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LETTER

OF

GOVERNOR PEIRPOINT

TO HIS EXCELLENCY

THE PRESIDENT

AND THE

HONORABLE CONGRESS OF THE UNITED STATES,

ON THE SUBJECT OF

ABUSE OF MILITARY POWER IN THE COMMAND OF GENERAL BUTLER IN VIRGINIA AND NORTH CAROLINA.

WASHINGTON, D. C.:
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To His Excellency the President

and the Hon. Congress of the U. S.:

Gentlemen: It is a most painful necessity which has made it imperative on me to call your attention to the abuses of military power in Virginia. I have exhausted all the means known to me without success, to redress these wrongs. Your time is so much occupied that it is impossible for me to go to you individually and relate the contents of the following pages. Having so many other duties to perform, to economize time I have adopted this method as most convenient to myself, with a desire also to consult your convenience, hoping that you may find a leisure hour to look into the subject here presented.

In addition to what is herein stated in regard to General Butler's department in Virginia, I assigned to myself the task of stating some facts in regard to the military administration of General Slough in this city of Alexandria during the last eighteen months; but as General Slough's case has been referred to the Committee on the Conduct of the War, it may be considered premature for me to present the facts until that committee has had an opportunity to fully investigate the subject. I have only presented a few of the cases at Norfolk, and could only do so of those in Alexandria, without swelling this pamphlet to too large proportions. In Alexandria arbitrary power has taken a less range than at Norfolk, but in some of its exercise it has been more damaging to the principles of our

organic law. What I mean by arbitrary exercise of power, *is a capricious exercise of power outside of the rules of war* in a manner to justly render the military authority obnoxious to the friends of the Government and the Union cause.

With a most ardent desire for the welfare and safety of our common country, and in the discharge of a most solemn duty I owe to those whom I represent, I submit this subject to your enlightened and patriotic consideration.

F. H. PEIRPOINT.

ALEXANDRIA, VA.,
April 18, 1864.

LETTER.

On the 13th day of April, 1861, the Virginia convention went into secret session. Hon. W. T. Willey, now United States Senator, wrote to his friends at Morgantown to prepare for war—the State would secede. They must look for the worst. On the 22d of the same month a mass meeting was held at that place; that being court day, it was expected that speakers on both sides would be present, to address the people. A delegation of four hundred Union men came from the east end of the county. Before they came into town they halted, and passed a resolution with General Jackson's oath, that no secessionist should speak in town that day. They kept their oath. At one o'clock, with drum and fife, and national flags carried by different delegations, flags displayed from almost every house, ladies and children welcoming, the procession was formed, which paraded the streets for an hour. The stand in the public square was erected, the masses gathered around, appropriate resolutions were adopted, two speeches were made denouncing secession and the conspirators. The crowd refused to disperse, and called one of the speakers back to the stand. Several old soldiers of 1812 were there. One of them in great earnestness, said: "You must tell us what to do." "Do!" said the speaker. "Don't in your wrath kill any of these secessionists, who, like spaniels, are slinking around town. They want to be martyrs in a small way, to make capital for their cause, and get an opportunity to punish you or incarcerate you in a dungeon. We can't spare you in that way. Go home, call your children around you. If any are married, call them and your grand-children. Tell them that with your strong arms, you and they have cleared out your farms, built your houses, and filled them with the conveniences of life. Point them to your barns and your stock; say to them that this is the product of the hard earnings of white men

who never owned a slave ; that now the slaveholders of the east, with the traitors in the west, are seeking to appropriate it all for the greater security, as they say, of their slaves. Say to your children, no ; their object is to enslave the laboring white man, and to use your strong arms and all our substance to accomplish their wicked purpose. Then tell them to get their guns in order, and then in reunion let all, meekly kneeling around the family altar, promise before God to stand by the flag and Constitution of our fathers, and to defend it as long as life lasts. Then ask God, for the sake of his son, to seal your covenant in heaven, and give you grace and courage to defend your section and country from the prey of the negro-ocracy of the south. That's what DO."

Upon this charge being received, the teeth of old men and young men chattered with rage, and they shouted, "we will DO IT."

A similar spirit and similar advice was given all over Northwestern Virginia. The people rallied, a great meeting was called by both parties at Fairmont, the center of secessionists, on the first Monday in May. Both parties were there in their strength ; both flags were flying ; fist fights commenced before nine o'clock. By two, both parties had speaker son the stand ; secesh in the court house, Union out of doors. Before four, the secesh attempted to break up the Union crowd, and the Union men whipped them in a fair fist fight of not less than eighty on a side. This broke the spirit of secession in West Virginia, and it has been under cow ever since.

The first Wheeling convention was called under the auspices of the Hon. John S. Carlisle. The second was called, the State government reorganized and recognized by the Government of the United States as the government of Virginia, I think wisely and rightly. The restored government put upward of eighteen thousand Union soldiers into the field during the first two years of the war. West Virginia has put in some three thousand since, in addition to which, a large number of the old troops have re-enlisted. These troops were as brave and as true as any who ever drew a trigger. The bones of many of them are now bleaching on almost every battle field, from the Peninsula to Vicksburg.

The State was divided by the consent of the Legislature and Congress. The officers and people indorsed the President's proclamation of emancipation, the policy of enlisting

negroes in the Army, and the currency and the five-twenties. While West Virginia has put the troops above named into the field, her people have subscribed for a greater amount of the five-twenty loan than the State of Rhode Island, though one fourth of the territory is yet overrun by guerrillas; and Norfolk has established a national bank, with a capital of $100,000, and the amount all paid in.

After the division of the State, I consented to be elected Governor of the State, with the distinct understanding that I would govern it as a free State. The General Assembly was called together; it passed a bill providing for a constitutional convention; the members of the convention were elected by the people. The convention met on the 13th of February, 1864, in the city of Alexandria, and on the 10th day of March, with but one dissenting voice, adopted an amendment to the constitution abolishing slavery and involuntary servitude in the State forever.

The mode of organization of the State is complete, and as soon as the rebels are driven out, I expect to organize every county with loyal officers, under the old flag and a free constitution, without one cent of charge to the Federal Government.

I had the honor of acting as Governor of Virginia for two years, with the seat of government at the city of Wheeling. Troops were assembled there, mustered into the service of the United States, and sent to the field. Troops from other States passed through the city. The police regulations were, I think, about as good as they are in Norfolk and Alexandria. I had a small military force of two companies, with Major Darr for commander of the post and provost marshal. The military patroled the city, and when disorderly soldiers were found, they were arrested and sent to the guard house. When disorderly citizens were found, they were arrested and handed over to the civil authority. When soldiers were passing through or stopping in the city, the places where liquor was sold were ordered to be closed. When the exigency passed the prohibition was removed. I had intercourse constantly with General McClellan, while he was there; with General Rosecrans, who succeeded him; then with General Fremont; then General Schenck, and General Cox, General Scammon, and all the time with General Kelley. The intercourse was of the kindest nature, always on their part showing every disposition to assist in building up the civil government, and establishing the authority of law. A question was started as to where the military authority

stopped and the civil began. The first case that occurred was the shooting of one soldier by another, at Parkersburg. The case was referred to me. I answered, the military could try by court-martial, or the offender could be handed over to the civil court. The latter course was adopted. The jury did not hang him, but awarded him ten years in the penitentiary. He is now expiating his crime. All similar cases took the same direction. Harmony has always existed between the civil and military authorities in West Virginia. The result is a prosperous people, where they are safe, and the great majority truly loyal, feeling that the government is a blessing.

I make these prefatory remarks to you, gentlemen, merely to impress upon your mind the fact that I am not a late adventurer in this rebellion, and a stranger to civil and military rule working together; but to remind you that I have been right in the midst of the rebellion since the commencement, and know of what I am writing, thereby hoping to call your serious consideration to the condition of things on the Potomac, Chesapeake, and Albemarle Sound. I now promise you that the information I give you, I do not expect to be pleasant, but it is no less true and painful to me. I do it in the discharge of high official duty, believing that you do not understand the extent to which military power is abused.

In connection with the movement in Western Virginia, I desire to make a single remark. In the border counties of Pennsylvania and Ohio, now represented by the Hon. Messrs. Dawson, Lazeer, White, and Morris, there was and still is a powerful secession element, ready to join the army of Jeff. Davis had they an opportunity. In the fall of 1862, they gloried in wearing butternut breast pins, and at their public meetings indulged in the refined exercise of lapping out their tongues in imitation of copper snakes. So bitter were they in their denunciation of the movement of the restored government of Virginia, both in Pennsylvania and Ohio, that I gave orders if certain leaders came into Virginia to arrest them and send them out of the State, as not safe to circulate there. If Western Virginia had gone into the rebellion with spirit, she would have involved the whole border of western Pennsylvania and southern Ohio, and God only knows what the result would have been. The masses of a great and time-honored party had been taught by their leaders that pro-slavery, secession and democracy were all the same, and the highest duty they owed their country was to oppose Abraham Lincoln, abolition, and the

Union. But fortunately for the country, many patriotic democrats came forward with a large number of the rank and file, and declared to the world that democracy, as they understood it, had a far different meaning, and have demonstrated the sincerity of their pretensions on many a hard fought battle-field, and are now shoulder to shoulder with the sincere Union men of all parties. Future generations will admire them for their courage in recognizing country before party.

By the act of the General Assembly, I was authorized to establish the seat of government in the bounds of the old State when West Virginia was organized. I fixed it at Alexandria. The county and municipal laws of Norfolk and Portsmouth and Norfolk county were put into operation about the 1st of June, 1863, by the election and qualification of proper officers, under the restored government of Virginia. Each officer, before entering on his duty, was sworn to support the Constitution of the United States as the supreme law of the land, and the laws of the restored government of Virginia—anything in the ordinance of the convention which assembled at Richmond on the 13th of February, 1851, to the contrary, notwithstanding. Lawyers, doctors, merchants, and every person doing business under a license, and clerks in stores, were required to take the same oath. Accomac and Northampton, Alexandria and Fairfax had been organized before that time. General Dix, with General Viele, commanded at Norfolk. I saw but little of them. General Foster succeeded. I found him to be a soldier, every inch, and after we got acquainted, were strong friends, as far as I know. General Naglee I pass over. General Lockwood commanded in Accomac and Northampton. I found him as true as steel, working faithfully to restore law and order, ready on all occasions to do his duty in assisting the civil government to establish its ascendancy, for which I commend him. In November, General Butler was appointed to the command of the eastern district of Virginia and North Carolina. I sighed when I heard it—I remembered New Orleans. There was short rejoicing at Norfolk among the ultra Union men; but in a short time the wail of woe came up. I was satisfied he was going to abrogate civil government if he could; that Unionism availed nothing if it lay between him and his object. That he was the seventh vial poured out to try the faith of the saints.

I visited Norfolk about the last of December, and fully

realized my apprehensions. Among the first orders General Butler issued, when he went to Norfolk in November last, was one threatening punishment to any person who used any disrespectful language to any officer or soldier in the Union army. Next was an order directing all permits granted by his predecessors fo be returned to him. Then came an order charging one per cent. on all goods shipped into his military district, to go to the support of the *provost marshal's fund.* All vessels clearing from his district pay from five to fifteen dollars according to size, to the same fund. Oyster men were taxed from fifty cents to one dollar per month for the privilege of taking oysters; if in one field, fifty cents, if in two, one dollar. The provost marshal's court was fully established, trying causes in controversy, from one dollar to writs of ejectment; judgments rendered in land cases, and writs of possession given in five and ten days from date of judgment. One man, unable to pay a large judgment rendered against him, was placed in a felon's cell in jail and a guard put over his house. Costs, on about the scale of a civil suit in court, with a percentage, for collection were charged, bringing money into the *provost marshal's fund* in a stream. Rebels, whom he had forced to take the oath to support the Constitution of the United States, but who would not take the oath to support the restored government of Virginia, would go to this provost court to have their judgments against their neighbors, and for the further reason that they paid no internal revenue if they went to the provost court. But if they went to the civil court before bringing their suit they had to take an oath to support the restored government of Virginia and pay for an internal revenue stamp, which went into the United States treasury. The provost court saved all this, which was distasteful to rebels. This same provost court was issuing prohibitions forbidding tax collectors to sell rebel property levied on for State and city taxes. While I was there the provost marshal turned two men out of jail who had been committed by a justice for a misdemeanor or a felony, and were awaiting their trial before a court of competent criminal jurisdiction.

