the point of the bayonet; which has ever been the boast of every American patriot, and which I pray God may never, under the pretext of *military necessity* be yielded to encroachments by the people of the South, has been trampled under foot by the Government at Washington, which imprisons at its pleasure whomsoever it will.

The freedom of the ballot box has also been destroyed, and the elections have been carried by the overaweing influence of military force.

Under pretext of keeping men enough in the field to subdue the South, President Lincoln takes care to keep enough to hold the North in subjection also—to imprison or exile those who attempt to sustain their ancient rights, liberties and usages, and to drive from the ballot box those who are not subservient to his will, or enough of them to enable his party to carry the elections. Can an intelligent Northern conservative man contemplate this

state of things without exclaiming, whither are we drifting? What will we gain by the subjugation of the South, if in our attempt to do it we must lose our own liberties, and visit upon ourselves and our posterity the chains of military despotism?

How long a people once free will submit to the despotism of such a government the future must develop. One thing is certain, while those who now rule remain in power in Washington the people of the *Sovereign States* of America can never adjust their difficulties. But war, bloodshed, devastation, and increased indebtedness, must be the inevitable result. There must be a change of administration, and more moderate councils prevail in the Northern States before we can ever have peace. While subjugation, abolition and confiscation are the terms offered by the Federal Government, the Southern people will resist as long as the patriotic voice of woman can stimulate a guerilla band, or a single armed soldier to deeds of daring in defence of liberty and home.

I have said the South is not the guilty party in this dreadful carnage, and I think it not inappropriate that the reasons should be oft repeated at the bar of an intelligent public opinion, that our own people and the world should have "line upon line" and "precept upon precept," "here a little and there a little," "in season and out of season," as some may suppose, to show the true nature of this contest—the principles involved—the objects of the war on our side, as well as that of the enemy, that all right-minded men everywhere may see and understand, that *this contest is not of our seeking*, and that we have had no wish or desire to injure those who war against us, except so far as has been necessary for the

protection and preservation of ourselves. Our sole object from the beginning has been to defend, maintain and preserve our ancient usages, customs, liberties, and institutions, as achieved and established by our ancestors in the Revolution of 1776.

That Revolution was undertaken to establish two great rights—State Sovereignty and self-government. Upon these the Declaration of Independence was predicated, and they were the Corner Stone upon which the Constitution rested. The denial of these two great principles cost to Great Britain her American Colonies which had so long been her pride. And the denial of them by the Government at Washington if persisted in, must cost the people of the United States the liberties of themselves and their posterity. These are the pillars upon which the Temple of Constitutional Liberty stands, and if the Northern people in their mad effort to destroy the sovereignty of the Southern States and take from our people the rights of self-government, should be able, with the strength of an ancient Sampson, to lay hold upon the pillars and overturn the edifice, they must necessarily be crushed beneath its ruins, as the destruction of State Sovereignty and the right of self-government in the Southern States by the agency of the Federal Government necessarily involves the like destruction in the Northern States, as no people can maintain these rights for themselves who will shed the blood of their neighbors to destroy them in others. It is impossible for half of the States of a Confederacy, if they assist the central government to destroy the rights and liberties of the other half, to maintain their own rights and liberties against the central power after it has crushed their Co-States.

The two great truths announced by Mr. Jefferson in the Declaration of Independence and concurred in by all the great men in the Revolution were, 1st, "That Governments derive their just powers from the consent of the Governed." 2nd, "That these United Colonies are, and of a right ought to be, *free and independent States.*"

We are not to understand by the first great truth that each individual member of the aggregate mass composing the State must give his consent before he can be justly governed; or that the consent of each, or a particular class of individuals in a State is necessary. By the "governed" is evidently here meant communities and bodies of men capable of organizing and maintaining government. The "consent of the governed," refers to the aggregate will of the community or State in its organized form, and expressed through its legitimate and properly constituted organs.

In elaborating this great truth Mr. Jefferson in the Declaration of Independence says, that governments are instituted among men to secure certain "inalienable rights"—that "among these are life, liberty and the pursuit of happiness:" that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

According to this great fundamental principle the *Sovereign States* of America, North and South, can only be governed by their own consent, and whenever the gov-

ernment to which they have given their consent becomes destructive of the great ends for which it was formed, they have a perfect right to abolish it, by withdrawing their consent from it, as the Colonies did from the British Government, and to form a new Government, with its foundations laid on such principles, and its powers organized in such form as to them shall seem most likely to effect their safety and happiness." Upon the application to the present controversy of this great principle, to which the Northern States are as firmly committed as the Southern States, Georgia can proudly challenge New York to trial before the bar of enlightened public opinion, and impartial history must write the verdict in her favor, and triumphantly vindicate her action in the course she has pursued.

Not only all the sovereign States of America have heretofore recognized this great truth, but it has been recognized by the able and enlightened Emperor of the French who owes his present elevation to the "consent of the governed."

He was called to the Presidency by the free suffrage or consent of the French people, and when he assumed the imperial title he again submitted the question to the "governed" at the ballot box, and they gave their "consent."

At the recent treaty of peace with the Emperor of Austria he ceded an Austrian Province to France, and Napoleon refused to "govern it," till the people at the ballot box gave "their consent" that he should do so.

The Northern States of America are today, through the agency of the despotism at Washington, waging a

bloody war upon the Southern States, to crush out this great American principle, announced, and maintained in a seven years' war, by our common ancestry, after it has won the approbation of the ablest and most enlightened Sovereign of Europe.

In discussing this great principle, I can but remark, how strange is the contrast between the conduct of the Emperor Napoleon and that of President Lincoln. Napoleon refuses to govern a province till a majority of the people at the ballot box has given their consent. Lincoln, after having done all in his power to destroy the freedom and purity of the ballot, announces in his late proclamation, his determination to govern the sovereign States of the South *by force*, and to recognize and maintain as the Government of these States, not those who at the ballot box can obtain the "consent of the governed," or of a majority of the people, but those who can obtain the consent of *one-tenth* of the people of the State. Knowing that he can never govern these States with "the consent of the governed," he tramples the Declaration of Independence under his feet and proclaims to the world that he will govern these States, not by the "consent of the governed," but by military power, so soon as he can find *one-tenth* of the governed humiliated enough to give their consent.

But the world must be struck by the absurdity of the pretext upon which he bases this extraordinary pretension. He says, in substance, the Constitution requires him to guarantee to each State a republican form of Government. And for the purpose of carrying out this provision of the Constitution he proclaims that so soon as *one-tenth* of the people of the seceded States shall be

found abject enough to take an oath to support his *unconstitutional acts*, and at the same time support the Constitution and shall do this monstrous deed, he will permit them to organize a State Government and will recognize them as the Government of the State and their officers as the regularly Constituted authorities of the State. These he will aid in putting down, driving out, expelling and exterminating, the other *nine-tenths*, if they do not likewise take the prescribed oath.

One-tenth of the people of a State put up, and aided by military force to rule, to govern or exterminate *nine-tenths!* And this to be done under the guise or professed object of guaranteeing republicanism! What would Washington, Jefferson, Madison, Monroe, Adams, Hancock, or even Hamilton, have said to this kind of republicanism? What say the conservative Northern statesman of the present day, if permitted to speak? Does such a Government as this derive its powers from the "consent of the governed?" Is this their understanding of the republican Government, which the United States is to guarantee to each State? If so, what guaranty have they for the freedom of their posterity? If the Government at Washington guarantees such republicanism as this to Georgia, in 1864, what may be her guaranty to Ohio and other Western States in 1874?

The absurdity of such a position on Constitutional principles or views, is too glaring for comment. When such terms are offered to them, well may the people of these States be nerved to defend their rights and liberties at every hazard, under every privation, and to the last extremity.

But I must notice the other great truth, promulgated in the Declaration of Independence—"that these United Colonies are, and of right ought to be, *free and independent States.*"

George the Third denied this great truth in 1776 and sent his armies into Virginia, the Carolinas and Georgia to crush out its advocates, and maintain over the people a Government which did not derive its powers from the "consent of the governed." President Lincoln, in 1861, has made war upon the same States and their Confederates, to crush out the same doctrine by armed force. Yet he has none of the apparent justification before the world that the British King had. The colonies had been planted, nurtured and governed by Great Britain. As States they had never been independent and never claimed to be. This claim was set up for the first time, in the Declaration of Independence. Under these circumstances there was some reason why the British Crown should resist it. But the great truth proclaimed was more powerful than the armies and navy of Great Britain.

On the 4th of July, 1776, our fathers made this declaration of the freedom and independence of the States. The revolution was fought upon this declaration, and on the 3d day of September 1783, in the treaty of peace, "His Britannic Majesty acknowledges the said United States, to-wit: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be *free, sovereign and independent States*, that he treats with them as such," etc.

On and after that day Georgia stood before the world clad in all the habiliments and possessed of all the attributes of sovereignty. When did Georgia lose this sovereignty? Was it by virtue of her previous compact with her sister States? Certainly not.

The Articles of Confederation between the Colonies, during the struggle, set forth the objects to be attained and the nature of the bond between the parties to it, and the separate sovereignty of each of the States a party to it, was expressly reserved. Was it when she with the other States formed the Constitution in 1787? Clearly not. The Constitution was a compact between the thirteen States, each of which had been recognized separately by name, by the British King, as a *free, sovereign and independent State*.

The objects and purposes for which the Federal Government was formed were distinctly specified and were all set forth in the compact. The Government created by it was limited in its powers by the grant, with an express reservation of all powers not delegated. The great attribute of *separate State Sovereignty was not delegated*. In this particular there was no change from the Articles of Confederation, *sovereignty* was still reserved and abided with the States respectively. This more "perfect Union" was based upon the assumption that it was for the best interest of all the States to enter into it, with the additional grant of powers and guarantees—each State being bound as a sovereign to perform and discharge to the others all the new obligations of the compact. It was so submitted to the people of the States respectively and so acceded to by them. The States did not part with their *separate sovereignty* by the adoption

of the Constitution. In that instrument all the powers delegated are specifically mentioned. Sovereignty, the greatest of all political powers, the source from which all others emanate, is not amongst those mentioned. It could not have been parted with except by grant either expressed or clearly implied. The most degrading act a State can do is to lay down or surrender her sovereignty. Indeed it cannot be done except by deed or grant. The surrender is not to be found in the Constitution amongst the expressly granted powers. It cannot be amongst those granted by implication for by the terms of the compact none are granted by implication except such as are incidental to or necessary and proper to execute those that are expressly granted. The incident can never be greater than the object—and if nothing in the powers expressly granted amounts to sovereignty, that which is the greatest of all powers, cannot follow or be carried after a lesser one, as an incident by implication—and then to put the matter at rest forever, it is expressly declared that the powers not delegated are reserved to the States respectively or to the people. Sovereignty the great source of all power, therefore was left with the States by compact, left where King George left it, and left where it has ever since remained, and will remain forever if the people of the States are true to themselves and true to the great principles which their forefathers achieved at such cost of blood and treasure in the war of 1776.

The Constitution was only the written contract of bond between the sovereign States in which the covenants are all plainly expressed, and each State as a sovereign pledged its faith to its sister States to observe and keep these covenants. So long as each did this, all were bound by the compact. But it is a rule well known

and universally recognized in savage as in civilized life—as well understood and as generally acquiesced in between sovereign States, as between private individuals, that when one party to a contract refuses to be bound by it and to conform to its requirements, the other party is released from further compliance.

Without entering into an argument to show the manner in which the Northern States have perverted the contract, and warped its terms to suit their own interest in the enactment and enforcement of tariff laws for the protection of their industry at the expense of the South, and in the enactment of internal improvement laws, coast navigation laws, fishery laws, etc., which were intended to enrich them at the expense of the people of the South, I need cite but a single instance of open, avowed, self-confessed and even boasted violation of the compact by Northern States to prove that the Southern States were released and discharged from further obligation to the Northern States by every known rule of law, morality, of comity.

One of the express covenants in the written bond to which the Northern States subscribed and without which, as is clearly seen by reference to the debates in the Convention which formed the Constitution, the Southern States never would have agreed to or formed the compact, was in these words:

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any *law or regulation therein*, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

Massachusetts and other abolition States, utterly repudiated, annulled and set at naught this provision of the Constitution, and refused either to execute it or to permit the constituted authorities of the United States to carry it out within their limits.

This shameful violation by Massachusetts of her plighted faith to Georgia, and this refusal to be bound by the parts of the Constitution which she regarded burdensome to her and unacceptable to her people, released Georgia according to every principle of international law, from further compliance on her part. In other words the Constitution was the bond of Union between Georgia and Massachusetts, and when Massachusetts refused longer to be bound by the Constitution, *she* thereby dissolved the Union between her and Georgia.

It is truthfully said in the Declaration of Independence, that "experience hath shown that mankind are disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed." So it was with Georgia and her Southern sisters in this case. Though Massachusetts and other Northern States, by their faithless acts and repudiation of the compact, had dissolved the Union existing between the States, the Southern States did not declare the dissolution, hoping that a returning sense of justice, on the part of the Northern States might cause them again to observe their Constitutional obligations. So far from this being the case, they construed our forbearance into a consciousness of our weakness and inability to protect ourselves and they organized a great sectional party whose political creed was founded in injustice to

the South and whose public declarations and acts sustained the action of Massachusetts and the other faithless States.

This party, whose creed was avowed hostility to the rights of the South, triumphed in the election for President in 1860. The election of a Federal Executive by a sectional party upon a platform of avowed hostility to the Constitutional rights of the South, to carry out in the Federal administration, the doctrines of Massachusetts and other faithless States, left no further ground for hope that the rights of the South would longer be respected by the Northern States, which had not only the Executive, but a majority of the Congress.

The people of the Southern States, each sovereign State acting for itself, then met in Convention and in the most solemn manner known to our form of Government, resumed the exercise of the powers which they had delegated to the common agent, now faithless to the trust reposed in it.

The right of Georgia as a member of the original compact, to do this, is too clear for successful denial. And the right of Alabama, and the other States which had been admitted into the Union since the adoption of the Constitution, is equally incontrovertible, as each new State came into the Union as a sovereign, upon an equal footing in all respects whatever, with the original parties to the compact.

The Confederate States can therefore, with confidence, submit their acts to the judgment of mankind, while with a clear conscience they appeal to a just God to

maintain them in their course. They were ever true to the compact of the Union, so long as they remained members of it—their obligations under it were ever fully performed, and no breach of it was ever laid at their door, or truly charged against them. In exercising this undoubted right to withdraw from the Union, when the covenant had been broken by the Northern States, they sought no war—no strife. They simply withdrew from further connection with self-confessed, faithless Confederates. They offered no injury to them—threatened none—proposed none—intended none. If their previous Union with the Southern States had been advantageous to them, and our withdrawal affected their interests injuriously, they ought to have been truer to their obligations. They had no just cause to complain of us, the breach of the compact was by themselves—the vital cord of the Union was severed by their own hands.

After the withdrawal of the Confederate States from the Union, if those whose gross dereliction of duty had caused it had reconsidered their own acts and offered new assurances for better faith in future, the question would have been fairly and justly put to the seceded States in their sovereign capacity to determine whether, in view of their past and future interest and safety, they should renew the Union with them or not, and upon what terms and guarantees; and if they had found it to be to their interest to do so, upon any terms that might have been agreed upon, on the principle assumed at the beginning, that it was for the best interests of all the States to be bound by some compact of Union with a Central Government of limited powers, each State faithfully performing its obligations, they would doubtless have consented to it. But if they had found it to their

interest not to do it, they would not and ought not to have done it. For the first law of Nature as applicable to States and communities, as to individuals, is self-protection and self-preservation.

Possibly a new Government might have been formed at that time, upon the basis of the Germanic Confederation, with a guaranty of the complete sovereignty of all the separate States, and with a central agent or Government of more limited powers than the old one, which would have been as useful for defence against foreign aggression and much less dangerous to the sovereignty and the existence of the States than the old one, when in the hands of abolition leaders, had proved itself to be.

The length of the time for which the Germanic Confederation has existed, has proved that its strength lies in what might have been considered its weakness—the separate sovereignty of the individual members and the very limited powers of the Central Government.

In taking the step which they were forced to do, the Southern States were careful not to provoke a conflict of arms or any serious misunderstanding with the States that adhered to the Government at Washington, as long as it was possible to avoid it. Commissioners were sent to Washington to settle and adjust all matters relating to their past connection or joint interests and obligations, justly, honorably and peaceably. Our Commissioners were not received—they were denied the privilege of an audience—they were not heard. But they were indirectly trifled with, lied to and misled by duplicity as infamous as that practiced by Phillip of Spain towards the peace Commissioners sent by Elizabeth of England. They were

detained and deceived, with private assurances of a prospect of a peaceful settlement, while the most extensive preparations were being made for war and subjugation. When they discovered this they withdrew and the Government at Washington continued its vigorous preparations to reinforce its garrisons and hold possession of our forts and to send armies to invade our territory.

Having completed his preparations for war, and refused to hear any propositions for a peaceful adjustment of our difficulties, President Lincoln issued his proclamation declaring Georgia and the other seceded States to be in *rebellion*, and sent forth his armies of invasion.

In rebellion against whom or what? As sovereign States have no common arbiter to whose decision they can appeal, when they are unable to settle their differences amicably, they often resort to the sword as an arbiter; and as sovereignty is always in dignity the equal of sovereignty, and a sovereign can know no superior to which allegiance is due, one sovereign may be at war with another, but one can never be in rebellion against another.

To say that the sovereign State of Georgia is in rebellion against the sovereign State of Rhode Island is as much an absurdity as it would be to say that the sovereign State of Russia was in rebellion against the sovereign State of Great Britain in their late war. They were at war with each other, but neither was in rebellion against the other, nor indeed could be, for neither owed any *allegiance* to the other.

Nor could one of the sovereign States be in rebellion against the Government of the United States. That Gov-

ernment was the creature of the States, by which it was created; and they had the same power to destroy it at pleasure, which they had to make it. It was their common agent with limited powers; and the States by which the agency was created had the undoubted right when it abused these powers, to withdraw them. Suppose by mutual consent all the States in the Union had met in Convention, each in its separate sovereignty capacity, and had withdrawn all the delegated powers from the Federal Government, and all the States had refused to send Senators or Representatives to Congress, or to elect a President; will any sane man question this right or deny that such action of the States would have destroyed the Federal Government? If so the Federal Government was the creature of the States and could only exist at their pleasure. It lived and breathed only by their consent. If all the parties to the compact had the right, by mutual consent, to resume the powers delegated to them by the common agent, why had not part of them the right to do so, when the others violated the compact—refused to be bound longer by its obligations, and thereby released their co-partners? The very fact that the States—by which it was formed, could at any time by mutual consent disband and destroy the Federal Government, shows that it had no original inherent sovereignty or jurisdiction. As the creature of the States it had only such powers and jurisdictions as they gave it, and it held what it had at their pleasure. If, therefore, a State withdrew from the Confederacy without just cause, it was a question for the other sovereign States to consider what should be their future relations towards it; but it was a question of which the Federal Government had not the shadow of jurisdiction. So long as Georgia remained in the Union, if her

citizens had refused to obey such laws of Congress as it had Constitutional jurisdiction to pass, they might have been in rebellion against the Federal Government, because they resisted the authority over them which Georgia had delegated to that Government and which with her consent it still possessed. But if Georgia for just cause, of which she was the judge, chose to withdraw from the Union and resume the attributes of sovereignty which she had delegated to the United States Government, her citizens could no longer be subject to the laws of the Union, and no longer guilty as rebels if they did not obey them.

It could be as justly said that the principal, who has delegated certain limited powers to his agent in the transaction of his business, which he has afterwards withdrawn on account of their abuse by the agent, is in rebellion against the agent; or that of the master is in rebellion against his servant; or landlord against his tenant; because he has withdrawn certain privileges for a time allowed them; as that Georgia is in rebellion against her former agent, the Government of the United States.

These I understand to be the great fundamental doctrines of our republican form of Government so ably expounded in the Virginia and Kentucky resolutions of 1798 and 1799, which have ever since been a text book of the true republican party of the United States. Departure from these principles has destroyed the Federal Government and been the prolific cause of all our woes. Out of this departure has sprung the doctrine of loyalty and disloyalty of the States to the Federal Government, from which comes, ostensibly, this war against us, which is it-

self at war with the first principles of American Constitutional liberty. It involves the interests, the future safety and welfare of those States now deemed loyal, as well as those pronounced disloyal. It is the doctrine of absolutism revived in its worst form. It strikes down the essential principles of self-government ever held so sacred in our past history, and to which all the States were indebted for their unparalleled career, in growth, prosperity, and greatness, so long as these principles were adhered to and maintained inviolate.

If carried out and established, its end can be nothing but centralism and despotism. It and its fatal corollary—the policy of forcing sovereign States to the discharge of their assumed Constitutional obligations, were foreshadowed by President Lincoln in his inaugural address.

Now at the time of the delivery of that inaugural address it was well known to him that the faithless States above alluded to, and to whose votes in the electoral college he was indebted for his election, had for years been in open, avowed and determined violation of their Constitutional obligations. This he well knew, and he also knew that the seceded States had withdrawn from the Union because of this breach of faith on the part of the abolition States, and other anticipated violations, more dangerous, threatened from the same quarter. Yet without a word of rebuke, censure or remonstrance with them for their most flagrant disloyalty to the Constitution and their disregard of their most sacred obligations under it, he then threatened, and now wages war against us on the ground of our *disloyalty*, in seeking new safeguards for our security when the old ones

failed. And the people of those very States, whose disloyal hands have severed the ties of the Union—breaking one of the essential parts of the compact, have been, and are, his most furious myrmidons in this most wicked and unjust crusade against us, with a view to compel the people of these so outraged States to return to the discharge of *their* Constitutional obligations! It may be gravely doubted if the history of the world can furnish an instance of greater perfidy or more shameful wrong.

But while the war is thus waged, professedly under the paradoxical pretext of restoring the Union that was a creature of consent, by force, and of upholding the Constitution by coercing sovereign States, yet its real objects, as appears more obviously every day, are by no means so paradoxical. The Union under the Constitution as it was, each and every State being bound faithfully to perform and discharge its duties and obligations, and the Central Government confining itself within the sphere of its limited powers, is what the authors, projectors and controllers of this war never wanted and never intended, and do not now intend, to maintain.

Whatever differences of opinion may have existed at the commencement among our own people, as to the policy of secession, or the objects of the Federal Government all doubt has been dispelled by the abolition Proclamation of President Lincoln, and his subsequent action. Madened by abolition fanaticism, and deadly hate for the white race of the South, he wages war not for the restoration of the Union—not for the support of the Constitution—but for the abolition of slavery and the subjugation and, as he doubtless desires, ultimate extermination, of the Anglo-Norman race in the Southern States.

Dearly beloved by him as are the African race, his acts are prompted less by love of them than by Puritanic hate for the Cavliers, the Huguenots, and Scotch-Irish whose blood courses freely through the veins of the white population of the South. But federal bayonets can never reverse the laws of God, which must be done, before the negro can be made the equal of the white man of the South. The freedom sought for them by the abolition party, if achieved, would result in their return to barbarism, and their ultimate extermination from the soil, where most of them were born and were comfortable and contented under the guardian care of the white race before this wicked crusade commenced.

What have been the abolition achievements of the administration? The most that has been claimed by them is that they have taken from their owners and set free, 100,000 negroes. What has this cost the white race of the North and South? More than half a million of white men slain or wrecked in health beyond the hope of recovery, and an expenditure of not perhaps less than four thousand millions of dollars. What will it cost at this rate to liberate nearly 4,000,000 more of slaves? Northern accounts of the sickness, suffering and death which have under Northern treatment, carried off so large a proportion of those set free, ought to convince the most fanatical of the cruel injury they are inflicting upon the poor helpless African.

The real objects of the war aimed at from the beginning, were and are not so much the deliverance of the African from bondage as the repudiation of the great American doctrine of self-government; the subjugation of the people of these States, and the confiscation of their

property. To carry out their fell purpose by misleading some simple-minded folks, within their own limits, as well as ours perhaps, they passed in the House of Representatives of the Federal Congress a short time since, the famous resolution :

“That as our country and the very existence of the best Government ever instituted by man is imperilled by the most causeless and wicked rebellion, that the only hope of saving the country and preserving the Government is by the power of the sword, we are for the most vigorous prosecution of the war until the *Constitution and laws* shall be enforced and obeyed in all parts of the United States; and to that end we oppose any armistice, or intervention, or mediation, or *proposition for peace* from any quarter, so long as there shall be found a rebel in arms against the Government; and we ignore all party names, lines and issues, and recognize but two parties to this war—patriots and traitors.”

Were solemn mockery, perfidious baseness, unmitigated hypocrisy, and malignant barbarity ever more conspicuously combined and presented for the just condemnation of a right thinking world, than there are in this resolution, passed by the abolition majority in the Lincoln Congress? Think of the members from Massachusetts and Vermont, voting for the most vigorous prosecution of the war, until the *Constitution and laws* shall be enforced and obeyed in all parts of the United States. Think of the Acts of the Legislature of Massachusetts, passed in 1843 and 1855, still standing upon her statute books, setting at defiance the *Constitution and laws*. What would become of these States? And what would become of their members themselves, who have upheld and sus-

tained these violations of the *Constitution* and *laws*, which is the chief reason why they now hold their seats by the votes of their constituents, if the war should be so waged? How long would it be before they would ground their arms of rebellion against the provision of the Constitution which they have set at nought, and give it their loyal support? What would become of their President and his cabinet, and all who from the beginning of the war and before that time, have been trampling the Constitution under their feet? Were the war waged as they thus declare it to be their purpose to wage it, they would be the first victims of the sword were it first turned as it ought to be, against the first offenders. This they know full well. Obedience to the Constitution is the last thing they want or intend. Hence the mockery, baseness and hypocrisy of such a declaration of purpose. On their part it is a war of most wanton and savage aggression on ours it is a war in defence of inalienable rights, in defence of everything for which freemen should live, and for which freemen may well be willing to die.

The inestimable rights of self-government and State sovereignty for which their fathers and our fathers bled and suffered together in the struggle with England for Independence, are the same for which we are now engaged in the most unnatural and sanguinary struggle with them. Those rights are as dear to the people of these States as they were to those who achieved them; and on account of the great cost of the achievement, they are now more preciousy cherished by those to whom they were bequeathed, and will never be surrendered or abandoned at less sacrifice.

If no proposition for peace or armistice is to be received or entertained, so long as we hold arms in our hands to defend ourselves, our homes, our hearthstones, our altars, and our birthright, against such ruthless and worse than vandal invaders, be it so! We deem it due, however, to ourselves, to the civilized world, and to those who shall come after us; to put upon record, what we are fighting for; and to let all know who may now or hereafter feel an interest in knowing the real nature of this conflict; that the heavy responsibility of such suffering, desolation and carnage, may rest where it rightfully belongs.

It is believed that many of the people of the Northern States labor under the impression that no propositions for peaceful adjustment have ever been made by us.

President Lincoln, in his letter to the "Unconditional Union" meeting at Springfield last summer, stated in substance, that no proposition for a peaceful adjustment of the matters in strife had ever been made to him by those who were in control of the military forces of the Confederate States; but if any should be made, he would entertain and give it his consideration.

This was doubtless said to make the impression, on the minds of those not well informed, that the responsibility of the war was with us. This declaration of President Lincoln stands in striking contrast, with that above quoted, from the republican members of the House of Representatives.

When this statement was made by President Lincoln it was well known to him that our commissioners, sent

to settle the whole matter in dispute peaceably, were refused a hearing! They were not even permitted to present their terms!

This declaration was also made soon after it was well known, throughout the Confederate States at least, that a distinguished son of this State, who is a high functionary of the Government at Richmond, had consented as military commissioner, to bear a communication in writing from President Davis, the Commander-in-Chief of our armies, to President Lincoln himself, with authority to confer upon matters therein set forth. The Commissioner sent from the head of our armies was not granted an audience, nor was the communication he bore received. That communication, as was afterwards known, related to divers matters connected with the general conduct of the war. Its nature, however, or to what it referred, President Lincoln did not know, when he refused to receive it. But from what is now known of it, if he had received it, and had heard what terms might have been proposed for the general conduct of the war, it is reasonable to conclude that the discussion of these and kindred topics might have led to some more definite ideas of the aims and objects of the war on both sides, from which the initiative of peaceful adjustment might have sprung, unless his real purpose be, as it is believed to be, nothing short of the conquest and subjugation of these States. His announcement that no offer of terms of adjustment had ever been made to him, is believed to be an artful pretext on his part to cover and hide from the people over whom he is assuming such absolute sway, his deep designs; first against our liberties and then against theirs.

HOW PEACE SHOULD BE SOUGHT.

In view of these difficulties it may be asked, when and how is this war to terminate? It is impossible to say when it may terminate, but it is easy to say how it will end. We do not seek to conquer the Northern people, and if we are true to ourselves they can never conquer us. We do not seek to take from them the right of self-government, or to govern them without their consent. And they have not force enough to govern us without our consent, or to deprive us of the right to govern ourselves. The blood of hundreds of thousands may yet be spilt, and the war will not still be terminated by force of arms. Negotiation *will* finally terminate it. The pen of the statesman, more potent than the sword of the warrior, must do what the latter has failed to do.

But I may be asked how negotiations are to commence, when President Lincoln refuses to receive Commissioners sent by us and his Congress resolves to hear no proposition for peace? I reply that, in my opinion, it is our duty to keep it always before the Northern people, and the civilized world, that we are ready to negotiate for peace whenever the people and Government of the Northern States are prepared to recognize the great fundamental principles of the Declaration of Independence, maintained by our common ancestry—the *right of all self-government and the sovereignty of the States*. In my judgment it is the duty of our Government, after each important victory achieved by our gallant and glorious armies on the battle field, to make a distinct proposition to the Northern Government for peace upon these terms. **By doing this, if the proposition is declined by**

them, we will hold them up constantly in the wrong before their own people and the judgment of mankind. If they refuse to receive the Commissioners who bear the proposition, publish it in the newspapers, and let the conduct of their rulers be known to their own people; and there is reasonable ground to hope that the time may not be far distant when a returning sense of justice and a desire for self-protection against despotism at home will prompt the people of the Northern States to hurl from power those who deny the fundamental principle upon which their own liberties rest, and who can never be satiated with human blood. Let us stand on no delicate point of etiquette or diplomatic ceremony. If the proposition is rejected a dozen times, let us tender it again after the next victory—that the world may be reassured, from month to month, that we are not responsible for the continuance of this devastation and carnage.

Let it be repeated again and again to the Northern people, that all we ask is that they recognize the great principle upon which their own Government rests,—*the sovereignty of the States*; and let our own people hold our own Government to a strict account for every encroachment upon this vital principle.

Herein lies the simple solution of all these troubles.

If there be any doubt, or any question of doubt, as to the sovereign will of any one of all the States of this Confederacy, or of any border State whose institutions are similar to ours, not in the Confederacy, upon the subject of their present or future alliance, let all armed force be withdrawn, and let that sovereign will be fairly expressed at the ballot box by the legal voters of the State, and let all parties abide by the decision.

Let each State have, and freely exercise, the right to determine its own destiny in its own way. This is all that we have been struggling for from the beginning. It is a principle that secures "rights, inestimable to freemen, and formidable to tyrants only."

Let both Governments adopt this mode of settlement, which was bequeathed to them by the great men of the Revolution, and which has since been adopted by the Emperor Napoleon as the only just mode for the Government of the States, or even provinces; and the ballot box will soon achieve what the sword cannot accomplish—restore peace to the country and uphold the great doctrines of State sovereignty and Constitutional liberty.

If it is a question of strife, whether Kentucky or Maryland, or any other State, shall cast her lot with the United States, or the Confederate States, there is no mode of settling it so justly, with so little cost and with so much satisfaction to her own people, as to withdraw all military force from her limits and leave the decision, not to the sword, but to the ballot box. If she should decide for herself to abolish slavery and go with the North, the Confederate Government can have no just cause for complaint, for that Government had its origin in the great doctrine that all its just "powers are derived from the consent of the governed," and we have no right to insist on Governing a sovereign State, against her will. But if she should decide to retain her institutions and go with the South, as we doubt not she will, when the question is fairly submitted to her people at the polls, the Lincoln Government must acquiesce, or it must repudiate and trample upon the very essential principles on which it was founded and which were carried out in practice by

the fathers of the Republic, for the first half century of its existence.

What Southern men can object to this mode of settlement? It is all that South Carolina, Virginia or Georgia claimed when she seceded from the Union. It is all that either has at any time claimed, and all that either can ever justly claim. And what friend of Southern Independence fears the result? What has the abolition Government done, to cause the people of any Southern State to desire to reverse her decision, and return ingloriously to its embrace. Are we afraid the people of any seceded State will desire to place the State back in the abolition Union under the Lincoln despotism, after it has devastated their fields, laid waste their country, burned their cities, slaughtered their sons and degraded their daughters? There is no reason for such fear.

But I may be told that Mr. Lincoln has repudiated this principle in advance, and that it is idle again to tender a settlement upon these terms. This is no reason why we should withhold the repeated renewal of the proposition. Let it be made again and again, till the mass of the Northern people understand it, and Mr. Lincoln cannot continue to stand before them and the world, stained with the blood of their sons, their husbands, and their fathers, and insist, when a proposition so fair is constantly tendered, that thousands of new victims shall still continue to bleed, to gratify his abolition fanaticism, satisfy his revenge and serve his ambition to govern these States, upon the decision of *one-tenth* of the people in his favor, against the other *nine-tenths*. Let the Northern and Southern mind be brought to contemplate this subject in all its magnitude; and while there may be extreme

men on the Northern side, satisfied with nothing less than the subjugation of the South, and the confiscation of our property, and like extremists on the Southern side, whose morbid sensibilities are shocked at the mention of negotiation, or the renewal of an offer by us for a settlement upon any terms; I cannot doubt that the cool-headed, thinking men on both sides of the line, who are devoted to the great principles of self-government and State sovereignty, including the scar-covered veterans of the Army, will finally settle down upon this as the true solution of the great problem, which now embarrasses so many millions of people and will find the higher truth between the two extremes.

If, upon the sober second thought, the public sentiment North, sustains the policy of Mr. Lincoln when he proposes, by the power of the sword, to place the great doctrines of the Declaration of Independence and the Constitution of his country under his feet, and proclaims his purpose to govern these States by Military power, when he shall have obtained the consent of *one-tenth* of the governed; how can the same public sentiment condemn him, if at the head of his vast armies he shall proclaim himself Emperor of the whole country, and submit the question to the vote of the Northern people, and when he has obtained, as he could easily do, the vote of *one-tenth* in his favor, he shall insist on his right to govern them, as their legitimate sovereign? If he is right in principle in the one case, he would unquestionably be right in the other. If he may rightfully continue the war against the South to sustain the one, why may he not as rightfully turn his armies against the North to establish the other?