I left Norfolk about the 30th of December, sick, mentally and physically, and come to this city; some time afterwards I wrote General Butler a letter, calling his attention particularly to the abuses above alluded to, asking his co-operation in establishing the civil government, stating the opposition of the secessionists, and their desire to break up the civil rule. I also called his attention to military interferences

with the city regulations of the markets, and reminded him that his provost court could make no sale of real or personal estate on its judgments and executions that would pass any title to the property sold. That a provost marshal's court was not the kind of a court contemplated in the Constitution of the United States in which a party could not be deprived of his property by due course of law.

The General replied to my letter, expressing a desire to sustain the civil government; and in regard to his provost court, said "that no debts shall be collected save against those who are in rebellion against the United States in favor of loyal citizens, and when the property might escape from the *honest* creditor by reason of *confiscation.*" In regard to the civil laws, he remarked: "The difficulty I find is that there are all the civil officers there known to the law, and none of the Government." He further said, "in regard to the stalls in the market, I have only directed an interference to prevent a collection by the city government of a year's rent in advance, which would virtually close the market and stop supplies to my troops."

As I shall hereafter refer to this provost court and the markets, I shall not comment further on these extracts here. In regard to the officers of the civil government, without the government, it is easy to be seen that the best men in the world would be discouraged in the execution of the civil laws when there was a provost marshal in the city releasing criminals, forbidding sales, assuming concurrent jurisdiction in everything, and threatening to imprison the civil officers; and as to securing debts of honest creditors against debtors in rebellion, I informed the General that there was the Court of Hustings of the two cities, the Circuit Court, and the District Court of the United States, all open with full jurisdiction in all cases, and by the laws of the State any person in rebellion was a non-resident for purposes of attachment, and that the attachment was a lien on real estate from the date of issue, so there could have been no reason for his provost court.

The next thing I heard was that Tazwel Taylor, of the city of Norfolk, was summoned to the council of the General to consult about the civil affairs of Norfolk. The Mayor was summoned also. When the Mayor went, who is a true and loyal man, he found, to his surprise, Tazwel in the room with the General. The General decently cat-hauled the Mayor for about one hour on the affairs of the civil government of the city in the presence of Tazwel Taylor, and

through his promptings, much to the chagrin of the Mayor. Tazwel Taylor was the worst rebel in Norfolk, the agent for taking the confederate loan there; took $15,000 of it himself, and bullied others to take, until he raised about $75,000; was an aid on Magruder's staff while the rebels occupied Norfolk, and the most offensive rebel in the city to Union men, because he was the chief adviser of the rebels. Now, he becomes General Butler's adviser as to the restored government in the city. This may seem strange when you take General Butler's ultra views into consideration, but it is true. The General's letter was dated 10th of January, and his provost court is still in operation. The last civil case I heard of was the trial of a *habeas corpus* case, determining the custody of two children between husband and wife.

But to show the hollow pretense of taking care of Union men's rights: Harrington and Boyle, loyal merchants of Baltimore, brought suit and obtained judgment, in the Circuit Court of Norfolk city, against a rebel in arms against the United States. He had real estate in Norfolk city, and there was an order of sale, under an attachment duly issued. The order of sale, was directed to the city sergeant; and that those of you who are lawyers may see how easily a provost marshal issues a writ of prohibition, I will here insert the writ in full:

NORFOLK, VA., *March* 1, 1863.

SIR: You will not sell at auction the house and lot on corner of Cumberland and Wolf streets, belonging to James Campbell, and now occupied by Wm. Barrett, on Tuesday, the 3d of March, at 12 o'clock, to satisfy an execution in your hands, as you have advertised to do for a few days past.

By order of

LIEUT. COL. WHELDON,
Provost Marshal.
GEORGE P. EGAN, *Capt. & A. D. C.*
Deputy Provost Marshal.

To W. R. JONES, *Sergeant,*
Corporation Court, Norfolk, Virginia.

On the third of March he issued another in the same case, commanding him to respect the order of the first. Can there be a more flagrant usurpation of power than this? The man Bennett, who was living on the property, was a

rebel; the owner was in rebellion, and this is the court that is to secure protection to loyal men of the North, lest the Government of the United States should cheat them out of their just debts. And this is only a sample of others. Immediately on the issuing of this order, Judge Sneed, of the Circuit Court, wrote a letter to General Butler protesting against interference with the processes and orders of his court. On the 23d of this month Judge Sneed had no reply; so this is the act and order of General Butler. This provost court takes cognizance of all cases of drunkenness, or other violation of city ordinances, has the party arrested, brought to his court, fines inflicted and paid into the *provost marshal's fund.*

I was informed in December that the sale of liquor by importers into Norfolk was going to be made a monopoly, and only a few were going to be allowed to sell. I heard more, but it was so incredible and discreditable that I could not believe it. I propose now to give you a few cases, though incredible as they may appear, truth requires their publication.

DANIELS & ZANTZINGER'S CASE.

This firm was one of the largest in Norfolk engaged in selling groceries and liquors and wood. About the first of January an officer called at their store and asked them how much liquor they had in the *store.* They replied about fifteen barrels. He examined the loft and cellar and found their statement correct. He then asked them how much they had in the shed. They told him he could go and see, and directed their clerk to go and show it to him. He went and found thirty-eight barrels there. He reported. They were immediately summoned before the provost court on a charge of fraudulently concealing from the officers of the United States the amount of whisky on hand; and it was mentioned in the charge, by way of recital, that the whisky was passed into the department, and being fraudulently retained, to the prejudice of good order and military discipline in the department. I here give the charge and evidence before the provost court.

UNITED STATES
vs.
ZANTZINGER & DANIELS. } *In the Provost Court.*

Charge.

Fraudulently concealing from the officer of the United States Government an amount of whisky consisting of fifty-three barrels, being an amount over and above the invoice given, upon due demand, to the lieutenant of the provost guard of the city of Norfolk. The said whisky being fraudulently passed into the department, and being fraudulently retained to the prejudice of good order and military discipline in the department. This at Norfolk on or about the 1st of January, 1864.

Testimony.

Lieutenant Wood being duly sworn, says: About the 1ts of January last I was commanding provost guard; was ordered to go and get an inventory of the liquor of Messrs. Zantzinger & Co.; asked them for a list of liquors on hand, and they gave me the one now in court. There are some fourteen or fifteen barrels of liquor on that list which were in the store. I asked Mr. Daniels if there was any liquor in that shed which was on the premises near the house; he told me I might go in and look for myself; went in with one of their clerks and examined; found fifty-three barrels of whisky, and other barrels of pork, fish, &c.; the whisky was covered over with hay and loose hay; Daniels told me he did not intend I should find any whisky, as he did not want any one to know that they had such a large supply on hand; if it was known they had so much on hand they could not get their price for it; also, said the whisky had been moved from the store house and put into the shed because the foundation of the store was weak and liable to give away under so great a pressure in the second story, where the whisky was; he said it was covered over with hay because the negroes were about there constantly at work, and they wished to conceal it from them; this shed seemed to be a place where hay, barrels of pork, fish, and many other things were kept.

Sergeant Holcombe, being duly sworn, says: Was one of

the provost guard on or about the 1st day of January last past; searched the shed on the premises near the store of Zantzinger & Daniels for whisky; found a large number of barrels of whisky in the shed covered over with loose hay and hay in bales; it seemed to be a place where hay, barrels of whisky, pork, and fish, and many other articles were kept.

George P. Kneller, being duly sworn for the defense, says: I have lived in Norfolk many years; am a State officer, inspector of provisions; have been acquainted with the business of Zantzinger & Co. for a number of years; they have always been large dealers in liquors, groceries, lumber, &c.; they had a very large supply of liquor at the time the rebels were here, and about the time they left; I know they had several hundred barrels of whisky on their premises; a short time before General Viele left this department I saw four four-horse Government wagons haul two loads each of barrels of whisky from the custom house to their store, protected by a Government guard; this liquor was some that was confiscated and purchased of the Government by Zantzinger & Daniels.

William Knight, being duly sworn for the defense, says: for a little more than than six months last past I have been a clerk for Zantzinger & Co. When I came there they had a large quantity of whisky on hand. They have received no whisky from any source since I have been living with them. If they had received any since I have been with them I should certainly have known it, as I am cognizant of all their business matters. I have not been employed there except in the day time; my duties have not kept me there at night, but I know that all the liquor on their premises was there when I came there to act as clerk. They built the shed to relieve the foundation of the store of too much weight, and put the whisky in the shed with other goods, as soon as it was finished.

Frank Smith, being duly sworn for the defense, says: I have been in the employ of Messrs. Zantzinger & Co., as night watchman, for nearly a year last past; I was employed in that capacity on the 18th of February last, and have been so engaged ever since; my habit has been to go on duty when they close business for the day, and to stay all night; I am not there during the day; my instructions from Mr. Zantzinger were not to allow any one to land liquor at their wharf while I was there on duty; no article of any kind ever came to their premises at night while I acted as watch-

man—liquor or anything else, except upon one occasion. One night some sailors from a schooner lying in the stream, came ashore there with a lot of whisky, as they said, in bottles. They got ashore there before I saw them, and were passing through the yard towards Wide Water street, when I hailed them; they begged me to let them pass through. I told them to get away from the store as soon as possible, which they did; neither Zantzinger or Daniels knew anything of the matter; Zantzinger told me if I allowed any one to land liquor there he would shoot me. They paid me forty-five dollars per month which I was anxious to receive for the support of my family, and I obeyed the irinstructions very strictly so as to keep my place.

Lieutenant Sewall, being duly sworn, says: I am in the revenue service. My duty for a long time has been to examine vessels and cargoes bound to Norfolk. I have been very strict and as active as possible in searching vessels for contraband goods. I have suspected vessels consigned to Zantzinger & Co., with having contraband goods concealed on board, but upon diligent search and inquiry have always found myself mistaken. Some two months ago, Mr. Daniels remarked to me, in speaking upon the subject of smuggling whisky, they had no motive for being engaged in such practices, inasmuch as they had more whisky then on hand than they could dispose of. At his request, I went up stairs to look at what they had. I saw a very large quantity, in barrels, marked "cider vinegar," at least those I saw were so marked. I think at the lowest calculation, there was one hundred barrels, and I should not be surprised if what Mr. Daniels stated at the time was correct, they had three hundren barrels then on hand. I have examined the barrels of whisky found in Zantzinger & Co's shed covered with hay. It is my deliberate opinion, founded upon strict inquiry, that the whisky found there is no part of that brought to Norfolk by the brigantine "Judge Hathaway," concealed under the coal, supposing the "Judge Hathaway" did actually bring any to Norfolk. I felt quite certain at one time that the brigantine had brought smuggled liquor to Norfolk, and that Zantzinger & Co. received it; but I have had reasons to change my mind on that subject. Col. Whelden, the provost marshal, aided me in making inquiries into the matter, and we both came to the conclusion that Zantzinger & Daniels were not implicated in the matter of any liquor brought in the "Judge Hathaway," if any was brought, which seems doubtful. I want it understood, that

in all the action I have taken in this investigation, my feelings have been enlisted in behalf of the Government, by whom I am employed, and that I have not been and am not influenced in the least by any friendship for Zantzinger & Co. On the other hand, I have not sought to injure them any more than my duty might require me to do so.

W. W. Wing, being duly sworn, says: I am the postmaster of Norfolk. Have known Zantzinger & Daniels many years. Some two or three months ago, the time not very certain, I was at their store. Daniels remarked to me that he had been very busy all the morning removing whisky from up stairs. He said that it was too heavy to be on the second floor, which was weak, and he had removed it to the shed. I saw them moving quite a number of barrels into the shed. I told Daniels that some one would steal all the whisky out of the shed, as all that was necessary was to take off a few boards and go in. He said he reckoned there was no danger, as it would be covered over with the hay, and there was a watchman about the premises all night. I know that Zantzinger & Co. have had a good deal of liquor on hand for a long time. At the time of, and since the evacuation of the city by the confederates, they had quite a large quantity on hand.

—— —— *Clark*, being duly sworn, says: I have been one of the wharf guards ever since the troops came to Norfolk. A large part of the time I have been on guard at Zantzinger's wharf. Nothing was ever brought there at night to my knowledge, nor have I ever heard of any thing being brought there at night. I do not think any contraband goods could have been landed there at night without my hearing or seeing something of it. Such matters have always been mentioned by the members of the guard to each other, and I should probably have known in some way that contraband goods had been landed there, if such had really been the case.

Mr. Dunn: I am U. S. Collector; the license shown me is one issued from my office to Messrs. Zantzinger & Co.; it was issued the 21st of August, 1863; they told me at the time they had a large supply of liquor on hand; they were open and candid in regard to their having large quantities of liquors; they made no efforts at concealment.

Col. Dulaney: I have bought a good deal of liquor of Messrs. Zantzinger & Co. within the last four or five months; they have always stated to me that they had large quanti-

ties on hand; they sold it publicly, and apparently did not care who knew they had it. [Col. Dulaney is in the regular army of the United States.]

Capt. Croft: Have talked with Messrs. Zantzinger & Co. about their having liquor for sale; asked them if they sold to soldiers; they said they neve rdid; said they had a large amount on hand; there was no sign of concealment.

Mr. Allatt: This January one year ago, was in the store of Zantzinger & Co.; saw a great many barrels marked "cider vinegar." Daniels drew whisky from barrels among the lot, and handed me a drink; there must have been some seventy or eighty barrels marked "cider vinegar," which I understood to be filled with whisky.

Captain Drummond: At the time of the evacuation of Norfolk I remember that Zantzinger & Daniels had quite a large quantity of liquor on hand; I think I saw some two hundred barrels in their store, some up stairs, some down.

Lieutenant Wood (recalled): When I called at Messrs. Zantzinger & Co.'s store, I asked them, as I remember, what liquors they had in their *store.* They gave me an inventory which I think is correct. I then asked them what they had in the shed. Daniels replied, "go in there and see for yourself." They sent a clerk in with me. They did not say they had no liquor in the shed, they said nothing about the liquors in the shed till I found it, except "go in and examine for yourself." The first barrel I found under the hay I asked the clerk what it was he; said it was whisky.

The testimony closed here. One hour was required for consultation; verdict at the end of the hour: Fine one thousand dollars, whisky confiscated and sold at auction on the public streets of Norfolk, about the 20th of January, for upwards of $14,000. Yes, I say, fourteen thousand dollars. Now I ask the impartial judgment of any man living, on that testimony, after they had paid their city, State, and United States license, what is there in the case to inflict this punishment? What military order was pretended to be violated? But you will mark, it was publicly known they had liquor in the shed; the officer knew it. He seems to be playing sharp; asks them "how much they had in the *store?*" They answered correctly. "How much in the shed?" "Go and see; clerk, go with them." Were they criminal in having it to the prejudice of good order and

military discipline? Was it smuggled? Look to the record. With the verdict the following order was issued:

HEADQUARTERS PROVOST MARSHAL'S OFFICE,
DISTRICT OF VIRGINIA, NORFOLK, VA., *January* 16, 1864.

Messrs. ZANTZINGER & Co.:

I am ordered to instruct you that you will be allowed to sell your stock of goods now on hand, but you will not be allowed to increase your stock by purchase or otherwise, but will sell out with a view of closing business.

Signed, CHAS. M. WHELDEN,
Lt. Col. and Provost Marshal, Dist. Va.

But the *animus* of General Butler can only be seen by connecting this case with

HODGINS'S CASE.

In November, 1863, Hodgins bought a stock of hardware of a man by the name of Hartshorn, who was trustee for an old firm which failed before the rebellion. The hardware was in a storehouse belonging to William E. Taylor, who was in the rebel army. Mrs. Taylor, his wife, resided in Norfolk. Hartshorn had rented the house from her. Hodgins continued to occupy the house at fifty dollars per month, and paid her that sum for the month of December. Sometime in December Major Moss, the agent of the Treasury Department to collect and take care of abandoned property, called on Hodgins and told him he probably would have to pay the rent to the United States Government. Hodgins replied that he was willing to pay anybody that was entitled; that he had paid that month to Mrs. Taylor in advance, as she was needy. Major Moss took Hodgins's name and left. Between the 15th and 20th of January, Major Moss called on Hodgins, and told him he had received instructions from headquarters that the house he occupied was needed for military purposes, and he would have to leave. Hodgins used all the arguments he could against leaving; that he had put repairs on the storehouse, that he was not able to move, and that it would cost a large amount to fit up another house. Major Moss called a second time, and the order was peremptory. The young man left; had to pay a Jew $300 for the key of another house; to fix shelving at a cost of $180, and remove ten thousand dollars worth of small hardware. The

house Hodgins was ordered to leave was the best and most eligible business house in the city, on Main, at the head of Market street. Hodgins got into his new house about the 7th of February. The day he left, the Taylor house commenced being fitted up for a liquor store, and in a few days it was occupied by a firm from Boston, with some $25,000 worth of liquors of all kinds, and groceries. About the same time another firm from Boston and another from Lowell, Massachusetts, came in with large assortments of liquors, so that I am safe in saying that in thirty days from the time Zantzinger & Daniel's whisky was sold, there were $75,000 worth of liquors in Norfolk, in the hands of Bostonians, when a native of Virginia, or any other State, could not get a permit for one gallon.

Put the charge against Zantzinger & Daniels, with the order to remove Hodgins out of the house together, and it only proves a fixed determination to close them up, break them up, put $15,000 dollars into the provost marshal's fund, and make a clear track for these Boston men to monopolize the whole business; and Major Moss says, he talked with General Butler about requiring Hodgins to remove, and the General pressed his removal, but did not give an actual order. Hodgins went to the provost marshal and tried to get him to interfere. He asked Hodgins if he had a written contract with Major Moss for the house; he said, no. He then said he could do nothing.

Zantzinger is the brother-in-law of Commodore Farragut and a member of the loyal Legislature of Virginia. Daniels is a loyal business man. Hodgins was in the confederate army, but left it at an early day, came home, took the oath, and has behaved himself and claims to be a loyal man.

G. W. SINGLETON'S CASE.

G. W. Singleton was a resident of Nausemond county; was made postmaster on the 16th day of April, 1861, when no other man would take the place under Mr. Lincoln; had two stores, a farm, and seven slaves. When the Union army took Suffolk, he was the first man in the county who went forward immediately and took the oath; moved both stores together into Suffolk; had his dwelling, storehouse, and twelve other small houses on the bank of the river. When Longstreet attacked Suffolk last spring, the Union batteries were erected in the Town Square, back of Singleton's houses. His storehouse was blown up and his dwelling and other

houses were torn down, lest they should take fire and prevent the working of the batteries. Singleton was sent to the mouth of the river, and piloted the magazine boat from the James River to Suffolk. He went back again and piloted up a gun boat. When the gun boat got opposite his farm they were attacked by the rebels, who occupied the farm. Singleton told the Union men to spare nothing; he had there 500 bushels of corn in the crib, 800 pounds of bacon smoked in his smoke house, with all the other articles a thrifty farmer would have around him. It was all destroyed; not a dollar's worth of buildings, fences, corn, bacon, house, or anything else was left. After the rebels were repulsed he took his wife and children, and $3,500 in money, which was all he had left out of an estate of $40,000, and went to Norfolk. His money was running down, his eldest daughter ready to go to school, and something must be done. When he saw Daniels & Zantzinger's liquor was to be sold in Norfolk, it was natural to suppose the purchasers would be permitted to resell, so he purchased ten barrels, for which he paid $3,325, bought some groceries, and in the course of eight or ten days, opened a store, having paid State, city, and United States license. About seven days after he commenced selling, General Butler's famous order, No. 19, came out, requiring all grocery and liquor dealers to obtain a permit therefor at his headquarters. Singleton immediately went to Fort Monroe with Governor Cowper. Cowper stated Singleton's case to Colonel Shafer, chief-of-staff. Colonel Shafer immediately gave an order to Captain Cassell, provost marshal, to grant Singleton a permit to sell groceries and liquors. Singleton returned to Norfolk, and in a few days, as his stock was running down, he made out a requisition for permission to bring from Baltimore liquors and groceries. General Wild signed it. He took it to Captain Cassel at Fort Monroe to get it approved; handed it to Cassel, who pitched it into a pigeon hole. Singleton requested him to sign it; Cassel refused, saying that Singleton had no permit. Singleton assured him that he had. Cassell asked to see it; Singleton handed it to him. He said it was a mistake; it was intended for a permit to keep an eating house. Singleton asked him to look at Colonel Shafer's order; Captain Cassell said he did not know anything about Shafer's order; he would have to wait until Colonel Shafer come home; he would be back perhaps next week, or the week after, or may be not at all. So Singleton went to General Butler and stated his case. General Butler said he would

have to wait until Captain Cassell reported the case to him. But Singleton attempted to urge the matter, and General Butler replied, "you want to force me, do you. Now, the less you say the better." So poor Singleton had to leave, his permit taken from him, and there he is, with the residue of his whisky on hand—no permit to sell.

WM. R. JONES'S CASE.

Mr. Jones has resided in Norfolk for twenty years; was a prosperous man, engaged in grocery and liquor business. At commencement of the rebellion was worth perhaps $40,000, partly invested in State and bank stocks, and otherwise where it is mostly unproductive; is a truly loyal man. He made application for a permit to bring in liquors, and was informed by Provost Marshal Whelden that applications must be made directly to General Butler by letter. He went in a few days to see about it, and was informed by Capt. Cassell that the permit was not granted. He went on to Baltimore and called on his return and inquired again. He was informed by same party that no more permits would be granted. Jones asked reason. The reply was General Butler would take the responsibility, and that was the end of it.

A NAMELESS CASE.

A sedate, quiet, honest gentleman, resident in a city I am not permitted to name, was informed that by going to another city I am not permitted to name, and inquire at a certain place, he would find a man, and by paying him he could get a permit to sell liquor and groceries in Norfolk. He went, found the man, and asked for a permit. The reply was, "How much can you pay?" Answered, "Not one dollar." "You can't have the permit." He left, got letters of good standing as to character and loyalty, and took them to General Butler. The General asked him where he lived. "In ———." "But," says the General, "I am giving these permits to natives in Norfolk, to encourage them." "Well," says my friend, "I am a native of Norfolk; only left there a few years ago, and want to go back again." "Well," said the General, "Colonel Shafer, my chief-of-staff, who attends to this business, is absent at present, and when he returns your case shall receive first consideration." The poor man waited ten days, saw three

new liquor and grocery firms open up after he made his application, and called on General Butler again, who very politely informed him that Colonel Shafer, his chief-of-staff had not yet returned.