But the timid among us may say, how are we to meet and repel his armies, if Mr. Lincoln shall continue to reject these terms, and shall be sustained by the sentiment of the North, as he claims not only the right to govern us, but he claims the right to take from us all that we have.

The answer is plain. Let every man do his duty; and let us as a people place our trust in God, and we shall certainly repel his assaults and achieve our Independence, and if true to ourselves and to posterity, we shall maintain our Constitutional liberty also. The achievement of our Independence is a great object; but not greater than the preservation of Constitutional liberty.

The good man cannot read the late proclamation of Mr. Lincoln without being struck with resemblance between it and a similar one issued several thousand years ago, by Ben-hadad, King of Syria. That wicked King denied in others the right of self-government and vaunting himself in numbers, and putting his trust in chariots and horses, he invaded Israel, and besieged Samaria with an overwhelming force. When the King of Israel, with a small band, resisted his entrance into the city, the Syrian King sent him this message: "Thou shalt deliver me thy silver and thy gold, and thy wives, and thy children; yet I will send my servants unto thee tomorrow, about this time, and they shall search thy house, and the houses of thy servants; and it shall be, that whatsoever is pleasant in thine eyes, they shall put in their hands and take it away." The King of Israel consulted the Elders, after receiving this arrogant mes-

sage and replied: "This thing I may not do." Benhadad, enraged at this reply, and confident of his strength, sent back and said:

"The Gods do so to me, and more also, if the dust of Samaria shall suffice, for handfuls, for all the people that follow me." The King of Israel answered and said: "Tell him, let not him that girdeth on his harness, boast himself as he that putteth it off."

The result was that the small band of Israelites, guided by Jehovah, attacked the Syrian armies and routed them with great slaughter; and upon a second trial of strength, the Syrian armies were destroyed and their King made captive.

When Mr. Lincoln, following the example of this wicked King, and relying upon his chariots and his horsemen, and his vast armies to sustain a cause equally unjust, proclaims to us that *all we have is his*, and that he will send his servants, whose numbers are overwhelming, with arms in their hands to take it, and threatens vengeance if we resist; let us—"Tell him, let not him that girdeth on his harness boast himself as he that putteth it off." The race is not to the swift, nor the battle to the strong. God is the judge, he putteth down one and setteth up another."

Not doubting the justice of our cause, let us stand in our allotted places, and in the name of Him who rules the hosts of Heaven, and the armies of Earth, let us continue to strike, for Liberty and Independence, and our efforts will ultimately be crowned with triumphant success.

JOSEPH E. BROWN.

*ACT OF SIXTEENTH CHARLES I, CHAPTER 10.
THIS WENT INTO OPERATION 1st August, 1641.

An Act for regulating the privy council, and for taking away the Court commonly called the Star-Chamber.

Whereas, by the Great Charter many times confirmed in parliament, it is enacted, That no freeman shall be taken or imprisoned, or disseized of his freehold or liberties, or free customs, or be outlawed, or exiled, or otherwise destroyed; and that the King will not pass upon him, or condemn him, but by lawful judgment of his peers, or by the law of the land.

(2.) And by another statute made in the fifth year of the reign of King Edward, it is enacted, that no man shall be *attached by any accusation, nor forejudged of life, or limb, nor his lands, tenements, goods nor chattels seized into the King's hands, against the form of the GREAT CHARTER and the LAW OF THE LAND;*

(3.) And by another statute made in the five and twentieth year of the reign of the same King Edward the Third, it is accorded, assented, and established, that *none shall be taken by petition, or suggestion made to the King, or to his council, unless it be by indictment or presentment of good and lawful people of the same neighborhood, where such deeds be done, in due manner, or by process made by writ original at the common law; and that none be put out of his franchise, or freehold, unless he be duly brought in to answer, and forejudged of the same by the course of the law: And if anything be done against the same, it shall be redressed, and holden for none.*

(4.) And by another statute made in the eighth and twentieth year of the reign of the same King Edward the Third, it is, amongst other things, enacted, That *no man*, of what estate or condition soever he be, *shall be put out of his lands and tenements, nor taken, nor imprisoned, nor disinherited, without being brought in to answer by DUE PROCESS OF LAW.*

(5.) And by another statute made in the two and fortieth year of the reign of the said King Edward the Third, it is enacted, That *no man* be put to answer without *presentment* before justice or *matter* of record, or by *due process* and *writ original*, according to the OLD LAW of the land: And if anything be done to the contrary, it shall be *void in law* and *holden for error.*

(6.) And by another statute in the sixth and thirtieth year of the reign of the same King Edward the Third, it is amongst other things, Enacted, That all pleas, which shall be pleaded in any courts, before any of the King's justices, or in his other places or before any of his other ministers, or in the courts and places of any other lords within this realm, shall be entered and enrolled in Latin.

(7.) And whereas by the statute made in the third year of King Henry the Seventh, power is given to the Chancellor, the Lord Treasurer of England, for the time being, and the keeper of the King's Privy seal, or two of them, calling unto them a bishop, and a temporal lord of the King's most honorable council, and the two chief justices of the King's bench, and common pleas for the time being, or other two justices in their absence, to proceed as in that Act is expressed for the punishment of some particular offences therein mentioned.

(8.) And by the statute made in the one and twentieth year of King Henry the Eighth, the president of the council associated to join with the Lord Chancellor, and other judges in the said statute of the third of Henry the Seventh mentioned.

(9.) But the said judges have not kept themselves to the points limited by the said statute, but have undertaken to punish where *no law doth warrant*, and to make decrees for things, having *no such authority*, and to inflict heavier punishments, *than by any law is warranted*.

2. And forasmuch as all matters examinable or determinable before the said judges or in the court commonly called the *star-chamber*, may have their proper remedy and redress, and their due punishment and correction by the *common law of the land*, and in the *ordinary course of justice elsewhere*. (2) And forasmuch as the reasons and motives, inducing the erection and continuance of that court do now cease. (3.) And the proceedings, censures, and decrees of that court, have by experience been found to be an intolerable burthen to the subject, and the means to introduce *an arbitrary power and government*. (4) And forasmuch as the council hath of late times assumed unto itself, a power to intermeddle in civil and matters only of private interest between party and party; and have ADVENTURED to determine of the *estates and liberties of the subjects, contrary to the LAWS of the LAND and the Rights and Privileges of the subject*, by which great and manifold mischiefs and inconveniences have arisen and happened, and much uncertainty, by means of such proceedings, hath been conceived concerning men's rights

and estates; for settling whereof and Preventing the like in time to come.

3. Be it ordained and Enacted *by the authority of this present parliament*, That the said court commonly called the star-chamber, and all jurisdictions, power and authority, belonging unto, or exercised in the same court, or by any of the judges, officers, or ministers thereof, be from the first day of August, in the year of our Lord God one thousand six hundred and forty-one, CLEARLY and ABSOLUTELY dissolved, taken away, and determined. (2) And that from the said first day of August neither the lord chancellor or keeper of the Great seal of England, the lord treasurer of England, the keeper of the King's Privy seal, or president of the council, nor any bishop, temporal lord, privy counsellor or judge, or justice whatsoever, shall have any power or authority to hear, examine or determine any matter or thing whatsoever, in said court, commonly called the Star-Chamber, or to make, pronounce, or deliver any judgment, sentence, order or decree; or to any judicial or ministerial act in the said court. (3) And that all and every Act and Acts of parliament, and all and every article, clause, and sentence in them, and every one of them, by which any jurisdiction, power or authority, is given, limited or appointed unto the said court, commonly called the Star-Chamber, or unto all, or any of the judges, officers, or ministers thereof, or for any proceedings to be had or made in question, examined or determined there, shall for so much as concerneth the said court of Star-Chamber, and the power and authority thereby given unto it, be from the *first* day of August REPEALED and ABSOLUTELY REVOKED *and made void*.

4. And it is likewise Enacted, That the like jurisdiction now used and exercised in the court, before the president and council in the marches of Wales; (2) And also in the court, before the president and council established in the northern ports; (3) And also in the court commonly called the court of the duchy of Lancaster, held before the chamber and council of that court; (4) And also in the court of Exchequer of the *county palatine of Chester*, held before the Chamberlain and council of that court; (5) The like jurisdiction being exercised there, shall, from the said *first* day of *August one thousand six hundred and forty-one*, be also REPEALED, and ABSOLUTELY REVOKED; and made VOID; any law, prescription, custom or usage, or the said statute made in the third year of King Henry the Seventh, or the statute made in the one and twentieth of Henry the Eighth, or any Act or Acts of parliament heretofore had or made, to the contrary thereof, in any wise notwithstanding. (6) AND THAT FROM HENCEFORTH NO court, council or PLACE OF JUDICATURE, SHALL BE ERECTED, ORDAINED, CONSTITUTED or APPOINTED WITHIN THIS REALM OF *England*, OR DOMINION OF *Wales*, WHICH SHALL HAVE, USE, OR EXERCISE THE SAME, OR THE LIKE JURISDICTION, AS IS OR HATH BEEN USED, PRACTISED OR EXERCISED IN THE SAID COURT OF *Star-Chamber*.

5. Be it likewise declared, and Enacted by the authority of this present parliament, That *neither his MAJESTY, NOR his PRIVY COUNCIL, HAVE or OUGHT TO HAVE, any jurisdiction, power or authority, by English bill, petition, articles, libels, or any other ARBITRARY WAY WHATSOEVER*, to examine or to

draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any of the subject of this kingdom; but that the same ought to be tried, and determined in the ordinary courts of justice and by the ordinary course of law.

6. And be it further provided and enacted, That if any lord chancellor or keeper of the Great seal of England; lord treasurer, keeper of the king's privy seal, president of the council, bishop, temporal lord, privy counsellor, judge or justice *whatsoever* shall offend, or do anything contrary to the purport, true intent, and meaning of this law, then he or they for such offence *forfeit* the sum of FIVE HUNDRED POUNDS of lawful money of England, unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon to be recovered in any Court of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no essoign, protection, wager of law, aid prayer, *privilege*, injunction or order of restraint, *shall be in any wise prayed, granted or allowed*, nor any more than one imparlance.

(2) And if any person, against whom, any such judgment or recovery shall be had as aforesaid, shall, after such judgment or recovery, *offend again*, in the same, then he or they for such offence shall forfeit the sum of ONE THOUSAND POUNDS of lawful money of England, unto any party grieved his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon, to be recovered in any court of record at *Westminster* by action of debt, bill, plaint, or information, in which no essoign, protection, wager of law, aid prayer, *privilege*, injunction or order of restraint, shall be *IN ANY WISE prayed, granted or al-*

lowed; nor any more than one imparlance. (3) And if any person, against whom any such second judgment or recovery shall be had as aforesaid, shall after such judgment of recovery *offend, again* in the same kind, and shall be therefore duly convicted by indictment, information or any other lawful way or means, that such person so convicted shall be from thenceforth DISABLED, and become, by virtue of this Act INCAPABLE, *ipso facto, to bear his and their said offices respectively.* (4) And shall be likewise *disabled to make any gift, grant, conveyance, or other disposition, of any of his lands, tenements, hereditaments, goods or chattels; or to make any benefit of any gifts, conveyance or legacy, to his own use.*

7. And every person so offending, shall likewise profit and lose *to the party grieved,* by anything done, contrary to the true intent and meaning of this law, his *trible damages,* which he shall sustain and put unto, by means or occasion of any such Act, or thing done; the same to be recovered in any of his Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, wherein no essoign, protection, wager of law, aid prayer, *privilege,* injunction, or order of restraint, *shall be* IN ANY WISE *prayed, granted or allowed,* nor any more than one imparlance.

8. And be it also provided and enacted, That if any person shall hereafter be committed, restrained of his liberty, or suffer imprisonment, by order or decree of any such court of STAR-CHAMBER, or other court aforesaid, now, or at any time hereafter, having, or pretending to have, the same, or like jurisdiction, power or authority, to *commit or imprison* as aforesaid; (2) Or by the command or warrant of the *king's Majesty, his*

heirs and successors in their own person; or by the command or warrant of the council-board; or of any of the lords, or others of his Majesty's privy council; (3) That in every such case, every person so committed, restrained of his liberty, or suffering imprisonment, upon demands or motion made by his counsel or other employed by him for that purpose, unto the Judges of the court of King's bench, or common pleas, in open court, shall, without delay, upon any pretence whatsoever, for the ordinary fees usually paid for the same, have forthwith granted unto him a writ of habeas corpus, to be directed generally unto all and every sheriff, gaoler, minister, officer, or other person, in whose custody the person committed or restrained, shall be. (4) And the sheriffs, gaoler, minister, officer, or other person, in whose custody the person so committed or restrained shall be, shall, at the return of the said writ and according to the command thereof, upon due and convenient notice thereof, given unto him, at the charge of the party who requireth or prosecuteth such writ, and upon security by his own bond given, to pay the charge of carrying back the prisoner, if he shall be remanded by the court, to which he shall be brought; as in like cases hath been used; such charges of bringing up, and carrying back the prisoner, to be always ordered by the court, if any difference shall arise thereabout; bring or cause to be brought, the body of the said party so committed or restrained, unto and before the Judges or justices of the said court, from whence the same writ shall issue, in open court. (5) And shall then likewise certify the true cause of such, his detainer, or imprisonment, and thereupon the court, within three court days after such term, made and delivered in open court, shall proceed to exam-

ine and *determine*, whether the cause of such commitment, appearing upon the said return, be just and legal or not, and shall thereupon do what to JUSTICE SHALL APPERTAIN, either by *delivering*, *bailing*, or *remanding* the prisoner. (6) And if anything shall be otherwise wilfully done, or omitted to be done by any judge, justice, officer or other person afore-mentioned, contrary to the directions and true meaning hereof, then such persons so offending shall forfeit to *the party grieved*, his *triple damages* to be recovered by such means, and in such manner as is formerly in this Act, limited and appointed, for the like penalty to be sued for and recovered.

9. Provided always, and be it enacted, That this Act and the several clauses therein contained shall be taken and expounded to extend only to the court of STAR-CHAMBER; (2) And to the said court—holden before the *president* and council in the *marches* of Wales; (3) And before the *president* and council in the *Northern* ports; (4) And also to the court commonly called the *court of the duchy* of Lancaster holden before the *chancellor* and council of that court; (5) And also, in the court of *Exchequer*, of the *county palatine* of Chester, held before the *chamberlain* and council of the court; (6) And to all courts of like jurisdiction to be hereafter erected, ordained, constituted, or appointed, as aforesaid; and to the warrants and directions of the *council-board*, and to the *commitments*, *restraints* and *imprisonments* of any person or persons, made, commanded or awarded by the *king's Majesty*, *his heirs* or *successors*, in their own person, or by the *lords*, and *others of the privy council*, and every one of them.

And lastly, provided and be it enacted, That no person or persons shall be sued, impleaded, molested or troubled, for any offence against this present Act, unless the party supposed to have so offended, shall be sued, or impleaded for the same, within *two years*, at the most, after such time, wherein the said offence shall be committed.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 12th, 1864.

By order of his Excellency the Governor, and in compliance with the recommendation of the authorities of Wilkes county, license No. 9, issued to John Wortham of said county, on the 12th of March, 1863, authorizing him to distill one thousand gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon said John Wortham by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sect'y Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 14th 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Fulton county, license No. 3, granted to High and Lewis of said county, on the 5th of January 1863, authorizing them to distill 57,000 gallons of whiskey for the Confederate Government, was this day revoked, a copy of which revocation was ordered to be served upon said High and Lewis by the Sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sect'y Ex. Dept.

The following message was sent to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 15th, 1864.

To the General Assembly:

I am informed, since you assembled, that I can make a contract with a house abroad for the delivery of a large supply of Cotton Cards, upon short notice, which

must be paid for in Sterling Exchange, and which might be imported by the State to supply the wants of her people.

I therefore recommend the appropriation of one million of dollars, or such part of that sum as it may be necessary to use, and ask that I be permitted to invest it in cotton and run it out through the blockade to create a fund in England sufficient to pay for the Cards, and that I be authorized to import them and sell them to the people at such price as will cover actual cost and expenses. This would enable me, in a few months, if we have ordinary success in making the importations, to supply the demand of our people for this indispensable article.

The Card Factory at this place is now turning out over one hundred pairs per day, but this is wholly inadequate to supply the demand. The State can make enough, I trust, during the year to supply the needy soldiers' families who look to her as their natural guardian in the absence of their husbands and fathers in service, but we cannot make enough to supply all our people.

Under the arrangement proposed, I trust the demand could soon be met at reasonable prices, and as the money, when received, for the Cards, from the people, would be paid back into the Treasury, the appropriation would be in the nature of a loan, soon to be returned, and would add nothing to the debt of the State.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 17th, 1864.

To Generals Commanding Departments, and Custom-House Officers in Confederate States:

The Georgia Relief and Hospital Association, of Augusta, Georgia, was organized and now acts under State laws and solely for the benefit of soldiers in service or wounded and disabled soldiers. The General Assembly of this State, at its late annual session, appropriated a large sum of money to be used and disbursed by said Association; and the Association was authorized by Act of the Legislature of the State to import articles needed by the Association for its legitimate purposes; therefore I request that said Association, through its officers or agents, be permitted to export one hundred bales of cotton, for the purpose of importing supplies for the use of the Association, which is a State institution, recognized and supported by State authority and State appropriation.

Given under my hand and the seal of the Executive Department the day and the year above written.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sect'y Ex.Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 18th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Fayette county, license No. 15, issued to Franklin Handsome on the 23d day of March, 1863, authorizing him to distill 1,300 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon said Franklin Handsome by the sheriff, or his deputy, of said county.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sect'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 18th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Randolph county, license No. 45, issued to Thos. J. Guimarin of said county, on the 16th May, 1863, authorizing him to distill 1,500 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said

revocation ordered to be served upon the said Thos. J. Guimarin by the sheriff, or his deputy, of said county.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sect'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 18th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Butts county, license No. 11, issued to G. W. Thornton of said county, on the 21st of March, 1863, authorizing him to distill 500 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said G. W. Thornton by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sect'y. Ex. Dept.

The following special message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 18th, 1864.

To the House of Representatives:

In compliance with your Resolution, I herewith transmit a *letter of the Adjutant and Inspector-General upon the subject of the exemption of the ministers of the Methodist Episcopal Church from military service, together with the orders issued by him upon that subject.

I also transmit *copies of letters addressed by Col. M. C. Fulton, my *Aide-de-Camp*, by my direction, to persons who have submitted inquiries whether local ministers of that church are exempt under the statute.

While the language of the statute does not embrace ordained local ministers not in charge of a church or synagogue, I was of opinion they came within the spirit of the Act, as many of them spend a considerable portion of the time in ministerial service, and I therefore so construed the statute as to exempt them.

It will be seen by the letter of General Wayne that his order to Col. Pottle was never submitted to me for approval, as I was absent at the time it was issued. I will add, that I never heard of this order till complaint was made to me about it on the night of the 15th instant; and on the next morning I directed the Adjutant and Inspector-General to issue the general order, of which I

* Not found.

enclose a copy—which had been done before I had any notice of your resolutions, which were passed the day after the order had issued.

So far from having any intention to place a construction upon the statute which would subject the ministers known as circuit preachers and elders and elders of the Methodist Church to military duty, I had, on all occasions, when the subject was mentioned to me, stated that they were exempt.

And I may here state, that I have constantly expressed my opposition to the passage of any Act by Congress, or the State Legislature, which subjects the ordained ministers of any religious denomination to military service. Their avocations are of peace, and not of war, and I think that no legislator should forget the command, “touch not mine anointed.”

JOSEPH E. BROWN.

The following message was transmitted to the Senate, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 19th, 1864.

To the Senate:

In response to your resolution, I state that I have received from the Confederate Government no official, or other information, of the passage of the law in reference

to the exemption of State officers, and have no knowledge of the passage of such a law other than that derived by our people generally from the statements contained in the newspapers, and have therefore sent no certificate to the government about the officers.

So soon as I am invited by the government to specify the officers exempt, I will act promptly in the matter. The Supreme Court of this State having held that the Confederate Government has no Constitutional power to conscribe the officers of the State, I trust it may not be attempted. If it is, I shall do all in my power to prevent it, and to maintain the supremacy of the Constitution over the unauthorized orders of any and all military officers.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 19th, 1864.

To the General Assembly:

In my message at the commencement of this present session, I submitted to you the question whether the State shall turn over all her active militia between 17 and 50 years of age to the Confederate Government, under the late Act of Congress, and thus leave herself without sufficient force to execute her own laws and suppress servile

insurrection, if attempted. I think I also showed that it will be impossible for our people to make a support for the army and the women and children at home for another year if this is not done.

Since your meeting, we are informed by the newspapers that orders have been issued for the enrollment of all these men into Confederate service, and that they be sent to camp of instruction, so that each must take his chance to get a detail from Richmond before he will be permitted to cultivate his farm or attend to any other business at home. The time will soon have arrived when, under the new Conscription Act, as published, all who had not enrolled for service within the State are subject to be enrolled and sent wherever the President chooses to direct.

These men have been legally enrolled, under an Act of this General Assembly, for the service of the State. In his letter to me of 29th May, 1862, the President admits the right of the State to call forth her own militia, to execute her own laws, suppress insurrection and repel invasion, and to govern all her militia not in the *actual* service of the Confederacy.

The Constitution also, by clear implication, authorizes the State to keep troops, in time of war, so long as she is invaded.

The right of the State therefore, to enroll into her own service any of her militia not in the actual service of the Confederacy is too clear to be questioned, and is indeed admitted.

While there can be no question about the right of the State to keep all she has mustered into her service, she has the power to turn them over to the Confederacy, and should do so if she can in that way better promote our cause by strengthening the army, without failing to make the supplies of provision necessary to prevent it from disbanding.

This is one of the most important measures upon which you were convened, and the country has a right to expect that you will not adjourn without taking action upon it. The sovereignty, and probably the existence, of the State is involved, while justice to those now enrolled into State service who are claimed for Confederate service requires that they know as soon as possible what disposition is to be made of them. Your action can settle this question either way, and avoid all conflict or collision. Having submitted the question to your decision, I am prepared to abide your action when taken, whether in conformity to my own views of sound policy or not.

I am also informed that no final action has yet been taken upon the question of the suspension of the writ of *habeas corpus*, nor upon the important resolutions which have passed the House on the subject of the terms upon which peace should be sought, which lay down the great principles upon which we entered into this struggle, and insist that it is the duty of the President after each signal victory of our arms, to tender peace upon these principles upon which we stood when we seceded from the Union.

No formal action having been taken upon these great questions, and you having notified me that the General Assembly is about to adjourn, I hereby notify you that

unless these questions can be acted upon today before your adjournment, I feel it my duty to require, as I hereby do, that the General Assembly convene in extra session, at the Capitol in this city, on Monday the 21st instant, at 10 o'clock A. M.

As I should deeply regret to have to detain members now anxious to return home, nothing but a sense of duty could prompt me to take this course; and as each of these measures can be disposed of by resolution, I trust you may yet be able to act upon them today.

Assuring you of my wish to act in concert and harmony with you when in my power, I beg to renew my thanks for your official courtesy and personal kindness during the session.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 19th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Mitchell county, license No. 64, issued to John T. Dickinson of said county, on the 19th of June, 1863, authorizing him to distill 800 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revoca-

tion ordered to be served upon the said John T. Dickinson by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA.

March 19th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Mitchell county, license No. 65, issued to John T. Dickinson of said county, on the 19th of June, 1863, authorizing him to distill 200 gallons of alcohol for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said John T. Dickinson by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA.

March 19th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Crawford county,

license No. 12, issued to Solomon R. Johnson of said county, authorizing him to distill 1,200 gallons of whiskey for the use of the people of said county of Crawford, was this day revoked, (said license bearing date 29th of March, 1863,) and a copy of which revocation was ordered to be served upon the said S. R. Johnson by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 19th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Crawford county, license No. 13, issued to Joseph Marshall of said county on the 29th of March, 1863, authorizing him to distill 100 gallons of alcohol for the use of the people of said county, was this day revoked, and a copy of said revocation was ordered to be served upon the said Joseph Marshall by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 23d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Montgomery county, license No. 84, issued to A. T. McLeod of said county on the 20th of August, 1863, authorizing him to distill 250 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said A. T. McLeod by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. EX. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 1st, 1864.

It is hereby ordered that John Davison be, and he is hereby, appointed the agent of the State of Georgia in the city of Augusta to fund the State Treasury Notes which are payable in Confederate Treasury Notes for the State, and to attend to such other business connected with the purchase of cotton for the State and the impor-

tation of supplies as may, from time to time, be ordered under his commission.

Given under my hand and Seal of the Executive Department the day and year above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 1st, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Randolph county, license No. 46, issued to John Roe of said county, on the 16th of May, 1863, authorizing him to distill 200 gallons of alcohol for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said John Roe by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 2d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Meriwether county,

license No. 19, issued to Rufus Johnson of said county on the 23d of March, 1863, authorizing him to distill 1,600 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said Rufus Johnson by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 2d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Johnson county, license No. 113, issued to Ephriam Hightower of said county on the 7th of December, 1863, authorizing him to distill 600 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said Ephriam Hightower by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 4th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of DeKalb county, license No. 67, issued to Jas. W. Brown of said county, on the 12th of June, 1863, authorizing him to distill 1,500 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said Jas. W. Brown by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 6th, 1864.

I hereby appoint and commission A. A. Beall, of the city of Augusta, the agent of the State of Georgia for the purchase and storing of cotton for the State, to be exported to purchase articles for importation necessary for the support and clothing of Georgia troops now in military service.

He will obey all orders in reference to the shipment of cotton which he may receive from time to time, and I certify to the enrolling officers that I consider Mr. Beall necessary for this purpose, and claim his exemption from conscription, under the late Act of Congress.

Given under my hand and seal of the Executive Department, the day and year above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 9th, 1864.

To the People of Georgia:

As a vast number of letters are being received at this department inquiring what civil and military officers of this State are exempt from Confederate conscription, which makes the labor of answering each burdensome, I adopt this mode of giving a general reply. The Congress of the Confederate States prior to the session of the General Assembly last winter, had, by Act, left it to the legislatures of the respective States to say what State officers should be exempt from conscription, and our Legislature passed the following joint resolution, which was approved 14th of December, 1863:

“Resolved by the General Assembly of the State of Georgia, in response to the law of the Confederate Congress inviting the several States to specify what State

officers shall be exempt from conscription, that *all* civil and military officers of this State shall be so exempt."

The late Act of Congress, known as the Military Act, exempts the members of the State legislatures and such other State officers as the Governors of the respective States may certify to be necessary for the proper administration of the State governments.

In conformity to the resolution of the General Assembly, I have certified to the President that I claim as exempt *all civil and military officers* of this State. This embraces the judges of the Supreme Court of this State, and their clerk and deputy clerk, reporter and deputy reporter; all judges of the Superior Courts, and one clerk and deputy clerk in each county, with one sheriff, one deputy sheriff, and one jailor for each county, with an additional deputy in each county embracing the larger cities, if the sheriff will file his affidavit that the services of such second deputy are actually necessary to enable him to discharge the duties of his office faithfully and promptly; the Justices of the Inferior Court of each county, with their clerk and deputy clerk; the Ordinary, his deputy clerk; all Justices of the Peace and all lawful Constables; all Tax Collectors, Receivers of Tax Returns, County Treasurers, County Surveyors and Coroners; all Mayors of cities and Aldermen or Councilmen who are made by the Act of Incorporation *ex officio* Justices of the Peace or State officers; all financial agents appointed by the Governor to aid in carrying into execution the laws of this State for the exportation of cotton and the importation of clothing and other supplies for Georgia soldiers in service, and the importation of cotton cards and articles necessary for the State Road; the judge, clerk and

sheriff of each city court, and all officers and necessary employees of the State Road; one notary public for each county, if appointed, as the statute requires, prior to this date; all State House officers and the secretaries and clerks employed in each department. The staff officers of the Governor, including the Adjutant and Inspector-General and his assistants; the *Aides-de-Camp*; the Quartermaster and Commissary-General and their necessary assistants; the officers and cadets of the Georgia Military Institute, who, together, are made by law, the Engineer Corps of this State; the Chief of Ordnance, and the superintendent of employees of the State armory under him; and all commissioned officers of the newly organized militia of this State, including the Surgeons appointed under the Act. The military officers as well as the civil are protected from the date of their election. The militia officers under the old organization are protected by the law till their commissions are suspended, which takes place in each senatorial district so soon as the Governor issues his order to that effect, which is to be done in ten days after the new organization in the district is completed. The officers and guards of the penitentiary; the officers and employees of the cotton card factory in Milledgeville.

If I have omitted any officer whom the law makes it my duty to protect, the fact will be made public when the omission is discovered.

As some of the enrolling officers in this State, from ignorance of their duty or disregard of the orders of their superiors, assume to command the officers of the State, and to sit in judgment upon the legality of their commissions, all of the above mentioned officers are hereby noti-

lied that the enrolling officers have no jurisdiction over them, and they will obey no orders from any Confederate officer. If they are seized by force and carried from their homes, they will at once notify me of the fact.

Upon the demand of the enrolling officer, it will be the duty of each State officer to exhibit his commission if he has it with him, if not, to get and exhibit it in a reasonable time. In case of deputy sheriffs, deputy clerks, jailors and constables, the law provides that the order of appointment, by the person or court having the power of appointment, shall constitute the commission.

The enrolling officers have no jurisdiction to try the legality of a commission issued from this department, or from the court or person in whom the law vests the power to give commissions. In case any doubt arises as to the legality of a commission held by any person, or the enrolling officer has reason to suspect that it is a forgery, or that the holder is practicing any other imposition, such enrolling officer is respectfully invited to forward a statement of the facts to me at this place, and I will inform him promptly whether the person claiming to be an officer is such in fact, and will afford him every facility in my power to arrest any person who may have escaped under such false pretext. If the enrolling officers will adopt this course, there will be no reason for conflict or misunderstanding.

In case of deputy sheriffs and deputy clerks of the several counties, the law does not limit the principal sheriff or clerk to a single deputy, but authorizes him to appoint "deputies."

As I am satisfied, however, that one deputy is quite sufficient in any county, unless it may be in the office of sheriff in the larger cities, and that some of the counties may not need a deputy at all, I have thought that I carry out in its spirit, if not in its letter, the resolution of the legislature, when I refuse to protect more than one deputy for each clerk and sheriff in each county, except in case of the sheriffs of the counties embracing the larger cities, upon their oaths, that a second deputy is necessary, as above provided.

I regret to learn that able-bodied young men have, in some cases, been elected to inferior, county, district or militia offices, to the exclusion of old men competent to fill the places; but as the Constitution and laws give me no control over the decisions of the people in such cases, and no right to interfere with them in the exercise of the elective franchise, I have no discretion, but am obliged to commission those who are legally elected, and, under the general rule of law, am obliged to extend to them the same protection which is afforded to other commissioned officers. I know of individual cases where I regret this necessity, imposed by a general rule of law, and would give the office to older men over whom they have succeeded, and send them to the army, if I could do so in the legal discharge of my duty. But I must yield to the choice of those who have the right to make this selection.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 11th, 1864.

I have this day appointed, and hereby commission, William T. W. Napier, of the county of Baldwin, agent of the State of Georgia to assist in the transportation of cotton from the interior to the coast, under the late Acts of the Legislature for the exportation of cotton and the importation of supplies, and to do such service connected with the Quartermaster's department of the State as he may, from time to time, be ordered to perform.

Given under my hand and the Seal of the Executive Department, the day and year above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 13th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Glascock county, license No. 68, issued to J. C. A. Wilcher and John D. Seals of said county on the 12th of June, 1863, authorizing them to distill 500 gallons of whiskey for the use of the people of said county, was this day revoked, and a

copy of said revocation ordered to be served upon the said J. C. A. Wilcher and John D. Seals by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 20th, 1864.

To the Enrolling Officer of Chatham County:

You are hereby notified that Edward C. Hough is hereby selected as Notary Public, to be exempt for Chatham county from conscription, under my late proclamation. He will not therefore be disturbed.

Given under my hand and
the seal of the Executive
Department, this 30th of
April, 1864.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 20th, 1864.

Since the date of my proclamation specifying the different classes of officers of this State exempt from con-

scription, my attention has been called to the fact that I omitted the Attorney and Solicitors-General and the Masters in Chancery, and I now make known that the Attorney-General and all Solicitors-General of this State, and all Masters in Chancery, who have been legally appointed under the 4112th Section of the Code, prior to this date, are claimed by me as exempt from enrollment as conscripts.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 23d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Elbert county, license No. 56, issued to Willis Craft of said county on the 30th of May, 1863, authorizing him to distill 600 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said Willis Craft by the sheriff of Elbert county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 25d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Elbert county, license No. 57; issued to Asa S. Bone of said county, on the 30th of May, 1863, authorizing him to distill 100 gallons of alcohol for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said Asa S. Bone by the sheriff of Elbert county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 3d, 1864.

By the order of his Excellency the Governor, and in compliance with the recommendation of the authorities of Cherokee county, license No. 110, issued to W. M. Hurlick on the 20th of November, 1863, authorizing him to distill 700 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of

said revocation ordered to be served upon said W. M. Hurlick by the sheriff of Cherokee county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 6th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Chatham county, license No. 90, issued to Richard J. Nunn of said county, authorizing him to distill (in Jones county) ten thousand gallons of alcohol for the use of the people of Chatham county, was this day revoked, and a copy of said revocation ordered to be served upon the said Richard J. Nunn by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y Ex. Dept.

STATE OF GEORGIA,
COUNTY OF BALDWIN.

}

This instrument executed and entered into this 7th day of May, A. D. 1864, between his Excellency Joseph

E. Brown, Governor of Georgia, of the one part, and Albert E. Cox and Benjamin H. Bigham, under name of Bigham & Cox, of the other part, Witnesseth: That the said Bigham and Cox agree and covenant to furnish his Excellency the Governor as much salt as 1,000 bushels per month for six months of the year 1864, delivered in Augusta or Atlanta, Georgia, to the order of his Excellency or the Commissary-General of the State; and in the event of delivery at Atlanta, the State to pay freight from Augusta to that place—upon condition that His Excellency grant to said Bigham & Cox the privilege of using such means of transportation as they may be able to control, at their own cost and charges, for the transportation of all salt they may make on their works in Virginia to Georgia by authority of the State of Georgia and as agents of the State; and also that they be protected in the use and occupation of their furnaces at Saltville, Virginia, and of such property as they may possess themselves of lawfully and engage or use for the purpose of successfully working the same: and upon further condition that his Excellency grant to said parties of the second part such special facilities and privileges of transportation for corn, cotton yarns, meat, peas, cotton goods, sacks and other supplies as may be necessary for the successful progress of their works in Virginia as he or the officers of the State may be enabled from time to time to grant without detriment to the public service. In all cases, whether upon special facilities and assistance furnished by the State, or under arrangements made by Bigham & Cox, authorizing such needful shipments to be made by them by State authority and as State agents.