One man in Norfolk, who has been there two or three years has a permit, and says he got it in such a disgraceful way that he is ashamed to tell how he got it. Another who was known to have money, was accosted one day very politely, I believe, by a gent in uniform, and asked how much he would give to be shown parties who had one of those exclusive permits from whom he could get one third interest in the firm. He replied, "I will give two thousand five hundred dollars to the party showing me the men, and put ten thousand dollars capital into the concern." The middleman replied, "I will see you to-morrow." So on the morrow the papers were all signed, and the two thousand five hundred dollars given.

The liquor business now stands thus in Norfolk. A few men from Boston and Lowell, Mass., have the exclusive monopoly of importing it into the city. All the hotels and restaurants are open to retail, but not at the bars. They have shelves in a room and tables set around. You must take a seat at the table as if eating; the liquor is furnished; you pay twenty-five cents per drink—two dollars for a bottle holding three half pints of common whisky, and three dollars for a bottle of good. The restaurant keepers pay these Boston men three dollars per gallon for whisky that costs in Baltimore from ninety-five to one hundred and five cents, and nine dollars per gallon for whisky that costs two dollars and a half to three dollars per gallon. The poor oyster men must have whisky, they think; some citizens must have, and all the officers and many soldiers will have, let the cost be what it will.

THE GAS WORKS.

I think all the holders of gas stock in Norfolk were disloyal. About the first of July last they stopped making gas; coal run out, and the officers would not take the oath of allegiance in order to get permits to ship more. They continued closed until December, when General Butler issued his order that all the residents in his district should take the oath prescribed in the President's amnesty proclamation. In the order it was stated that every person "to have his rights in any way protected must take and subscribe

the oath," &c. The proposition is here plainly inferrable that if they do take and subscribe this oath, their rights of property shall be protected. On the issuing of the order the president and directors, and all the stockholders (except those in rebellion) went forward and took and subscribed the oath, and made immediate preparation to start the gas works, but they were stopped. General Butler seized the whole concern and put them into operation himself, although the president of the company assured him that he could start them in a few days, and would supply all the gas needed. Yet General Butler sent to Lowell for a man and fixtures to repair at a cost of ten thousand dollars, and has now the works in operation, furnishing gas to the city on account of somebody, I don't know whom. I suppose the profits go into the *provost marshal's fund.* He sells the gas at nearly double the price paid in Washington.

In the safe there were upwards of thirteen hundred dollars, which Dr. Cook, the president, desired to take out, but was prohibited and asked to leave it there a few days, and assured that he should have it. But he has not been able to get one cent of it.

Now, I grant all these people owning the gas works were disloyal. Yet they were in effect assured by this order that if they took the oath prescribed they should be protected in their rights. They took the oath, and desired to manufacture their gas. What possible plausibility had Gen. Butler for seizing their gas works and their money and appropriating them? Is the making of gas a part of the suppressing of the rebellion? The fact is, a large amount of the stockholders are widows, old maids, and orphans—all their subsistence is taken from them in one way and another. Many of them were slave owners; their slaves are all gone, and in the language of Dr. Cook, one of their own number, they are only respectable *vagabonds*, and must, many of them who once were wealthy, soon become objects of charity. Then why not live up to the bond we made with them—take the oath and your rights shall be respected? They took the oath; their gas works and money were immediately taken from them. This, I say, with all due deference, is not the way to put down the rebellion.

MRS. TATEM'S CASE.

Sometime in January, Gen. Butler issued an order appointing three commissioners to examine into the condition

of the savings banks of Norfolk and Portsmouth, under the plea that the money of the poor of the city had been deposited there, and that the officers had used it and would not pay the depositers. It was believed by those who had some opportunity to know, that the money had been sent to Richmond long ago. So it turned out. But Mrs. Tatem, a widow lady, had two silver cake baskets and some other pieces of silver, belonging to her daughter in Europe, and when the rebel army first came there in 1861, one of her daughters took the silver, placed some napkins around it, and put it in a box and placed it in the vault of the savings bank in Portsmouth. It remained there until Gen. Butler's commissioners went there. Mrs. Tatem called on them and asked them for the silver, but she could not get it. They treated her politely. She called on the provost marshal. He referred her to somebody else, and they referred her back to the commissioners, who still refuse to give up the silver. So the silver baskets are gone; she has not been able to get them. I heard the story in Norfolk; it looked impossible. I went to Portsmouth and called at Mrs. Tatem's. She was not at home, but her daughter, a modest young lady of perhaps seventeen or eighteen years, politely asked me into the parlor, and said perhaps she could answer for her mamma. I told her my business; she told me that she placed the silver in the safe herself, and gave the facts substantially as above. She remarked: "We have all taken the oath to the United States, I have three brothers, none of them went into the rebel army, and we are trying to be good citizens," and she added, "but, sir, we have not written to sister what has become of her silver, we are ashamed to let it be known in Europe that our Government is treating us so badly." Gentlemen, upon hearing this, my heart filled. I had a new hope for my country and the Republic. Pure woman, God bless her, she governs the world, and when she makes her allegiance, whether to her husband or her country, she will die before she will expose the shame of her liege.

MR. BILISOLLY

Resided in Portsmouth. Some of the neighboring women took some silver to his house, and put it in the possession of the female members of his family, without his knowledge. The old man is about seventy years of age, and was a director of the savings bank. He was summoned before General Butler, and interrogated as to this silver. The old

man knew nothing of it, and so replied. General Butler told him he was a liar, and he would put him in Fort Norfolk on bread and water until he learned to tell the truth. The old man replied, "Sir, I am your prisoner, or you should not address me thus." The old man was put into the fort without a blanket, on the cold floor, and is still there. I received a letter from one of his daughters, a good Union woman, in which she says: "My dear mother sent to Fort Monroe a nice new cotton mattress, a pair of blankets, one comforter, one pair of sheets, and one pillow, which were never delivered to father." At the time Bilisolly was arrested, they found in his house, deposited as above stated, in one bundle, a large soup ladle, two silver mugs, two pairs of sugar tongs, half a dozen old fashioned table spoons, with other table spoons and tea spoons; and one other bundle, somewhat larger, consisting of twenty-seven pieces, from soup ladle to salt spoon.

Bilisolly is an eccentric man; he laid in liquors at the birth of his children, as well as at their wedding. When his youngest daughter was born, now twenty years ago, he had a surplus of one dozen bottles of wine and eight bottles of brandy, which he corked up and laid aside, to break when she got married. But the wine and brandy went with the silver, and, I suppose, if not since separated, have gone into the *provost marshal's fund* together.

I desire to call attention to the fact that the public have been fully informed of General Butler's prompt and even severe dealing with the officers of the savings bank, and the sending of them to Fort Hatteras and Norfolk; of the seizure of the gas works and running it on his own account, but they have never heard one word about what became of the silver in Bilisolly's house, Mrs. Tatem's silver baskets, or the thirteen hundred dollars in the safe in the gas works.

NEWSPAPERS AND MAGAZINES.

In February, General Butler issued an order asking for bids until the first of March, for the privilege of furnishing newspapers and periodicals in his district, by the month, promising to award the monopoly to the "*successful*" bidder, not to the highest. An old Jew by the name of Bohn was the successful bidder, at the price of $600 per month. All other dealers were closed up, among whom were Mahew & Brother, who had a news store in Norfolk, had paid a license to the city, State, and United States Governments, and were

doing a fair business. They supposed the order did not refer to Norfolk, and as they had paid their internal revenue license, they continued their business. Soon, however, they were summoned to Old Point before Captain Cassell. When they got there, Cassell asked them if they took the papers. They replied, "We do." Said he, "Do you read them?" Reply, "We do." "Then," said he, "do you understand what you read?" Answer, "We do, or suppose we do." Said he, "Do you live in Norfolk?" "Yes." "Did you see the order awarding the privilege of supplying this district with papers and magazines to Mr. Bohn?" They answered, "We did." "Well," said he, "that order was issued by command of General Butler, and if you persist in bringing papers into this department, I will use all my influence to have you punished." Thus, American citizens from Pennsylvania, who have resided in Norfolk near two years, are cut off from business. They paid the United States Government $18 45 for internal revenue license alone, with a solemn undertaking on the part of the Government to protect them in their business. And this in addition to what they would pay on income; but the income has gone into the *provost marshal's fund.*

THE DOGS.

It was supposed that all the sources whence money could be derived were exhausted. But a happy thought occurred as deep contemplation occupied the mind of the soldier; not like that which absorbed Alexander when he wept because there was not another world to conquer, but "where was more money?" The Dogs! happy thought; dogs occupy a tender place in the affections of the old and young and middle aged, and there is a good supply in the two cities from the poodle to the butcher's bull dog. So the following order was issued, *verbatim*:

HEADQUARTERS, NORFLOK AND PORTSMOUTH,
Norfolk, Va., March 7, 1864.

General Order, No. 6.

Let every fourth dog in the district be killed. The Provost Marshals of Norfolk and Portsmouth will see this order executed. By command of Brigadier General E. A. Wild.

GEORGE H. JOHNSON,
Capt. and Assistant Adjutant General.

CHARLES E. WHELDEN,
Lieut. Col. and Provost Marshal.

This decree was very general, not like that of Herod's in regard to children. But every fourth dog, generally, without reference to age, sex, or condition. This order produced great sensation; it was so general. How would they ascertain the fourth dog? At last my friend Peter Whitehurst declared that all the dogs in the department would have to be killed but three, then there would be no fourth dog left. This produced great consternation among the old maids and the young sportsmen for their poodles and pointers, so they rushed to the headquarters and inquired for an interpretation of the order, when they were very politely informed by the following answer: "Ladies and gentlemen, we do not desire to hurt a hair on your dog's back. It is only to increase the *provost marshal's fund* that the order is made. All of you who will pay two dollars to the provost marshal, get a license for your dog, and a collar and put on his neck, can keep him, to comfort your declining years and youthful sports." On the 23d of March near $1,500 had been paid in. I did not learn whether a Boston friend had the monopoly of selling dog collars. But the order must be carried out by way of paying the money. The veteran soldiers—white soldiers—were detailed to hunt them up and bring them in for redemption.

When I landed in Norfolk the other day, I went up Main street to the hotel. After I passed the provost marshal's office, I met a veteran soldier leading with a rope a fine, noble countenanced pointer dog. The poor fellow looked restive. He seemed to recognize a friend in me, and ran around me bringing the rope around my limbs. I extricated myself and told him I was only a civilian. A little further on I met another soldier with a medium-sized cur, with his head and tail down, showing his teeth a little, looked surly and as much as to say, "I did'nt know that this war was about dogs; I don't care a —— which side whips," or such sentiment as might be expected from a mean cur. A little further on I met another soldier with a line around a little dog's neck; he was between the spaniel and the poodle—white wool—but dirty; his chin was close on the ground, his eyes upturned meekly, and wagging his tail gently as he went along. A juvenile freedman, who was standing on the pavement, said, "little doggie, if you don't get two dollars, Massa Butler will take de wag out ob your tail."

HOWARD ASSOCIATION.

When the yellow fever raged in Norfolk and Portsmouth, in 1855, the good people of the neighboring cities sent in a

large amount of money to some gentlemen who formed a society, under the name of the Howard Association. There was $60,000 left after the fever had abated. They were chartered by the Legislature of Virginia for the purpose of taking care of and supporting the orphans made by the yellow fever, and other benevolent objects, when that was accomplished. The members of the Board have faithfully preserved the fund, using the interest for the purpose. There are some twelve or fifteen of the orphans which are still a charge upon them. Last year they had a small surplus of interest which they devoted to the poor. The money is all invested by loans, secured by mortgages on real estate and bonds with personal security. Some of the directors are disloyal, but the evidences of the debt are on record, and they are faithfully discharging their duty. On the 22d of March, General Butler issued an order, directing a committee of three, two of them officers on his staff, one a civilian of recent settlement in the city, to take possession of the assets of the association. On the 22d, Captain Edgar called on the secretary of the association, and demanded of him and obtained all the assets of the association; and on the 23d ordered all the board to meet him at the provost marshal's office.

General Butler, with the same propriety and more, might seize the assets of Girard College, or that of any professorship in Harvard University, for taking care of the poor in Norfolk and Princess Anne counties.

I will here make a remark in regard to the great clamor through the North about General Butler taking charge of the poor. He has got a preacher going around trying to convince the people that General Butler is a very proper man; he is so liberal to the poor, thus using Heaven's liveried missionaries to make his conduct palatable. But General Butler can never get the co-operation of the Union people of Norfolk in any enterprise, however benevolent, while it is under the management of members of his staff and associates, simply because they have no confidence in them.

I desire to put to rest this clamor about the Government taking care of the poor in Norfolk and Princess Anne counties, and the two cities. Ever since the Union troops occupied the city of Norfolk and Portsmouth, the military have had possession of the ferry and boats between the two cities, using them for its own profit and benefit, collecting tolls from all civilians, and transporting Government troops and

property. This ferry belongs to the two cities; they have not received one dollar from it. The military has got it all. The receipts of the ferry before the war, amounted to from $15,000 to $18,000 per annum. Since the military has had it I am satisfied that if the Government had paid for its use at the same rate that any similar service is paid for in the North, it would yield at least forty thousand dollars per annum, which is twice the sum appropriated for taking care of the poor. But this committee for taking care of the poor are holding meetings, are abusing the Union men for not rallying around them, and trying to get up the idea that there are no Union men in Norfolk. The Union men won't rally under such leadership. The poor are from the oyster men, who are so taxed and fined that they can't make a living. The poor in the county are, many of them, made so by the destruction and plunder of the helpless, in military raids. A highly intelligent gentleman, and now a loyal member of the Virginia State Convention, told me that for three weeks after General Wild made his celebrated raid in Princess Anne, he could stand on the portico of his house and trace the track of the raid for ten miles by the turkey buzzards, feeding on the carrion made by destruction of animal life. Union men and widows shared the same fate; all they had was taken or destroyed, and thus many of the poor are made. I forbear facts and incidents. Many of the poor are the wives and children of rebels, either killed or now serving in the rebel army. The Union men have urged that the rich rebels left behind should take care of them. It was urged as a distinct proposition, that the rents of the property of rebels who were in rebellion, and at home, should go to their support. It was urged that Tazwell Taylor, the commissioner to procure a rebel loan in Norfolk, and who was a member of Magruder's staff while the rebels were there, and who took $15,000 of the rebel loan, should be taxed or compelled to contribute $15,000 to take care of the rebel poor. But strange to say, this same Tazwell remained a bitter rebel to the last, was General Naglee's closest companion, and was called in by General Butler to consult about the civil government of Norfolk.

Tazwell left the city and removed to Baltimore, without ever contributing one cent, as far as General Butler is concerned, for support of rebel poor; and now the support of the poor is made a scapegoat in the estimation of all General Butler's admirers, and a salvo for seizing and taxing everything; and because the Union men who have liberally

drained their pockets to support the poor, will not come forward and follow the dictates of Captain Edgar, in whom they have no confidence, they are stigmatized as rebels, and forsooth, there is no loyalty in the city.

It is now too late to lay any contribution on rebel property holders in the cities to support the poor. General Butler has required them all to take the oath of allegiance, with promise of protection, and the promise ought to be kept. The Union poor can be supported by the Union people, if the avenues of industry and enterprise are left open for them to work; but if part are taxed to fill the coffers of the *provost marshal's fund*, and others are prohibited from following their avocations because they are in the way of Boston favorites, they will all soon be paupers and vagabonds. The rebel poor, whose friends and protectors are in the rebel army, must be cared for, either by cutting off their heads, sending them across the lines to their protectors, selling rich rebels' property who are in rebellion, and supporting them out of the proceeds, or the United States Government must support them. These are simple propositions.

This policy of supporting the poor out of rebel property was partially introduced. But when General Butler came it was all broken up. The houses were needed for his officers and Boston friends, who are occupying them free of rent.

THE WOOD BUSINESS.

Shipping fire wood is an extensive and profitable business in Norfolk and that section. After General Butler went there the natives found it difficult to get permits—Bostonians got them. I will give a case.

CAPTAIN CROWEL AND B. & J. BAKER.

Had a wrecking vessel which had been sunk. They raised it, partly refitted it, and loaded it with wood, with a view to send the vessel to New York to complete some part of the rigging. They went to General Wild for a permit. He is the military governor of the city. Upon their first call they were refused a permit. They called a second time, in a week after the first. They had one hundred and seventy-five cords of wood loaded, and urged their case; their boat being a wrecking vessel, they stated that if they met a vessel on the way in distress, they would throw

their wood overboard and go to her relief, &c. They made a strong case, but the General, however, refused; said he had granted all the permits he thought it prudent to grant, but perhaps if they would go to some of the gentlemen who had permits, they could get permission to ship on their permit. They went to a Boston man by the name of Bishop, who had a permit to ship four thousand six hundred cords. They asked him for a permit, and he consented. One hundred and seventy five cords at $3 50 per cord at one per cent., would be $6 12. They asked Mr. Bishop what they must pay. He replied, "You know I have to pay one per cent." They handed him $25 00, and asked him if that would be satisfactory. He replied it would. Crowel is an old man, and a true Union man. B. & J. Baker are northern men, and have been there for many years, engaged as wreckers. I don't know their politics, if they have any.

SALE OF CORN.

It is difficult to get a permit to send corn out of the department. I find no fault with the rule, but some do get permits. There were some twelve to fifteen thousand bushels of corn to be sold for the benefit of the freedmen, being their share of a lot raised last year. The money was going to them. A native by the name of Patterson had a contract for delivering corn to the Government at $1 25 per bushel, at Norfolk. Some man from the North said he had a permit to ship, so he was ready to buy. Patterson and the Northern man (I don't know where he was from) were competitors at the sale. The corn was run up to $1 12 per bushel, and bought by Patterson, much to the chagrin of the stranger, who remarked that he "did not know why Patterson bid so much, he had no permit to ship." I merely mention this to teach gentlemen who express so much sympathy for the poor freedman, how they might have given him bread and raiment, and done no injustice to any person. The Government wanted corn, and General Wild gave Patterson the contract. Patterson turned the corn over to the Government, perhaps without handling, at $1 25 per bushel. Why could not the party superintending the sale have had it turned over to the Government at $1 25? The profits of Patterson would have gotten many, many comforts for the little freedman. But then there would have been no hope of speculation to the gentleman with the permit.

appointed them to rendezvous at Lobos island, where they arrived about the 2d of February. The Cuyler being in need of repairs before she could go upon other service, on the 3d of February I ordered her to Key West for that purpose. Before her repairs were completed, Captain Emmons received an order from Admiral Farragut to rejoin his squadron, which he did as soon as his ship was in sailing condition. I saw no more of her. This constitutes the entire history of my connection with the Cuyler. She came to the West Indies by order of Admiral Farragut—was vigorously employed as he had directed, during her stay there—and upon his orders returned to rejoin his squadron without any interference or obstruction from me. I say, therefore, that I did not, as charged, on or about the 2d of February, 1863, unite the R. R. Cuyler to the West India squadron, and continue for several months thereafter to control and employ her as a part of the force under my command.

On the contrary, on or about the 2d of February, I sent her to Key West for repairs, and never saw her again. Nor did I, as charged, impair the efficiency of the West Gulf squadron, and impede the performance of the duties assigned to Admiral Farragut. On the contrary, I united one of my own vessels to the Cuyler, to render her cruising more efficient, and to give her some hope of accomplishing what she never could achieve alone. She was, in all, but twelve days under my command.

So, too, in respect to the Oneida, as shown by the evidence, she came into the midst of my squadron, and under my jurisdiction, without my knowledge or procurement. On the escape of the Oreto from Mobile, both the Cuyler and Oneida had been despatched by Admiral Farragut in pursuit. On entering Havana, about the 23d January, 1863, I learned that the Oreto or Florida had been in that port, and had left that morning. The Oneida was then lying off the entrance of the harbor, and I instantly despatched a boat, with a communication to the commanding officer, requiring him to join me. She came into the harbor, and without anchoring, we both started on the afternoon of the same day, in chase of the Florida. We continued on the cruise, and in vigorous pursuit, with hardly any intermission, until the 22d February, when we both entered the harbor of San Juan, Porto Rico, and, after coaling, proceeded thence to St. Thomas.

As in all the orders from the Secretary of the Navy, a very marked prominence was given to the capture of the

rebel privateers, and as Admiral Farragut had sent the Oneida into my cruising ground in full chase of the Oreto, it was impossible for me to doubt that I would be meeting the wishes and expectations of both the Secretary and Admiral by continuing her, for the time being, under my own command, in the performance of that important service. I knew I would thus be best discharging my duty to my country, and not transcending the limits of my just and rightful authority. Not doubting that my course would be sanctioned by my Government, on the 2d February I advised the Hon. Secretary of the Navy that the Oneida having been sent in search of the Oreto, I had furnished her with coal, and united her to my own force to keep up a hot pursuit. I also received from Admiral Farragut a letter, bearing date February 6, authorizing me to keep both the Oneida and the Cuyler as long as they were on the track of either of the enemy's vessels with a probability of overtaking them. Having, as before stated, written the Secretary on the 2d of February, I received from him, about the 2d of April, the order of the 6th March, set out in the specification now under consideration, to send back the Oneida and Cuyler to Admiral Farragut.

But I already had the letter of Admiral Farragut, giving me permission to retain them; and I was bound to suppose that the Hon. Secretary would assent to any disposition which Admiral Farragut might see fit to make of the forces under his command; and consequently did not hesitate to retain the Oneida, and keep her on the most active duty with a view to finding and capturing the rebel cruisers. Moreover, this order was not imperative. It gave me the discretion to retain the Cuyler, and send one of my double-end vessels instead. But the Cuyler was gone, not only before I received the order, but before the order was written. The Oneida was, at that time, the only vessel of Admiral Farragut's squadron under my command, and as I had his permission to keep her, and as she was then upon the most urgent and important duty, from which she could not be withdrawn without another vessel to relieve her, and as I had none suitable for such service, was it criminal, was it even unreasonable in me to suppose I was at liberty to retain her, and send one of my double-end vessels instead? Whatever conclusion the Court may reach, I at the time supposed I was faithfully and acceptably discharging my duty in the circumstances under which I was placed. All things considered, the Cuyler having already gone back to Admiral

Farragut, and the Oneida being upon duty of the highest moment, I deemed it my duty to lay the particulars of my situation before the Secretary and await his further instructions.

I, therefore, replied to the Secretary upon the instant, informing him that the Cuyler had already returned to Admiral Faragut, and the Oneida would be sent after she had performed the important service she was then on; and added in conclusion, "I beg to inform the Department that it is very desirable to have a vessel to relieve the Oneida. I have none at my disposal, but what are on equally important duty." But, anxious to comply with all the orders of the Secretary, and conform as far as possible to the wishes of the Department, weak and crippled as my squadron was—inadequate as it was to meet the necessities of the public service in the West Indies—I prepared an order for the Sonoma, one of my double-end vessels, directing her to report to Admiral Farragut, but before she could depart for that point, an order reached me from the Hon. Secretary to send her home.