It is further stipulated, that the casualties of war and delays arising out of the same, shall be allowed to said Bigham & Cox should any question of compliance with the foregoing agreement come up—and that the occupancy of said works, or destruction thereof, or of any part thereof, or of intermediate railroads, or any part thereof, by the enemy, shall be deemed and held to exonerate said Bigham & Cox from the above obligation during such time as such occupancy may continue, and for a reasonable time thereafter. Also that the occupancy of the works, or of any of the intermediate railroads by authority of the Confederate Government, or by any other authority having power to do so, and exclusion of Bigham & Cox therefrom for the purpose of their business, shall likewise operate, whilst it continues, to exonerate them from the foregoing agreement.

This agreement, under the terms herein specified, to continue during the present war, the said Bigham & Cox being bound for every month in the year, except December, January, February and March, except in cases above specified, and unless the enemy should so occupy the country in the vicinity of the salt works or line of transportation as to render it inexpedient or imprudent to continue working; and in consideration of this discretion given to Bigham & Cox, it is hereby distinctly stipulated that there shall, in no case, be any forfeiture upon the State for failure to perform either of the above conditions, save only the exoneration of Bigham & Cox from their obligations herein expressed.

For the salt thus to be furnished to the State, his Excellency will pay to said Bigham & Cox ten dollars per bushel, and provided the actual cost of transporta-

tion shall exceed that sum, then his Excellency will pay to said contractors the excess of the costs thereof over that amount. The salt is to be shipped in sacks or barrels, and the State to pay the cost of the same. (In duplicate.)

JOSEPH E. BROWN,

Governor of Georgia.

BIGHAM & COX.

EXECUTIVE DEPARTMENT.

MILLEDGEVILLE, GEORGIA,

May 7th, 1864.

This certifies that Stuart, Buchanan & Co., which said firm consists of W. A. Stuart, B. K. Buchanan, Geo. W. Palmer and Joseph Jaques, are bound by contract to furnish from their wells at Saltville, Virginia, to the State of Georgia, sufficient salt water to make five hundred bushels of salt per day; and to the Planters Salt Manufacturing Company of Georgia, which said company is working by sanction of the authority of the State of Georgia for supply at cost, sufficient salt water to keep 140 kettles of 120 gallons capacity at regular work to their full capacity. That these contracts run through the existing war between the Confederate States of America and the United States of America. And I deem the exemption of the several members of said firm from military service necessary for the faithful execution upon their part of the said contract, and to their

fulfilment of their contracts with Bigham & Cox, citizens of Georgia, and of other contracts in which the State is interested at Saltville, Virginia. I further certify that the object of the State in these contracts is to furnish salt to the indigent families of soldiers engaged in the Confederate service against the common enemy, and therefore respectfully recommend the exemption of the members of said firm.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 7th, 1864.

Albert E. Cox and Benjamin H. Bigham, citizens of Georgia, are hereby recognized, designated and appointed as agents of the State of Georgia for the procurement of salt, and as such authorized to make salt in Virginia at the salt works in Washington and Smythe counties, and transport the same to Georgia by every means of transportation they may be able to procure.

They are directed to use diligence in the procurement of transportation facilities and employment of trains for the transportation of all supplies and of articles to exchange for supplies (including wood,) deemed of advantage to the successful operation of their furnaces; and also to the end, to the utmost practicable extent, that all the salt made by Bigham & Cox and by the Planters Salt Manufacturing Company of Georgia, of

which B. H. Bigham is President and A. E. Cox, General Superintendent, shall be transported to Georgia.

They, and each of them, are hereby authorized to procure and control such transportation as agents of Georgia.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 9th, 1864.

By order of the Governor, license No. 25, issued to P. W. Center on the 22d April, 1863, authorizing him to distill ten thousand gallons of whiskey for the use of the Confederate Government (near Fairburn) was this day revoked, and a copy of said revocation ordered to be served upon the said P. W. Center by the proper officer.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 10th, 1864.

To the Enrolling Officers of Fulton county:

A. W. Jones of said county is the financial agent and keeps large deposits for the State of Georgia much of

his time at the agency of the C. R. R. & Banking Co., in Atlanta; as such agent his services are valuable to the State, and I hereby certify that I claim him as a State agent, as exempt from conscription for Confederate service.

Given under my hand and the seal of the Executive Department, this 10th of May, 1864.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 10th, 1864.

To the Clerk of the Superior Court and the Sheriff of the County of Henry:

Whereas, on his plea of guilty, Charles Walker was, at the late April term of the Superior Court held in and for said county, convicted of a "misdemeanor" in causing grain to be distilled illegally in said county, and was then and there therefor sentenced by Hon. John J. Floyd, the Judge presiding at said court, to pay a fine of five hundred dollars and the costs of the prosecution, being the smallest amount which could be imposed as a fine under the statute; *And Whereas*, a petition has been presented to me, signed by most of the county officers of said county of Henry, most of the grand jurors who made the presentment, and by many of

the most respectable citizens of the county, stating that Mr. Walker committed the crime to the commission of which he plead guilty, under the following circumstances, viz: he had a daughter very low with typhoid fever. His family physician recommended him to procure some good whiskey for her, and that it would greatly assist her in her recovery. Mr. Walker told the physician that he had in his house some of the county whiskey, but the physician replied that that was not good and advised him not to administer it to his daughter. He then took some rye and went to a distiller and bartered or obtained some good whiskey for his rye, for the purposes aforesaid. Mr. Walker states that he did not know that he was committing any crime in obtaining the whiskey as he did, and had no intention of doing so. The Solicitor-General who prosecuted the case, in a written statement in which he says he thinks a remission of the fine imposed on Mr. Walker would not be amiss, corroborates the foregoing statement of facts and adds that Mr. Walker is one of the best citizens of Henry county and stands deservedly high with his neighbors—that he was *guilty* of violating the law without any *intention* to commit a crime.” Under these circumstances, I am asked to remit the said fine of five hundred dollars, and, believing that Mr. Walker did not intend to do an act which he knew would be in violation of a statute of the State, and that the precedent of remitting a fine imposed for a violation of the statute to prevent illegal distilling, under the above circumstances alone, will work no harm to the county and will not be expected to be followed in different cases which may arise in future, it is *Ordered*, That the above fine of five hundred dollars, imposed as aforesaid upon the said Charles Walker, be, and

the same is hereby remitted on his payment of all costs in the case.

Given under my hand and
the seal of the Executive
Department, the day and
year first above written.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 12th, 1864.

It is hereby ordered, that Ira R. Foster be, and he is hereby, appointed to audit the claims of the officers and privates of the 4th Georgia Brigade for the time they were in the service of the State, that they may be paid as provided by Act of the Legislature, assented to 7th of December, 1863.

Given under my hand and
the seal of the Executive
Department, the day and
year first above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 12th, 1864.

I hereby constitute, appoint and commission A. P. Dearing, of the county of Clarke, a financial agent for the State of Georgia under the Acts of the Legislature relative to the exportation of cotton and the importation of supplies, and for the purchase of cotton in his section of the State. And I certify that he is claimed by me as exempt from conscription, and direct that no Confederate enrolling officer molest him, and that he obey no orders from any one but the Governor of this State while so employed.

Given under my hand and
the seal of the Executive
Department, the day and
year above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 13th, 1864.

I hereby constitute and commission Aaron F. Nunnally, the bearer, a financial agent for the State of Georgia, under the Acts of the Legislature relative to the exportation of cotton and the importation of supplies, who will obey orders and contract under special instructions

from me only, so that he can involve the State in no indebtedness without the ratification of his Acts by the Governor. And I certify that as a special agent of the State, I claim him as exempt from conscription, and he will not be molested by any Confederate enrolling officer.

Given under my hand and
the seal of the Executive
Department, the day and
year above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 17th, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Spalding county, license No. 31, issued on the 25th day of April, 1863, to Wm. B. Cunningham for the distillation of five hundred gallons of whiskey for the use of the people of said county, was this day revoked, a copy of which revocation was ordered to be served upon the said Wm. B. Cunningham by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

A PROCLAMATION.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 18th, 1864.

I hereby require all commissioned officers of the militia of this State, including district aides-de-camp, to report immediately to Maj.-Genl. H. C. Wayne, at Atlanta, to receive further orders, and to aid during the present emergency in driving back the enemy from the soil of this State.

Neglect to obey these orders promptly will be visited by appropriate penalties. All civil officers, except those of the State House, the Penitentiary, the State Road, the Judges of the Superior and Inferior Courts, Ordinaries and Solicitor-General and Clerks and Sheriffs of Courts actually in session, are also requested to report to Genl. Wayne with the least possible delay.

As notice of the existence of the order, each newspaper in the State is requested to give one insertion.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 21st, 1864.

I am informed that some of the civil officers of this State embraced in my proclamation of 18th inst., do not understand that they are ordered to the field, but only

requested to go. As many of them are protected from conscription by their official positions, they should not hesitate a moment, in a great emergency like the present, to fly to arms to repel the enemy. I have no power to order them as *civil officers*, but I have as part of the militia, and, to prevent any misunderstanding, I issue this additional proclamation, and I hereby order all civil officers of this State under 50 years of age, except those mentioned in my former proclamation, and Tax Collectors and Receivers, to report immediately to Maj.-Gen'l. H. C. Wayne, at Atlanta. While Clerks of Courts and Sheriffs are not ordered, their deputies are. It is presumed that those who do not claim to be civil officers now, will not set up the claim in future to avoid conscription. Militia officers, who have been elected but not yet commissioned, will report at Atlanta immediately, where they can receive commissions.

No exemptions will be granted to any of the militia or civil officers mentioned. If any disobey the order, they will do it at their peril, and would do well to be satisfied that their excuse will stand the test on trial before a court martial. They should hasten to the front, and none should remain at home submitting excuses by letter to this department. Such letters can not receive replies, and will not excuse from trial by court martial.

It is hoped that the service will not be long, but the response must be prompt or the penalties may be very disagreeable. No officer must remain at home a day after he is advised of the call. Georgia expects every man to do his duty.

JOSEPH E. BROWN.

Each daily paper in the State will give this one insertion in first issue, as notice to officers.

J. E. B.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 6th, 1864.

By order of the Governor, license No. 11, issued to L. J. Parr, on the 25th of March, 1863, for the distillation of 21,000 gallons of whiskey for the use of the Confederate Government, was this day revoked, and a copy of said revocation ordered to be served upon the said L. J. Parr by the sheriff of Screven county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 6th, 1864.

By order of the Governor, license No. 4, issued to J. J. Vaughan on the 14th day of January, 1863, authorizing his to distill 3,300 gallons of whiskey in Fulton county for the use of the Confederate Government, was this day revoked, and a copy of said revocation ordered

to be served upon the said J. J. Vaughan by the sheriff of Fulton county, or his deputy.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

June 18th, 1864.

To the Sheriff, or his lawful Deputy, of Franklin County:

Whereas, at the April term 1863, of the Superior Court of said county, William Bell was convicted of a "misdemeanor" for illegal distillation of grain, and was then and there therefor sentenced by the court to be imprisoned twelve months in the common jail of said county and to pay a fine of two thousand dollars and the costs of prosecution; *And Whereas*, the said Bell has served out said term of imprisonment, and having failed to pay his said fine and costs, is still held in jail under said sentence; *And Whereas*, three of the Justices of the Inferior Court of said county, viz.: James S. Lattner, M. McDaniel and W. G. Oliver, certify to me that said Bell is perfectly insolvent, and ask me to release him from said imprisonment; therefore it is

Ordered, That the said William Bell be immediately, on sight hereof, released from said imprisonment, and

that the said fine and costs be, and the same are, hereby remitted.

Given under my hand and
the seal of the Executive
Department this the 18th
day of June, 1864.

JOSEPH E. BROWN.

By the Governor,
H. H. WATERS,
Sec'y. EX. Dept.

HEADQUARTERS,
ATLANTA, GEORGIA,

June 24th, 1864.

To the People of Georgia:

I am informed by the old men in different parts of the State, that there are occasional instances of militia and civil officers who have failed to report at Atlanta, as directed by orders contained in my proclamation on that subject. The fourteenth Section of the Act of 14th of December, 1863, to reorganize the militia, declares, "That any militiaman ordered into active service, whether by order of the Governor or upon requisition from the President of the Confederate States, who shall fail or refuse, after due notice, to *enter* said service, or being therein, shall leave the service without permission, shall be liable to be tried and punished as a deserter, and subject to all the pains and penalties imposed upon deserters in the Rules and Articles of War for the Government of the Army of the Confederate States."

That those who have refused to *enter* the service when ordered may be compelled to do so immediately or suffer the penalties in said Act contained, I hereby direct all *Aides-de-Camp*, who are ordered to the discharge of their duties at home, or at home on leave of absence, and all belonging to the division who are now absent on furlough or detail, to see that all such officers, able to do duty, are arrested and sent, without delay, to the headquarters of Maj.-Gen'l. G. W. Smith, commanding the division. For this purpose the *Aides-de-Camp* are authorized to order any of the non-commissioned officers or reserved militia, to make such arrests and convey such persons to the Division Headquarters.

As the Judges of the Supreme, Superior and Inferior Courts, Ordinaries, Solicitors-General, Sheriffs, Clerks of the Superior and Inferior Courts, Tax Collectors and Receivers, Reporter and Clerk of the Supreme Court and members and officers of the General Assembly, are, by the statute of the State, exempt from militia duty, I earnestly request them to aid in arresting and sending to General Smith all militia officers who have not reported, and all civil officers under fifty years of age who are subject to militia duty and have failed to report. The fact that a civil or militia officer is exempt from Confederate conscription, by reason of his having given the bond as overseer of fifteen hands, as provided by Act of Congress, or for other cause, does not exempt him from State militia service.

When the officers subject have generally obeyed the call and reported, justice requires that others equally subject shall not be permitted to disregard it with impunity. The crisis has not passed. The exigency requires

every man at the front able to bear arms who can possibly leave home; and I again invite all such, including the large class of able-bodied men who have Confederate details in the various departments, many of whom it is believed can be spared for a short period without detriment to the service, to rally to the defence of the State till the emergency is passed.

JOSEPH E. BROWN.

All railroads in the State will transport prisoners with guard, not exceeding two persons, on their way to Atlanta, and each daily paper in the State is requested to give this one insertion and charge accordingly.

J. E. B.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

July 2d, 1864.

By order of the Governor, and in compliance with the recommendation of the authorities of Haralson county, license No. 130, issued to Goodrich Driver and Lewis Price, on the 27th of April, 1864, for the distillation of 300 gallons of whiskey for the use of the people of said county, was this day revoked, and a copy of said revocation ordered to be served upon the said Goodrich Driver and Lewis Price by the sheriff of said county, or his deputy.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

July 7th, 1864.

By order of the Governor, license No. 16, issued to Herman F. Burghard on the 9th of July, 1863, for the distillation of 1,000 gallons of alcohol for the use of the medical department of the Confederate Government, was this day revoked, and a copy of said revocation ordered to be served upon the said Herman F. Burghard.

JOSEPH E. BROWN.

By the Governor,

H. H. WATERS,

Sec'y. Ex. Dept.

PROCLAMATION.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

July 9th, 1864.

To the Reserved Militia of Georgia:

A late correspondence with the President of the Confederate States satisfies my mind that Georgia is to be left to her own resources to supply the reinforcements to Gen. Johnston's army, which are indispensable to the protection of Atlanta and to prevent the State from being overrun by the overwhelming numbers now under command of the Federal General upon our soil. The officers,

civil and military, who constitute, in a great degree, the remaining active militia force left to the State by the different Acts of Conscription, have already been called out and have rendered effective service, while they, as well as the two regiments of the State Line, have distinguished themselves by cool courage and intrepid valor when attacked by the enemy. But there is need of further reinforcements, as will be seen by the accompanying letter of Gen'l. Johnston; and while a very large proportion of the gallant and chivalrous sons of Georgia are on distant fields defending the soil of other States, it becomes my duty to call forth every man in the State able to bear arms, as fast as they can be armed, to aid in the defence of our homes, our altars and the graves of our ancestors.

I am fully aware of the importance of the growing crop of the State, and have delayed this call as long as the exigencies will possibly permit, to enable the people to do the labor necessary to secure the crop. In the southern portion of the State, it is believed this will be accomplished by the time this proclamation can be generally published, while ten days or two weeks longer will enable those in the northern half of the State to do most of their labor necessary to make the crop.

I, therefore, by virtue of the authority in me vested by the laws of this State, do hereby order into active military service all that part of the reserve militia of this State, between the ages of 50 and 55 years, and all between the ages of sixteen and seventeen years who reside south of a line running east and west across the territory of the State, passing through the city of Macon, to report to General G. W. Smith at Atlanta, with the least possible

delay; and I further order that all persons between said ages subject to militia duty who reside north of said line, report to Gen. Smith, each leaving his home on the 20th of this month and repairing to Atlanta by the nearest and speediest route.

I also order all free white male persons in this State, between the ages of seventeen and fifty years, who are exempt from Confederate conscription and are not absolutely unable to do militia duty, which disability must be shown by the certificate of a surgeon properly appointed under the laws of this State, to report with the militia of their respective counties, as they are subject to State militia duty. And I further require all free white male persons, between said ages, in this State not in actual *military service* of the Confederacy, except as herein exempted, to report also, as I can not suppose the President will claim as exempt from militia duty in this great emergency, the large number of able-bodied young men who have Confederate details to attend to various industrial avocations and pursuits in which they have no military service to perform. It can not surely be the intention of the Confederate Government to place a large number of young men able to do service *in the organization* to keep them out of the *bullet department*. Hence I claim their aid in the field till this emergency is passed, and direct, in case of their refusal to report when others embraced in the call respond, that their neighbors who are going to camp arrest them and compel them to go. The time allowed enables those of them who are planters to lay by their crops, or to approximate so near to completion, that serious injury can not grow out of their absence, while little damage will be done by the temporary

absence from their places of Confederate tax assessors, collectors, tanners, mechanics, secret service men, etc., etc., as their business must cease entirely if the enemy overruns the State. All who respond to this call are required to arrest and carry with them all deserters within their power, at the time they start to camp.

The following persons are not embraced in this call: All commissioned officers of the Confederate States on detached or local service, all State officers and others exempt from militia duty by the Act to reorganize the militia, and the Act amendatory of that Act.

All persons in the employment of the Confederate States in the cities of Savannah, Augusta, Macon, Columbus, Griffin, Atlanta and Athens, who belong to regularly organized military companies, who drill frequently and are held for the local defence of the place against raids, etc.

All officers and employees of any railroad company in this State who are regularly and constantly employed in the service of said road at the date of this call. All telegraphic operators and employees of the express company.

All persons employed in any cotton or woolen factory or paper mill in this State who have details from the State or Confederate Government, on condition that they keep themselves organized as military companies prepared to do all in their power to defend the factory in case of attack. The mayor of each of the cities above named, and such policemen and firemen as he will certify to be indispensably necessary to the protection of the city. All practicing physicians, not exceeding three

in a county, to be selected by the Inferior Court in case there are more, and all such millers as the court will certify are actually necessary at home. Two agents of the relief fund, selected by the court of each county. All postmasters in cities, with their necessary clerks, and one postmaster in each county town, and all mail carriers constantly engaged in that business. All State House officers and their necessary clerks. The officers and guards of the penitentiary, and the officers and employees of the State armory and card factory, who are required to drill twice a week as a military company for the defence of the Capitol. All persons who remain in counties in the rear of the enemy's lines; all who reside north of the Blue Ridge, with the people of the counties of Rabun, Habersham, White, Lumpkin, Gilmer, Pickens and Dawson, on account of the great scarcity of provisions and the distance they have to haul them, to preserve the lives of the inhabitants of those counties.

As the law of this State declares every man subject to militia duty, who refuses to respond to this order, to be a deserter and liable to be tried and punished as such, all Aides-de-Camp at home, and all Justices of the Inferior Court, Sheriffs, Clerks, Ordinaries and Tax Collectors and Receivers of Tax Returns of the State, who are by statute declared exempt from militia duty, are hereby required to travel through their respective counties constantly and, if necessary, arrest and send forward all persons subject who neglect or refuse to report.

In case any of those officers neglect this duty and refuse themselves to report and aid in repelling the enemy, it is hoped all who are in service will remember them in future and place more faithful public servants in posi-

tions of responsibility. However weighty the reasons each man might be able to give for remaining at home, there are more important reasons why he should hasten to the front if he is able to travel.

Georgians, you must reinforce General Johnston's army and aid in driving back the enemy, or he will drive you back to the Atlantic, burn your cities and public buildings, destroy your property, and devastate the fair fields of your noble State.

If the Confederate Government will not send the large Cavalry force (now engaged in raiding and repelling raids) to destroy the long line of Railroad over which Gen'l. Sherman brings his supplies from Nashville, and thus compel him to retreat with the loss of most of his army, the people of Georgia, who have already been drawn upon more heavily in proportion to population than those of any other State in the Confederacy, must, at all hazards and at any sacrifice, rush to the front and aid the great commander at the head of our glorious self-sacrificing army, to drive him from the soil of the Empire State.

I beg you, fellow citizens, to reflect upon the magnitude of the issue.

If Gen. Johnston's army is destroyed the Gulf States are thrown open to the enemy and we are ruined. If Gen. Sherman's army is cut off the west is thrown open to us to the Ohio River, and all raids into Mississippi, Georgia and Alabama will at once cease. If every citizen of Georgia will do his duty, and the President will permit Kentucky to rest free from raids for a time, and

will send Morgan and Forrest to operate upon the railroad line of communication, nearly three hundred miles in Sherman's rear, which passes over many bridges, through a country destitute of supplies, the grand army of invasion can be destroyed, and not only our own State, but the Confederacy delivered from disaster by the triumphant success of our arms.

JOSEPH E. BROWN.

HEADQUARTERS GEORGIA MILITIA,

ATLANTA, GEORGIA,

July 21st, 1864.

To the Militia of Georgia:

In accordance with the request of General Hood for the purpose of arming the militia in Macon and sending them forward ready for service, thereby avoiding the confusion of having large bodies of unarmed men sent into Atlanta while it is besieged, these headquarters will be moved to Macon.

All troops who have already arrived in Atlanta, and all who come in on the West Point Road, and all above Jonesboro, will report to General Smith in Atlanta as heretofore directed. All others will report to Gen'l. H. C. Wayne in Macon, where they will be thrown into camp till they are armed before they are sent to Gen'l. Smith. All troops on the Georgia Railroad will go by way of Augusta to Macon and report to Gen'l. Wayne.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

July 27th, 1864.

In accordance with an Act, assented to December 14th, 1863, entitled, "An Act to cancel certain portions of the Georgia Treasury Notes lately issued by issuing Treasury Certificates of Deposit, and for other purposes," the Treasurer and Comptroller-General appeared before me this day and exhibited seventy thousand dollars of Georgia Treasury Notes payable in specie or eight per cent. bonds, six months after a Treaty of Peace, etc., etc., and also ninety thousand dollars in Georgia Treasury Notes, payable in specie or six per cent. bonds, six months after the ratification of a Treaty of Peace between the government of the United States and the Confederate States of America—all of said notes having been redeemed and cancelled by the issue of Georgia Treasury Certificates of deposit, as required by said Act, in sums of \$5,000, \$10,000 and \$20,000. I hereby certify that the said one hundred and sixty thousand dollars of Georgia Treasury Notes thus redeemed and cancelled, were this day burned in my presence as required by the above recited Act.

JOSEPH E. BROWN.

PROCLAMATION.

It is represented to me that a considerable number of persons in this State claimed to be aliens refuse to take up arms and go to Atlanta for the defence of the State.

In a great emergency like the present, I consider it the duty of all who claim protection of person and property to defend the State which affords them such protection. I, therefore, hereby proclaim and make known that all aliens in this State who refuse to volunteer for her defence are required to leave the State within ten days from this date, and no more to return on pain of being dealt with as the laws and usages of nations justify in such cases.

Passports will be granted to all such aliens on application to the Adjutant and Inspector-General of this State, upon the certificate of a Judge of the Superior Court that he has examined the evidence in such cases and find such person to be an alien.

Given under my hand the
Great Seal of the State,
this 28th day of July, 1864.

JOSEPH E. BROWN.

HEADQUARTERS,

MACON, GEORGIA,

July 28th, 1864.

To the Aides-de-Camp and other Officers:

I am informed that the Inferior Courts of some of the counties have abused the privilege of exemption to millers, which was allowed by my proclamation, and have certified for exempting the owners of mills who have not

been employed regularly as millers previous to my call. The exemption applies only to those who are and were, at the time of the call, actually employed as millers, and not to owners of mills who were not so employed. As it can be known at headquarters who are the actual millers only by the certificates of the courts, some may have obtained from the Adjutant and Inspector-General's office exemptions as millers who are only the owners of mills. All such exemptions are hereby revoked, and all such persons will be sent forward to the front immediately. All civil and military officers of the State will enforce strictly and rigidly the orders contained in my proclamation, and will send forward under arrest, when necessary, all who are embraced in it and refuse to report, notwithstanding any order of any Confederate officer or any other person.

The orders of Confederate officers interfering with the execution of the militia laws of the State and attempting to protect from active service their favorites in civil pursuits, when the State is in imminent peril and needs the services of all able to bear arms in front of the enemy, can neither be respected nor obeyed by State officers. If State officers are met by armed resistance, which they can not overcome, when in discharge of their duty, in attempting to carry to the front skulkers who are unwilling to defend their own homes and property, they will report the facts instantly and troops will be sent to enforce the execution of the laws of the State, and to compel all such men to discharge their part of the duty and meet their part of the danger. Upon the application of the chief officer in charge of the collection of the tithe tax of the State, which is necessary to the support of the army, and upon a similar application of the Confederate

Ordinance officer, I have exempted from my call the agents certified by them to be constantly employed and indispensably necessary to the efficient management of their respective departments. The same rule will be applied, on application of the proper officer, to each of the other departments of the Confederate Government in the State.

While it is my fixed purpose to execute the laws of the State, and to compel all favorites of power or of persons in position who have details as a shield from danger, while spending their time in the management of their ordinary business to obey the laws and aid in repelling the enemy, it is not my intention to cripple or throw obstacles in the way of the Confederate Government in providing all necessary support for the army. It is a fact known to the whole country, that numbers of able-bodied men have been kept out of military service by the details and appointments of Confederate officers. The decision of a distinguished judicial officer of this State sustains the jurisdiction of the State over all such when not in the *actual military service* of the Confederate States. This jurisdiction will be enforced at whatever cost may be necessary to sustain the sovereignty and dignity of the State, and compel such persons to do their duty in her defence.

As Georgia seems to be left to her own resources for the reinforcement of General Hood's army, which is necessary to prevent her territory from being overrun by the enemy, she can not now waive her just jurisdiction over her militia who are at home engaged in the ordinary pursuits of life, on account of any details or exceptions which may have been granted by Confederate authority. She will never assent to the doctrine that the Confederate Government has any Constitutional right or power to

divest her of jurisdiction over her whole militia by mustering her whole people into service and detaching them to remain at home engaged in the common avocations of life. The Confederate Government may rightfully command that part of her citizens who are in the *actual military service* of the Confederacy, and none others. When her territory is invaded by a powerful foe which calls for the exercise of all the manhood of the State to protect her very existence, she will not allow any other power to interfere and prevent her from sending her own militia to the battle field for her own security.

All persons claiming to be employed by the Confederate Government as farmers, tanners, blacksmiths, shoemakers, tax assessors and collectors, *secret service men* remaining at home, etc., must show their exemptions from these headquarters, which will be given when actually necessary upon the application of the heads of their respective departments, showing that they are constantly employed and indispensably necessary; and on failure to exhibit such exemptions they will be arrested and sent to General Smith, as directed by my former proclamation.

Any State officer failing or refusing to carry out these instructions promptly will be held to rigid accountability, as the exigency requires that every able-bodied man in the State whose services are not indispensably necessary in some other department, shall rush to the front without a moments delay.

JOSEPH E. BROWN.

HEADQUARTERS,

MACON, GEORGIA,

July 30th, 1864.

To the Citizens of Macon :

The enemy is now in sight of your houses. We lack force. I appeal to every man, citizen or refugee, who has a gun of any kind, or can get one, to report at the Court-house, with the least possible delay, that you may be thrown into companies and aid in the defence of the city. A prompt response is expected from every patriot.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

August 6th, 1864.

To Messrs. Stith P. Myrick, Nathan Hawkins, Samuel E.

Whitaker and Nathan McGehee—

GENTLEMEN: It is necessary that we have at least 500 negro men to fortify the approaches to Milledgeville to protect the Capitol against raids. These negroes must be raised immediately.

You, as agents of the State, are therefore hereby authorized to proceed to impress from the people of Baldwin county said negroes, with such intrenching tools, axes, etc., as may be needed. You will also require each

owner to feed his own negroes while engaged. You will not take more than two-thirds of the hands each owner may have. You will employ such overseers as may, in your judgment, be needed, and all who are selected by you are hereby exempt from my call to report at Macon, till this work is done.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA.

August 15th, 1864.

The order in reference to Lieut. Jones of Burke county is hereby revoked so far as it orders him immediately to the front, and so far as it may be construed to reflect upon his official Acts.

Believing that he has misunderstood the instructions and orders, it is remarked that he is not to respect certificates of disability given by District Surgeons since the date of my call, as all after that date are to go before the Board now at Macon. Certificates given by District Surgeons prior to that time only [protect] the holder when expressed upon the face that they are *permanently* discharged for *permanent* disability. The Aide and other officers, are required to send all others to Macon to be examined by the Board, unless it be in such cases of *patent* disability that all agree that they are not liable. If it is a disputed point among their neighbors whether they are so or not, they will be sent off for examination, or if

the Aide is not clearly satisfied that such is the case. Lieutenant Jones will send up all not exempted under the rule.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

August 19th, 1864.

As numerous applications are made to this office by persons now in the Division of the Militia under command of Maj.-Gen. G. W. Smith, for furloughs, details and discharges, I take this method of stating to all concerned that the Division has been placed under the command of General J. B. Hood till such time as I may choose to resume the command, or till I shall order it disbanded when I am satisfied the emergency has passed.

As it is important that there be no divided counsels at Atlanta, when so much depends upon the result, I deem it proper that General Hood, while in command of the militia, shall have the entire control. So soon, therefore, as the men are armed and sent to Atlanta, I yield the sole command to General Hood till I shall think proper to resume it, as above stated, and applications for furlough, detail or discharge, must be made to him through the regular military channels. None of them will be acted upon by me. The hospitals of the militia are also under the direction and control of the officers in charge of that department under General Hood, and the State has no control over them.

During the time that General Hood commands the militia, they are absolutely under his control for the defence of Atlanta as the Georgians in Virginia are under the control of General Lee. The only difference is in the term of service. Those in Virginia are in for the war, while the militia are in for the emergency, to be judged by the Governor, and they disbanded or withdrawn by his order.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

August 19th, 1864.

To the Justices of the Inferior Courts and Aides-de-Camp:

I am informed that the policemen in some of the counties who have been detailed under orders from these headquarters, upon the application of the Inferior Courts to act as a police force for their respective counties, are neglecting their duties and giving their attention exclusively to their own private affairs. This can not be tolerated. The details were not granted to them as a matter of personal favor, but as a matter of public interest.

They are required to give their whole time to the business of traveling the country from plantation to plantation, under such regulations as the courts may prescribe, and in seeing that the negroes on all plantations left without overseers are kept in subjection and property protected.

This duty is expected to be performed as promptly and faithfully as they would perform the duty of soldiers at the front. No policeman is expected to give any more of his time to his own plantation than he does to the plantation of like size of each other person in the section of the county to which he may be assigned by the court.

It is also hereby made the duty of the policemen in each county, to arrest and send to General Smith at Atlanta, each and every man remaining at home who is embraced in my call upon the militia to go to the front.

In each case of neglect to perform his duty under the rules laid down, the court and the Aides-de-Camp are charged and required to arrest such delinquent policeman and send him immediately to Maj.-Gen. G. W. Smith, at Atlanta, that he may be compelled to do duty at the front.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

August 22d, 1864.

The exemplification of the record sent me by Col. O. P. Anthony in the *habeas corpus* case before the Inferior Court of Clay county, G. S. Mandeville vs. O. P. Anthony, having been decided by the court in favor of Col. Anthony and the writ dismissed, which ruling of the court holds that persons having details as agriculturists from the Confederate Government are liable to do State militia service, and is in conformity to the ruling of Judges

Lochrane and Hook of the Superior Courts. I therefore hereby order Col. O. P. Anthony to send the said Mandeville immediately forward to Maj.-Gen. G. W. Smith, at Atlanta, that he may render the service required of him as one of the militia of the State of Georgia.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 1st, 1864.

Whereas it is represented to me that the sureties of certain persons, who are under bonds to attend the Superior Court of Washington county for violations of the penal laws of Georgia, are unwilling for such persons to enter the military service under my late call on the militia, fearing that their bonds may be forfeited in the absence of the principals, I, therefore, hereby request the Judge of the Superior Courts of said circuit not to permit the bond of any one in military service to be forfeited in his absence.

In case of the death of the principals the bonds die with them. The sureties will therefore incur no risk in letting them go into service. In no case should any bond be forfeited while the obligor is in the military service of the State or Confederate States.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 5th, 1864.

I hereby withdraw C. W. Allen, of Co. K. 6th Regiment Georgia Militia, as first organized at Atlanta, and Thomas J. Akins, of Co. I., same regiment, from the command of Maj.-Gen'l. G. W. Smith, and direct them to join Captain Talbot's Company of mounted scouts for the war.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 26th, 1864.

COL. JARED I. WHITAKER,

Commissary-General.

COLONEL: Information reaches me from various parts of the State that the families of our gallant soldiers are again in great need of salt, and some of them must soon suffer if their necessities are not relieved. While those who are their natural protectors are required to leave them and confront the enemy on the battle field, those who remain at home, and especially those in authority, must do all in their power to relieve their wants and prevent distress for the necessaries of life. Considering the State as the natural guardian of the helpless families of absent soldiers, I have, as its Executive, done all in my power to

contribute to their comfort. Notwithstanding the means of bringing salt from the works in Virginia into the State have been greatly curtailed during the present year, I have, nevertheless, succeeded in bringing in from there, and in procuring from other sources since the last distribution to soldiers' families was made through you, about thirty thousand bushels, as appears from your report to me, and which quantity is now in store ready for distribution. Although this will not be enough to supply all, it will, if distributed, relieve a great many, and the others can have assistance when more can be procured.