The Oneida was keeping watch over Martinique. She was the only vessel occupied with that important service. I could not withdraw her without the greatest detriment to our interests, and I had no vessel with which to replace her. Still anxious to know the wishes of the Department, and to be advised as to what was expected of me under the embarrassing circumstances in which I was placed, I again wrote the Hon. Secretary, explaining my situation, and fully and frankly presenting, for his consideration, all the facts of the case. I said to him, "in my letter of the 2d April, I wrote that I intended to return the Oneida as soon as she had performed the important service she was then on. The Department suggested that I might send another vessel in her place.

This I found I should have to do, and designated the Sonoma; but shortly afterwards your orders were received to send her to New York for repairs. The Alabama was cruising with the Onedia. She broke down, and has been undergoing repairs for some five weeks; and I was therefore compelled to retain the Oneida until such time as I could send another vessel from the leeward to relieve her."

To all this I received no reply. Was it not natural, reasonable, even inevitable to conclude that my action met the approbation of the Department, and that I had its sanction for all I had done? There was, at least, an acquiescence

clearly indicating that at that time, in the presence of the circumstances which then existed, the emergencies that I had to deal with, the Department was not willing to take the responsibility of ordering otherwise. Shall that acquiescence now be withdrawn, and conduct which the Department did not, at the time, condemn or reprimand, be now made the basis of conviction and punishment by a court-martial? Let such a precedent be established, and the condition of a naval officer, on a distant station, with new and intricate questions constantly arising, with which he is bound in some way to deal, is not only embarrassing—it is pitiable. The Department, at the time of these occurrences, made its election to let them pass without remonstrance or rebuke, and it should be held to its decision.

The second charge is—

"Insubordinate conduct, and negligence or carelessness in obeying orders."

The first specification under this charge recites the order from the Navy Department to me, dated September 8, 1862, placing me in command of the West India squadron, and a dispatch from the Depatment to me, dated January 29, 1863, regarding the indebtedness of the government of Venezuela to citizens of the United States, to which I shall make more special reference hereafter; and then proceeds to say that "he, the said Commodore Charles Wilkes, did, in disregard of the tenor and manifest meaning of the two lawful orders aforesaid, and in a manner interfering most seriously with the urgent special duties assigned to him, and interrupting their due performance, proceed himself, on or about the 24th May, 1863, in the said steamship Vanderbilt, to the Port of Laguayra, in Venezuela, and did there detain the said steamship about nine days, upon business and for purposes in nowise warranting such detention of the said steamship at that place and not connected either with the important and then very urgent war service to which the said efficient steamship had been and then was especially assigned by the Secretary of the Navy; nor with the special belligerent duty assigned as aforesaid to him, the said Commodore Charles Wilkes, as commander of the said West India squadron."

There is a somewhat embarrassing vagueness in this specification.

It is not clear whether it is intended to charge the offence as consisting in going to Laguayra in the Vanderbilt, or in going to Laguayra upon the particular business that called me

there, without reference to the ship that bore me; or in going to Laguayra in person instead of sending another.

As, however, by the first specification under the first charge, my use of the Vanderbilt during the entire time I had her under my command, is made the foundation of a separate and distinct charge to which I am called to answer, and upon which my conviction is asked, I cannot suppose it to be the intention of the honorable Secretary to ask a second conviction for a fraction of the time covered by the former charge and specification. So, also, as the honorable Secretary himself directed the service to be performed which was accomplished by the trip to Laguayra, I cannot do him the injustice of attributing to him the purpose of now making the performance of that duty the gravamen of the imputed offence. The only logical conclusion from the specification, and its surroundings, is that I am now prosecuted for having gone to Laguayra in person instead of deputing some subordinate officer in my command upon the important mission which I executed myself. This I assume as the essence and true meaning of the charge and specification. If the business which took me to Laguayra was proper to be done, and if the Vanderbilt was lawfully under my command, then I had the same right to use her to convey me there that I would have had to use any other vessel belonging to my squadron.

That she was rightfully in my possession, and under my orders, I have already discussed, and I think demonstrated. That it was proper and necessary for some vessel of my squadron to go at the time, and upon the mission to which she was devoted, and that it was imperative upon me to have the matter which called me to Laguayra attended to, I apprehend will not be controverted. The whole question is therefore resolved into an inquiry as to my right to go instead of sending another; and this the Court will determine upon consideration of all the circumstances which induced me to go. What were they?

Being commander-in-chief of the squadron in the Bahamas and West Indies, Laguayra was in my cruising ground, and necessarily one of the places which was to receive my attention; and, wholly independent of any special business, it was competent for me to sail there with any part or all of my squadron at any time when in my judgment a necessity existed for doing so. This cannot be questioned. It was a matter purely within my own discretion. Can it be possible that uniting with my visit there which, even for other

reasons, I deemed necessary, a special business with which I was specially charged, and which in no way interfered with the purposes of the voyage, converts into a criminal offence an act for which, but for such special business, I could not have been held to account?

Whilst in the West Indies, in command of the squadron on duty there, I received from the honorable Secretary of the Navy a dispatch, dated January 29th, 1863, by which I was informed that the Secretary of State, in a recent communication to the Navy Department, in regard to the non-payment by Venezuela of large installments long over due to our citizens under treaty stipulations, had asked if it would not be in the power of the Navy Department to order one of our naval vessels into the port of Laguayra, for a temporary purpose, in case it should be deemed expedient to adopt that course for the protection of the rights of our citizens.

The Hon. Secretary then proceeds: "The Department stated in reply that it could not give assurances that it would be able to order a vessel as indicated at any specified future day, but that it would direct you to let one of the vessels of your squadron visit Laguayra when and as often as it could be done without serious interference with the special duties which have been assigned to you, which you will accordingly do, instructing the commanding officer of such vessel to put himself in communication with our Minister at Caraccas."

This dispatch conveyed two orders to me. First, to let one of the vessels of my squadron visit Laguayra when and as often as it could be done without serious interference with the special duties which had been assigned to me. Of the time when, and the vessel which was to go, I was to judge. Neither time nor vessel was designated. My discretion was to determine both, and if in the exercise of that discretion I should deem it better to go myself than send another, I did not doubt my right to do so. Second, to instruct the commanding officer of the vessel which should go *to put himself in communication with our Minister at Caraccas.* This was imperative. There was no discretion about it. Whoever should go, whether myself or another, was to put himself in communication with our Minister at Caraccas. Immediately on receipt of this dispatch, April 2, 1863, I replied to the Hon. Secretary that "the matter therein referred to shall receive my earliest attention." Owing to the condition of the vessels of my squadron, and the important duties such of them as were fit for service had to perform,

no suitable occasion for carrying into effect the wishes of the Secretary had occurred, when, on the 15th of May I received a dispatch from the American Minister at Brussels saying he had been advised by the Secretary of State of the correspondence between him and the Secretary of the Navy in regard to a visit to Laguayra by one of my squadron, and adding, "I hope that you or one of your squadron will be able at an early day to touch at Laguayra, or I fear that your intervention will come too late for any practical results." Coincident with the arrival of this letter was the receipt of intelligence which I believed reliable, that rebel cruisers were present in the Windward and Leaward islands, and the occasion was now presented of visiting the port of Laguayra, not only "without serious interference with the special duties which had been assigned me," but in complete harmony with, and the efficient prosecution of those duties.

The conditions predicated by the Secretary upon which Laguayra was to be visited had arisen, and I promptly addressed him a despatch dated "Flag steamer Vanderbilt, St. Thomas, May 23, 1863," in which I said to him, "The repairs of the boilers of the Vanderbilt having been completed, and the vessel coaled, we are ready, and will proceed to Laguayra from here to meet the wishes of the Secretary of State, evinced in the letter of the Department of January 29. * *

The duties of the squadron have prevented my action before this time. I have kept it in view continually, and will be able now to make my visit there correspond with other duties."

This thing was not done in a corner. There was no concealments. The Secretary was fully and perfectly informed at all times of what I intended to do, and of what I had done when it was accomplished. If my action did not meet the approval of the Department if my conduct was regarded as insubordinate, the plain principles of justice required that I should then have been informed of it; that it should not have been concealed from me. I kept in ignorance of any intended censure for nine months after the occurrence of the events, till after I had been relieved from active duty and placed upon the retired list; and then without notice and without the opportunity of explanation, brought before a court-martial to answer criminally for services which, when they were rendered, I believed were not only within the strict line of my duty, but which I had also

reason to believe met the hearty and unequivocal approbation of my Government.

It is very true, in the dispatch of January 29, from the Department to me, upon this subject, the language used is that the Secretary of the Navy informed the Secretary of State that he would direct me to let one of the vessels of my squadron visit Laguayra; and the charge now under consideration imputes to me insubordination in going with one of the vessels of my squadron myself, instead of sending her under the command of another. So literal a construction of the language and meaning of the order would, under any circumstances which at any time surrounded me in the West Indies, be harsh. Under the circumstances which actually existed at the time of this expedition, it would be inexcusably unjust. After the receipt of the order under which I acted, a change had occurred in our relations with the Government of Venezuela not anticipated by the Hon. Secretary. He contemplated only sending a vessel into the port of Laguayra to give aid and countenance to our Minister in his negotiations, and demand the payment of the installments due.

It was not expected that the officer who should go down would himself have to become a negotiator, and, for the occasion, the diplomatic representative of our Government. That duty was expected to be performed by the Minister. But the Minister had withdrawn his credentials; terminated all intercourse between the Governments, and left us without a representative at Caraccas—a fact well known to me, but unknown to the Secretary. An emergency not anticipated had arisen, and it became me to adapt my conduct to meet it. The question was complicated, and the difficulty of adjustment increased by the action of our Minister in dissolving his relations with the Government of Venezuela, and the necessity for the presence of some one whom the Government of Venezuela would recognize and treat with rendered more urgent and imperative. The duty to be performed was difficult, delicate, and embarrassing. I could not entrust it to one of my subordinates. There was no officer of sufficient rank besides myself to enter into direct communication with the Government upon such a subject. In this condition of affairs I did not hesitate, but proceeded with the Vanderbilt to Laguayra, the only vessel then in the port of St. Thomas fit for that duty. Leaving her in the port of Laguayra with orders to sail without a moment's delay upon information of the presence of any rebel cruiser

in those waters, I proceeded to Caraccas, put myself in communication with the proper authorities, accomplished the object of my visit by securing the payment of $150,000 due to our citizens, returned at once to Laguayra, took command of my ship, and resumed my cruise.

It is shown by the evidence, that there was no more eligible point in my cruising ground than Laguayra as a lookout and to obtain information of cruisers on the Spanish Main. On my way down I visited Blanquilla, a hundred miles to the east of Laguayra, where a rebel steamer had coaled some time previously, and where I had reason to apprehend some of the rebels would attempt to coal again, and to which island the Secretary had drawn my attention. On my way back I communicated with Curacoa, a hundred miles to the westward of Laguayra and with Santa Cruz, and learned from the vice consul at Frederickstadt that the rebel Florida was expected there in a few days. This information may have been and probably was incorrect; but at that time it was not known to me, nor to any other one officially connected with our Government, to be so, and it was my duty to act upon it.

When I started for Laguayra, the rebel cruisers were reported to be in the Windward islands, or off the Spanish Main. These reports were well authenticated. They came from those whose especial business it was to acquire information and communicate it to me, and I could not, without a culpable neglect of duty, have disregarded it.

Assuming and believing the information which I thus received to be reliable, I should have deemed it an imperative duty to go to Laguayra, Blanquilla, and Curacoa, even if I had had no orders to enforce the payment of the debt due our citizens by the Government of Venezuela. The only difference was, that I lay in the port of Laguayra a little longer than I should have done but for this added duty. But I tarried not an instant longer than was indispensably necessary to secure the large interests intrusted to my care, and which, but for my attention, would in all probability have been lost beyond the hope of redemption.

But, all the time, my ship lay with her fires banked, with orders to put to sea whenever demanded by the public interests, and was not detained a single hour by my absence at Caraccas. The faithful, conscientious, energetic, and eminently successful performance of this duty is now urged against me, as an act of insubordination for which I should be punished!

Can any member of the Court doubt that, if I could, on the instant, have communicated to the honorable Secretary the precise situation of affairs, and all the circumstances of the case as they were known to me—can any member of the Court doubt that he would have ordered me to do precisely what I did? But I could not communicate with him. The time for action had come. The emergency was upon me. The tide in the affair had come, which had to be taken at its flood or permitted to ebb to return no more. It would have been most reprehensible to have paused, and hesitated, and doubted till the opportunity was gone; and had I done so, I cannot hesitate to believe that I would have been subjected to trial before a court-martial, for gross neglect of duty. Naval officers, more than any others, often find themselves in conditions of great perplexity—in circumstances where they are alike exposed to censure whether they act or whether they remain passive. They are to "be damned if they do, and be damned if they don't." This now appears to have been my situation; I was between "the devil and the deep sea," and to be roasted or drowned, act as I would. But, not pausing to count the cost, and to calculate the chances of personal censure or commendation, and intent alone upon executing all the orders of the Department to the uttermost of my ability, I made the voyage to Laguayra, with the double object of cruising for the rebel pirates and securing from total loss the debts due our citizens by the Government of Venezuela. Immediately on my return to St. Thomas, I informed the Department fully of my expedition and its results. In my despatch from St. Thomas, under date of June 9, 1863, I laid before the honorable Secretary the reasons that impelled me to go; gave minutely all the details of my visit and negotiation; announced the result, and then added, "I trust that the Department will be well pleased that the affair has terminated successfully, and that we have left a favorable impression on the minds of the Government and people." In reply to this I received no word of rebuke, no intimation of disapprobation. I did then believe that the Department was well pleased, and have since had no reason to doubt the justness of that conclusion, until recently astonished by the information that it was to constitute one of the grounds of complaint against me upon this trial. Till then I had supposed that, so far from having incurred the censure, I had secured the warm approbation of my Government in this regard. The Government had, at all events, after being fully apprised of all the particulars of

the transaction, accepted what I had done, and quietly and uncomplainingly acquiesced, and by such acquiescence ratified fied my proceedings. There is no principle of law better settled than that where a principal, with full knowledge of all the circumstances of the case, acquiesces in the acts, doings, or omissions of his agent, such acquiescence amounts to a ratification by which he will be bound as fully, to all intents and purposes, as if he had originally given him direct authority in the premises, to the extent which such acts, doings, or omissions reach.

After such acquiescence for nine months, it is too late, for the first time to repudiate my conduct, and bring me before a court martial to answer for it.

The second specification of the second charge is, that I failed to deliver duplicate orders, addressed by the Navy Department to Lieutenant Macomb, commanding the steamship Genesee, of the James river squadron, under my command, and that I also failed to deliver a similar duplicate order to Paymaster Hyde, of the said ship, suspending them from duty on furlough, until they did certain acts required by the regulations.

In the hurry of sailing from Boston, Lieutenant Macomb had neglected to sign the invoices for ordnance and ordnance stores, and left without the signal book; and Paymaster Hyde had failed to receipt for the stores received in his department. The reason for this was, that the vessel was hurried from Boston, as was supposed, on a trial trip, before the final receipts were given.

I disprove the allegation that I failed to deliver the orders. I did transmit them, and have produced in evidence the letter of Lieutenant Macomb to me, of July 14, 1862, acknowledging the receipt.

The part of the charge upon which the prosecution relies is, no doubt, that I failed to carry them into effect. When these orders were received by me, the Genesee was fifty miles distant from where I was, engaged day and night in the serious and arduous duty of protecting the flank of General McClellan's army from an active, wily, and then emboldened and confident enemy, to whose attacks it was constantly exposed. I had no officer to put in command of the vessel in Lieutenant Macomb's place, and it was impossible for me to carry the order for his suspension into effect without the most serious detriment to the service in which I was then engaged—without, in fact, imperilling the safety of our Army.

In these circumstances, I took the responsibility of suspending the immediate execution of the orders, and thereupon received from the Secretary of the Navy a letter, dated August 5th, 1862, severely censuring and reprimanding me for the course I had thought it my imperative duty to adopt.

The 9th article of the 35th chapter of the "Orders and Instructions for the Government of the Naval Service" provides that "any offense for which an offender has been reprimanded shall not be revived, and subsequently investigated, except when it may be indispensible to prove a particular habit charged."

This I urge in bar to the further prosecution of this charge, and insist that it constitutes a full and complete defence; and here I might leave it; but there are other answers to be given not less conclusive.

On the 11th of August, in reply to the letter above referred to, I made a full statement of all the facts of the case to the Department; on consideration of which the honorable Secretary suspended all further proceedings; forebore to inflict the intended punishment upon Lieutenant Macomb and Paymaster Hyde; continued them in their positions; and on the 20th of August wrote me in response to mine of the 11th. "As regards the excuses or causes that might justify the officers, nothing further need be said, for the subject is disposed of."

Upon a full view of the entire case and its surroundings, the honorable Secretary seemed to concur with me in opinion that the removal of Lieutenant Macomb from his command, in the presence of a vigilant enemy, would have been untimely and hazardous under the pressing necessities of our Army, just after the six day's fight at Fair Oaks and Chickahominy, and its retreat to Harrison's Landing, and the subject was disposed of by dropping all further proceedings.

But even this is not all. The Department, in consideration of my services whilst in command of the James river flotilla, shortly afterwards, and within twenty days from the time that the Secretary had informed me the subject of this charge was disposed of, conferred on me the command of the West India squadron, and sent me to protect the interests and commerce of my country on that important station. Could I, could any one, suppose that at the very moment when I was honored with so distinguished a mark of the confidence of the Department in my ability and fidelity, I

was still resting under the imputation of insubordinate conduct and negligence in obeying orders, for which I was hereafter to be brought to answer before a court-martial? I did suppose, as the Secretary had informed me, that the whole subject was disposed of. The explanation why, after slumbering for eighteen months, it is now revived and prosecuted, and my conviction demanded upon it, may possibly be found in one of the charges which yet remains to be examined.

Third Charge.—"Disrespect, and disrespectful language, to his superior officer whilst in the execution of his office."

This charge is very manifestly framed under the 4th clause of the 7th article of the 1st section of the act for the better government of the Navy of the United States, approved July 17, 1862. That clause is in the following words:

"Or shall treat with contempt his superior officer, or be disrespectful to him in language or deportment, whilst in the execution of his office."

The 2d article of the 5th chapter of General Regulations provides that: "All persons in the Navy shall conduct themselves with respect to their superiors, and show every proper attention to those under their orders, having due regard to their situation."

I can find nothing else, either in the law or the regulations for the government of the Navy, pertinent to the subject-matter of this charge. Both law and regulations clearly have reference to officers in the Navy; persons holding commissions and entitled to command in the Navy; and to the official intercourse between them, and to no others. The specification under this charge is, that on the 11th December, 1863, I addressed a letter to the Secretary of the Navy "of an insubordinate and disrespectful character, containing remarks and statements not warranted by the facts, and disrespectful to the Secretary of the Navy."

If this were conceded to be true, is it subject to punishment under the law and regulations above quoted; and, if not, then under what law or regulation am I to be held to answer for it?

The Secretary is, in no sense, an officer of the Navy. He holds no commission, and is entitled to no command, in the Navy. The President is the Commander-in-Chief of the Navy, and the admirals, commodores, captains, &c., are the subordinate officers under him. Disrespect to the commander-in-chief is properly made an offence punishable by law, but disrespect to others than officers of the Navy is not pro-

vided for. Orders issued by the Secretary of the Navy to officers of the Navy are obligatory only because they are the orders of the President—the commander-in-chief of the Navy—and disobedience of these, as such, is undoubtedly punishable. But then the offence must be charged to consist in disobedience of the orders of the President, not of the Secretary. But, in the second place, if it be conceded that the Secretary is within the purview of the law, then I answer that the charge is altogether too vague and indefinite to warrant the Court in proceeding upon it. It designates no single fact that is untrue, no single word that is disrepectful; but in the broadest and most general terms possible, charges "statements not warranted by the facts, and disrespectful to the Secretary of the Navy." What those facts are, and in what that disrespect consists, the prosecutor has not deigned to inform me.

I am fully aware that courts-martial are not tied down to the technical formalities of courts of law, yet where the observance of certain rules is essential to enable a prisoner to grapple with the charge, they become inseparable with justice, and ought on no account to be disregarded.

Mr. Simmons, in his excellent treaties on courts-martial, page 135, states the rule thus: "It is well known by everybody, that in the case of charges brought before a court-martial, they are not bound to the technical formalities which prevail in other courts of law; but there is this essential principle in every charge, before any court that can exist in the civilized world, that the charge should be sufficiently specific to enable the person to know what he is to answer, and to enable the Court to know what they are called to inquire into."

And in illustration of the above principle, at page 218, after stating that a prisoner may avail himself of want of specification in the charge as to matter or time, he adds—"as for instance, an officer charged with scandalous, infamous conduct, or a soldier with disgraceful conduct, without any mention of facts to which the category is meant to refer." And again, at page 171, he says, "It is not only within the power of a court-martial, but a duty, the neglect of which may incur censure, to judge of the propriety of the charge, not only as regards the nature of it with reference to their jurisdiction, but also, whether the wording be sufficiently precise, and the crime clearly defined."

The application of these principles and illustrations to the charge under consideration, ought to satisfy the court of the impropriety of considering it. If, however, the court shall

dissent from my views of the law, and proceed to an investigation of the charge, then I answer that it is not true in fact. The Secretary, in his annual report, which was published to the world, imputed to me the crime of *defeating the objects and purposes of the Department to capture the rebel pirates, by attaching the Vanderbilt to my squadron in the West Indies, in derogation of the orders to Lieutenant Baldwin, and improperly retaining her until after the month of May.*

In my opinion this treatment was cruelly unjust. I had been engaged upon the most important, perilous, and harassing duty, which I had endeavored honestly and faithfully to perform in such manner as to protect the interests, guard the honor, and uphold the authority of my Government. I was proud to believe that my efforts had not been in vain. To perform my duties with due fidelity to my own Government, I was constrained to deal energetically, and sometimes rigorously, with the authorities of other governments. This exposed me to their censure, and I became the object of bitter and unstinted denunciation by all those in sympathy with treason and rebellion, whose schemes of plunder and aggrandizement were defeated by the breaking up of the contraband trade carried on from the West Indies and Bahamas. My compensation for all this was the approval of the Government whose commission I bore, under whose authority I acted, and whose wishes it was my most ardent desire to effectuate. It was a part of my duty never neglected, to keep the honorable Secretary fully advised of all my movements. My dispatches to him were numerous, and sometimes voluminous; and I was notified of no discontent with my proceedings. The first intimation I ever had of the purpose to attribute to me the failure of plans for the capture of the rebel rovers, was conveyed to me in the published report of the honorable Secretary. I was not only astonished—I was amazed; and felt deeply aggrieved at what I regarded as a flagrant injustice. Knowing the charge to be altogether unfounded and unjust, and most injurious to my reputation if permitted to go unnoticed, had I not a right, in dignified and becoming terms, to repel the charge, and vindicate my character? Believing that I had, I addressed the letter under consideration to the honorable Secretary. It is respectful in language, temperate in tone and spirit, and in all respects a legitimate explanation and defence of my own conduct, whilst in command of the West India squadron. My sole motive was to exonerate myself from undeserved censure, and to ask for the publication of

my correspondence, whilst serving as Rear Admiral on that station, as my surest and most complete justification.