My intention is, so soon as it can be had, to make a distribution of *one-half bushel* of twenty-five pounds to the family of each officer and soldier in State or Confederate service from Georgia. You will, therefore, give notice immediately to the Justices of the Inferior Courts of the respective counties of the State, in all cases where it can be done, that they are required, without delay, to ascertain and report to you the name of each soldier's widow; each soldier's wife; each widow having a son or sons in such service; each other family dependent upon the labor of a soldier in such service for support; and the family of each disabled soldier who has been discharged from such service on account of wounds or other disability, in their respective counties. In making up such reports or lists no distinction should be made between those coming properly within the above named classes, whether they are permanent residents of the county or are refugees or exiles from other counties of the State; but if they would have been entitled to receive State salt in the county from which they came, they should be returned as entitled in the county where they may be found.

But in all cases of indigent soldiers' families found in the county, who have come in there from other counties which have drawn the fund appropriated for relief of indigent soldiers' families for them, the court, in making out their return to you, as above required, should designate all such refugee or exiled families, stating from what county each came. Where this is done, the six dollars for each half bushel of salt sold to each of such refugee or exiled indigent soldier's family will be paid out of the relief fund apportioned to the county from which the family came, and not out of the fund of the county in which the family may be found when the report is made.

So soon as the Justices of each county shall have made their report and have sent you six dollars for each family reported as entitled, you will furnish them one-half bushel of salt of twenty-five pounds for each soldier's family so reported in the county; and the aggregate quantity going to each county you will ship, at the expense of the county, to such railroad depot in the State, not in possession of or in imminent danger of being taken by the enemy, which the respective courts may designate—or, if so requested by the Justices, you may deliver the salt from the State's store house to such agent or carrier as they may authorize to receive and convey it to the county to which it belongs.

On account of the great increase in the cost of everything used in the manufacture of salt, including the increased cost and difficulties of transportation, and from the further fact that the bushel of fifty pounds at the works will lose several pounds by drippage and other waste, before it reaches the consumer, the half bushel of

twenty-five pounds can not be delivered to the consumer for a less sum than that above mentioned.

When I caused the first distribution of salt to soldiers' families to be made, I adopted the rule of deducting from the half bushel the usual wastage from the place of manufacture to place of delivery; but I found that there was much complaint that the courts in distributing did not always give each family an equal quantity.

I think it best, therefore, to fix the price at such sum as will enable the State to lose the wastage, and deliver to each family the full half bushel of twenty-five pounds. This plan was tried last year and was found to secure equality. As most of the drippage and wastage will have occurred before the salt leaves the store house, you will carefully weigh, before shipping it to each county, so that you can detect any unfairness, should any be attempted in any county.

The court may pay you for the salt out of the relief fund of the county; (except for that to refugee or exiled families in the county, which will be paid for out of the fund apportioned to the county which drew the fund for such families, as above stated) and they will deliver to each family, which is entitled to relief under the Act known as the "Act for the relief of indigent soldiers' families," *one-half bushel of twenty-five pounds* as part of the relief due each; and they will sell to each family of a soldier inhabiting the county not entitled to relief under said Act, *one-half bushel of twenty-five pounds* for six dollars and the actual cost of freight from the place of shipment to the place of delivery. Each court will be required to return the empty sacks to you before another distribution will be made to the county.

As you have heretofore done, you will supply each county in the order in which it makes its report to you and pays the money. As all may probably not be supplied at once, out of the quantity now on hand, but may have to wait until more can be procured by the State, and as I am unwilling to discriminate among the counties, I know of no fairer way that can be made practicable than the rule, "first come, first served," hence I adopt it.

The reports can soon be made, if the courts in the respective counties will, at an early day, call to their assistance citizens of known integrity and energy of each militia district in the county.

That the people may have notice of this order, and may hold the Justices of the Inferior Court responsible in case of neglect of duty in this regard, you will publish it and send a copy immediately to the Clerk of the Superior Court in each county with a request that he post it up in a conspicuous place on the court-house door, or other most public place in the county.

Tendering you my thanks for the prompt and efficient manner in which you have constantly discharged the duties of your responsible position,

I am, very respectfully, etc.,

JOSEPH E. BROWN.

PROCLAMATION.

In conformity to a resolution of the General Assembly of this State, passed on the application of the Cotton

Spinner's Association, C. G. Baylor, having been appointed Commissioner to Europe to promote the objects of said Association, and having obtained passports and left the Confederacy, and information having lately reached me that instead of crossing the Atlantic on the business of said Association he has gone to New York and united with the enemies of our country; I, therefore, hereby revoke his said appointment and proclaim and make known that the commission held by said Baylor is annulled and declared void and of no effect.

And I order that copies of this Proclamation be sent to such of the European powers as might be deceived by him by the use of said commission.

Given under my hand and
the Great Seal of this
State, at the Capitol in
Milledgeville this 26th of
October, 1864.

JOSEPH E. BROWN.

The following annual message of His Excellency the Governor, was this day transmitted to both branches of the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 3d, 1864.

Senators and Representatives:

The period of your annual meeting in General Assembly having arrived, it affords me great pleasure to wel-

come you to the Capitol, and to assure you of my earnest desire to unite with you harmoniously and cordially in all practical measures which may promote the general welfare and redound to the glory and honor of our beloved State.

We are passing through a trying ordeal, having staked upon the issues of war all that can be valuable or dear to a people. If we are subjugated we lose home, property, liberty, reputation, and all so far as this world is concerned, that makes life desirable or its burdens tolerable.

Our enemies have repudiated and trampled under foot the great principles of Constitutional liberty and have attempted to rear, upon the ruins of our republican institutions, a consolidated empire, under the popular name of a union of the States. We have taken up arms to resist this and to maintain republicanism in its purity, with the sovereignty of the States and the personal rights and liberties of the people. No people ever accepted the alternative of war in a nobler cause, or exhibited to the world a more sublime spectacle of moral grandeur and heroic valor. Our gallant armies have won for these States a name which will stand upon a bright page in history, when the pyramids have decayed, and marble monuments have crumbled into dust. It should be the pleasure of the patriot and the pride of the hero to contribute his property, his energies, and if need be, his life, for the success of so noble a cause. Upon our success depends the last hope of republican institutions and civil liberty, with Constitutional guarantees. He who would prove recreant to so sacred a cause, or from a desire of personal aggrandizement or the grati-

fication of personal ambition, would trample under his feet and sacrifice these great principles which underlie the very foundations of our federative system, and upon the success of which the happiness of unborn millions depends, deserves an eternity of infamy with the everlasting execrations of mankind upon his head.

As a band of patriots let us unite all our energies and exert all our influence for the success of our glorious cause, and for the maintenance in their original purity of the great principles of civil and religious liberty, which form the very pillars upon which the temple of our republicanism rests.

CONFEDERATE RELATIONS.

The war is still waged against the people of the Confederate States, by the Government of the United States, with a vindictiveness and cruelty which has few parallels in history. For nearly four years we have met the mighty assaults of Federal armies and have repulsed and driven them back on many a hard-fought field. We have lost important points, but none which we cannot temporarily surrender to the enemy and, with good management, finally succeed. Atlanta was probably the most vital point to our success that has been won by the superior numbers of the enemy. Its fall was a severe blow, and for a time caused great despondency among our people. I am happy to see, however, that they are fast recovering from depression, and confidence is being restored.

At the time of General Sherman's march from Dalton to Atlanta, we had a large force west of the Mississippi

of as gallant troops as ever faced the enemy, which had been almost in a state of inactivity, since our splendid victories in Louisiana last Spring had driven the enemy, except a few garrisons, from that department. Major-General Early is said to have a force of 20,000 men, of the very best of the army in Virginia, with which he drove the Federal General out of the valley of that State, and pressed forward into Maryland and Pennsylvania and remained there till his presence provoked those and adjoining States to organize a force sufficient to drive him back and to threaten Richmond in the rear. General Forrest, with a large Cavalry force, was operating in North Mississippi, repelling raids from a country that had been overrun till there was but little property for the enemy to destroy, and General Morgan was raiding in Kentucky. While our forces were thus scattered from Pennsylvania to Texas, Gen. Sherman, strengthened by a concentration of the enemy's forces from different departments, was steadily pressing forward to Atlanta, the very heart and railroad center of the Confederacy, with a force sufficient, by reason of its superior numbers, to continually flank and drive back the gallant Army of Tennessee. During this whole campaign, Gen. Sherman's base of supplies at Nashville and Louisville was hundreds of miles in his rear, and he was dependent for transportation upon a railroad constructed through an exceeding rough country, with bridges, culverts and curves along its entire line. In this condition, more than three hundred miles from the border of Kentucky, in the midst of an enemy's country, he was permitted to go forward, without serious interruption in his rear, and to accomplish his grand design.

Georgians, whose homes have been overrun, property destroyed and fields laid waste, have naturally enquired, as doubtless the future historians will, why part of the large unemployed force west of the Mississippi were not brought to aid the Army of Tennessee during the summer months? And why, when the enemy were driven from the valley of Virginia, the key points were not garrisoned and held by part of Early's force, and the balance sent to Georgia, instead of the whole being sent upon the campaign into Maryland and Pennsylvania, which only served to stir up and unite Northern sentiment against us and to enable the Federal Government to raise an additional force sufficient to drive back the expedition with disaster to our arms. If this whole force could be spared from Richmond to invade Pennsylvania, might not part of it have held the valley of Virginia and the balance been sent to Georgia? And could not Forrest, even at the expense of temporary loss in Mississippi, have been sent to destroy the railroads in the rear and stop the supplies of the Federal army? If we had adopted the rule by which most great Generals in such emergencies succeeded, of the evacuation for the time of all points not absolutely vital, and the rapid and vigorous concentration of every soldier in the Confederacy not necessary to hold Richmond and probably one or two other key points, and had hastened the whole to Atlanta and to Sherman's rear and hurled them upon him in his exposed and critical condition, the repulse and rout, if not the destruction or capture, of his army could scarcely have been doubtful. And as his army was the only defence provided by the Federal Government for the Western States, such a consummation would not only have relieved Georgia, Tennessee, North Alabama and North

Mississippi from the presence of the enemy, but it would have thrown open the "green fields" of Kentucky which have been more than once promised to our troops, and would probably have opened the way for an early peace. The powers that be, determined upon a different line of policy. The world knows the results, and we must acquiesce. But the misfortunes following the misguided judgment of our rulers must not have the effect of relaxing our zeal or chilling our love for the cause.

We may, as we have a right to do, differ among ourselves as to the wisdom of a certain line of policy, and of certain acts of the Confederate administration; and some of us may deplore its errors and mismanagement, while others may attempt to justify all its mistakes and defend all its errors, and may be ready in advance to approve everything it may do, and still we may all, as one man, remain true to our sacred cause and be prepared, if necessary, to expend our last dollar and shed our last drop of blood in its defense.

While I am satisfied a large majority of the people of this State disapprove many of the acts and much of the policy of the Confederate administration, I am of opinion there are but a very small number of the people who are disloyal to the cause, or who would consent to close the war without the achievement of the great ends for which we took up arms—the independence of the Confederate States and the vindications and establishment of the sovereignty of the several States.

Confederate, independence with centralized power without State sovereignty and Constitutional and religious liberty, would be very little better than subjugation,

as it matters little who our master is, if we are to have one. We should therefore keep constantly in view the great principles upon which we entered into this unequal contest, and should rebuke every encroachment made upon them by our own Government, while we resist, with arms in our hands, like assaults made upon them by our enemies. While our gallant troops in the field are sacrificing the comforts of home, property, health and even life itself, and are enduring all the privations, hardships, perils and dangers of the service, they should never once lose sight of the great principles of equality, liberty, and Constitutional republicanism, for which they unfurled freedom's banners in the face of the enemy. Nor should they ever consent to lay down their arms till these principles are recognized by our foe and faithfully carried out in practice by our own Government. In other words we should never be content till we have established upon a firm basis the good old republican institutions of our fathers in all their purity, and should never under any circumstances, consent to accept in their places strong centralized Government with military despotism. I do not see how it can be denied by any candid man that we have, in practice, made fearful strides since the war began, towards a centralized government with unlimited powers.

The constant tendencies of the war seem to have been to the subordination of the civil authorities and laws to the military, and the concentration of the supreme power in the hands of the Commander-in-Chief of the armies. The longer the war lasts, the greater the tendency to this result, and the less probability at its termination of a return to the Constitutional forms and

republican simplicity which existed at its commencement.

But it may be asked, when is this bloody struggle to terminate? No human forecast can so far penetrate the future as to give a satisfactory reply to this question. The Northern States have resources and men enough to enable them to continue the war for years to come, and we have sufficient power of resistance and endurance to enable us to continue to baffle all their schemes of subjugation. The sword can never make peace between the two contending parties. When this is done, it will be by *negotiation*. The prospect seems to indicate that the war may probably last till both sections are exhausted, before the passions of the people will subside, and reason so far resume her sway as to prepare the people of both countries for negotiation as the only means of adjustment which can terminate the bloody strife. This may not take place till we have accumulated a debt on both sides greater than we or our posterity can ever pay—till hundreds of thousands more men have been slain, and millions of women and children have been reduced to widowhood, orphanage and poverty—till our taxes have become so burdensome that endurance is no longer possible—till the civil laws cease to be respected, and highway robbery and murder are the daily business of predatory bands, and till the Federal and Confederate Governments have usurped and exercise all the powers claimed by the most absolute despots, each pleading in extenuation of its usurpations the necessity growing out of the like usurpations by the other.

There is reason to fear that President Lincoln, if re-elected, and President Davis, whose passions are in-

flamed against each other, may never be able to agree upon terms for the commencement of negotiations, and that the war must continue to rage in all its fury till there is a change of administration, unless the people of both countries, in their aggregate capacity as sovereign States, bring their powerful influence to bear, requiring both Governments to stop the war and leave the question to be settled upon the principles of 1776, as laid down in the Georgia resolutions, passed at your late session.

These resolutions, in substance, propose that the treaty making powers in both Governments agree to stop the war, and leave each or any one of the sovereign States, by a convention of its own people, fairly chosen by the legal and duly qualified voters, to determine for itself whether it will unite its destinies with the one or the other Confederacy.

There may be doubts whether Missouri, Kentucky, or Maryland wish to remain component parts of the Government of the United States, or to unite with the Confederate States. If either one of those States shall refuse to unite with us we have no just right to demand such union, as we have neither the right to coerce a sovereign State not to govern her without her consent. And, if we had the right, we certainly have not the power, as we can only govern a State without her consent by subjugation, and we have no power to subjugate any one of those States, with the whole power of the United States at her back, prepared to defend her against our attacks.

We should stand ready therefore at all times, to settle the difficulty by a reference of the question of future

alliance, to the States whose positions may be doubtful for determination by them in their sovereign capacity.

Our Congress, in its manifesto, has virtually indorsed the great principles of the Georgia Resolutions, and the President has said in his messages that he desires peace upon the principles to defend which we entered into the struggle. I am not aware, however, of any direct tender of adjustment, upon these principles having been recently made by the treaty making power of our Government to the same power in the Federal Government. I regret that the wish of Georgia, as expressed through her Legislature has not been respected in this particular. Such a direct tender made through the commissioners by President Davis to President Lincoln would place the question fairly and properly before the States and the people of the North for discussion and action. Had it been done months since it could not have failed to have had a powerful influence upon the Presidential election in the North, which may have much to do with the future course and conduct of the war.

It may be said however, that the proposition to settle our difficulties upon these terms made by President Davis to President Lincoln would be a letting down of the dignity of our Government, and might be construed as an evidence of conscious weakness on our part. I confess my inability to see how the *direct* tender of settlement upon these great and correct principles by the treaty making power in our Government, to the like power in the United States Government, could compromise the dignity of our Government, any more than an *indirect* tender of the same proposition through the ir-

regular channel of an Executive message or a Congressional manifesto.

There is certainly more true dignity in a direct, open and manly tender through the constituted channel. But nice questions of official etiquette and false notions of personal dignity should be laid aside when they intervene to prevent action upon which the blood of thousands and the happiness of millions may depend.

The Democratic party of the North, which is the only party there claiming to maintain State right principles, and which has great strength and power, whatever may be its fortunes in the coming election, has declared in favor of a suspension of hostilities, and a Convention of all the States as the best means of adjustment. And I see no good reason why the treaty making power in our Government should not tender this proposition to the Government of the United States. There can certainly be nothing like humiliation or degradation in a proposition to leave the settlement of a question which the General Governments, which are the creatures of the States, cannot agree upon, to their creators—the sovereign States themselves.

However much the idea may be ridiculed to prejudice the popular mind by the enemies of State sovereignty the Convention if called would no doubt be one of the most able and dignified assemblages that ever met upon the continent. In so trying an emergency, involving issues of such immense magnitude, the States would doubtless select their wisest, ablest and best men to represent them, men whose passions have been subdued by age and reflection and who are alike distin-

guished for love of justice, balance of mind and dignity of character. Such a Convention, composed of the greatest and best men of the country, of mature age and large experience, with the scenes of blood, carnage and desolation through which we have passed, fresh in their recollection, and the present and prospective condition of the country well known to them, could hardly be expected to decide in favor of a continuation of the war, with all its blighting effects upon both the North and the South, or to adjourn without submitting a plan of settlement honorable and just to the people of both Confederacies, and to all the States.

All questions of boundary, and inland navigation, and all treaties of amity, commerce and alliance, and all agreements necessary to preserve in future the just balance of power upon the continent, could be properly shaped in such a Convention and proposed to the treaty making powers as the result of its deliberations. Or it might be agreed in advance by the treaty making powers that the Convention settle the whole question and that its action be final and conclusive when submitted back to the people of the several States and ratified by them respectively.

In that event it must of course be understood that each State would enter the Convention as a separate, independent sovereign—the equal of every other State,—and that the action of the body as in case of the Conventions which formed the Constitutions of the United States and of the Confederate States would only be binding upon each State, when submitted back to and freely ratified by the people thereof in their sovereign capacity.

The propriety of submitting the question by the treaty-making powers to a Convention of the sovereign States is the more obvious, in view of the want of power in the Presidents and Senators of the two Governments to make a treaty of peace without the consent of the sovereign States to be affected by it. No permanent treaty of peace can be made which does not contain an article fixing the boundaries of the two Governments, when the whole country is inhabited as ours is, and one or the other Governments must exercise immediate jurisdiction over the inhabitants of each State and each county. In other words, we can have no treaty of peace that does not define the States, or parts of States, that are to be embraced in each Government. And this can only be done by the consent of the States themselves. The action of *separate* States is therefore an indispensable preliminary to the validity of any treaty of peace that can be made. This action may, by agreement of the treaty-making powers, take place prior or subsequent to the treaty, but in either case the effect is the same, as the validity of the treaty is dependent upon the action of *separate States*.

Suppose, for instance, it is agreed by the treaty-making powers that the State of Ohio shall become part of the Confederate States, when an overwhelming majority of her people in Convention called by the proper State authority, decide by solemn ordinance to remain with the United States. Or suppose that it is agreed by the treaty-making powers that Kentucky shall remain part of the United States, when two-thirds of her people decide to go with the Confederate States. Will anyone contend that the treaty-making power has the right

thus to dispose of States, and assign them their future positions without their consent? And will anybody say that a treaty of peace can be made without defining the Government with which Ohio or Kentucky shall be associated in future?

Suppose again, that the treaty-making powers in fixing the boundaries of the two Confederacies should agree to a division of Virginia, that the territory embraced in the pretended new State formed of a part of Virginia, shall become part of the United States, and that the balance shall go with the Confederate States. Will any Southern man contend that she can thus be dismembered and part of her territory ceded by the President and Senate to the Government of the United States without her consent? He who so contends denies the very fundamental principles upon which the Government of the Confederate States was organized. What would the old Virginians of the Jeffersonian School say to this sort of State sovereignty? What would Washington, Jefferson, Madison, Monroe, Henry, Lee, Mason, Randolph, and other statesmen of their day have said, if they had been told that the Constitution of the United States conferred upon the treaty-making power the right to cede one-half the territory of Virginia to a foreign State, without consulting her or obtaining her consent?

If President Davis and the Senate have the power to cede part of Virginia to the United States in fixing the boundaries of the two Confederacies without her consent, they have as much power to cede the whole State to Great Britain or France for commercial advantages. Or to cede Georgia to the United States, in consideration that the other States shall be recognized and the war

cease. Such a proposition is too preposterous for serious argument.

He who claims such power for the President and Senate would not only degrade the States to the position of provinces, but would clothe the treaty-making power of the Confederacy with imperial dignity greater than the most enlightened monarchs of the present day assume to themselves. It has been claimed as one of the prerogatives of sovereigns that they could cede to each other their provinces at will. But in the late treaty between the Emperors of France and Austria, the former refused to accept a province ceded by the latter and incorporate it into his Empire and govern it till the question was submitted to the people of the province and they gave their consent.

It is certainly too clear to be successfully questioned that the Governments of the two Confederacies have no power to make the treaty of peace and fix the boundaries of the two countries, which, situated as we are, is a necessary part of the treaty, without the concurrence and consent of the individual States to be affected by it. If this cannot be done without the consent of the States, where is the objection to a Convention of the States to settle in advance the necessary preliminaries to which their consent is indispensable before the treaty can be valid and binding? In the Convention it could be agreed which States would go with the North and which with the South, and the ratification of the action of the Convention by the treaty-making powers, and by the people of the several States to be affected by it, when of a character to require their separate action, would fix the

future *status* of the different States, and the proper boundaries of the two Confederacies.

While I am satisfied that separate State action may, and most probably will, be a necessary preliminary to a treaty of peace, I do not wish to be misunderstood upon this point. The sovereign States of the Confederacy each seceded from the old Union. This they had a perfect right to do. And each is as sovereign in the present Confederacy as she was in the old and has the same right, under the like circumstances, which she then exercised. But when these States seceded and formed the present Confederacy, and entered into the present defensive war together, they at least, by strong implication, pledged themselves to stand by and aid each other against the common enemy till the end of the struggle. Thus situated, I deny that any one of the States can honorably withdraw from the contest, without the consent of her sister States, and make a separate treaty of peace with the enemy.

The people of the States can meet in Convention and abolish the Confederate Government whenever its usurpations and abuses of power have reached a point where the sovereignty of the States and the rights and liberties of the people are no longer secure under it. The people of the Northern Government have a right to do the same by a like Convention, and to establish a new Government in place of the present tyranny by which they are controlled.

If the people of the two Confederacies have this power, which will not, I presume, be denied by anyone professing the State Right's doctrine of 1776, why may

they not meet together in Convention and agree upon the boundaries and treaties necessarily growing out of a separation which is already an accomplished fact?

I am well aware that the advocates of strong central power, both in the United States and the Confederate States, including many of the office holders of both Governments, and the place hunters and large Government contractors who have made millions of dollars out of the Government without once exposing their persons to danger in battle, and the secret spies in the employment of the Governments who are supported out of the large *secret service* funds at the command of the two Presidents, to do their bidding, and such officials as wear gold lace in cities and drive fine horses and carriages, supported out of the public crib, while all around them is misery and want; and the large provost and passport corps, scattered among our country villages and upon our Railroads, jealous of the prerogatives of the central power, and anxious to maintain and extend them, are ready by their actions to deny that the States have anything left but the name, or that they can have any agency in negotiating a treaty of peace, or that they can meet in Convention to consider of this subject without being guilty as "traitorous States." Those minions of power protected from the dangers of the battle field, never fail to impugn the motives and question the loyalty of every one who denies the legality of any act of the Government, or questions the wisdom of any part of its policy.

They very cordially adopt the maxim "the King can do no wrong." Of course all such are loud and clamorous in their denunciations of those who advocate a Convention of States to agree upon the terms of separation and

stop the effusion of blood. If the war should cease they must sink to their natural level, for then "Othello's occupation's gone." But the advocates of free Government may safely appeal from all such to the sober sound judgment of the great mass of the American people, North and South, who bear the heavy burdens of the war, without the offices or patronage of either Government, whose sons have been conscribed and torn from them and slaughtered, many of whose homes have been destroyed, and their farms and cities laid waste, who are daily robbed of their property by impressment agents or other Government officials, without paying them anything for it, who bear the burdens of the enormous taxation necessary to carry on the war, and support all the large classes above mentioned in extravagant indulgences, and whose posterity and property must pay the immense public debt which is constantly augmented. And the appeal may be made with still greater force to the gallant soldier in the storms of winter and in the weary march, while amid the perils that surround them his thoughts recur to the sufferings of loved ones at home; as well as to all true Christians in both countries. Shall this bloodshed, carnage and desolation continue, to gratify the ambition and obstinacy of those in power? Or shall the people of both countries demand of their rulers that the war shall cease, and as it is impossible that the people of the two sections can again live together in harmony, that a Convention of all the States be held to agree upon terms of separation, and upon the treaties necessary to the happiness and prosperity of neighboring Governments at peace with each other.

We may be told that the Northern Government will not agree to such a Convention. I readily admit that

neither the Lincoln Government nor our own will probably agree to it, till a stronger pressure of the people is brought to bear upon both, and that the advocates of this policy in the North cannot control it so long as our presses and officials, State and Confederate, denounce the movement and thereby put weapons in the hands of the Government at Washington with which to crush out this growing sentiment in the North, and more especially in the North-western States. But I think recent developments have shown that this doctrine will soon bear down everything before it in the North, if met by demonstrations of approval in the South. Stop the war and call a Convention of the States to negotiate, and the people of the North, who are as tired of it as we are will agree to a proper adjustment upon the terms above indicated sooner than resume hostilities.

In the meantime, till proper arrangements can be made to adjust our difficulties and stop the effusion of blood by negotiation, it is the duty of every man in the Confederacy to do everything possible in his power to strengthen and sustain the gallant and glorious armies of the States and the Confederacy. Every man able to bear arms who can be spared from home should be sent to the front, either in the armies of the Confederacy or as part of the Militia of the States, and everything possible be done to provide for the wants and comfort of our troops in the field and their loved ones at home. To enable us to conduct negotiations successfully, we must renew our efforts to strengthen our armies and maintain our cause with ability and energy in the field, cost what it may in blood or treasure. We must not, however, expect the troops to do all by hard fighting, bloodshed and the sacrifice of life. The statesman and

the people at home have an important part to act, as well as the General and the troops in the field in terminating the struggle. If the troops falter and fail to do their part in the hour of battle, the statesman is ready to cast censure upon them. If the statesman neglects his part in conducting wise negotiations to stop the war, the troops have greater cause to censure and condemn him, as he has no right to trifle with their lives, and continue to expose them in battle, if the object can be attained by negotiation without the shedding of blood. In a crisis like the present, statesmanship is even more important than Generalship. Generals can never stop a war, though it may last twenty years, till one has been able to conquer the other. Statesmen terminate wars by negotiation.

BLOCKADE RUNNING.

After the appropriation made by the General Assembly for the exportation of cotton and the importation of such supplies of clothing for troops, cotton cards, etc., as the State might need, I sent Col. Wm. Schley, of Augusta, to England to purchase an interest in a Steamer. Finding that he was not successful by reason of the non-compliance of the other party in getting the vessel for half interest, in which I had contracted at \$185,000 in Confederate States 8 per cent. bonds, I made a contract with the Exporting and Importing Company of which Col. C. A. L. Lamar was agent, for the charter of three vessels, with the privilege of adding two others which the company expected to have ready in a few months.

This contract I considered advantageous to the State, and if left free to carry it out I could have exported

cotton enough to have purchased all the supplies the State might need, and could have imported them upon reasonable terms.

At this point I was interrupted by the interposition of the Secretary of the Treasury, who under the order of the President, refused to permit any vessel to clear unless she carried out one-half the cargo for the Confederate Government upon terms which were below that the State was to pay for the use of the vessels. This restriction was placed upon the vessels of the State as it was said, by authority vested in the President by Act of Congress of 6th Feby. 1864, which prohibits the exportation of cotton, etc., except under such uniform regulations as shall be made by the President of the Confederate States. This construction could not be sustained however, upon any known rule, as the 5th Section of the Act declares explicitly; "that nothing in this Act shall be *construed* to prohibit the Confederate States or *any of them* from *exporting* any of the articles herein enumerated on their own account." This provision in the Act therefore leaves the States as free to export on their own account, either upon vessels owned or chartered by them, as they were before that Act was passed. But as the proviso in the Act had been virtually repealed by an Executive order, I, in common with the Governors of Mississippi, Alabama, North Carolina, (the Governor of South Carolina concurring as shown by his letter) appealed to Congress to take up the question and make such provisions as would enable the State to exercise their just rights. After mature consideration, Congress passed a bill for that purpose which the President vetoed. Congress then, as I am informed by

one of the Representatives of this State, passed a resolution unanimously in the House, and with almost unanimity in the Senate, declaring in substance that the States should be permitted to export and import without interruption upon vessels chartered by them prior to the date of the resolution, which would have left the vessels chartered by this State free. This resolution was passed near the close of the session, and the President refused, as the member informs me, either to sign it or to return it, that Congress might be permitted to vote to overrule his veto. Thus by the order of the Executive alone, notwithstanding the action of Congress and the provision of the 5th Section of the Act above referred to, the States were prohibited from exporting cotton and importing blankets and clothing for their troops, and other necessary supplies, unless they would conform to such rules as the President thought proper to prescribe. These rules I could not conform to under the provisions of the contract made with the Exporting and Importing Company without heavy loss to the State. As I was thus prohibited, by Act of the Confederate Government from carrying out the contract, I could not insist upon the exclusive use and control of the vessels. Finding the exportations of the State forbidden by the Lincoln Blockade, and placed under a partial blockade by our own Executive, I encountered great embarrassment in carrying out the instructions of the Legislature in this particular. If the company were compelled to submit to the terms prescribed by the President, and give up one-half the storage room of the Steamers chartered by the State, to the Confederacy, they were unwilling to divide the remaining half allowed them by the President with the State. By allowing the company to

use the name of the State in their business, which under the circumstances I felt justified in doing, and by undertaking to aid them when necessary in the transportation of cotton to the coast, I was enabled to get them, after submitting to the terms imposed by the Confederate Government, to carry out occasional lots for the State upon the vessels owned by them. I have also, through the agency of Col. A. Wilbur, exported some upon small vessels from the coast of this State. I have given one-half to the vessels for carrying out the other. Owing to the difficulties in getting letters from the other side, I have not yet received statements of the sales with the net amount of gold on deposit to the credit of the State in England. Should the sale bills and accounts current be received prior to your adjournment, I will immediately lay them before the General Assembly.

About three hundred bales of cotton were shipped upon the *Little Ada*, (a steamer chartered by the State) upon the coast of South Carolina. This vessel, after she had been loaded with State cotton, was detained in port between two and three months by order of the Secretary of the Treasury, supported, as I am informed, by a military order from the office of the Adjutant-General in Richmond, to the commandant of the Post, not to permit her to clear. Thus this State vessel was doubly blockaded and threatened, by Confederate guns in the harbor and by Federal guns outside, if she attempted to go to sea with State cotton to pay for blankets to be imported for Georgia troops in service who have great need of them.

A complete statement of the amount expended by the State for the purchase of cotton, with the quantity pur-

chased under the appropriations, and the average cost per pound, together with the number of bales exported on account of the State, and the number now in store, with account of expenditures for storage, freight, insurance, lighterage, bagging, rope, compressing, etc., will be laid before the finance committee during the session. They are not transmitted herewith because reports of the agents with accounts current have not all been received.

I have purchased and had stored on one of the Islands, 30,000 pairs of cotton cards and 30,000 soldiers' blankets. I have also made contracts for soldiers' clothing, enough, I trust, with what are on hand, to carry the troops through the winter without suffering. Part of our goods were lost a few days since near Charleston with the Florie, but I hope soon to be able to import the balance.

I have lately been informed by Mr. Trenholm, the present liberal minded, practical Secretary of the Treasury, that vessels *owned* by the State will be permitted to clear without interruption by the Confederate Government. Were the question an original one, I cannot doubt that Mr. Trenholm, with the Act of Congress before him, would decide that a vessel *chartered* by a State has the same right to a clearance, as no substantial distinction can be drawn between the right of a State to export upon a vessel *owned*, and one *chartered* by her, which is a temporary ownership. Nor can I suppose that this financial officer would willingly throw obstacles in the way of the States in making all the importations in their power. Take the case of Georgia as an instance. Her sons are in the field. They need blankets, shoes, clothing and other necessaries. The Confederate Government is often unable to furnish these, and they suffer

for them. The State, by her Legislature, says her sons shall not suffer, and if the Confederate Government cannot supply these necessary articles, she will. She appropriates money for that purpose and directs part of her surplus productions exported to pay for these articles, which she directs to be imported. She charters her vessels, purchases cotton with her own money and places it on board, to be carried abroad at her own risk and expense, to purchase that she may import, at her own risk and cost, the articles necessary to the comfort of her own gallant sons who are under arms for her defense. She asks not a dollar from the Confederate Government, and even offers to pay export and import duties, (which the Confederacy has no right to demand) on all she sends out and brings in. At this point she is met with a refusal to permit her vessels to clear, unless she will submit to such onerous terms as the Confederate Executive may choose to dictate. Can this action be sustained under any law of Congress, or upon any principle of enlightened or sound policy? Is it not a palpable assumption of power, and an utter disregard of every principle of State Rights and State Sovereignty?

I trust Congress, when it again assembles, acting upon principles of enlightened statesmanship, will not only remove these obstacles by enactments too plain and stringent to be disregarded, but that they will invite and encourage the several States, free of hindrance or duty, to import all the army supplies and articles of absolute necessity, which the means at their command may enable them to do.

Should this expectation be disappointed, I am satisfied it would be sound policy on the part of this State to

purchase several vessels and to import upon them such supplies as may be needed by our troops, and for State use. The State should also export a sufficient quantity of cotton, to place gold enough upon the other side to enable her to again equip the State Road at the end of the war. In common with other Southern Roads, its iron will be much worn, and its rolling stock nearly run down, and if some forecast is not exercised, the State will not have the means at her command to put it in running order. This may be provided for in the manner above indicated with but little cost.

If the Legislature will appropriate \$2,000,000 in currency and authorize me to purchase vessels and cotton, and to draw upon the cotton on the other side when necessary to pay for them, or to purchase more cotton for shipment, if the blockade does not become more stringent, with the State's usual good luck when her affairs are well managed, I am firmly impressed with the belief that I can put gold enough to her credit in Europe in one year to repair the Road within six months after a treaty of peace, or to pay a large proportion of the appropriations of the current year. To accomplish this the State must not be interrupted by Confederate interference. The exchange which the cotton, exported this year under all the embarrassments of a double blockade, places to the credit of the State, with the cotton now in store, is worth nearly double the whole sum expended by the State in the purchase of the cotton.

OUR FINANCIAL CONDITION.

As will be seen by the reports of the Treasurer and Comptroller-General, the public debt of Georgia, independent of the appropriations of the past year, for the

payment of which a sufficient tax has been assessed, and of the change bills issued which are payable in Confederate States Treasury Notes, amounts to \$14,474,270. Of this the bonded debt is \$6,086,250, of which \$216,000 being part due is drawing no interest. The remaining debt consists of \$6,993,000 in Treasury notes, and \$1,395,000 in Treasury Certificates of Deposit. These notes and certificates bear no interest and the State will not be called on to redeem them in specie or bonds till six months after a treaty of peace.

Of the above \$2,670,750 is the old bonded debt which existed at the commencement of the war, incurred chiefly on account of the construction of the Western & Atlantic Railroad, which is the property of the State, and for stock in the Atlantic and Gulf Road.

To meet her liabilities the State has public property consisting of the Western and Atlantic Railroad, bank stock, and railroad stock, valued before the depreciation of the currency at \$8,840,124.68. And her whole taxable property worth over \$700,000,000 upon a specie basis.

The debt to be paid in Confederate Treasury Notes is \$1,411,442 of change bills, and \$8,095,000 payable in new issue of Confederate Treasury Notes 25th December next, which by the terms of the contract are to be presented for payment by 25th March next, or the State is not bound to redeem them, but they are to be receivable in payment of public dues at any future time.

To redeem these notes and the undrawn appropriations of the past year, there is now in the Treasury \$2,146,087, and a balance still due on the tax digest about

sufficient to cover the whole amount. But as some of the counties whose digests have been returned have since been thrown within the enemy's lines, it may not be possible if the enemy is not driven back, to collect a sufficient sum within the time to pay all these notes when presented.

In that event I respectfully recommend that provision be made for the issue and sale of seven per cent. bonds running 20 years with semi-annual coupons to raise the Confederate currency necessary to pay the debt, which it is believed would command a high premium, or that new State notes be issued upon the same terms as the notes to be redeemed payable in new issue of Confederate notes one year after date, which could be exchanged it is believed for Confederate Notes with which to make the payment. This would enable the State to pay the debt of the Confederate notes as soon as the taxes can be collected.

I also recommend that the appropriations of the present fiscal year be provided for by the issue of similar notes payable in Confederate Treasury Notes, so as to enable the State to pay the appropriations out of the taxes of each year when collected, and that sufficient tax be assessed to meet all the appropriations made. As the money must be used during the year, and the taxes of each year are paid during the latter part of the year, it becomes necessary to issue these notes to meet the demands of the Treasury till the taxes can be collected.

As I stated in a former message no prudent man will now give his note for property at the present rates payable in specie after the war; nor will he borrow the pres-

ent currency if he is obliged to use it and give his note for it at par payable in lawful money after the war, but he will sell property, even if it exposes him to much inconvenience, and raise the currency which he is obliged to use. If no member of the General Assembly, and no prudent constituent of any member, will raise currency for his own uses and give for it his obligation for specie after the war, no legislator should do it for the State, which is composed of the members and their constituents. If it becomes necessary to sell some portion of our property to raise the currency necessary to meet the demands upon the Treasury we should do it without hesitation, rather than incur an enormous debt in currency to be paid out of our property and that of our posterity in future at specie rates. In imposing the necessary taxes the law should make provision for the exemption of the property of the poor who can not sell property to pay a heavy tax and live, and should place the burden mainly upon the wealth of the State, where it can be borne without causing suffering or want. As the poor have generally paid their part of the cost of this war in military service, exposure, fatigue and blood, the rich, who have been in a much greater degree exempt from these, should meet the money demands of the Government.

WESTERN & ATLANTIC RAILROAD.

As will be seen by the report of the Superintendent of the Western & Atlantic Railroad, the net earnings of the road have been \$1,117,522.48 for the fiscal year.

In addition to this about half a million dollars have been made to this date, by the use of the rolling stock since the road was given up to the enemy, by the purchase

of cotton mostly in localities threatened by the enemy, which was carried to points of greater safety and sold for a profit. The sales had not been made nor had that sum been realized at the date of the Superintendent's report. Part of the cotton now stored will soon be sold, and the money paid into the Treasury and accounted for in the next report of the Superintendent.

When we had rolling stock which could be spared from Government transportation I thought this a legitimate business. When the road was taken possession of by the enemy and our engines and cars sent to the interior of the State, I found it necessary to keep the most of the employees of the road with the stock, that we might have them at command in case we recovered the road. As they were generally dependent upon their wages for the support of their families, it was necessary to keep them upon such pay as would accomplish this object.

The loss of our engines and cars has been heavy. The raid under General Sherman destroyed at Gordon and near Griswoldville seventeen passenger cars and thirty freight cars, and seriously injured four engines. At the evacuation of Atlanta, three of our engines and eighteen cars, which were in the employment of the Government transporting ordnance and commissary stores were destroyed by order of Gen. Hood, to prevent their falling into the hands of the enemy. The families of part of the employees who have been driven out without shelter have been permitted to occupy a portion of the freight cars. The balance of the rolling stock, when not engaged carrying cotton, has been used on other roads to carry government freights for the supply of the army.

The Confederate Government owes the road, as will be seen by the Superintendent's report, the sum of \$975,-774.60. I have made every effort in my power to collect this, but have not been successful. I trust the Government will not much longer delay payment, which has been withheld, from time to time, under various pretexts.

TAX ON BANKS.

As the Act of the last regular session imposed a tax upon both the assets and capital stock of the different banks of this State, which amounts to a double tax, and as these corporations have not the advantages over the other pursuits in the State which they had before the war, on account of the suspension of their regular business which has been absorbed by the Confederate Treasury, and as they exchanged large amounts of their own bills with the Government at the commencement of the war for its notes as an accommodation, which have greatly depreciated in their hands, I doubted whether it was the intention of the legislature to make this discrimination against them. I therefore directed the Comptroller-General to suspend the collection of the tax upon their capital stock and collect only upon their assets till your pleasure shall be known.

TAX ON COTTON.

As the law now stands, cotton in the hands of all persons other than producers, is taxable; but the cotton held by the producer in his gin house from year to year as *investment* pays no tax. I can see no just reason for this discrimination. If the planter sells his cotton and invests the proceeds in bonds or other property, they are

taxable, as are almost every other species of property; but if he considers the cotton a better investment than currency, bonds or other property, and holds it from year to year, it is exempt in his hands from taxation, while all other things of like value are taxed. If A purchases cotton which he holds as investment, and B raises cotton which he holds from year to year for the same purpose, I confess my inability to see any just reason why the one should pay tax and the other be exempt.

INEQUALITY OF TAX RETURNS.

I call your special attention to that part of the report of the Comptroller-General which points out the inequality of the tax returns from the different counties under the present law, and respectfully recommend the passage of the bill suggested by him, or one of like character, to remedy this evil and prevent future inequality and injustice between the people of the different counties. Each should bear its just part of the public burdens, which is not, and will not be, the case under the present law.

MILITARY APPROPRIATION.

As our State is invaded by a powerful enemy and it is impossible to foresee the exigencies which may arise within the ensuing year to require the use of our military force, or the extremities to which we may be driven, I recommend the appropriation of ten millions of dollars as a military fund for the political year.

RELIEF OF SOLDIERS' FAMILIES.

I recommend the appropriation of six millions of dollars as a fund for the relief of indigent soldiers'

families and sick and wounded soldiers, and indigent exiles.

While hundreds and thousands of our patriotic fellow citizens who are poor and without means to support their families in their absence, are standing as a bulwark between the enemy and the safety and property of the whole people whose homes have not been overrun, it is the imperative duty of the people at home to see that their families do not suffer for the necessaries of life. I have constantly advocated this policy, and feel the importance of it the more as the sufferings consequent upon the scarcity of provisions are increased in the State. The wealth and property of the State must be taxed to any extent necessary to prevent suffering among the families of our brave defenders. They have freely shed their blood in their country's service, and those who have money must be compelled to part with as much of it as may be required to cheer the hearts of the widows and orphans of the slain, and the distressed families of those still upon the field. Let our soldiers know that their loved ones at home are provided for, and you stimulate them to greater exertions and nerve them to nobler deeds.

The law should be so amended as to make it the duty of the Inferior Courts of the respective counties to make quarterly reports to the Comptroller-General of the disbursement of the funds received by them, with a statement of the names of the indigent persons to whom the fund is distributed and the amount received by each. It is believed that the courts are not held by the present law to sufficient accountability.

The law should provide for the prompt dismissal of the courts from the trust, and the appointment of other agents to disburse the fund, when they fail to make legal and satisfactory returns, or to discharge any other of the duties imposed upon them by the statute.

Provision should also be made to enable the courts of counties containing refugees to draw enough of the funds of counties behind the enemy's lines to afford relief to such refugees when entitled, without the certificate of the court of the county of their former residence, upon other satisfactory evidence when the certificate of the court cannot be obtained.

CLOTHING FUND.

I recommend the appropriation of two millions of dollars as a clothing fund to be used for the supply of clothing to Georgia troops in service when they cannot get what is necessary to their comfort from the Confederate Government. While it is the duty of that Government to supply all its troops with comfortable clothing, if it fails to discharge that duty, from inability or otherwise, Georgia should see that her sons do not suffer by such neglect. This fund should be used for the purchase of the necessary supply, either in the Confederacy or in foreign markets, as circumstances may show the one or the other to be the most practical with the least cost.

PURCHASE OF PROVISIONS.

The conscript law having been extended to fifty years of age, embraces much the greater portion of the planters of this State. Most of these men who make surplus supplies of provisions have received details from military

service on condition that they sell to the Confederate Government all their surplus at schedule prices, which are now far below market value as to afford not even the appearance of just compensation. In this way the Confederate Government prohibits the citizens of Georgia from selling their surplus productions to their own State, when the State needs these productions and is ready to pay just compensation for them. This makes it exceedingly difficult for the Quartermasters and Commissaries of the State to procure the supplies absolutely necessary for the State troops, indigent exiles, and others supported by the State. Under the order of Confederate officers that detailed men should sell only to Confederate agents, the officers of the State during the past summer were driven out of her own markets and were obliged to go to our sister State, Alabama, and purchase corn and import it at a very heavy expense to the Treasury to save the suffering poor from starvation.

For a more detailed statement of the difficulties growing out of this prohibition you are respectfully referred to the official reports of the Quartermaster-General and the Commissary-General.

Some of the other States have enacted laws which authorize the State officers to impress, when in the hands of producers, such supplies as are needed for State use. This, in my opinion, is the only mode of obviating the difficulty. Such a law should make ample provision to secure just compensation to the owners whose property may be taken. A Confederate regulation cannot be defended upon any principle of reason or justice which drives a State out of her own markets for the purchase of her necessary supplies.

THE EXILES DRIVEN OUT BY THE ENEMY.

Your attention is invited to the deplorable condition of the unfortunate exiles, who have been driven from their homes in Atlanta, and other parts of the State, by the savage cruelty of the enemy. The inhumanity of the treatment to which these unfortunate sufferers have been subjected, has probably no parallel in modern warfare, and but few in the history of the world. Thousands of helpless women and children, many of them widows and orphans of brave men, who have sacrificed their lives in the defence of the liberties of their country, have been driven from their homes, with but little of their clothing and furniture, and thrown out and exposed upon the ground to all sorts of weather, without food, house or shelter.

I have had the best means in my power provided for their protection, and have ordered provisions issued to those who were entirely destitute. As I had no special appropriation for this purpose, I have used the Military fund, or so much of it as could be spared, not doubting that my course would meet your approval. Tents have been furnished to such as could not get shelter, and I have directed that log cabins be constructed, at a suitable locality, by the Quartermaster-General, who has taken great interest in their behalf, for their comfort during the winter. The Quartermaster and Commissary-General have done all in their power, with the means at their command, to mitigate the sufferings of this most unfortunate class of our fellow citizens. I recommend that proper provision be made by law, to supply those who are destitute with shelter, and the necessaries of life, till they can provide for themselves.

GEORGIA HOSPITAL AND RELIEF ASSOCIATION.

Your attention is invited to the Annual Report of the Board of Superintendents of the Georgia Hospital and Relief Association. This Association is composed of gentlemen of the highest character who have labored faithfully and successfully to alleviate the suffering of our sick and wounded soldiers. Their efforts merit the thanks of our whole people. It is doubted whether any other association with the same amount of means at command has accomplished as much good.

I respectfully recommend an appropriation of \$500,000 to be expended by the association as heretofore, during the ensuing year.

SCHOOL FUND.

As our schools can not be conducted with success, till we have a change in the condition of the country, I recommend that the school fund, for the future, be applied to the support of the widows and orphans of our soldiers, till we can again revive our educational interests, with reasonable prospects of the accomplishment of good, by the distribution of the fund among the counties, for educational purposes.

DESERTERS AND STRAGGLERS FROM THE ARMY.

It is a fact that requires no effort at concealment since the late announcement of the President, in his speech at Macon, that our armies have been weakened to an alarming extent by desertion and straggling. The success of our cause, and the safety of our people, require prompt

action to remedy this evil. Many of these men have fought gallantly, and have left their commands, under circumstances the most trying, to which human nature can be exposed. As our armies have retreated and left large sections of country in possession of the enemy, they have found their homes and their families thrown behind the enemy's lines, where the latter are subject, not only to insult and injury, but to great suffering for the necessaries of life. Under these circumstances, their sympathy and care, for their families, triumphed over their patriotism and sense of duty, and in an unfortunate hour they yielded to their feelings, laid down their arms and abandoned their colors.

A strong appeal should be made to these men to return to their companies, and a free pardon should be extended to each one who will do so. This is already offered to them by Gen. Beauregard, and Gen. Hood, and I have reason to believe would be granted by the General in command of each of the Military Departments. All who refuse to accept the pardon, and return, should be arrested, and sent forward with the least possible delay.

The civil officers of the State, in their respective counties, with the aid of the Military officers, when at home, and the patrol of each county, is believed to be the most effective, for the arrest and return of deserters and stragglers, if placed by the laws of the respective States, under proper legal obligations, to act in this capacity. These officers, by the Constitution of the country and laws of the States, and of the Confederate States, are exempt from Confederate conscription, and should be required,

in consideration of the exemption extended to them, to keep all deserters and stragglers out of their counties, when not overrun by the enemy.

To compel the civil officers to act, as many of them are not inclined to do so, I recommend the passage of a law, authorizing the Governor to turn over the civil officers of any county, or any portion of them, to conscription, when they refuse to act or to obey orders, for the apprehension of stragglers and deserters, from the State or Confederate service, and if they can not be turned over to conscription from age or otherwise, that they be subject to Militia duty, and to trial by court martial, for neglect of duty or refusal to obey orders. And that all necessary penal sanctions be added, to compel the discharge of this duty. Proper provision should be made, by the Confederate authorities, to receive the deserters at convenient points, not too remote from any part of the State, and to pay jail fees and other necessary expenses promptly. The want of proper regulations, in this particular, deters many civil officers, who would be willing to act, from making arrests, as they have not money to spare, to pay the expenses, and do not know to whom or where they should deliver the persons arrested.

While it is the duty of the States to make provision to compel deserters and persons absent without leave, to return to their commands, an imperative obligation rests upon them to make such provision for the families of the needy as will secure them from want of the necessaries of life, in the absence of their husbands and fathers. Whatever tax upon the wealth of each State, may be necessary for this purpose, should be assessed by legis-

lators without hesitation, and paid by property holders without complaint.

ROBBER BANDS OF DESERTERS AND STRAGGLING CAVALRY.

It is a lamentable fact that bands of deserters from our armies, and small bodies of cavalry belonging to the Confederate service, are constantly robbing and plundering our people of their stock, provisions and other property. This is generally done by these robber bands under the pretext of exercising the power of impressment, in the name of the Government or of some General, who not only knows nothing of their conduct but disapproves and condemns it. They go armed and take what they please by intimidation and force, having regard to neither age, sex nor condition. They are not amenable to any civil process as there is not generally sufficient force at home to arrest them, and they pass on and can not in future be identified. If arrested and committed to prison they will aid each other to escape by force if necessary. They are lawless banditti and should be so treated.

I, therefore, recommend the passage of an Act declaring all such outlaws, and authorizing any citizen, or association of citizens, whom they may attempt to rob, to shoot them down or slay them in any other way in their power, and to band together and follow them when they have committed a robbery in any neighborhood and slay them wherever found. This is the only protection left our people at home against the depredations of these incorrigible thieves.

BANK OF THE QUARTERMASTER AND COMMISSARY-GENERAL.

The gentlemen who fill these positions have labored incessantly and faithfully to serve the State and promote the public interest. I feel quite sure no two better officers fill similar places in any State in the Confederacy.

The Code only gives them the rank of Lieutenant-Colonel and allows the Governor no discretion in raising their rank no matter how deserving they may be of promotion. As I know of no other State which has failed to give higher rank to officers in these positions, I respectfully recommend as an Act of justice that their rank be raised to that of Brigadier-General.

GEORGIA MILITARY INSTITUTE.

Upon the advance of the enemy, in the direction of Marietta, I directed the Superintendent, Professors commanding, and cadets of the Georgia Military Institute, to report to the Military commanders for orders, and to aid in the defence of Atlanta, or such other points as they might be assigned to. The order was obeyed with promptness and cheerfulness, and they were, for a time, placed at the bridge at West Point, then at a position on the river in front of Atlanta, and finally in the trenches. In every position, they acted with coolness and courage and won the respect and confidence of their commanders. Finally, when it became necessary to place troops at Milledgeville, for the defence of the Capitol, against the raids of the enemy, I ordered them to this place, where they are covered with tents, engaged in study part of each day, and the balance of the time attending to their duties as a battalion of troops. I have ordered them sup-

plied with provisions by the Commissary, while engaged in this service, and it will be necessary to pay the professors out of the Military fund, or to make a special appropriation for that purpose.

STATE LINE.

The two Regiments of the State Line have greatly distinguished themselves, for cool courage and intrepid valor upon the battle field, and have rendered important service in the defence of the State. The ranks of these gallant Regiments have been decimated, and they are now greatly reduced. In the short period from the time they reported to General Johnston at the front, till the fall of Atlanta, they lost upon the battle field nearly 500 men, many of them as gallant as any who have bled in freedom's cause. For a more detailed account of their services and losses, you are referred to the able report of the Adjutant and Inspector-General of the State.

THE MILITIA.

The report of the Adjutant and Inspector-General will afford all necessary information, connected with the organization of the Militia, which would have been a most thorough and efficient one, but for the interruption growing out of the Conscript Acts since their organization, and would have enabled the State to bring into the field, for her own defence, when Atlanta was threatened, a force of some 30,000 men, after making all reasonable allowance for disability, etc.

Notwithstanding the difficulties with which the State authorities have had to contend, about 10,000 of the re-

serve Militia were armed and sent to the front, to aid in the defence of Atlanta, and other important points in the State. No troops in the service discharged their duty more nobly and faithfully. They received the commendation of General Johnston, General Hood, and their immediate commander, Major-General Smith, for their gallantry and good conduct upon the battle field. When Atlanta fell they held the post of honor, constituting the rear guard, which brought off the reserve artillery of General Hood's army. After they had been ordered back to Griffin they were furloughed for 30 days, and have again assembled under their gallant leader, and are in the right place nobly defending the soil of their State.

In the Constitution of the Confederate States each State has reserved the right to keep troops in time of War, when actually invaded as Georgia now is. Our fathers who formed the Constitution of the United States, from which we have taken this provision of our present Constitution, foresaw that no State could part with this right without an unconditional surrender of her sovereignty, which they were careful to provide against. The right of the Confederate States, if we admit the power of conscription, and of the State to raise troops, is mutual and concurrent. Each, in that case, has the same right in war when the State is invaded, to enlist troops into its service, and neither has the right to take them out of the custody of the other, when regularly received into its military service. This does not of course admit the right of the Confederate Government to enroll or interfere, with the officers, or necessary agents, of the State government.

As the present organization of reserve Militia is the only remaining force left to the State, she should, under no circumstances, turn them over to the unlimited control of the Confederate Government, or any other power. But she should retain the control over them that she may send them to the field, when the Military exigencies require it, and withdraw them at proper intervals, when her agricultural, and other material interests, imperatively demand it.

I turned over the organization first to General Johnston, then to General Hood, and now to General Beauregard, giving each the absolute command and control of the force, reserving only the right to withdraw it from their command, when, in my judgment, the safety of the State no longer required it in the field. This right will, of course, be exercised with due caution, after free conference with the commanding General, as was the case when I granted the thirty days' furlough, after the fall of Atlanta. This enabled the troops to save a very important crop of the State, much of which would otherwise have been lost, and caused no embarrassment to General Hood, in the execution of his plans.

CONVENTION OF GOVERNORS.

I transmit, herewith, a copy of Resolutions, adopted by the Governors of Virginia, North Carolina, South Carolina, Georgia, Alabama and Mississippi, convened in Augusta, on Monday, the 17th of October last, and respectfully recommend the enactment of such laws as are necessary to carry these resolutions into practical effect, so far as they contemplate action by the Legislatures of the respective States. I also request the exercise of your

Legislative influence to induce Congress to carry out such portions of the recommendations as are addressed to that body. It is proper, in this connection, for me to remark, that I do not wish to be understood by either of said resolutions, that I advocate the policy, in the present condition of our affairs, of arming our slaves. I do, however, advocate the use of them as teamsters, cooks, hospital servants, and in every other menial capacity, in which their services can be made useful, or in which they can relieve freemen from such pursuits that they may take up arms.

CONCLUSION.

In conclusion I earnestly invoke the blessings of Almighty God upon your deliberations, and humbly pray that He will endow you with wisdom from above, and will guide and direct all your councils, till they result in the adoption of measures, and the enactment of laws which, while they strengthen our forces, and give victory to our arms, will lead to wise and just negotiations, which may stop the war, with all its horrors, and secure the independence of the Confederacy, with the rights and the sovereignty of the States unimpaired, thereby enabling us to maintain, to the latest generation, the inestimable blessings of civil and religious liberty, protected by adequate Constitutional guarantees.

JOSEPH E. BROWN.

THE MEETING OF THE GOVERNORS.

At a meeting of the Governors of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi, held in Augusta, Ga., on Monday

the 17th inst., Gov. Wm. Smith presiding, after a full, free and harmonious consultation and interchange of council, the following, among other views, were expressed:

Resolved, That there is nothing in the present aspect of public affairs to cause any abatement of our zeal in the prosecution of the war to the accomplishment of a peace, based on the independence of the Confederate States. And to give encouragement to our brave soldiers in the field, and to strengthen the Confederate authorities in the pursuit of this desirable end, we will use our best exertions to increase the effective force of our armies.

Resolved, That the interests of each of our States are identical in the present struggle for self-government, and wisdom and true patriotism dictate that the military forces of each should aid the others against invasion and subjugation, and for this purpose we will recommend to our several legislatures to repeal all such laws as prohibit the executives from sending their forces beyond their respective limits, in order that they may render temporary service wherever most urgently required.

Resolved, That whilst it is our purpose to use every exertion to increase the strength and efficiency of our State and Confederate forces, we respectfully and earnestly request that the Confederate authorities will send to the field every able-bodied man without exception, in any of its various departments whose place can be filled by either disabled officers and soldiers, senior reserves or negroes, and dispense with the use of all provost and post guard, except in important cities, or localities where the presence of large bodies of troops make them necessary,

and with all passport agents upon railroads not in the immediate vicinity of the armies, as we consider these agents an unnecessary annoyance to good citizens and of no possible benefit to the country.

Resolved, That we recommend our respective legislatures to pass stringent laws for the arrest and return to their commands of all deserters and stragglers from the Confederate armies or State troops, and that it be made the special duty, under appropriate penalties, of all civil and military officers to arrest and deliver to the proper authorities all such delinquents.

And Whereas, the public enemy having proclaimed the freedom of our slaves, are forcing into their armies the able-bodied portion thereof, the more effectually to wage their cruel and bloody war against us, therefore be it

Resolved, That it is the true policy and obvious duty of all slave owners timely to remove their slaves from the line of the enemy's approach, and especially those able to bear arms; and when they shall fail to do so that it be made the duty of the proper authorities to enforce the performance of this duty, and to give such owners all necessary assistance as far as practicable.

Resolved, That the course of the enemy in appropriating our slaves who happen to fall in their hands to purposes of war seems to justify a change of policy on our part; and whilst owners of slaves, under the circumstances, should freely yield them to their country, we recommend to our authorities, under proper regulations, to appropriate such part of them to the public service as may be required.

Resolved, That the States have the right to export such productions and to import such supplies as may be necessary for State use, or for the comfort or support of their troops in service, upon any vessel or vessels owned or chartered by them; and that we request Congress at its next session to pass laws removing all restrictions which have been imposed by Confederate authority upon such exports or imports by the State.

And lastly, we deem it not inappropriate to declare our firm and unalterable purpose, as we believe it to be that of our fellow citizens, to maintain our right of self-government, to establish our independence, and to uphold the rights and sovereignty of the States or to perish in the attempt.

Resolved, That the chairman be requested to send a copy of these resolutions to His Excellency President Davis, and also one each to the President of the Senate and Speaker of the House of Representatives to be laid before the respective bodies.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 7th, 1864.

This certifies that Rev. L. Pierce of this State, is a gentleman of the highest possible character, known to be loyal to the Confederacy and the cause of the South. He travels exclusively in the discharge of his ministerial duties. I request that no passport officer or agent molest

him, but that he be permitted to pass where he pleases in the Confederacy.

Given under my hand and the seal of the Executive Department, the day and year above mentioned.

JOSEPH E. BROWN.

The following Special Message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 10th, 1864.

To the General Assembly:

I respectfully call your attention to the fact that a very considerable class of able-bodied men in this State who should do military service are now under bond for various violations of the Penal Code, and are held by some of the Inferior Courts, in *habeas corpus cases*, to be exempt on that account from State military service.

Under this ruling it is only necessary for a person who does not wish to enter the service to commit an "assault and battery," or any other act declared penal, and give bond and security for his appearance at court, and so manage as to get the case continued from time to time, and he has a permanent exemption from service.

This I think an evil which calls for legislation. No man should be excused by law from his part of the service necessary to defend the State, because he has violated the laws of the State.

I respectfully recommend that a law or resolution be passed declaring that all such are subject to military duty, and releasing their sureties on their bonds from liability during the time they are in actual service.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 11th, 1864.

It is hereby Ordered, That Wellington Stevenson, of the city of Augusta, be, and he is hereby appointed and commissioned, an agent of the State of Georgia to import medicines for the use of the State troops and the exiles now supported by the State; and that he enter upon the duties of his said position without delay.

While so engaged, I claim him as exempt from conscription, and release him from military duty.

Given under my hand and the seal of the Executive Department, the day and year above mentioned.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 14th, 1864.

Permission is granted to Mr. W. R. Ultez, of Wilmington, N. C., as the agent of the Georgia Relief and Hospital Association, and solely for that use and benefit of said Association, to ship abroad sixty bales of cotton.

Given under my hand and seal of the Executive Department, the day and year above mentioned.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 14th, 1864.

By order of the Governor, license No. 155, issued to Stephen W. Pearce, of Worth county, 13th January, 1864, for the distillation of whiskey is this day revoked.

JOSEPH E. BROWN.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 17th, 1864.

To the House of Representatives:

In response to your call, I state that I have, by responsible agents, purchased since your last session 8,194 bales of upland cotton, and 383 bales of sea island. Of this number, 4,048 bales of upland and 383 of sea island have been purchased under the authority of the Acts passed by the General Assembly, for exportation, to pay for cotton cards, soldiers' clothing, blankets, etc., etc.—the upland at an average original cost of 80 $\frac{7}{8}$ cents per pound—the sea island at an average of \$2.97 per pound. I have exported 1,614 $\frac{1}{2}$ bales. Of this 58 bales were captured by the blockading fleet, and 1,556 $\frac{1}{2}$ have gone through safely. This was all shipped out one-half for the other, except 282 $\frac{1}{2}$ bales, which were shipped at 40 sterling per ton. After payment of freight this places to the credit of the State in Europe about 850 bales, worth in the present currency over \$5,000,000, or \$3,000,000 in round numbers more than the whole cost of the cotton purchased, including the sea island. Of the remainder of the 4,048 bales, 282 $\frac{1}{2}$ bales were sold to the Confederate Government at cost, for the privilege of shipping out 282 $\frac{1}{2}$ bales on the terms above mentioned, and 297 bales have been loaned to that Government, which it has not yet repaid—46 bales have been burnt—only 9 bales were a loss to the State—and the State still has in store waiting on opportunity to ship 1,808 bales upland cotton, and 383 bales of sea island. In other

words, the State has shipped out much less than half the quantity purchased, and that shipped out safely to Europe is now worth in currency \$3,000,000 more than she gave for the whole quantity purchased.

I have now in Nassau 30,000 excellent soldiers' blankets, and expect soon to have 5,000 suits of soldiers' clothing, 18,000 yards of cloth for soldiers' clothing, and 5,000 pairs of good army shoes, which, by the terms of the contracts, are to be delivered by the first of next month. I have also purchased and had stored at Nassau 30,000 pairs of cotton cards. Of these 5,100 pairs were lost with the steamer Florie, and 5,100 landed safely at Wilmington and are expected here soon by express, and 19,800 pairs remain on the island, to be shipped by the earliest opportunity.

The balance of the cotton first above mentioned, to-wit: 4,146 bales of upland, have been purchased on account of the W. & A. Railroad, at an average cost of 83½ cents per pound. This, with the exception of 31 bales, now stored at Butler, has been shipped to Savannah and Augusta for sale; the agents have sold 2,463 bales for a net profit of \$433,512.38. Part of this was sold to an agent of the Confederate Government, who is still in our debt \$200,000 of the money, but promises to pay soon.

Twenty-one bales were burnt while in transit on the Central Railroad, and the balance of 1,662 are still on hand unsold. This has been held on account of a recent decline in the markets of Augusta and Savannah. The cotton now on hand has been purchased at a higher price than the cotton first purchased and sold, and the margin for profits will not be so great as on that already sold.

I think it safe, however, to estimate that the cotton purchased and transported to this date will pay into the Treasury of the Road a net profit of \$600,000. This has been made by the use of the rolling stock of the Road not engaged in Government transportation, in about three months.

As these transactions have not been fully closed and the accounts made up, it is not possible to give all the items in detail. This will be done carefully and accurately in the next report of the Superintendent of the Road.

I am not able to refer to any statute which gave me express authority to make these purchases and sales for the Road. When you were last in session, no such state of things was anticipated as now exists. Since then, the enemy have taken charge of the Road, and we have been driven from it.

The agents and employees moved back with the rolling stock. If we disbanded and dismissed them, it would not be possible to supply their places and work the road if we should recover it from the enemy, and it was necessary that the machinists and carpenters be kept at work for the repair of the engines and cars. It requires a large sum of money every month to support these agents and employees with their families. The Confederate Government, for which most of the work of the year has been done prior to the loss of the Road, owes us nearly a million of dollars, and we can not collect enough to pay the wages of the employees. I had rolling stock idle. If I leased it out at the usual rates, the incomes from it

would be comparatively small, and, owing to the usual failure of those who hire rolling stock to keep it in order, would soon be run down.

I had no right to take money out of the Treasury of the State to make the purchases necessary to start this business, but I was unwilling that it should fail on that account, and I ordered the cotton necessary for that purpose purchased on a credit of twenty days. If this had been lost by fire or otherwise, and the business had failed, I should have been personally liable to pay for the cotton about \$200,000. I was satisfied, however, that it would not fail, and I took the risk and responsibility necessary to get it under way.

I trust the Legislature is satisfied with the result. If not, I will cheerfully take the whole matter upon my own responsibility, and pay the State double the usual rates for the use of the engines and cars, and pay all expenses of every character. If my action is approved, I will be glad to know the fact, that I may continue the business for the benefit of the State, as I can make a fine profit to the Treasury during the ensuing year. I see no good objection to this business, as it is, in my opinion, a fair, legitimate traffic.

I have recently furnished to the Governor of North Carolina, a train to remove cotton belonging to that State from Southwestern Georgia to Augusta, and trains to Confederate Agents to remove Confederate cotton, at the usual rate for the use of rolling stock. I also furnish a train occasionally to the agent of the Exporting and Importing Company to carry their cotton to the coast

for exportation, at the same rates, as they have aided the State to export cotton on their vessels.

The reports of the agents of cotton purchased for the State are already in the hands of the Finance Committee.

JOSEPH E. BROWN.

The following message was this day transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 17th, 1864.

To the House of Representatives:

In compliance with the request contained in your resolution, I herewith transmit the names of aides-de-camp appointed by me under the 20th Section of the Act to reorganize the militia of the State, who do not belong to the different departments and have no command in the field.

Of these, several are over the age of conscription or otherwise exempt from military duty. Col. Schley is in Europe as an agent of the State, and Colonels Wilbur and Lamar are the active agents of the State in the exportation of cotton and importation of supplies.

Colonel Lee and Captains Hendrix, Wright, McAdo and Paxton were appointed with a view to their employment in the field, visiting the Georgia Regiments in the

army to get up the information necessary to complete the Roll of Honor directed by law. The active movements of the armies since the appointment, and the employment of these officers at Camp Rescue while the militia were sent there to be forwarded to Atlanta, and their attendance since upon a Court of Inquiry, has delayed action.

Since the militia have been ordered out, the business and correspondence in my office have increased till I have been obliged to employ two and sometimes four aides in addition to the usual force, or it could not be kept up.

Again it was found impossible for one aide-de-camp in each Senatorial District of three counties, to do all the duties required in sending forward the militia to the front. One aide was really needed in each large county, and I find it necessary to appoint the above number. They have been almost constantly under orders, and will be necessary so long as the present service continues.

JOSEPH E. BROWN.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 17th, 1864.

To the House of Representatives:

I herewith transmit the report of the Superintendent of the Card Factory, which will, I trust furnish all the

information required by the House in its resolution of inquiry upon that subject.

It may be proper in this connection that I should remark that five thousand tanned sheep skins and a quantity of tacks have been ordered from England for the use of the factory, which have not yet been heard from. If these should be lost in the attempt to run the blockade, it will materially diminish the amount of profits reported by the Superintendent.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 17th, 1864.

To the General Assembly:

I have received, what I consider reliable information, that the enemy has burnt and laid waste a large part of Atlanta, and of several other towns in upper Georgia, and has destroyed the State Road back to Allatoona, and burnt the Railroad Bridge over the Chattahoochee River and is now advancing in heavy force in the direction of Macon, and probably of this city, laying waste the country and towns in the line of his march.

The emergency requires prompt, energetic action. If the whole manhood of the State will rally to the front, we can check his march, and capture or destroy his force. There are now in the State, large numbers of men not under arms in either State or Confederate service. The class of State officers not subject to Militia duty, such as

Judges, Justices of the Inferior Courts, Sheriffs, etc., will amount to a fine Regiment.

There are numerous others, with Confederate details, not connected with the present active operations of the front, probably amounting to several Regiments. All these, and every other person in the State, able to bear arms, no matter what his position may be, should rally to the standard in the field, till the emergency is passed.

The present Militia laws are not adequate to the occasion, and I respectfully ask the passage of a law, with the least possible delay, authorizing the Governor, to make a levy *en masse*, of the whole male population, including every man able to do Military duty, during the emergency and to accept for such length of time as may be agreed upon, the services of any companies, battalions, regiments, brigades or divisions, of volunteers, which may tender their services, with any number of men which he may consider effective. Plenary power should be given to compel all to report who fail or refuse to do so.

I respectfully suggest that the appropriation bill be taken up, and passed without delay, and that a Military bill, of the character indicated, be also passed and that the Governor and Legislature then adjourn to the front, to aid in the struggle, till the enemy is repulsed, and to meet again if we should live, at such place as the Governor may designate.

JOSEPH E. BROWN.

The following message was prepared by His Excellency Gov. Joseph E. Brown, to be sent to the General Assembly, but while it was being copied for the two Houses they adjourned on account of the near approach of the enemy, before the message was received by them. As Congress probably now has the question before them, and as it is, in the opinion of the Governor, important that the people and presses of the country should speak out boldly to their representatives before the fatal step is taken by them, he has directed the publication of the message, with a view to call special attention to the subject.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 17th, 1864.

The following Special Message was transmitted to the General Assembly:

To the General Assembly:

I feel it my duty to call your special attention to that part of the late message of the President of the Confederate States which relates to exemptions from conscription.

The President declares, that “*no pursuit nor position* should relieve any one who is able to do active duty from enrollment in the army, unless his functions or service are more useful to the defence of his country in another sphere.” But he says, “it is manifest that this can not

be the case with entire classes." He then enumerates several classes, such as telegraph operators, professors, teachers, editors, millers, shoe makers, tanners, blacksmiths, physicians, etc., who should not be exempt as classes, and adds, "and the numerous other *classes mentioned* in the laws," who he says, "can not, in the nature of things, be either necessary in their several *professions* nor *distributed* throughout the country in such *proportions*, that only the *exact numbers* required are found in each locality." Nor, says he, "can it be everywhere impossible to *replace* those within the conscript age, by men *older* and less capable of active field service." He then says, "A discretion should be vested in the *Military Authorities*, (which can only mean in him as the head of these authorities,) so that a *sufficient number* of those essential to the public service, might be *detailed* to *continue* the *exercise* of their *pursuits* or professions, but the exemption from service of the *entire* classes should be *wholly abandoned*."

This is very comprehensive language. If such a law were enacted by Congress and acquiesced in by the States and people, it would not only give the President absolute control over all persons of the classes enumerated by him in his message, but of what he terms the "numerous other classes *mentioned in the laws*."

Who are these other classes mentioned in the laws of whom the President seeks to get the absolute and unlimited control, without startling the country by the designation of them in this message? One of these *classes* "mentioned in the laws," is the members and officers of the several State Legislatures." Other classes mentioned in the laws are Judges of the State Courts, Sheriffs, Clerks,

Ordinaries or Judges of Probate, etc. Another *class mentioned in the laws*, is "Ministers of Religion," authorized to preach according to the rules of their churches. The President denies that these could be more useful as classes "in another sphere" than in the military field, and says, they can not in the nature of things, be either *necessary* in their several *professions* nor distributed throughout the country in *such proportion* that only the *exact numbers* required are found in each locality. He therefore demands that Congress leave it to his "discretion" to say who of them shall be *detailed to continue* in the exercise of their *pursuits or professions*. With the declaration in advance, that their exemption as "entire classes" should be "wholly abandoned."

Aside from Constitutional objections, what would be the effect of vesting in the President the absolute power over all classes of people in these States, which he now demands at the hands of Congress?

No man could cultivate his fields to produce corn, wheat, or any other of the necessaries of life, or run his factory to make clothing, or work his blacksmith shop, mill, tannery, carpenter shop, machine shop, or follow other industrial pursuits without the consent of, and a *detail* from the President.

No man can then publish a newspaper without the consent of the President, and a *detail* for that purpose. This would at once destroy all independence in the press, and *abridge its freedom*, which the Constitution of the Confederate States expressly declares Congress shall make "no law" to do. If each editor must have a *detail* from the President, which would be revocable at the will

of the President, to publish his paper, what freedom or independence of the press can in future exist? No bold, high-toned man, would be willing to accept a detail for this purpose, as it would be an acknowledgement in advance that his press shall be the tool of the President with its freedom abridged and its existence dependent upon the President's will. As this law would give the President the power to say how many editors he will tolerate, it would leave it to his "discretion" what sort of editors he will have, and what principles they shall advocate. Thus the public press of the country, which, whatever may be its errors and abuses, is, next to the Christian religion, the greatest promoter of civilization, and when left free and untrammelled is the strongest bulwark of Constitutional Government, and the most powerful advocate of civil and religious liberty, is to be prostrated at the feet of the president and prostituted to the base end of overthrowing Constitutional liberty and establishing despotism. Where did liberty ever exist with the freedom of the press abridged and its existence dependent upon the will of a single individual?

The President not only demands of Congress the passage of a law giving him the power in future to muzzle the press and preventing it from exposing the errors of his administration or the corruption of his officials, but he demands that the State Governments be placed absolutely under his control, and that it be left to his "discretion" how many members and officers may attend each session of the Legislature, and what shall be the ages of the members, and, if he chooses, what shall be their political sentiments. It is also to be left to his "discretion" how many Judges of the Superior, Inferior,

or other Courts, each State may have, and what shall be their ages. How many Sheriffs, Clerks, Tax Collectors, Justices of the Peace, etc., he will tolerate in each State. Each of these classes of State Officers is one or the other "numerous classes mentioned in the laws," who he declares are to be *distributed* according to his discretion, throughout the country in such proportions that only the *exact numbers* required are found in each locality; those within conscript age are to be replaced by "older men" less capable of active field service, and in the selection of those with whom they are to be replaced, regard might be had to those who would be "less capable" of opposition to the President's will.

But this, intolerable as it seems to be, is not the worst feature in the demand. The President asks that Congress place the "Ministers of Religion" under his absolute control, with a declaration accompanying the demand, that they are not to be exempt *as a class*, but only such of them as he, in his "discretion" may deem a sufficient number to be *detailed to continue to exercise their pursuits or professions,*" that only the *exact numbers* required may be found in each locality."

There is no mistaking the purpose, they are one of the classes "mentioned in the laws." In other words, they are a class who are mentioned in the exemption laws, and are now exempted *as a class*.

Give the President this power, and the Minister of Religion can no longer exercise the high functions of his calling under the commission he has received from Heaven without a *detail* from the President. This would

give the President the power, in his discretion, to determine not only how many may be necessary, but to select the localities where they will be tolerated, and to prescribe, if he should think proper, the denomination to which they shall belong. This would place the freedom of religion as absolutely under his control as the freedom of the press and the Government of the States.

The provision of the Constitution which declares that Congress shall have power to raise and support armies, must be construed in connection with that other provision that "Congress shall make no law respecting an establishment of religion, or *prohibiting the free exercise thereof*, or *abridging the freedom of speech or of the press.*"

Taking these two provisions together, I do not see how any candid man can say that Congress has the power, under the pretext of raising and supporting armies, to place the free exercise of religion and the freedom of the press at the "discretion" of the President. Nor can it be denied that the freedom of both are dependent upon his will, when the law permits no one to publish a paper or to preach the Gospel without a *detail* from him. What possible connection does the preaching of the Gospel in the City of Milledgeville, or any other place, have with raising and supporting armies? And why is it necessary that the preacher of the Gospel should, by Act of Congress, be mustered into the Military Service of the Confederate States, and put under the control of the President, to be detailed back, in the "discretion" of the President, to preach? Is this the "free exercise of religion?"

Is not the freedom of the press *abridged* when a newspaper can only be published with the consent of the President, and is not the independence and dignity of the legislator lost when he is compelled to enter the Legislative Hall with a *detail* in his pocket, subject to be ordered out of it at any moment when it suits the interest or caprice of the President? Is this State Sovereignty, freedom of the press and free religion?

When Congress enact such a law it converts the republicanism of the Confederate States into the despotism of Turkey, makes the President a Dictator and prostrates the liberties of the country, the independence of the press and the religious privileges of the people, at his feet. Even the Lincoln Government, despotic as it is, has not dared to attempt any such encroachments upon the liberties of the people of the United States.

I wish, in advance, to enter my solemn protest against this monstrous proposition, which, if adopted by Congress, will not only endanger the success of our cause by breaking the spirits of our people, which may precipitate counter revolution, but may, and I fear will, engender a strong feeling for reconstruction with the odious Government of the North as the only means of escape from a worse despotism. I therefore earnestly recommend the passage of a joint Resolution by this General Assembly instructing our Senators and requesting our Representatives in Congress to vote against, and use all possible influence, to prevent the passage of any such law.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 18th, 1864.

To M. B. Peters, of Augusta, Ga.:

You are hereby appointed and commissioned agent of the State of Georgia to receive all such goods, including soldiers' clothing, blankets, cotton cards, etc., as the State of Georgia may import at the city of Charleston, S. C., and to ship and store them in safe places as they arrive. You will give diligent attention to this business, and report each importation promptly to the Governor.

This commission to continue in force till revoked by the Governor.

Witness my hand and Seal of the
Executive Department, the day and
year above written.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 19th, 1864.

PROCLAMATION.

The whole people understand how imminent is the danger that threatens the State. Our cities are being burned, our fields laid waste, and our wives and children

mercilessly driven from their homes by a powerful enemy. We must strike like men for freedom, or we must submit to subjugation.

Death is to be preferred to loss of liberty. All must rally to the field for the present emergency, or the State is overrun.

I, therefore, by virtue of the authority vested in me by the statute of the State, hereby order a levy *en masse* of the whole free white male population residing or domiciled in this State between sixteen (16) and fifty-five (55) years of age, except such as are physically unable to bear arms, which physical defect must be plain and indisputable, or they must be sent to camp for examination, and except those engaged in the Legislature or Judicial Departments of the government, which are, by the recent Act of the Legislature, declared exempt from compulsory service.

All others are absolutely required, and members of the Legislature and Judges are invited, to report immediately to Major-General G. W. Smith, at Macon, or wherever else in Georgia his camp may be, for forty (40) days' service under arms, unless the emergency is sooner passed.

The statute declares that all persons hereby called out shall be subject, after this call, to all the rules and articles of war of the Confederate States, and on failure to report shall be subject to the pains and penalties of the crime of desertion.

Volunteer organizations formed into Companies, Battalions, Regiments, Brigades or Divisions, will be ac-

cepted for forty (40) days, if they even approximate to the numbers in each organization which is required by the militia laws of this State, which were in force prior to the last Act.

All police companies formed in counties for home defence, will report, leaving at home, for the time, only those over 55 years of age; and all persons having Confederate details or exemptions who, by the late decision of the Supreme Court of this State, are held to be liable to State militia service and bound to obey the call of the Governor.

All such refusing to report will be arrested by the police or by the aide-de-camp or other officer of this State, and carried immediately to the front. The necessary employees of railroads now actively engaged, and the necessary agents of the Express Company, and telegraph operators, from the necessity for their services in their present positions, are excused. All ordained ministers of religion in charge of a church or synagogue are also excused.

All railroad companies in this State will transport all persons applying for transportation to the front, and in case any one refuses, its President, Superintendent, Agents and employees will be immediately sent to the front.

All aides-de-camp and other State officers are required to be active and vigilant in the execution of the orders contained in this proclamation, and all Confederate officers are respectfully invited to aid State officers in their vicinity in sending forward all persons hereby ordered to the front.

The enemy has penetrated almost to the centre of your State. If every Georgian able to bear arms would rally around him he could never escape.

JOSEPH E. BROWN.

PROCLAMATION.

While our noble armies are doing everything in their power to defend our homes and property, and are entitled to the lasting gratitude and active support of the people of this State and of the whole Confederacy, and while the militia have left their homes unprotected and have taken up arms and acted with the gallantry of veterans upon almost every battle field from Powder Springs to Griswoldville—it is a matter of extreme mortification to know that a large part of our cavalry force, which should hang around and constantly annoy the enemy as he passes through our State and cut off his foraging parties and impede his march, have left their commands and are now scattered in squads and in small bands over nearly half the territory of the State, robbing and plundering the citizens indiscriminately, and taking from the wives and children of soldiers who are in service, discharging their whole duty, the supplies of provisions which are their only means of support.

These predatory bands of thieves and robbers, who devastated the country under pretext of making impressments of property for the use of the army, are a disgrace to the commands to which they profess to belong, and I am sure their conduct meets the unqualified condemnation and scorn of every true soldier in the army.

All other means for the suppression of this indiscriminate robbery having failed, the people are obliged, as far as they have the ability, to depend upon their natural rights of self-protection by the use of force.

I, therefore, hereby call upon the Justices of the Inferior Courts, Clerks, Sheriffs, and all other persons remaining at home not subject to my last call, to organize and arm themselves as best they can, and wherever a band of these plunderers enter the county and takes the property of any citizen by force to pursue them immediately and shoot them down whenever they find them, and to report the facts, if the force is more than they can manage, to Lieutenant-General Taylor, at Macon, who will, while he remains in Georgia, uphold and sustain them by force.

I am authorized by General Taylor to say that he will give the citizens all the aid in his power to slay them when and wherever they are found committing the outrages above mentioned, and in plain cases, where proof of the robbery is satisfactory and the parties can be identified, *he will order them shot* as soon as they can be apprehended and the facts established. For this protection the whole people of the State will owe General Taylor a lasting debt of gratitude.

No officer or band of men is authorized to make any impressment of private property without the exhibition of competent authority from the War Department. Till further notice no impressments will be legal unless the party making them exhibits an order from Major Norman W. Smith, Major-General Howell Cobb, or, in special cases, from Major-General Wheeler, over his own

signature, specifying the necessity and the particular property to be taken, or an order from some General of higher rank than any above mentioned; and then only when there is a strict compliance with the laws of Congress regulating impressments.

All who attempt to impress without an order over the genuine signature of one of the officers above mentioned are robbers, and will be shot down by any one able to do it.

Given under my hand and
the seal of the Executive
Department, this the 24th
day of November, 1864.

JOSEPH E. BROWN.

HEADQUARTERS,

MACON, GEORGIA,

November 24th, 1864.

IRA R. FOSTER, *Quartermaster-General*:

You will proceed to the militia camps to be established at Newnan and Athens, and see that such provisions are made for the troops which are to assemble there as will prevent suffering as far as possible.

You will call on Lieutenant-General Taylor before you leave and adopt his suggestions, and ask him to send by you such orders to Confederate Quartermasters and Commissaries, as will secure the supplies necessary. If

possible, have the men covered with tents or flies, as they are fresh from their homes.

JOSEPH E. BROWN.

HEADQUARTERS,

MACON, GEORGIA,

November 25th, 1864.

It is hereby ordered, that a camp for organization of the militia of this State be established under my proclamation ordering a levy *en masse* at Macon, one at Albany, one at Newnan, and one at Athens, and that the militia report to the one or the other place as they may find it most convenient, with the least possible delay.

Colonel L. N. Whittle will take charge of the camp at Macon, and assign to duty under him such assistants as he needs.

Colonel B. C. Yancey will take command of the camp at Athens, with Colonel S. P. Thurmond as assistant, if he can procure his aid, and such other assistants as he needs.

Colonel William Phillips will take command of the camp at Newnan, with Colonel W. S. Wallace as assistant, and such other assistants as he needs.

And Lieutenant-Colonel Jones will take command of the camp at Albany, with necessary assistants, unless Major-General Smith has assigned some other officer to said command.

In case of a change of commanders of either of said camps, notice will be given accordingly.

The commander of each camp will call upon the Confederate Commissaries and Quartermasters at the place for all necessary supplies. General Beauregard promises to issue the necessary orders to these officers.

It will be the duty of each Commandant of a camp to organize, as rapidly as possible, all who report, into Companies, Battalions and Regiments. In all cases where enough men report, they will be formed into a regiment; when not enough for a regiment they will be formed into a battalion or company. The organizations already formed under my proclamation, in Cherokee and North-eastern Georgia, will be maintained if they report as organizations, but in [case] of battalions they must, when it is practicable, unite and form a regiment.

All officers not already in commission in these organizations will be elected by the men to be commanded, and the same rule of election will apply in case of all new organizations. Commissions will issue on the receipt of the returns at the Adjutant and Inspector-General's office at Macon. In the meantime, those elected will command as brevet officers. All cavalry organizations will report dismounted. When needed as cavalry in future, they may be remounted. They are not now needed on horse.

The Commandant at camp may excuse necessary physicians, not exceeding three to a county; the three selected by the Inferior Court wherever a selection has been made by them. All actual millers engaged in the mills as such, when needed at home will be excused. In extreme cases

of hardship, where it is the unanimous report of the neighbors that humanity requires it on account of the condition of the family, as in case of a blind or insane wife, etc., temporary exemptions may be granted.

This power is to be exercised with great caution, as it is subject to abuse, and a thorough organization of all persons able to bear arms in this emergency is absolutely necessary.

The Commandant at Athens will confer and consult with Brig.-Genl. Reynolds, who is respectfully requested to give all the aid in his power by couriers to circulate my proclamation and these orders in Northeastern and Cherokee Georgia, and to aid in furnishing supplies to the militia camp.

All persons under fifty years of age who are subject under my previous order to service in Maj.-Genl. Smith's command of militia, and who have failed to report, will be denied the privilege of going into the new organization, and will be sent forward to their respective commands under Genl. Smith. This will not affect the organizations which have been heretofore, under my proclamation, been formed in upper Georgia, in the rear of the enemy, if they now report promptly as organizations, but will apply in all other cases. Only those not subject to duty under Genl. Smith will be received in new organizations.

JOSEPH E. BROWN.

(Copy.)

HEADQUARTERS,

MACON, GEORGIA,

November 26th, 1864.

All officers of the Confederate service under the command of Lieut.-Genl. R. Taylor,—particularly Quartermasters and Commissaries—are directed to render all possible assistance to the Qr. Master Genl. of the State of Georgia (Col. Ira R. Foster), in the discharge of his duties under the written letter of instructions from Governor Brown.

By command of Lieut. Genl. Taylor,

(Signed) M. F. BULLOCK, JR., A. A. G.

HEADQUARTERS,

MACON, GEORGIA,

Ordered,

December 5th, 1864.

That Coln. B. B. Hamilton be furnished immediately, by the Commander of the camp of militia at Macon, with six armed men, such as he may select, to proceed, well armed with at least 30 rounds of ammunition, to Sumter county to bring up under arrest such persons as are embraced in my late proclamation for forty days' service as militia men.

Said Hamilton will proceed to said county and arrest all such as I have required to report under the late Act of the Legislature, and place each person so arrested, who has failed and refused to respond, in the common jail of said county as a deserter, till he can be sent to these Headquarters for trial and punishment.

All, rich and poor, will be required to submit to and obey the law. These orders are to be executed promptly.

JOSEPH E. BROWN,

Gov. & Comdr.-in-Chief.

HEADQUARTERS,

MACON, GEORGIA,

December 5th, 1864.

Ordered,

That Col. G. W. Lee take with him two good assistants and proceed up the State Road, as far as he can safely go, and report to me the condition of the Road with accuracy and care, and report his expenses to the Q. M. Genl., which must be as economical as the service to be rendered will allow, and the same will be paid by the Q. M. General. The report to be in writing, and to give a description of the condition of each section of the Road.

JOSEPH E. BROWN,

Gov. & Comdr.-in-Chief.

(Copy.)

HEADQUARTERS GEORGIA RESERVE AND
MILITARY DISTRICT OF GEORGIA,

MACON, GEORGIA,

December 7th, 1864.

General Orders
No. 30.

I. The following military organizations, raised under the authority of Governor Brown and afterwards received into the Confederate service by General J. B. Hood, to-wit: the Regiment commanded by Col. Findlay, the Battalions commanded by Majors Beall, Murkinson, Graham, McCallum and Ledford, and the Battalion lately commanded by Lieut. Col. Glenn, of Pickens county, (whose commission was revoked because he was reported to Governor Brown as a deserter) under the persons who may have been elected to command it, will be maintained for sixty days from date on discharge of such duties as they may be called upon to perform.

II. After the expiration of the sixty, all men between the ages of 18 and 45, subject to conscription, will report to the proper enrolling officer for assignment to the army in the field—those liable either to militia duty or to service in the Reserves will remain in the present organizations.

III. All persons now in these organizations absent without leave from the Confederate army will return promptly to their commands with the assurance that

their cases will be recommended to the most favorable consideration of their respective commanding Generals in view of the services rendered by them in these organizations, and to carry out this object the officers under whom they have been serving will furnish each one with a statement of his services. After this opportunity further indulgence to absentees will not be granted.

IV. The officers in command of these organizations are enjoined to be vigilant in the arrest of all deserters and absentees, and will forward them without delay to the conscript camp at this place.

By Command of

MAJOR-GENERAL HOWELL COBB.

R. J. HALLETT, A. A. Genl.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

December 7th, 1864.

I. The above orders of Major-General Cobb have been submitted to my inspection, and I concur in the order that the persons in said organizations who are subject to my command as militiamen remain in the same organization with those subject to his command as Confederate Reserves till further orders, and I direct all such organizations to report to General Cobb and obey his orders in future, as they have heretofore obeyed the orders of General Hood, till further directions from these Headquarters.

II. All persons in said organizations who belong to the State line, or to the company of State Scouts, who are now absent without leave, will report immediately to their respective commands. Those who obey this order by reporting to their commanding officers, or if they cannot reach them, to these Headquarters, within the next twenty days will receive a free pardon, except the deduction of the wages for the time they have been absent, and one month's additional deduction.

III. All other persons not in said organizations who are so absent without leave, will also report to their respective commands within twenty days, and will be excused from any degrading punishment.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 7th, 1864.

It is reported to me that much of the public property belonging to the State House and the furniture which was left in the Executive Mansion, and much of the property of the penitentiary, including a large lot of leather, have been taken possession of by citizens and negroes in and around Milledgeville.

I hereby order all persons having any of said property to return it immediately to Wiley C. Anderson, who is hereby appointed to receive and take charge of it.

If this order is not obeyed promptly, all houses or places suspected of having such property concealed in them, will be searched and the persons concealing or keeping such property will be arrested and committed to the common jail of the county till proper legal proceedings can be had for their punishment.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

December 9th, 1864.

Ordered, That General W. P. Howard retain possession of the Masonic building in Atlanta, and preserve the hall and use the store rooms in it to store State property till further orders, and that he procure wagons and labor on the best terms in his power to collect and store all property of value in and about Atlanta which belongs to the State of Georgia, and all he can of the State Road property, including iron, etc.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

December 19th, 1864.

Captain Jones, of Towns county, and Captain Christopher, of Union, will report with their respective com-

panies to Colonel Ledford, till further orders, for such service as he may direct.

JOSEPH E. BROWN,
Governor of Georgia.

HEADQUARTERS,
MACON, GEORGIA,
December 19th, 1864.

General Order

No. —

I. All parts of the State, except the seacoast and a small garrison at Dalton, being relieved from the presence of the enemy, the Reserve Militia, who have responded to the last call of the Governor and are now in camps of organization, who have not been ordered to report to Major-General Smith, are hereby furloughed until further orders from these Headquarters.

II. The organizations completed in camp or at home under special orders, will be maintained subject to any future call which necessity may, in the opinion of His Excellency, demand. In the meantime, they will, under the direction of the officers commanding in their respective counties, perform police and patrol duty for two days, to-wit: Friday and Saturday in each week. They will extend all needful protection to citizens, and special care will be taken to guard the homes of wives and families of soldiers who have died, or who are in service, from depredations of thieves and marauders. They will arrest all stragglers and deserters, and send them, if Con-

federates, to the nearest military post—or, if State troops, to the Commandant of the camp at Macon.

III. They will arrest all men under fifty years of age subject to serve with the troops under Gen. G. W. Smith, and send such to the Commandant at Macon to be forwarded to their command.

IV. They will, at all times, act as a county police and arrest all suspicious persons liable to service, examine their papers, and send all such as are attempting to pass without proper authority, to the Commandant of the nearest military post.

V. Officers in command of companies will report weekly to their superior officers commanding Regiments or Battalions and those will make monthly reports to Headquarters.

VI. The militia in any county, who do not conform promptly to these orders, will be held for field duty.

VII. All men in the various counties subject to the call of his Excellency of the 19th ult., and who have failed to report for duty, will be required to perform such extra service in their respective counties as the officers commanding shall deem necessary.

VIII. All armed details sent to various counties to arrest and bring up persons refusing to respond, will report to their respective camps with the persons arrested, and will deliver them to the Commandants of the camp, to be reported by them to the Commander-in-Chief for proper action. They will, on their return, de-

liver their arms to the Commandant of their camps, and then to be released on furlough under these General Orders.

IX. The Commander-in-Chief takes this occasion to express his thanks to the reserve militia, who have responded with such alacrity to the call of the State in her hour of trial.

By order of

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

W. K. DEGRAFFENRIED,

Major and A. S. G.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 20th, 1865.

The 25th Section of the General Appropriation Act, assented to December 18th, 1864, having authorized the State Treasurer to burn, every two months, or oftener, if necessary, in the presence of the Governor, or other persons appointed by him, the State Treasury Notes due on the 25th of December, 1864, and redeemed by him; and also such State change bills redeemed at the Treasury which may be unfit for circulation: I hereby appoint Col. N. C. Barnett, Genl. Stith P. Myrick and Seth N. Boughton, or any two of them, to witness and to certify to the burning of the above named Treasury notes and change bills stated in said Act—and that the

persons thus appointed report to this Department, at each burning, the amount of each denomination of Notes and Bills thus burned, which shall be entered upon the Minutes of this Department.

JOSEPH E. BROWN,

A PROCLAMATION.

To the Officers and Members of the General Assembly:

In conformity to the Resolution of the General Assembly, passed at the close of its last Session, requesting the Governor to convene the Legislature at such time and place as he may think best, to complete the necessary legislation which was unfinished at the time of adjournment on the approach of the enemy, I hereby require the officers and members of the General Assembly to convene at the City Hall, in the City of Macon, at ten o'clock, A. M., on Wednesday, the 15th day of February next.

Given under my hand and the Great Seal of the State, this the 25th day of January, 1865.

JOSEPH E. BROWN.

The following message was this day transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

February 15th, 1865.

To the Senate and House of Representatives:

Since your adjournment in November, the army of invasion, led by a bold and skillful General, have passed through our State, laid waste our fields, burned many dwelling houses, destroyed county records, applied the torch to gin houses, cotton and other property, occupied and desecrated the capitol, and now hold the city of Savannah, which gives them a water base from which they may in future operate upon the interior of the State.

The army of Tennessee, which contained a large number of Georgia troops, and was relied on as the only barrier to Sherman's advance, the removal of which left Georgia at the mercy of the enemy, was ordered off beyond the Tennessee river upon a campaign which has terminated in disaster. In the midst of these misfortunes Georgia has been taunted by some of the public journals of other States because her people did not drive back and destroy the army of the enemy. Those who do us this injustice fail to state the well known fact that of all the tens of thousands of veteran infantry, including most of the vigor and manhood of the State, which she had furnished for Confederate service, but a single Regiment (the Georgia Regulars) of about three hundred effective men, was permitted to be upon her soil during the march of General Sherman from her North-

western border to the city of Savannah; and even that gallant regiment was kept upon one of our islands most of the time, and not permitted to unite with those who met the enemy. Nor were the places of our absent sons filled by troops from other States. One brigade of Confederate troops was sent by the President from North Carolina, which reached Georgia after her capitol was in the possession of the enemy.

Thus abandoned to her fate and neglected by the Confederate authorities, the State was left to defend herself as best she could against a victorious army of nearly fifty thousand of the best trained veteran troops of the United States with only the Georgia reserves and militia, consisting of a few thousand old men and boys, while her army of able-bodied gallant sons were held for the defense of other States, and denied the privilege to return and strike an honest blow for the protection of their homes, their property, their wives and their children.

While the Confederate reserves in other States have been but little of their time in the field of active duty, and the militia, consisting of boys between sixteen and seventeen, and old men between fifty and sixty, and agriculturists detailed by the Confederate Government, have not in most of the States been called out at all, the Confederate reserves, the reserve militia, the detailed men, the exempts from Confederate service and most of the State officers, civil as well as military, have in this State been kept in the field almost constantly for the last eight months.

These troops of classes not ordered to go elsewhere, were placed under the control of the Confederate Gen-

eral commanding the department, and have participated in every important fight from Kennesaw in this State, to Grahamville or Honey Hill in South Carolina. The important victory at the latter place was achieved by the Georgia militia, the Georgia reserves, the Georgia State line, the Forty-seventh Georgia Regiment and a very small number of South Carolinans, all commanded by that able and accomplished officer, Major-General G. W. Smith, of the Georgia militia. As I have seen no Confederate official account of this important engagement, which gives the credit where it is justly due, I mention these facts as part of the history of our State.

If all the sons of Georgia under arms in other States, of which nearly fifty Regiments were in Virginia, besides those in the Carolinas, Florida and Tennessee, had been permitted to meet the foe upon her own soil, without other assistance, General Sherman's army could never have passed from her mountains to her seaboard, and destroyed their property and their homes. He had nearly four hundred miles to march over an enemy's country; he was entirely dependent upon the wagon train which he carried with him for a supply of ammunition, without the possibility of replenishing after what he had consumed. Had he been resisted from the start by a competent force, and compelled to fight, his ordnance stores must soon have been exhausted, and he forced to an unconditional surrender. Such another opportunity to strike the enemy a stunning blow will not probably occur during the war. The destruction of this army would have re-inspired our people with hope, depressed the spirits of our enemies, and might have prepared the way speedily for the negotiation of an honorable peace.

It could have been by the Georgia troops if permitted. It should have been done at the expense, if necessary, of the evacuation of Richmond and the use of General Lee's whole army thrown rapidly into Georgia for that purpose. No one would regret more than I to see that city, which has been so long and so nobly defended, surrender to the enemy; but it must be admitted, since the devastation of the country beyond, that it is now only a strong out-post of little military importance, compared with the great interior. It must also be admitted that Richmond is rendered insecure by the successes of General Sherman in the interior, and the position he has gained in the rear of that and other strongholds, which were relied on for defense. If his unobstructed movement through Georgia must result in the loss of Richmond, how much better would it have been if we had given the evacuation of Richmond for the destruction of his army.

I have felt it my duty to refer to these facts in justice to my State, of which it may be safely said that she has had a larger proportion of her white male population under arms for the last eight months, in defense of our cause, than any other State in the Confederacy. On account of the attachment of her people to the cause of State sovereignty and Constitutional liberty, and their remonstrances against unjustifiable usurpations of power by the Confederate Government, Georgia has been systematically, if not wilfully, misrepresented by Government officials and organs, who give circulation to the most reckless and unjust comments upon the conduct of the people of the State and her Government, without the magnanimity or common honesty to publish the facts when laid before them, which show their statements to be without any real foundation in fact. As an instance,

I mention the fact that it has been industriously circulated that I, as Governor of the State, have kept fifteen thousand men out of service under the Exemption Acts. I corrected this misrepresentation by a published statement, which showed that I had put into service classes of persons not ordered out in other States and that the whole number of State officers in Georgia who have been held by me under the legislation of the State to be exempt from military service, was only 1,450, of whom a large proportion are over military age. This correction was passed in silence by many who had given publicity to the groundless charge, which was intended to be injurious to the Governor of the State, to the persons exempted by her laws, and to the character of her people. I am satisfied, however, that impartial history will do justice to the Government and people of Georgia, as well as to the conduct and motive of her assailants, who have stripped her of her strength and left her to the ravages of her foreign enemies.

THE MILITIA.

Experience has shown the necessity for amendments in our militia laws. The laws should be so changed as to provide for a separate organization of the old men over fifty years of age, under officers of their own number, to be elected by them. All civil officers of the several counties exempt from service should be made subject to militia duty in these organizations.

When organized, the Reserve Militia of this class should be required to do all necessary police duty in their several counties and to arrest and turn over to the proper authorities all deserters from State or Con-

federate service, and all persons subject to State service, who do not immediately report for duty, when required by General Orders. On failure to discharge this duty faithfully and efficiently, the Governor should be authorized to order them into the field for active duty in place of those permitted by them to remain at home who owe active service.

As the detail of men over fifty years of age for this service at home, who were called out prior to the organization of part of the brigades now in the field, has reduced them below the proper number of a brigade, and has left supernumerary officers, provision should be made for a re-organization by election of the Brigades, Regiments Battalions and Companies now in service, reducing the number of organizations as may be proper, and the commissions of all not elected should be suspended and they be required to do service. This would make the organizations more effective. The militia under fifty years of age, organized as above suggested, should be known as the Active Militia.

A permanent General Court Martial should be established for the trial of deserters and other delinquents. This would secure the enforcement of discipline, and the execution of a few guilty persons, would stop desertion. The militia organization completed upon this basis should be kept by the State during the war for the defense of her territory, and the execution of her laws, and should in no case, be turned over to the unlimited control of the Confederate Government or any other power. Nor should it be sent out of the State, unless it is for the protection of some part of our border, except in such cases

of emergency as in the opinion of the Governor make it proper that Georgia give aid for a limited time to a sister State.

The Confederate Constitution authorizes the State to *keep troops* in time of war. This is a reserved right, the exercise of which by the State violates no right of the Confederate Government, and infringes upon no delegated powers; nor is the exercise of a plainly reserved right by the State a breach of faith either to the Confederacy or any sister State.

Our recent sad experience has shown the wisdom of the reservation. But for the troops kept by the State, the city where you are now assembled would have been occupied, plundered and sacked by the enemy in their late march through the interior.

The Constitution limits the State to no particular class or age. She may *keep troops* composed of any part of her citizens whom she may choose to organize. If we admit the Constitutionality of conscription which authorizes Congress to conscribe our citizens to raise armies, that provision of the Constitution must be construed with, and limited by the reservation in the same instrument of the right of the State to keep troops in time of war. This would make the jurisdiction of the Confederate and State Governments concurrent over the arms bearing population of the States in time of war. It follows in that case that the Government which first organizes and places the troops in actual service has a right to hold them as against the other. The State acted upon this rule in the organization of the two Regiments of the State Line, composed of persons of all ages able

to do service who volunteered. Her right to keep these troops has never been questioned by the Confederate Government, nor indeed can it be.

That portion of the militia organization not composed of Confederate exempts are generally of the most useful class of agriculturalists, whose services at home during the more critical period of the crop, are indispensably necessary to the production of supplies. Whenever these men can be spared from home they should be kept in service, if the emergency requires it. But they should not be turned over to unlimited Confederate control to be carried away from the State permanently, to the ruin of her material and productive interests. So long as they faithfully discharge their duty when called out, the State should *keep* them, giving them furloughs at such times as are necessary to secure their crops, if it can possibly be done. All who are absent without leave, when ordered out by the State, should be turned over to Confederate service for the war without regard to rank or age. This would stimulate them to prompt obedience to order when called. The chief difficulty in the way of granting furloughs for limited periods when the troops could be spared, grows out of the fact that they often fail to respond promptly at the end of the time allowed them.

On the 30th of August last, when the militia under the command of Major-General G. W. Smith, were in the trenches around Atlanta, a very short time before the fall of the city, the President made a requisition upon me for them, with all others that I might be able to organize. At the time the requisition was made these troops had been for months in active service with the Army of Ten-

nessee, under the command of the General who controlled it. They had participated in several engagements—had acted with distinguished gallantry and had been about forty days almost constantly under fire around the city. Rations were issued to them by order of the Confederate General in command—and he had promised that they should be payed as other troops in the Confederate service.

These troops were composed mostly of boys between sixteen and seventeen and old men between fifty and fifty-five years of age, who are not subject to service by the laws of Congress, in the army of the Confederacy. No law of Congress makes them in any way subject to the President's control. The statute of the State declares positively that they shall not be subject to any draft or compulsory process to fill any requisition made by the President of the Confederate States upon the Governor of the State. They were the last reserve force of the State able to do service. If they were turned over to Confederate control with no power on the part of the State to recall them, she would be left without any adequate force for the execution of her own laws.

The State had much more than filled every requisition made upon her in common with other States for troops. No call was made at the time upon the other States for troops of this class; nor had the other States ordered out and placed in service their militia of these ages.

It was quite clear that the requisition was not made for the purpose of getting the militia into service, for they were there at the time under the command of General Hood. Looking at all these facts I could not doubt

that the President had other motives in making the call—and that the main object was to get them out of the control of the State, subject to his command, and to disband the State organizations; and enable him to appoint the General and Field Officers to command them. This was more evident from the fact that he required all within General Hood's department to report to him in Atlanta, and all within the department of South Carolina and Georgia to report to the commandant of that department, whose headquarters were then at Charleston. The line dividing these two departments cuts in two, not only General Smith's Division, but three out of the four Brigades and a large proportion of the Regiments. If the requisition had been obeyed the organization would have been disbanded, and a large proportion of the militia, who were then under the fire of the enemy, defending Atlanta, would have been ordered off to report to General Jones at Charleston, when no enemy was pressing us upon the coast.

Under these circumstances I felt it my duty to refuse to fill a requisition made by the President, without authority of law, for a class of troops which I could not turn over upon his requisition without a violation of a positive statute of the State, who, were in service, acting gallantly at the times, under officers of distinguished merit, with a thorough organization, which must have been disbanded by my compliance with the President's demand and the troops scattered at a most critical period in the defence of Atlanta.

I earnestly request the General Assembly to say, by resolution, whether my conduct in refusing to turn over the reserve militia, organized by the State for her own

defence, is approved, or whether it shall yet be done, and the State stripped of her last strength, and left without a man to aid in the execution of her laws, and to strike a blow in her defence when Confederate aid is withdrawn, and the enemy devastating her fields, towns and cities.

THE GEORGIA MILITARY INSTITUTE.

The number of cadets in this institution has been considerably increased.

Upon the advance of Sherman's army the battalion of cadets was ordered into active service. At the Oconee bridge and other places where they met the enemy they acted with distinguished gallantry. The State has much reason to be proud of this gallant young corps.

I must not omit to mention with my warmest approbation the conduct of the State Scouts under Captain Talbot, who has shown himself to be a gallant, fearless leader.

Pruden's Artillery and the other troops of Major Caper's Battalion, are also entitled to honorable notice. This whole battalion under its chivalrous leader, in presence of Adjutant and Inspector-General Wayne, who accompanied them during the campaign from Gordon to Savannah and thence to Augusta, discharged their duty energetically and faithfully. The report of General Wayne will be laid before the Military Committee of the two Houses upon application.

MILITARY APPROPRIATION.

I beg leave again most respectfully to invite the attention of the General Assembly to that part of my late annual message which relates to the military appropriation. The sum appropriated will be wholly inadequate. If it is not increased, I shall be under the unpleasant necessity, so soon as it is exhausted, which will be in a short time, of again convening you to supply the deficiency. We cannot conduct the operations of war without money.

IMPRESSMENTS.

I beg leave to call the attention of the Legislature to the necessity for the passage of a law authorizing the impressment of provisions in the hands of persons under bonds to the Confederate Government, or others who refuse to sell their surplus at market value for the use of indigent soldiers' families, and of persons who are left destitute by the ravages of the enemy, or our own cavalry, who receive aid from the State under legislation enacted for that purpose. The cases are very rare when it would be necessary to resort to impressment, if the people were left free to sell their surplus in the market; but they are denied that privilege by the Confederate Government, having been compelled to give bond to sell all their surplus to its agents at schedule prices, which are far below market value. These persons would gladly sell to State or county agents, but they are threatened with a revocation of their details, and with immediate compulsion to enter the service if they do so. The State should never submit to be driven out of her own markets and denied the privilege of purchasing from her own

citizens by the act of any other Government or power. I therefore recommend the passage of a law authorizing the Justices of the Inferior Court of each county, with the consent or order of the Governor, to impress provisions in their respective counties, for soldiers' families and indigent refugees, when, from the cause above mentioned, it may be necessary to enable them to procure the supplies required for that purpose; and also authorizing the Quartermaster-General and Commissary-General of the State to make similar impressments, with the like order, for their respective departments.

The Act should provide, in case of such impressments, for a fair valuation of the property impressed, and for payment of market value as just compensation to the owner. Without the passage of this Act, it will be impossible for the State and county agents within the limits of the State to purchase the supplies which are indispensable.

The appropriation of money will avail nothing if the Confederate agents can lock the cribs and smoke houses of the people of the States against her purchasing agents. I have been unable under the late appropriation, to supply the demands of those in great distress, for want of this law. If it is not passed, a great deal of suffering will be the inevitable result.

PENITENTIARY.

The enemy having destroyed the work-shops, cells, and buildings of this institution by fire, it will cost a very heavy appropriation, probably one million of dollars, in currency, to rebuild it. From seven years close obser-

vation I am satisfied the institution does not serve the objects for which it was created. It does not seem to be, as its name imports, a place of penitence; it is certainly not a place of reformation, but it is rather a school for theft, lawlessness and villiany, where those more hardened in crime act as teachers of those who are younger and of less experience. Honest men who, in the heat of passion, commit crime which consign them, under our present laws, to this den of theives, generally come out corrupted and contaminated.

In view of the above facts, I recommend that the Penitentiary be abolished as soon as it can legally be done, and that other modes of punishment, such as hanging, whipping, branding, etc., be substituted. The South Carolina Code, it is believed, would furnish a safe guide for our legislation on this subject. I know of no State in which the criminal laws are more faithfully executed, or in which less crime is committed.

In accordance with the request of the General Assembly before your late adjournment, I offered pardon to all the convicts who were not of the worst class, who would volunteer to enter the military service, making the pardon conditional on the faithful discharge of their duties as soldiers. This was accepted by nearly all to whom it was tendered. They organized into a company and did good service at the Oconee river, where they met the enemy and acted gallantly. I regret to learn, however, that over half of them have since deserted. These will be subject to serve out their time when they can be arrested. There are also several life convicts now within the walls; to keep these and such as may hereafter be sentenced for crime committed before the change

of the mode of punishment, it will be necessary to rebuild so far as to provide accommodations and workshops for the limited number. One hundred thousand dollars in currency may be sufficient to do this.

In this connection I will further remark that the exigencies of the times, in my opinion, require such amendments in the penal Code as will make death the punishment of robbery, burglary, and horse stealing. To prevent our people from taking the execution of the law into their own hands, I recommend that the law be so changed as to authorize the Judges of the Superior Courts to call extra sessions of their respective courts, whenever it is, in their opinion, necessary for the speedy trial of offenders. As many of the jails are insecure and as robber bands rescue their companions in crime, the present provisions for the trial of criminals are too tardy for the vindication of public justice. Whipping should be the punishment inflicted upon those who are convicted of illegal traffic with slaves.

ARMING THE SLAVES.

The administration, by its unfortunate policy of having wasted our strength and reduced our armies, and being unable to get freemen into the field as conscripts, and unwilling to accept them in organizations with officers of their own choice, will, it is believed, soon resort to the policy of filling them up by the conscription of slaves.

I am satisfied that we may profitably use slave labor, so far as it can be spared from agriculture, to do menial service in connection with the army, and thereby enable

more free white men to take up arms; but I am quite sure any attempt to arm the slaves will be a great error. If we expect to continue the war successfully, we are obliged to have the labor of most of them in the production of provisions.

But if this difficulty were surmounted, we can not rely upon them as soldiers. They are now quietly serving us at home, because they do not wish to go in the army, and they fear, if they leave us, the enemy will put them there. If we compel them to take up arms, their whole feeling and conduct will change, and they will leave us by thousands. A single proclamation by President Lincoln—that all who desert us after they are forced into service, and go over to him, shall have their freedom, be taken out of the army, and permitted to go into the country in his possession, and receive wages for their labor—would disband them by brigades. Whatever may be our opinion of their normal condition, or their true interest, we cannot expect them, if they remain with us, to perform deeds of heroic valor, when they are fighting to continue the enslavement of their wives and children. It is not reasonable of us to demand it of them, and we have little cause to expect the blessings of Heaven upon our efforts if we compel them to perform such a task.

If we are right and Providence designed them for slavery, He did not intend that they should be a military people. Whenever we establish the fact that they are a military race, we destroy our whole theory that they are unfit to be free.

But it is said we should give them their freedom in case of their fidelity to our cause in the field; in other

words, that we should give up slavery, as well as our personal liberty and State sovereignty, for independence, and should set all our slaves free if they will aid us to achieve it. If we are ready to give up slavery, I am satisfied we can make it the consideration for a better trade than to give it for the uncertain aid which they might afford us in the military field. When we arm the slaves we abandon slavery. We can never again govern them as slaves, and make the institution profitable to ourselves or to them, after tens of thousands of them have been taught the use of arms, and spent years in the indolent indulgencies of camp life.

If the General Assembly should adopt my recommendation by the call of a Convention, I would suggest that this, too, would be a subject deserving its serious consideration and decided action.

It can never be admitted by the State that the Confederate Government has any power, directly or indirectly, to abolish slavery. The provision in the Constitution which, by implication, authorizes the Confederate Government to take private property for public use only, authorizes the *use* of the property during the existing emergency which justifies the *taking*. To illustrate: In time of war it may be necessary for the Government to take from a citizen a business to hold commissary stores. This it may do (if a suitable one can not be had by contract) on payment to the owner of just compensation for the use of the house. But this *taking* cannot change the title of the land, and vest it in the Government. Whenever the emergency has passed, the Government can no longer legally hold the house, but it is bound to return it to the owner. So the Government may impress

slaves to do the labor of servants, as to fortify a city, if it cannot obtain them by contract, and it is bound to pay the owner for just hire for the time it uses them, but the impressment can vest no title to the slave in the Government for a longer period than the emergency requires the labor. It has not the shadow of right to impress and pay for a slave to set him free. The moment it ceases to *need* his labor, the *use* reverts to the owner who has the *title*. If we admit the right of the Government to impress and pay for slaves to free them, we concede its power to abolish slavery, and change our domestic institutions at its pleasure, and to tax us to raise money for that purpose. I am not aware of the advocacy of such a monstrous doctrine in the old Congress by any one of the more rational class of Abolitionists. It certainly never found an advocate in any Southern statesman.

No slave can be liberated by the Confederate Government without the consent of the States. No such consent can ever be given by this State without a previous alteration of her Constitution. And no such alteration can be made without a convention of her people.

OUR PRESENT AND PROSPECTIVE CONDITION.

As I feel that I should act the part of an unfaithful sentinel upon the watch tower if I should flatter the country with delusive hopes, candor compels me to say that all is not well. That the people may be aroused to the necessary effort to avert calamity, it is important that they should know and appreciate their true condition. I tell them, therefore, that the whole body politic

is diseased, and unless active remedies are administered speedily, that dissolution and death must be the inevitable result.

Our Constitution has been violated and trampled under foot; and the rights and sovereignty of the States, which had been disregarded by the Government of the United States, which formed with slavery the very foundation of the movement that brought into being the Confederate Government, have been prostrated and almost destroyed by Confederate Congressional encroachment and executive usurpation.

The resolutions of the General Assembly of this State protesting against these usurpations and abuses have been unheeded and laid aside without even the courtesy of a reply.

Direct taxes of an enormous burden have been levied by Congress, without the census or enumeration imperatively required by the Constitution, which operates upon the people of this State and other States, but have no operation upon the people of Missouri or Kentucky, who are represented especially with Georgia in the Congress by which they are imposed.

Much of our most objectionable legislation is fastened upon us by the votes of representatives who, however patriotic and true to our cause, act without responsibility to any constituency, out of the army, who can be affected thereby, and who can neither visit with safety nor show themselves publicly among the people whom they profess to represent, a majority of whom have given the strongest evidences of sympathy and support to the

Government of the United States, and have been constantly represented in the Congress of those States.

Impressments of private property for public use, which are often necessary and proper, have been carried to an extent which is tyrannical and oppressive in the extreme. Instead of purchase, as the rule, and impressment, the exception, the whole property of our people is placed under the control of impressment agents, who refuse to pay "just compensation," as required by the Constitution, or even half the market value, and who pay in certificates which the Government refuses to receive in payment of public dues.

By a pretended conscription, not authorized by the Constitution, the Government has placed our agriculturalists under heavy bonds to sell to it at the impressment prices fixed by its agents, and denies to them the privilege to sell the fruits of their labor in open market, or to exchange them for other commodities which are necessary to the support of themselves and their families.

The Government disregards that provision of the Constitution which prohibits Congress from making any appropriation of money for a longer term than two years to support the armies of the Confederacy, and as a means of perpetuating the war beyond the period of the existence of the present Congress, without the assent of the people in the next elections, it proposes to pledge the title of the more valuable annual production of the agricultural class of our people, who are selected for the burden, for years to come for that purpose, and to continue the pledge of the incomes of this particular class after the termination of the war, for the payment of

the Treasury notes issued for the support of the armies during its existence. Few of this class make more than a tithe as net profits. In the estimate of the Secretary of the Treasury, in which he sets down the incomes of this class at about fifty per cent., he fails to allow any credit for the vast expense of production. He estimates gross and not net incomes, and in this way shows the incomes of the planter to be much greater than those of the banker or money-holder, whose interest and dividends cost none of the labor and expense of production incurred by the planter.

Citizens who belong neither to the land nor naval forces of the Government, or to the militia in actual service, are arrested by provost guards and Government detectives, under charges of treason or other indictable offences, or disloyalty, without warrant or other processes from the courts, and imprisoned at the pleasure of the Government in open disregard of the Constitution, which declares that no such person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, nor to be deprived of life, liberty or property, without due process of law, and that no warrants shall issue but upon probable cause, supported by oath or affirmation, particularly describing the persons or things to be seized.

Good and loyal citizens, who travel on railroads, steamboats, or through towns and cities, upon lawful business, are arrested if they fail to carry passes, while Federal spies procure or forge passes, and travel over our thoroughfares at their pleasure.

In many parts of the Confederacy not in possession of the enemy, the Government has ceased to protect either

life or property, and its own soldiers, who have left the front without discipline or control, often, united with others professing to be in service and wearing the dress of the soldier, are passing over the country in numerous bands, robbing our citizens and destroying their property.

While the old men and boys of this State, leaving important home interests to suffer, have been obliged to take up arms to resist the enemy, thousands of young, able-bodied men of this and other States, between eighteen and forty-five years of age, are protected by Confederate authority, on account of the wealth or other influence, from service in the field, and under the pretext of some nominal employment for the Government, are allowed to remain out of reach of danger, and devote most of their time to their speculations or other individual pursuits.

Our financial affairs have been so unfortunately administered that our currency is worth very little in the market; and our public faith has been so frequently and wilfully violated that it will be with great difficulty that we can re-inspire our people with confidence in the pledges of the Government. It is announced as the future policy of the financial department to issue no more Treasury notes, and to receive nothing else in payment of public dues till the quantity is reduced to healthy circulation. This would be beneficial to the holders of the notes. As the armies are to be supported, however, at a cost of hundreds of millions of dollars per annum, the announcement leaves no doubt that it is to be done in a great measure by seizing property and paying for it in certificates or bonds which will not pass as currency or

in payment of taxes. This would be little better than legalized robbery, and if practiced long by any Government will drive the people to revolution as the only means left for throwing off intolerable burdens.

By its effort to grasp absolute power, the Confederate administration has greatly weakened our armies, and results have shown its utter inability, with all the power placed in its hands, to recruit and fill them up to a number sufficient to meet the emergency.

So fatal have been the results of our wretched conscription policy, which, however well adapted to control European serfs, or those raised to be slaves of power, is so repugnant to the feelings and spirit of a free people, that it has driven our men in despair to delinquency and desertion, till the President has informed the country in his Macon speech, as reported, that two-thirds of those who compose our armies are absent, most of them without leave. If this be true, it shows a lamentable want of patriotism and courage on the part of the people or an unwise and injudicious policy on the part of the administration, which imperils the very existence of the Confederacy, and calls for prompt and energetic action on the part of the people to compel a change of policy, which, if longer persisted in, must result in utter ruin.

If a planter who has one hundred faithful, trustworthy hands upon his farm should employ an overseer to manage it, and should visit at a critical period of the crop, and find that two-thirds of his hands are, and for a considerable time have been absent, and that the crop is being lost on that account, he would doubtless decide that the policy of the overseer was ruinous to his inter-

est and dismiss him without hesitation. The people of this Confederacy have employed an agent to conduct for them a war for the dearest rights of freemen, and have placed at his command, subject to the restraints thrown around him by the Constitutional charter, and the great principles of personal liberty which lie at the foundation of free Government, hundreds of thousands of as gallant self-sacrificing citizen soldiers as ever took up arms in a righteous cause. He has adopted a policy which has ignored personal liberty and the right of citizen soldiers to go to the fields in organizations and under officers of their own choice, who have their respect and confidence. The result has been, as our agent tells us, that two-thirds of these soldiers are absent, the largest portion without leave, at a time when their absence endangers our existence as a people. What then is the duty of the people of these States. The answer is plain. They should compel their agent to change his policy which treats free citizen soldiers fighting for liberty, as serfs, and to observe the great principle for which we took up arms, or they should resume the military powers with which they have clothed him, and place them in other hands where they will be used as well for the protection of the rights and liberties of the citizen as for the achievement of the independence of the Confederacy. Without this change of policy the armies cannot be recruited to the necessary number, and both liberty and independence are lost together.

This ruinous policy of the administration finds no justification in the Constitution of the country. From the organization of the Government of the United States to the disruption of the Union, the uniform practice was to call upon the States, when more troops than the regu-

lar army were needed, to furnish them organized ready for service. This they could readily do, as all the machinery of the State Government could be brought to bear to bring them out. Instead of enrolling officers of the Central Government imported among them, whom they knew not and who were not in sympathy with them, all the militia officers and civil officers of the counties, who are their neighbors and friends, and whom they are accustomed to respect and obey, could be charged with the duty of aiding in the organization. Not only so, but they were permitted to go under officers of their own neighborhoods usually elected by them, to go with their own neighbors and relatives as their associates and companions in arms. This was not only the practical and successful mode, but it was the Constitutional one. That instrument declares that Congress shall have power to provide for organizing, arming and disciplining the militia, and for governing such *part* of them as may be employed in the service of the Confederate States; *reserving to the States respectively the appointment of the officers*, and the authority of training the militia according to the discipline prescribed by Congress.

Pending the consideration of this paragraph in the Convention which formed the Constitution of the United States, Mr. Madison moved to amend it by inserting after the words, "reserving to the States respectfully the appointment of the officers" the words "under the rank of General officers." This amendment if adopted would have left the State to appoint all officers under the rank of General, and the Federal Government to appoint the Generals. But so jealous were the States of the power and patronage which this would have given to the Federal

executive, that they rejected it by the vote of all the States except two; and reserved to the States the appointment of *all* the officers to command the militia, when employed in the service of the United States. And lest there should be a question about who is meant by the *militia* to be commanded by officers appointed by the States, when employed in the service of the Confederate States, the Constitution has solved that doubt. It says:

“A well regulated *militia* being necessary to the security of a free State, the right of the *people* to keep and bear arms shall not be infringed.” Hence it is plain that the word *militia* and the word *people* mean the same, apply to the same persons, and are used as synonymous terms. It is clear, therefore, that the States have carefully reserved the appointment of the officers to command their arms-bearing people, when employed in the service of the Confederate States.

If the President had adhered to this mode of raising troops, as Mr. Madison, who was a prominent member of the Convention which framed the Constitution, did in the war of 1812, his patronage in the army would have been small. If on the other hand, the Constitutional mode were laid aside and conscription adopted in lieu of it, giving him the appointment of all officers, his patronage was immense.

It is said about six hundred Regiments, or enough of organized troops to make that number, have been received into Confederate service from all the States. Each Regiment has ten Companies, and each Company four Commissioned Officers, or forty Company Officers to each Regiment, making *twenty-four thousand* Company Offi-

cers. Add to this 600 Colonels, and as many Lieut.-Colonels, Majors, Adjutants, Quartermasters and Commissaries, (as the law then stood) together with all Chaplains, Surgeons, Brigadier-Generals, Major-Generals, Lieutenant-Generals; with all the Post Quartermasters, Commissaries, Commandants Adjutants, Marshals, etc., and the Conscrip Act made about 30,000 officers dependent upon the President's will for promotion. Thus, in violation of the Constitution, the President was substituted for the States, and like the King of England, made the foundation of all honor.

To carry out this new policy of allowing the President to appoint the officers, it became necessary to refuse longer to receive troops in organized bodies with their officers, but each must be conscribed and sent into service under such officers as the President might appoint. This separated kindred and friends and neighbors, while in service. It destroyed the patriotic ardor of our people, each of whom prior to that time, felt that as a free man he was part of the Government, and that it was his war. But so soon as this policy was adopted he felt that it was the Government's war, and that he was no longer a free man but the slave of absolute power. This was not the freedom he set out to fight for, and thousands of men, rather than submit to it and remain in service, feeling that they wore the collar of power upon their necks, have left the army without leave. Hence the President's complaint, the cause of which has been the necessary result of his own policy. It has mistaken the genius and spirit of our people, and the material of which his armies are composed. The high-toned spirited Southern man will revolt when you attempt to reduce him to an automaton of power.

Prior to the passage of this fatal Act, men taxed their ingenuity to devise plans to induce the President to receive them into service. So soon, however, as the Act was passed, which denied them the right in future to form their organizations, and enter into service as willing freemen with their neighbors and friends, and gave the President the power to seize them and appoint their officers, the whole feeling was changed, and men have restored to every imaginable shift to keep out of the service.

The excuse that conscription was necessary to keep the twelve months men in service or to fill their places, cannot avail.

The President knew months before when the term of these men would expire, and made no effort to organize troops to take their places. A bill was introduced into the Provisional Congress by a distinguished Georgian, but a short time before its expiration in February 1862, authorizing the President to call forth the militia to any extent necessary, by requisition upon the States, and to call them for three years at his discretion. This would have left the appointment of the officers with the States, where the Constitution leaves it. The influence of the President was actively used to defeat this bill, on the ground that he did not need the law, as he had more troops tendered than he could accept and arm. Early in April following, he called for the Conscript Act on the ground of necessity, to fill up the army, and the bill was passed, giving him the patronage and power above mentioned. If conscription had been necessary to keep the twelve months' men in service till their places could be filled, that afforded no reason why the Act

should have embraced the whole population of the Confederacy within military age. A special Act applicable only to the twelve months' men for a short period, till troops could have been furnished by the States to take their places, would have met that necessity. This, however, would not have given the President the appointment of the officers for all the troops to be organized. His *neglect* to call upon the States for troops to fill the places of the twelve months' men was made the occasion of vesting immense power and patronage in him, and fastening conscription with all its evils, upon the country.

The President has been as unfortunate in his generalship, planning military campaigns, as he has in his policy of recruiting his armies. All remember his first appearance on the field as Commander-in-Chief at the close of the battle of First Manassas, when (if reports are reliable) he prevented our Generals from taking advantage of the complete demoralization of the Federal army to march upon Washington City, when it must have fallen into our hands with little resistance. He visited the army in Middle Tennessee and divided it, sending part of it to Mississippi too late to accomplish any good result there, and left General Bragg so weak that he was forced to evacuate Tennessee, which, together with Vicksburg, fell into the hands of the enemy. He again appeared upon the field at Missionary Ridge and divided the army when a superior force was being massed in its front. General Longstreet's corps was sent into East Tennessee. General Grant waited till he was out of reach, when he fell upon the remnant of Bragg's army and drove it back into Georgia, opening the way for the advance into this State, and then sent troops and drove

Longstreet out of East Tennessee, and made himself master of that invaluable stronghold of the Confederacy.

The President's last appearance upon the field was with General Hood's army in this State, which was followed by the movement of that army into Tennessee. The country knows the result. Hood has been driven out of Tennessee with great calamity, and Georgia, which was left completely uncovered, has been destroyed by Sherman at his pleasure.

Instead of rapid concentration of our armies at vital points to strike the enemy stunning blows, our policy has been to divide and scatter our forces in the face of superior numbers, and receive blows which have well nigh cost our existence as a Confederacy.

Our people have endured this misrule with remarkable forbearance and patriotism. But the time has come when we are obliged to deal with stern realities, and to look facts full in the face. We can no longer profit by hugging delusions to our bosoms. Our Government is now a military despotism whenever the privilege of the writ of *habeas corpus* is suspended, an object to which the President's earnest efforts are constantly directed. The tendency to anarchy is rapid and fearful.

The Lincoln dynasty informs us directly that reconstruction or subjugation are the only alternative to be presented to us.

The present policy, if persisted in, must terminate in reconstruction either with or without subjugation. I accuse no supporter of the measures of the administra-

tion of any such design. But entertaining the opinion which I do of its results, if I favored reconstruction, or subjugation, to both of which I am utterly opposed, I would give an earnest support to the President's policy, as the surest mode of diminishing our armies, exhausting our resources, breaking the spirits of our people, and driving them in despair to seek refuge from a worse tyranny, by placing themselves under the protection of a Government which they loathe and detest, because it has wronged and tyrannized over them, destroyed their property, and slaughtered their sons.

These are sad truths which it is exceedingly unpleasant to announce. But true statesmanship requires that the ruler do the best that can be done for his people under all circumstances by which they are at the time surrounded. And the statesman who sees nothing but ruin in its pursuit of a line of policy and does not warn his countrymen against it, is unworthy the high trust confided to his care.

But you may ask, do I despair of the justice of our cause or of our ability to succeed. I answer emphatically, No. Bad as our policy has been and much as we have wasted of men and means, we still have enough of both, if properly used, to continue the struggle till we achieve our independence and re-establish in these States Constitutional liberty, which has been for the time, so completely crushed.

To enable us to do this the Conscription Act must be repealed, and the policy abandoned, and we must return to the Constitutional mode of raising troops by the States. The States cannot do this successfully while

conscription is practised, and they thwarted in their efforts by conflict and collision with Confederate officers. In a word, the two systems cannot work together.

Our armies, compose of the militia or arms-bearing people of the States, must be re-organized under officers appointed by the respective States as the Constitution directs. This would enable the States in the re-organization to put into the rank all supernumerary officers, including the large number of Confederate enrolling officers, who without commands, are now supported and paid by the Government, and to displace such now in command of troops as are tyrannical and inefficient, and fill their places with those who have shown themselves competent, and who have the confidence of the troops, to be commanded by them. The States in the re-organization of these troops could also put into service the large number of able-bodied young men within their limits, who are now at home, hold appointments under the Confederacy which serve the purposes of protection, without reciprocal benefit to the common cause. In the same manner great numbers of absentees, deficient in neither patriotism or gallantry, who have been driven out of the armies by the petty tyranny of subaltern officers appointed at Richmond to command them, could be brought back by the States under officers of their own choice, who would make excellent troops. Remove the shackles of bondage from the limbs of our troops, and let them feel they are again freemen fighting in freedom's cause, and that the Government stands by and maintains the great principles of Constitutional liberty and State sovereignty for which they took up arms, and they will re-enter the field with renewed hopes, determined to conquer an honorable peace or fill a soldier's grave.

We must return to the observance of good faith with our troops—pay them when their wages are due, and discharge them when their terms expire.

We must pass no more Acts of repudiation of our Government issues of currency. We must receive in payment of Confederate taxes all notes, bonds or certificates which persons are compelled by the Government to take, in payment of property taken from them by its impressment officers.

We must abandon the policy of supporting the armies by impressments or forcibly seizures of property, and must adopt the policy of purchasing what we need, except in extreme cases which justify impressment, and then we must pay as the Constitution requires, *just compensation* for the property taken. This equalizes the burdens by dividing the whole among the entire number of taxpayers, in proportion to the amount of property owned by each.

Representation without constituency must no longer be allowed nor must laws be dictated to us by the votes of representatives without accountability to those who share in the burdens imposed by the legislation enacted by them.

Secret sessions of Congress, except in cases where legislation affecting the movements of our armies, is pending, must be abandoned and the people must know, as they *have right to know*, how their representatives act and vote upon all measures affecting their vital interests, their rights and their honors.

Discipline must be restored and enforced in our armies. One of the reasons given by its advocates for the enactment of the conscript law, was that better discipline would be maintained by giving the appointment of the officers to the President. Results have shown the reverse to be true. Prior to the adoption of that plan the officers selected by the troops themselves and appointed by the States, kept the men in the field, and we triumphed gloriously in almost every engagement with the enemy. Since that time the officers appointed by the President have neither maintained discipline nor kept the men in the field. If the President's statement is reliable they have only one-third of them there. And I fear the discipline of that third is loose, compared with that exhibited by the Federal army in its march through this State.

The President having failed in his military administration and brought the country to the verge of ruin by his military policy, should be relieved of that part of his duties by an amendment of the Constitution to provide for the appointment of a Commander-in-Chief of the armies of the Confederacy, by the President, by and with the consent of two-thirds of the Senate, who shall be entirely free from the *control* of the President and removable only by the same power by which he was appointed. This would place the best military talent of the country in command of our armies, not in name only but in fact, and would save us in future from the heavy calamities which have befallen us by the capricious removal of a great commander, at a most critical juncture of an ably conducted defensive campaign.

The late Act of Congress did not, and could not, take from the President his Constitutional power as *Com-*

mander-in-Chief. It provides for the appointment of a *General-in-Chief*. Robert E. Lee as *General-in-Chief* is as subject to the orders of the President as he was before the Act of Congress, and his appointment under it, and the President may at any moment frustrate his plans by orders which he is obliged to obey. Congress cannot divest the President of this power over all the Generals in Confederate service, including the *General-in-Chief*. This power is conferred by the Constitution and can only be taken away by an amendment of that instrument.

These changes may be made without the evils of revolution within revolution. The Constitution provides for its own amendment. The remedy is perfectly peaceful. It declares that: Upon the demand of any three States legally assembled in their several conventions, the Congress *shall* summon a convention of all the States to take into consideration such amendments to the Constitution as the said States shall concur in suggesting, at the time when said demand is made.

It is perfectly legitimate and proper for three States to demand such convention whenever in the opinion of their people the public good or the common safety requires it. In my opinion the best interest of the country requires that such convention meet with as little delay as possible, to propose such amendments to the Constitution, as will reform abuses by setting disputed points, and effect a speedy and thorough change of policy in conducting the war and filling up and sustaining our armies. I am not afraid to trust the people in convention. I therefore recommend the call of a convention of the people of this State for the purpose of proposing such

amendments to the Constitution as will relieve the President of his responsibility as Commander-in-Chief of the armies, and will provide for the appointment of a Commander-in-Chief in time of war, and to propose such other amendments and do such other acts as will correct the abuses and afford remedies for the grievances hereinbefore stated.

I also recommend that this General Assembly appoint commissioners to each of the other States of the Confederacy, requesting them to assemble in Convention at an early date to demand of Congress the call of a Convention of all the States, for the purposes above specified.

The speedy adoption of this policy is, in my judgment, indispensable to the achievement of our independence, and the maintenance of the great principles of State sovereignty and Constitutional liberty, which underlie the foundations of our Federative system of Government—gave being to our present Confederation of States—and are absolutely necessary to the future prosperity and happiness of our people. By the construction placed upon the Constitution as it now stands, by those who administer the Confederate Government, these great principles have been disregarded, and the sovereignty of the States, and rights of the people lost sight of in the struggle for independence.

The achievement of our independence seems to be the great and only good aimed at by those who wield the power at Richmond. We have been told from the halls of Congress that courts must be closed, and *State lines obliterated*, if necessary, to accomplish this object. Indeed, some persons in authority seem to have forgotten

that we are fighting for anything but independence. If so, the whole struggle is in vain, for we had that in the old Government, which was our Government, consecrated by the blood of our ancestors and transmitted from sire to son. We were independent of all other powers. But the people of the Northern State got control of that Government and so administered it as to imperil not our independence but our *rights*. We then separated from them and are fighting for our *rights* and our *liberties*; and as a means of maintaining and securing those rights and liberties we declared our independence. Independence with these is worth all the sacrifices which we have made or can make. Our rights and liberties are not secondary to our independence, but our independence is only necessary to protect our rights and our liberties. Russia is independent of all the world, so is Turkey, while the Government of each is a despotism; and the people have only the rights of liberties which the sovereign chooses to permit them to exercise. If this is the sort of independence for which we are fighting our great sacrifices have been made but to little purpose. The recognition by foreign powers of the independence of our rulers and of their right to govern us, without the recognition of our rights and liberties by our rulers, is not worth the blood of the humblest citizen. We must gain more than this in the struggle, or we have made a most unfortunate exchange. The further pursuit of our present policy not only endangers our rights and our liberties, but our independence also, by destroying the institutions and breaking the spirits of our people. Let us beware how we trifle with the rights, the liberties, and the happiness of millions.

I am aware that the freedom and plainness, which a sense of duty to my country has compelled me to exercise, in discussing the measures of the administration, and the policy of the Government, may subject my motives to misconstruction. I feel the proud consciousness, however, that I have been actuated only by a desire to promote the cause so dear to every patriot's heart, and thereby secure the independence of the Confederacy, with the civil and religious liberties and Constitutional rights of the people, without which independence is an empty name, and the glory and grandeur of our republican system is departed forever. No one can be more vitally interested than myself in the success of our cause. I have staked life, liberty and property, and the liberties of my posterity upon the result. The enemy have burned my dwelling and other houses, destroyed my property, and shed in rich profusion the blood of nearest relatives. My destiny is linked with my country. If we succeed I am a free man. But if by the obstinacy, weakness or misguided judgment of our rulers, we fail, the same common ruin awaits me which awaits my countrymen. It is no time to conceal ideas in courtly phrase. The night is dark, the tempest howls, the ship is lashed with arbulent waves, the helmsman is steering to the whirlpool, our remonstrances are unheeded, and we must restrain him, or the crew must sink together, submerged in irretrievable ruin.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 16th, 1865.

I hereby appoint and commission Cornelius F. Keeth, of the county of Cherokee, in this State, an agent for the State of Georgia to proceed to the State of Texas and purchase wool in said State of Texas for the State of Georgia, and bring it to the State by any practicable mode, and to carry to Texas such articles to exchange for it as may be most salable there, and to furnish me with information, as soon as possible, of the prices of the different commodities of that State which are needed here. Mr. Keeth, as such agent of the State, is hereby, and by Act of Congress, exempt from all military duty while engaged in this agency.

Witness my hand and the Great Seal of the State, the day and year above written.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

February 23d, 1865.

To the General Assembly:

I have succeeded in importing about 20,000 pairs of cotton cards without backs. I now have the backs for

about 10,000 pairs, and am having the others made. So soon as this can be done, and the cards tacked on, they will all be ready for distribution among the people of the State. They can be sold for twenty-five dollars per pair in currency.

Under an order issued to the salesman, any family wishing them for use is now permitted to purchase one pair at that rate, and many are applying for them. Observation already satisfies me that this is giving the people of the interior of the State the advantage of those more remote from the capital, and I submit the question to the General Assembly as the representatives of the people, to say, by resolution, how the cards shall be distributed among the people of the different counties. My desire is that it be done upon the most equitable plan, giving all an equal opportunity to avail themselves of the benefit.

If the cards are sold at \$25.00 per pair they must be taken at the capital without further expense, otherwise the price will have to be increased to cover expenses of importation and sale. One third of the whole number purchased in England was lost in running the blockade with them. Two-thirds came through safely.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

February 28th, 1865.

Eldridge Barker, an agent of the Quartermaster's Department of the State of Georgia, is exempt from mili-

tary duty to the Confederate States, by Act of Congress and by the Act of the Legislature of this State claiming all such agents as exempt.

Said Barker is on duty in the city of Montgomery, Alabama, attending to the business and interests of the State, and I request that he remain undisturbed by enrolling officers.

Witness my hand and the Great Seal of the State, the day and year above mentioned.

JOSEPH E. BROWN.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

February 28th, 1865.

To the House of Representatives:

In response to your call, I herewith transmit the *reports of Major-General G. W. Smith and H. C. Wayne, of the military operations since the 18th October last.

JOSEPH E. BROWN.

The following message was transmitted to the Senate, to-wit:

*Not found.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 1st, 1865.

To the Senate:

To your resolution of inquiry, I respond that a Company of Artillery, known as "Pruden's Battery," and one small Company of Infantry, were detached from the militia under General Smith's command and used for a time in connection with the Battalion of Cadets, as a guard for the capital. They were called out under the same Act of the Legislature under which the other militia were summoned to the field, and placed under command of Maj. F. W. Capers. Upon the approach of the enemy, they were ordered from the Capitol to Gordon by request of Maj.-General Cobb, and fell back thence to Oconee bridge, which with the ferry below, was gallantly defended by them in connection with Talbot's Scouts. From the bridge, they fell back till they reached Savannah and were again united with General Smith's Division. They expect pay as other militiamen.

Talbot's Scouts are a company of mounted men detached from the State line, to discharge the duty of scouts. They are part of the State Line—are an excellent, spirited company, and have distinguished themselves in the campaign,—first under their late lamented leader Capt. F. M. Cowan, who fell wounded by the enemy, and died in their hospital, and since under their present gallant leader, Capt. Talbot. It is expected that this company, which is paid with the State line and the Artillery and

Infantry company above mentioned, with the Cadets, will be used in the future, when not more needed elsewhere, as a guard for the Capital, against the raids of the enemy.

The regiment of Troup county militia were at the request of General Johnston, placed at the bridge at West Point, where they have remained under the command of a Confederate officer, to whom they report.

Maj. Glenn's squadron of mounted militia, were ordered out and have been on duty at Atlanta. Several other organizations of militia, in the Cherokee country, were called out in the rear of the enemy, at the request of General Hood, in August. Since the enemy left Atlanta they have been ordered to report to Major-General Cobb, and are now reporting to that gallant officer, Brigadier-General Wm. T. Wofford.

All these organizations are for the time, under the command of Confederate Generals, and are expected to be paid by the Confederate Government. I regret however to learn that they do not receive their pay.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
MACON, GEORGIA,

March 1st, 1865.

To the House of Representatives :

I herewith transmit a *copy of the correspondence between myself and the Secretary of War, growing out

*See Vol. III Confederate Records of Georgia.

of a requisition, made by the President upon me, to turn over to his control the reserve militia of the State.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 2d, 1865.

To the General Assembly:

I am informed, that the Government of the United States will permit cotton to be shipped through the blockade, to be sold North, and the proceeds applied to the relief of our suffering prisoners confined in their prisons.

I also learn, that other States have taken action in this matter for the relief of their suffering sons.

None have done their duty more faithfully than the Georgia Troops, and while we provide for the wants of those under arms and their families, we should not forget those who languish in foreign confinement. I therefore recommend an appropriation sufficient to purchase one thousand bales of cotton, to be shipped to New York and sold, and the proceeds applied to their relief.

And I further recommend, that the Governor be authorized to appoint proper agents to go to New York,

and see to the sale of the cotton, and the proper application of the fund.

(Signed)

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA.

March 2d, 1865.

I hereby pledge the faith of the State to carry out such contract as may be entered into by Capt. Geo. C. Comer with the Military Transportation Department at Montgomery to secure the transportation of State corn in Montgomery to Atlanta for the purpose of relieving the extreme suffering of the citizens of Upper Georgia.

I also ask of that Department such assistance as it may be possible for its officers to grant the Quartermaster's Department of this State in its efforts to furnish those counties that have been desolated by the enemy.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA.

March 3d, 1865.

To the General Assembly:

At your session in November, an appropriation of \$800,000 was made to purchase and carry corn to the

destitute in the counties that have been overrun by the enemy and in counties where the crop failed on account of the extreme wet or dry weather. The average price of corn in the State, may now be set down at twelve to fifteen dollars per bushel. Add the cost of transportation, and the lowest estimate would be fifteen. The appropriation will purchase at present prices, a little over 50,000 bushels. This would not more than supply the three most needy counties in the State, if the corn could be purchased now. In two months from this time, the price may have been increased one-half. In my opinion the appropriation for this purpose would be at least two millions of dollars.

In this connection I beg leave to again remind the General Assembly, that without the power of impressment, it will be absolutely impossible for me to secure the corn. I have made diligent efforts through agents, and find I can not purchase enough to feed the State teams, and support the State Line in the field. I am informed by Maj. Moses, the Chief Confederate Commissary for the State, that agents will be allowed to purchase part of the surplus of bonded men, for the use of soldiers' families. This will aid as far as that class is concerned, but will afford no relief to the large number of persons not soldiers' families, now suffering for bread, in the sections of the State where all the supplies of the people have been destroyed by the enemy. As I have already informed the General Assembly, the appropriation of money can not afford the necessary relief without the power to impress the provisions in the hands of those who will not sell their surplus for currency.

Market value should be paid to every citizen, whose property is impressed, but those who have a surplus and refuse to sell at market value, while others are suffering, should be compelled to distribute all they can spare, at its value in currency. I wish the members of the General Assembly and their constituents, to understand distinctly, that the appropriation of money already made, is wholly inadequate for this purpose and that it is impossible for me to furnish the corn, without the power of impressment.

If the Legislature adjourns without conferring the authority, it will leave me powerless to relieve hundreds of women and children from actual starvation.

I also beg leave again to revert to the fact that the military appropriation already made is entirely insufficient. If the State pays none of the expenses of the militia, it will take at least \$3,000,000 more to support the State Line, provide the clothing necessary for the Georgia troops in service, and purchase and support the wagons and teams which the Quartermaster-General must have to enable him to do the military transportation, and haul the corn to the most destitute section. If these appropriations and the impressment power are withheld, it will be necessary for me again to convene the General Assembly at an early day.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 6th, 1865.

Special Orders.

The Battalion commanded by Lieut. Col. John B. Beall is for the present attached to the Brigade of Brigadier-General H. R. McCoy, and is hereby furloughed until further orders.

JOSEPH E. BROWN,

Governor and Commander-in-Chief.

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 7th, 1865.

Capt. R. L. Rodgers,

You will take charge of the wagon train ordered to Jonesboro to haul corn for the destitute in the county of Fulton and adjoining counties. You will receive the corn from Capt. J. A. R. Hanks and receipt for it and haul it to Atlanta and store it in the State store house built by the Quartermaster-General, or in the store room under the Masonic Hall. From this you will issue it in such quantities as may be necessary to prevent suffering, to the counties of DeKalb, Fulton, Cobb, Campbell and Paulding, to such agents as the Inferior Court shall appoint in each county, to be approved by you, till the appointment is reported to and ratified by me or the

Quartermaster-General. You will take the receipt of the county agent, who will distribute the corn to such persons as the Inferior Court shall say are in actual need and cannot procure and haul in corn for want of a team or conveyance. Such persons as the court shall certify to be unable to pay for the corn will receive it gratis. All others will pay for it, on delivery, the price which Capt. Hanks shall certify is necessary to pay cost and transportation to Atlanta.

Each agent must be a man of as high standing and character as any in his county, and must make a report to you every month of the quantity of corn distributed, the name of each person to whom distributed, and the amount received for corn, which the agent will pay over monthly to you, to be returned to the Quartermaster-General. You will make a report every month of your operations.

Energy and activity is necessary. It is also necessary that you see that special care is taken of the teams.

I would suggest as suitable county agents, Col. A. J. Hansell or Thomas H. Moore, of Cobb; Perino Brown or Judge Green of Fulton; Mr. Edwards, the Representative of Paulding; Maj. Flowers of DeKalb, and Thomas H. Bullard or John Carlton, who is a Representative from Campbell. These, or men of this class, must be selected as county agents.

You will furnish each agent with a copy of this order, and will continue to act till the Quartermaster-General returns and makes other arrangements.

Each agent must return promptly all sacks, or the value will be deducted from the amount of money which would go to the county.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 9th, 1865.

To the General Assembly:

While my mind has undergone no change as to the propriety of calling a convention of the people of this State, for the purposes specified in my message of 15th ultimo, which I am satisfied the people will require in future, and which I fear they may imperatively demand, at a time less favorable to calm deliberation in the selection of delegates of known patriotism and loyalty to our cause, and when less could be accomplished by its deliberations, I do not pretend to call into question the integrity or patriotism of the majority of the members of the General Assembly who have refused to adopt my suggestions upon this subject. The difference of opinions is doubtless an honest one, and I am content that the question, who is right, shall be answered by the developments of the future and the decision of the people, whom I am willing to trust with the management of their own affairs, and whose judgment, when pronounced, I am prepared to abide.

In the meantime it affords me much gratification to find that the General Assembly concurs with me, so far as I can judge from the action of the body, and the expression of members, upon almost every other recommendation and statement contained in the message in reference to our Confederate relations. While we may differ upon the question of the expediency of holding a convention at the present time, as the best corrective for abuses which are admitted by all to exist, it is the duty of every patriot to do all in his power to fill up, strengthen and sustain our gallant armies in the field, and to provide for the comfort of the families of our troops while in active service.

I have repeatedly ordered the civil and military officers of this State, with the police force in each county, to aid in the arrest and return of deserters and stragglers to their commands. But a short time since several hundred were arrested and sent forward under my orders in a single week. I find, however, that the civil officers of this State, who are by the statute exempt from military service, have responded too tardily to calls made upon them to discharge this important duty. I therefore recommend the adoption of a resolution, by this General Assembly, requiring all civil officers in this State, created by statute, to discharge this duty faithfully and promptly, and withdrawing from such as fail or refuse, all protection against Confederate or State military service. No class of persons can do more to rid their respective counties of deserters and stragglers than the civil officers, and they should be required to do this duty or to take, in the field, the places of those who by their neglect, are permitted to avoid the discharge of duty in this crisis of our fate.

I cannot refrain, before closing this communication, from congratulating the General Assembly, the country, and the army, upon the reported restoration of General Joseph E. Johnston to the command of which he was so unwisely deprived, at a most unfortunate period.

This act of justice to him and the country has been too long delayed, after it was demanded by the necessities of the service, by the army, the Congress, and the whole people. Yielding reluctantly it seems, to a demand which could no longer be resisted, the President has, as the public press informs us, again placed him at the head of the remnant of an army which was once raised by him from a condition of demoralization, to a high state of efficiency. While he assumes the responsibility with a devotion of a self-sacrificing patriot, under circumstances of a most trying character, the drooping spirits of the people are revived and their hopes reanimated by his return to the field. It is believed that thousands of his old companions in arms, who are now absent, will again rally around his standard, and clinging the more closely to him on account of the injustice which has been done him, will confront the enemy with renewed energy and determination.

Let the Conscript Act be repealed, as you have wisely resolved that it should be; let us return to the principles upon which we entered the contest; and let the whole country, with the spirit of freedom which animated them in 1861, rally around our glorious leaders, Lee, Johnston and Beauregard, who should be untrammelled by Presidential interference in the management of military campaigns, and we shall again triumph in battle and roll

back the dark cloud of despondency which has so long darkened our horizon and blighted our hopes.

Georgia has done her whole duty from the commencement of the struggle. She has furnished more than her quota of troops, clothed them when naked, in Confederate service, and provided subsistence for their families at home. Official reports show that she has lost more men, and paid more tax than any other State in the Confederacy. However much she may be misrepresented, and the motives of those who have conducted her councils and administered her Government, may be maligned by artful and designing politicians, both she and her public servants may proudly point to the sacrifices made and the results achieved as the highest evidence of loyalty to the cause.

I now appeal, doubtless with your concurrence, to Georgians, at home and in the field, while they demand the correction of abuses and maintain in sunshine and in shade, the old landmarks of State sovereignty and republican liberty against foes without and within, never to permit her proud banner to trail in the dust, nor the cause to suffer on account of their failure to strike with heroic valor in the thickest of the fight, till freedom is won and Constitutional liberty firmly established.

JOSEPH E. BROWN.

The following message was transmitted to the House of Representatives, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 11th, 1865.

To the House of Representatives:

I hereby return without my approval, the bill entitled “an Act to allow heads of families or their representatives to distill certain quantities of spirituous liquors in this State and for other purposes.”

The scarcity of grain is so great and the sufferings of the destitute in portions of the State likely to be so extreme, that I feel unwilling to give my sanction to the conversion of bread into spirituous liquors, except what may be absolutely necessary for medicinal uses. And I am satisfied that the quantity allowed by the bill is greater than the absolute necessities of the people for stimulants of this character demand.

I am also entirely satisfied that this bill, if it becomes a law, will operate a virtual repeal of the whole law of the State against illegal distillation, as it affords so convenient a pretext for the evasion of the law that it is not probable any conviction could be had in the courts after its passage.

Want of time, at this late hour of the session, prevents me from giving my reasons against the bill more in detail.

I return it and respectfully ask its reconsideration by the General Assembly.

JOSEPH E. BROWN.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MACON, GEORGIA,

March 11th, 1865.

To the General Assembly:

In response to your resolution of inquiry upon the subject of the purchase and shipment of cotton for the State, I beg leave to refer you to my message to the House of Representatives of 17th November last, which will give all the information in my power at present to furnish. Other purchases have been made since the date of said message, but the agents have not yet reported particulars to this Department, and as one of them is in Madison, it will not be in my power to communicate with him and receive the information prior to your adjournment. Full and accurate statements will be made up and submitted to the General Assembly at its annual session, in accordance with the usual customs in such cases.

No cotton has been shipped through the blockade since your adjournment in November, nor has any been lost since that date, in the effort to run out.

Cotton cards and blankets for the State have been shipped upon six vessels from foreign ports for Confederate ports. Four of these vessels have arrived safely and two have been lost.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 20th, 1865.

Ordered, That so soon as the railroad is completed to Atlanta, Captain Rodgers put the State teams to hauling from there to Marietta, where he will store and have guarded, corn for the destitute counties above there, to-wit: Paulding, Bartow, Cherokee and Milton, to the extent that they have been eaten out by the enemy. The corn to be delivered to the county agents in each case, as in case of former order, and that he notify the Inferior Court of each county that he can furnish a limited quantity to aid those now absolutely destitute. The part intended for Bartow he may haul to Allatoona, or as much of it as he can get storage for.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 20th, 1865.

Ordered, That all Quartermasters of the State who have corn in their possession in store, turn over to Captain R. L. Rodgers, on his application, such quantity from time to time, as may be necessary to keep the State teams under his charge constantly engaged hauling, and that forage enough for his teams be shipped to him by Capt. Hanks without delay, and that Capt. Hanks see in fu-

ture that enough is kept on hand at the upper terminus of the railroad for that purpose.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 22d, 1865.

Mr. A. Alexander, of Muscogee county, Georgia, has been appointed agent of the State of Georgia to ship from Nassau to Georgia, by way of the mouth of the Chattahoochee river, on any vessel which he is satisfied can safely enter there, all the cloth, ready-made clothing, shoes, blankets, buttons, thread, etc., which the State has stored at Nassau.

All persons with whom such goods are stored will deliver them to Mr. Alexander on his application. If he can not arrange storage at the time, he will carry out cotton to pay the storage, and the faith of the State is pledged for its payment, and if insisted on, a quantity of the goods sufficient to cover the storage may be retained till it is paid, but not more than enough, if sold, to bring the storage and other incidental expenses due on the goods.

In witness whereof I have hereunto set my hand and the Great Seal of the State, the day and year above mentioned.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 23d, 1865.

William T. Amos, of Randolph county, having responded to my call as a militiaman and having been detailed for duty in the Adjutant-General's office, and having been again ordered to report to Maj.-Genl. G. W. Smith as soon as his health will permit, is a member of the 1st Division Ga. Militia, in service, and is not subject to conscription while so in the service of the State. He is now on furlough and will obey orders only from State officers.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 7th, 1865.

M. L. Felton, having given bond and security payable to the Governor of the State for the faithful disbursement of whatever moneys may be placed in his hands to buy corn to be distributed under the 12th Section of the Act of Nov. 18th, 1864, and to purchase meat and other stores for the Commissary Department of this State, to be delivered at such times during the year as the same may be called for, is hereby detailed for twelve months next ensuing, for the militia service of the State of Georgia; and he is hereby appointed agent of the

State to make such purchases of corn for distribution among the destitute families in certain portions of the State as contemplated in said Section of said Act; and I do certify that said agency is necessary for the proper execution of the laws of the State of Georgia, for the purposes above named, and such agent is not subject to Confederate conscription while he holds this commission and acts as such agent.

Given under my hand and the
Great Seal of the State, the day
and year first above written.

JOSEPH E. BROWN,

Governor.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 13th, 1865.

D. G. Hughes, having given bond and security, payable to the Governor of the State, for the faithful disbursement of whatever moneys may be placed in his hands to buy corn to be distributed under the 12th Section of the Act of Nov. 18th, 1864, and to purchase meat and other stores for the Commissary Department of this State, to be delivered at such times during the year as the same may be called for, is hereby detailed for twelve months next ensuing, for the militia service of the State of Georgia, and he is hereby appointed agent of the State to make such purchases of corn for distribution

among the destitute families in certain portions of the State, as contemplated in said Section of said Act; and I do certify that said agency is necessary for the proper execution of the laws of the State of Georgia, for the purposes above named, and such agent is not subject to Confederate conscription while he holds this commission and acts as such agent.

Given under my hand and the
Great Seal of the State, the day
and year above written.

JOSEPH E. BROWN,

Governor.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 14th, 1865.

CONTRACT.

It is hereby agreed between Joseph E. Brown, as Governor of Georgia, and C. B. Munday, that said Munday with Frank Hancock as assistant, shaall take charge of the telegraph line between Milledgeville and Macon, which is, by agreement with the company owning said line, under the control of said Brown, and shall keep it in good working order and send promptly over said line all dispatches on State business of the different departments, and all dispatches directed to or sent by said Brown, free of charge. As compensation for ser-

VICES and keeping up the line, they are to have all the proceeds of the line received from business other than the business of the Government and State departments, as above mentioned.

Governor Brown retains the right and power to terminate this contract and resume control of the line whenever he thinks proper.

They are also to keep him posted on the latest army news.

JOSEPH E. BROWN,

Governor of Georgia.

(Signed)

C. B. MUNDAY,

For Munday & Hancock.

PROCLAMATION.

To the Officers and Members of the General Assembly:

The magnitude of the events that have occurred since your late adjournment and are now transpiring in our public affairs, affecting as they do so seriously the safety, security and welfare of the people of the State, render it highly proper and expedient that the General Assembly should be in session again at an early day to consider of the existing state of things, and to provide the best means which they in their wisdom, may be able to devise for meeting the exigencies of the times. The two most distinguished Generals of the Confederacy, commanding the armies upon which we mainly relied

for the defence and maintenance of our cause, having been compelled by overwhelming numbers to capitulate, it now devolves upon statesmen and patriots in the civil department of Government to do all in their power to prevent anarchy, restore and preserve order, and save what they can of liberty and civilization.

You are therefore hereby required to convene in extraordinary session at the Capitol in Milledgeville on Monday, the twenty-second day of this present month.

Given under my hand and the Great Seal, at the Capitol of the State this third day of May, 1865.

JOSEPH E. BROWN,

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 5th, 1865.

I hereby appoint and commission Leopold Waitzfelder as agent of the State of Georgia to proceed to England and by himself, or such agent as he may appoint, to ask, demand, sue for and receive from Henry Lafone of Liverpool, all moneys due to the State of Georgia for cotton shipped to said Lafone on vessels controlled by Col. C. A. L. Lamar as agent, or on any other vessels, and to do all lawful acts and things neces-

sary to the recovery of all sums of money due by said Lafone to the State of Georgia.

Given under my hand and the Great Seal of the State, at the Capitol in Milledgeville the day and date above mentioned.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 5th, 1865.

I hereby appoint and commission Leopold Waitzfelder as the agent of the State of Georgia to proceed to Nassau and have shipped to Europe, or such other place as in his opinion will enable him to get the best price for them, all blankets, shoes, cloth, soldier's clothing, buttons, trimmings and all other property of the State of Georgia stored with any one in Nassau, Bermuda, or other place abroad, and to sell and dispose of said goods to the best advantage.

In case any of the State's blankets, or other goods have been removed from Nassau, or other place where they were stored, by any one professing to act as an agent of the State, said Waitzfelder will demand and receive such blankets or other property from such agent; or if any of them have been sold, will demand

and receive the proceeds immediately, which said person is hereby ordered to pay over to him.

Said agent will first apply such part of the proceeds as may be necessary to pay off certain drafts on Henry Lafone, of Liverpool, which were drawn in payment for goods purchased of E. & L. S. Waitzfelder & Co., which are understood to be protested for non-acceptance, and he will hold the balance subject to my order.

Given under my hand and the Great Seal of the State, at the Capitol in Milledgeville, the day and date above written.

JOSEPH E. BROWN,
Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 5th, 1865.

Mr. L. Waitzfelder, who has this day been appointed agent of the State of Georgia to collect from Henry Lafone of Liverpool, England, all sums of money due the State of Georgia on account of cotton shipped to said Lafone, is hereby authorized, if he finds that it is not possible to collect all that is due on account of the failing circumstances of Lafone, or on account of the claim which he sets up against the State for the value of the Steamer Florrie, to make the best and most advanta-

geous compromise in his power with him, and save all he can for the State, and to give such receipts and execute such papers as may be necessary for that purpose.

Given under my hand and the Great Seal of the State, at the Capitol in Milledgeville, the day and year above written.

JOSEPH E. BROWN,

Governor of Georgia.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 5th, 1865.

Leopold Waitzfelder, of the city of Milledgeville and State of Georgia, is hereby appointed the agent of said State to proceed to England and ask, demand, sue for and recover all money or moneys in the hands of Charles H. Reid & Co., of the city of London, which they hold on account of cotton shipped to them by the State of Georgia and sold or held by them, and all sums due by them to said State on any account whatever.

Said Waitzfelder, as agent, is authorized to appoint an agent or agents under him, and to employ attorneys or solicitors, if necessary to the recovery, in the name

of the State or of her executive, of all sums of money due by said Charles H. Reid & Co., to said State.

In witness whereof I have hereunto set my hand and caused the Great Seal of said State to be affixed, the day and year above written.

JOSEPH E. BROWN,

Governor of Georgia.

MILLEDGEVILLE, GEORGIA,

May 8th, 1865.

In accordance with on Act of the General Assembly, assented to December 14th, 1863, authorizing the Treasurer and Comptroller-General to cancel certain Georgia Treasury Notes by issuing Treasury Certificates of Deposit for the same, (the Governor being absent, and by a joint resolution of the General Assembly, assented to November 14th, 1864, we being authorized to witness the burning of any Treasury Notes or change bills in the Treasury) the Treasurer and Comptroller-General this day exhibited to us forty-five thousand dollars of what are called eight per cent. Treasury Notes, and twenty-five thousand dollars of what are called six per cent. Treasury Notes, for which certificates of deposit have been issued by the Treasurer in terms of the law; and said Treasury Notes having been reported to us as cancelled on the books of the Comptroller-General's office, we hereby certify that the above described Treasury

Notes amounting to seventy thousand dollars, were this day burned by the Treasurer in our presence.

N. C. BARNETT,
Secty. of State

B. B. DE GRAFFENRIED,
J. I. C., B. C.

A. W. CALLAWAY,
J. I. C., B. C.

On the night of the 9th of May, 1865, Governor Brown was arrested by a detachment of Federal soldiers in the Executive Mansion and was carried, under guard to Washington City and there imprisoned, as were the Governors of other Southern States. Prior to said arrest Governor Brown had surrendered the State troops under his command and had given his parole, as Commander-in-Chief of said troops, not to conduct further hostilities against the United States Government till released from the obligation or exchanged and had received from Maj-Genl. Wilson, commanding Federal forces, the usual pledge of the faith of that Government that he should not be molested by the military authorities of the United States while he kept the parole and obeyed the laws of force prior to 1st January, 1861.

This surrender was made after the surrender of General Lee and General Johnston with their armies. It was not pretended that Governor Brown had violated his parole, and still the arrest was made by the military.

These facts were brought before President Johnson, who, after the Governor had been imprisoned nine days in Carroll prison and had been a week on city parole, decided that he was entitled to his discharge and released him.

The President, however, refused to recognize the State Governments which existed while the States were under the Confederate Constitution and appointed Provisional Governors for the Southern States to reorganize the State Governments. Hon. James Johnson of Columbus, was appointed Provisional Governor of Georgia, and on the 29th of June, 1865, Governor Brown issued an address to the people of Georgia in which he resigned his office into their hands. This he thought appropriate and respectful to them, as they had four times honored him with their suffrage for the highest office in their gift.

Below is a copy of the address.

MILLEDGEVILLE, GEORGIA,

June 30th, 1865.

To the People of Georgia:

I feel profoundly impressed with a sense of the obligation which I am under to you for the manifestation of your kindness and confidence which I have so often received. At four different elections you have honored me with your suffrage for the highest position within your gift, and I have, to the best of my ability, represented you in the Executive office for nearly eight years. While my duties have often been of the most laborious and trying character, I feel the consciousness that I have

labored with an honest purpose to promote your best interests. That I have committed errors is not denied; that they have been intentional, your conduct has shown, you did not believe.

During the period of my administration the country has passed through a most trying ordeal. The great question at issue between the North and the South, having failed to find a peaceful solution in the forum of reason, has been submitted for decision to the arbitrament of arms, and the judgment has been against us in the highest tribunal known among nations. The contest has been long and bloody. Each party has learned to respect the manhood and the chivalry of the other. But the South has been overcome by the superior numbers and boundless resources of the North. We have no further power of successful resistance, and no other alternative but to accept the result.

The Government of the United States, having refused to recognize or tolerate the State Governments which have existed under the Confederate Constitution during the struggle, has ordered the arrest of the Governors of these States. I was arrested and imprisoned, after I had surrendered the Georgia troops and militia, and have given my parole upon the same terms allowed to General Lee and General Johnston, and have received from the Major-General, to whom the parole was given, the usual pledge of the faith of the United States that I was not to be molested so long as I observed the parole and obeyed the laws of force prior to 1st January, 1861. Upon the facts being brought before the President of the United States, he ordered that I be released upon my parole and permitted to return home.

I am embraced in one of the exceptions in the President's amnesty proclamation. I have received no pardon, nor have I taken any oath, nor am I permitted to resume the exercise of Executive functions. I was in the Executive office prior to the commencement of the war and by the Constitution of the State then in existence, it is declared that I shall hold till a successor is chosen and qualified. I have felt it my duty to announce these facts to you, and as I can be of no further service to my State by attempting to hold the office of the Governor, I hereby resign it into the hands of the people who have so long and so generously conferred it upon me.

While taking my leave of you and retiring to private life, I trust it may not be considered inappropriate for me to add a few remarks upon what I consider the true interests and the duties of the people of Georgia in the present hour. I have lately passed through several of the Northern States and have been in some of their largest cities I have read the newspapers closely; have had interviews with public officials high in authority, and have taken pains to ascertain both the policy of the Government and the popular sentiment of the country on the subject of emancipation of the slaves of the South, and I beg to assure you that there is no division of opinion upon the subject of immediate abolition. It is decreed alike by the people and the Government. They have the power, and they are determined to exercise it and to overcome all obstacles which we may attempt to throw in the way. Indeed, they treat it as an accomplished fact, under the proclamation of the late President, issued as war measures necessary to the life of the Government.

As matters now stand, to fight against it is to contend against manifest destiny. Besides, slavery has been so disturbed and the slaves so demoralized during the war that it is a matter of great doubt whether they could ever be kept in a state of proper subordination, and the institution made profitable in future.

Under these circumstances the question arises, what shall we do? Nothing we can do will prevent the result, and it is my deliberate opinion that any effort on our part to thwart the will of the Government on this great question will only add to our miseries and our misfortunes. The statesman, like the business man, should take a practical view of the questions as they arise, and do for those dependent upon him the best that can be done under all the circumstances by which they are at the time surrounded.

Applying this rule to our present condition, and remembering that revolution and war often sweep away long established usages, demolish theories and change institutions, it is, in my judgment, best that we accept the fate imposed upon us by the fortunes of war, and that we give up slavery at once, by the action of the convention, which it is supposed will assemble under the call of the Provisional Governor appointed to re-organize the State Government; that we organize a system of labor as speedily as possible which will be alike just to the late master and slave; that we return to the Union in good faith, and do all in our power as good citizens to relieve the distressed, repair the damages which have resulted from the contest, and restore permanent

peace and prosperity to the whole country under the old flag, to which all must again look for protection, from the Atlantic to the Pacific.

As I will give no advice to others which I will not practice myself, I shall immediately do all which the Constitution and laws of my State will permit, to emancipate my own slaves, and shall treat them as free, and give them part of the crop or such other wages as may be agreed upon, for their future labor.

During my sojourn there, I found, among the people of the North, much less bitterness than I had anticipated towards the people of the South. If we act prudently, and do nothing to cause unnecessary agitation or to provoke angry and unprofitable discussions, I think there are strong reasons to hope that a sentiment of justice and liberality will prevail so soon as we have given up slavery, and the passions engendered by the unfortunate and wicked assassination of the late President have had time to subside.

In making up their judgment, upon cool reflection, it should be remembered by just men of the North that they are sitting as judges in their own cause; that their adversary's side of the question has ceased to be represented or heard, and that if they will restore unity, harmony and permanent prosperity to the whole country they must, while flushed with victory, exercise magnanimity to their fallen foes, whose heroism they are obliged to respect. Otherwise, though held in the Union by force, they could not expect the people of the South and their posterity to meet them in future as friends and embrace them as fellow citizens. I trust their good practical

sense will teach them this, and that moderation and wise counsels may in future prevail on both sides.

Foreign nations have looked with astonishment upon the immense strength put forth by the two sections during the war, and they cannot fail to understand the invincibility and power of the Government, which unites in harmonious concert the whole strength of the two gigantic belligerents, while they would readily appreciate the diminished strength of this great power if roots of bitterness are constantly springing up and bearing the fruits of discord and sectional hate.

When slavery has been abolished I believe the present Chief Magistrate of the United States who, having sprung from the mass of the people and by his industry, energy and ability having passed through almost every grade of office from the lowest to the highest, may justly be styled a representative man, will cast his immense power and influence into the scale of equal rights and popular Government, and will leave the States when re-organized, the undisturbed management of their own internal affairs, including the questions of suffrage, police, the regulation of labor, etc. I therefore recommend the people of Georgia to give his administration a generous support.

I also recommend every citizen, who is allowed to do so, and who expects to remain in the country, to take the oath and qualify themselves as voters under the rules prescribed by the President. What will be the result? The few who do qualify, whatever may be their character, will elect delegates of their own number to represent their respective counties in the convention which is to

shape the Constitution of the State for the future government of all. I think all should take the oath and observe it in good faith, and do all they can to elect their wisest and best men as representatives, that all the different interests of the State may be protected as far as possible, and her honor and credit maintained against unwise and unjust legislation. Many conscientious men object to taking the oath, because they believe the proclamation and Acts of Congress during the war on the subject of slavery are unconstitutional, and they are not willing to swear to abide by and support them. It must be remembered that the late proclamation of President Johnson tenders pardon to all who are not excepted, if they take the oath. The pardon then is *conditional*, and while the President does not interfere with any ones opinions on the Constitutional question, he requires, as a condition to the extension of clemency, that he who receives the pardon and is allowed to retain the balance of his property, shall give up his slaves.

The proclamation of President Lincoln declared the slaves to be free. To abide by and support it is simply to treat them as free. Every intelligent man in Georgia who has taken the pains to investigate the question, must see that slavery is now at an end. The oath simply requires that each so treat it. The other portion of the oath is not objectionable. Every man should be willing to support the Constitution of a Government if he intends to live under it and act the part of a good citizen. If he does not, he should seek a home and protection elsewhere.

I will only add in conclusion that I shall carry with me into my retirement a lively appreciation of the gener-

ous confidence which you have so long reposed in me, and my constant prayer to God will be for your prosperity and happiness.

I am, very respectfully,

Your fellow citizen and

Obedient servant,

JOSEPH E. BROWN.

Milledgeville, June 29th, 1865.

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