The prosecution has not thought fit to specify the portions of the letter deemed disrespectful; nor can I designate them; nor, I may venture to assert, can the Court, unless it shall be adjudged a crime for an officer, in firm and manly terms, to reply to most public and hurtful attacks upon his reputation. In that event, I can only submit to whatever puishment the Court may deem adequate to such an offence.

Charge Fourth.—"Refusal of obedience to a lawful general order or regulation issued by the Secretary of the Navy."

The specification is, in substance, that without the consent of the Secretary of the Navy so to do, I did procure, or consent to, or acquiesce in, or connive at, or through design, or carelessness, or inattention, allow, or fail to prevent the conveyance to the office of the New York *Times*, in Washington, of a copy of my letter to the Secretary of the Navy, of December 11th, with a view to its publication.

All that has been said of the vague and indefinite character of the third charge, just discussed, is equally applicable to this. It would be difficult to frame a charge which would give to the accused less information, or more effectually conceal from him the precise offence that he was expected to meet and defend against.

The regulation under which the charge is exhibited is, "official instructions and communications must not be published, nor copies furnished to any person, without the permission of the Secretary of the Navy."

It is somewhat singular that under this regulation, promulgated by the honorable Secretary himself, he should set on foot a prosecution for carelessness and inattention, in keeping watch and ward over the letter I had written, and failing to prevent a copy of it from being procured. How long was I to keep up that surveillance, and how far was I to extend it? The letter, of course, when written, was to go out of my possession. I did not write it to put under lock and key and keep secret. It was written to be sent to the Secretary of the Navy, and was sent to him. When it reached the Navy Department it was open to inspection—many persons had access to it—and yet under the charge, as presented, I am just as liable to conviction for carelessness, and inattention for not guarding it there, and not preventing a copy from being conveyed from there, as anywhere else. The regulation denounces no such offence as careless-

dollars' worth. They called for their two hundred dollars paid on the permit they did not use, and were also prohibited from shipping anything more; but they could not get back their two hundred dollars. The Government would refund under such circumstances.

In this succinct statement I have only given a few cases. I don't know that they are the worst cases. An elaborate history might be written of the acts there, all interesting in detail, and tending to illustrate more fully the existence of systematic abuse of military power. I am informed that the same system prevails perhaps to a greater extent in North Carolina than in Virginia, because there is less restraint there. Civil government seems to check it a little—hence the anxiety to break it up, in order that they may have a clear field.

It is strange to me that such a system should have grown up whereby military commanders collect tens and hundreds of thousands of dollars into this post or provost marshal's fund which is held by men who give no bonds. None of it goes into the United States Treasury, but little of it to relieve the Treasury of its burdens, and much of it expended for objects in no way connected with the suppression of the rebellion. This, to my mind, is a subject which needs attention.

THE EFFECT OF ALL THIS ON THE PUBLIC MIND.

On going to Norfolk about the 20th of March last, I was humiliated. At Old Point and Norfolk, I met men, who, six months ago, stood erect and talked like freemen, who were proud of their country, and that they were American citizens. But now the hand of oppression is upon them, they look dejected and disheartened. When they spoke to me of their troubles, it was far from the presence of any one, and then in an undertone. When they came into my room to talk with me, they would look around the room to assure themselves that there was no spy concealed, and see that the doors were closely shut. The Union papers have been regretting that the Union cause for some time past has been on the decline in North Carolina. It is true. The wail of the oppressed there under General Butler's rule has gone out through the old North State and hushed the clamor of her liberty-loving people for the blessings of freedom they expected to enjoy under the old stars and stripes. And these oppressions now form the principal staple for the rebel

Governor Vance in his canvass for re-election, to persuade the people to be reconciled to Jeff. Davis's despotism.

In October last I felt hopeful and bouyant at the prospect of returning loyalty, and the disposition of the people to sustain the restored government. General Foster was in command of the department. I found him a gentleman and a soldier, earnest in his profession and desire to do right. General Barnes was placed in command of the two cities. He was from Massachusetts, an educated, earnest soldier, and all you would expect in a Massachusetts gentleman. Massachusetts, God bless her! I love her people. In Virginia's darkest day, in 1861, while the committee of safety was guiding, to a certain extent, the destiny of the loyal people of the State, the lightning of heaven brought us the happy dispatch from Governor Andrews that Massachusetts would let the loyal men of Virginia have two thousand muskets to be used in the defense of liberty in the State. A messenger was immediately dispatched for the arms. They came, and immediately on the reorganization of the State, I placed them in the hands of the men, where they did good service. The sending of the arms gave great moral strength to the Union cause and to Union hearts, and I say again, I love Massachusetts. It it is an old adage, "that there are few mothers with many children but there are not some black sheep among them." Massachusetts has hers, and it is them I am after. But I was speaking of General Barnes. He took great interest in the civil affairs of this section. General Lockwood was doing the same in Accomac and Northampton. The civil officers began to feel assured that they were going to be sustained, were taking courage, and civil affairs began to move off smoothly. But General Lockwood and General Barnes did not suit General Butler, and they were removed from his department. Before General Butler went there, the Union men were bouyant with the hope of seeing their section settled and repopulated by people from the North. They welcomed Northern men among them. But now dejection, despondency and bitterness is seen where hope then existed, and deep sectional hostility is beginning to manifest itself. Oh! it is a bitter, *bitter* contemplation, to see so glorious a cause as the Union cause thus stricken and wounded in the house of its friends. My heart is sick, *sick* at the contemplation. But there is consolation in knowing that the abuses only exist in this city and the district of Virginia and North Carolina, and that you, gentlemen, form a tribunal to whom we can

appeal, which is too high and too pure to refuse adequate relief.

THE REMEDY.

I am asked is it too late to remedy the evil and restore the cause? I answer, no. The remedy is indicated by the inspired prophet in his declaration that "righteousness exalteth the nation, and sin is a reproach to any people." Then the remedy is in doing right. This is the easiest matter in the world. Sin is a reproach, that is, doing wrong, and it always brings trouble. Rebels will never be fully punished in this world. Many universities have abandoned their favorite dogma of a universal heaven since this war commenced. They see plainly that there can be no adequate punishment on earth for those who have brought the calamities of this terrible war on the country. If fifty men in Virginia had done six years ago what fifty thousand have done in the last three years, they all would have been hung. But the Government thinks it not wise to undertake to kill everybody who has turned traitor. I think that is right. When Korah, Dathan, and Abiram, with the two hundred and fifty princes rebelled against Moses, the earth opened and they were swallowed up; a consuming flame came out and killed the two hundred and fifty princes, and the people who were led away by them fled to the side of Moses and were not hurt. Perhaps we have an example in this, that it is right to extend amnesty to all but the leaders in rebellion. It is certainly the prerogative of the Government to fix the terms of amnesty to rebels. If the Government had declared they should all be killed, and had killed as fast as we got to them, it would be difficult to prove that it was not a just act. Perhaps the liberation of their slaves, which was the root of the rebellion, with confiscation, will be punishment enough. But the President, for wise purposes, determined that all who would return to allegiance, from the grade of colonel and under, and take the oath he prescribed, *should be pardoned and restored to all their rights of property*, unless it had been sold under the laws punishing traitors. But if confiscations had commenced and not prosecuted to sale, the proceedings are to be dismissed upon the rebels taking the oath. The fullest and amplest protection is offered. General Butler has ordered all in his military district to take the oath with the solemn pledge of protection; the nation is bound to guarantee it. It is right to

guarantee it after it is made. The Government, through the President, has prescribed the terms by which the rebel is to be protected. He conforms to the requisition, the terms must be kept on our part. A great Government like the United States cannot afford to do *wrong*. Now, it is *right* to redress all the wrongs General Butler has committed in his district as far as possible. It is *right* to return the gas works to the proper owners, with a fair charge for the repairs, and an account for the profits and especially return the thirteen hundred dollars which were in the safe. It is *right* to return to Mrs. Tatem her silver cake baskets; to return to the proper owners the silver taken from the house of Mr. Bilisolly, and also the wine and brandy taken from his house, and if it cannot be returned to punish those who have put it out of the power of the Government to do *right*. It is *right* to return to Daniels & Zantzinger the fifteen thousand dollars taken from them, and to reimburse Hodgins for violently turning him out of his house, and those who occupy the house should pay the money; and to require the speculators to reimburse the farmers whose land they have stripped of timber, if these farmers have taken the oath and have not violated it. Williams and all the other parties that have been turned out of their houses should have their property restored to them, where they have taken the oath and not violated it. This done, and there is no fair man living but will say it is *right* that it should be done; this would be that kind of righteousness which exalteth a nation. The news of its being ordered would thrill the hearts of the Union men in rebeldom. It would be grateful to every loyal heart in the nation, and its news would create a little jubilee in those desponding hearts in this section. Loyalty would prevail, and blessings would be poured out of grateful hearts upon the Government, where secret curses and imprecations now are being indulged in; and as General Grant goes south this spring, hundreds of thousands will flock around his banner and kiss the old flag, conscious that no wrong will be suffered where it floats. It will disarm hundreds of thousands of their stubbornness, and save the lives of thousands of Union soldiers. I am satisfied that these oppressions have done more to unite the rebels in the south and retard Union sentiment there, though confined to a narrow compass as they are, than any thing that has occurred since the rebellion has commenced, and if not corrected their warning voice will go into the south, and General Grant as he goes forward this

summer, with his noble comrades, will have a hard road to travel.

The natural condition of men is under civil government. The military is an organized artificial force to aid the civil law to assert its power when resisted by force. It is *right* that the civil discharge all the duties assigned it by society; if resisted, the military removes the resistance; when that is done it has performed its function. Whenever it attempts to discharge civil duties it is *wrong*, and begets discord. It is *right* for the officers to attend to the duties assigned them by the rules of war; to drill and discipline the soldiers; to prepare him for effective duty; to look after his health, and, as far as possible, to preserve his morals; to lead him in battle, and in all things to set him a good example. War is expensive, both in money and life, hence it should be short. I think there can be no controversy about these propositions being right in theory; and their practicable application is this. If the military will drive all the rebel army out of the State I will reorganize every county in the State in less than six months, with loyal officers to execute the civil laws. If they will remove all the soldiers from the limits of the city of Alexandria, Norfolk and Portsmouth, except what may be necessary to guard the public stores, and pick up straggling soldiers that come into the cities, I will ensure the good government of all three of the cities through the civil government, and save the Federal Government at least thirty thousand dollars per annum by way of pay to military brigadiers and their staffs, and superfluous bands of music, for which the civil government will not charge one cent. I submit, in all earnestness, that the city of Norfolk, for instance, with fifteen hundred women congregated there "who are no better than they ought to be," is not the place for soldiers or officers, who are expected to do efficient work in the field. In the city is not the place for the officer or soldier to defend the city. Philadelphia and Washington are defended and protected by the Army of the Potomac. Norfolk and Alexandria should be protected by the army outside of the cities, and there is no sort of military necessity for a military governor being in either city—a battalion with a field officer as commandant of the post is all that is necessary.

It will greatly relieve the complication of matters at Norfolk to open the port, and appoint an honest collector. He could attend to the business with half the cost to the Government and much more benefit to all concerned. This would

geatly diminish the stock of goods kept on hand in those cities. This must be evident to any person who has observed the practical workings of the present system. A merchant now applies at Norfolk for a permit to ship goods into the city; he gets it signed there; he then sends it to Washington for approval; it is then sent to the custom house at Baltimore. This is done in a week; sometimes two or three weeks transpire; hence, a merchant to avoid trouble of permit, gets large supplies; and lest he should run out, replenishes soon; keeping on hand a large surplus; but open the ports, dispense with the permits, and he can send to Baltimore and get a return in 48 hours at furthest. Their cargoes with their invoices would be subject to inspection by custom house officers. The same regulations would still have to be kept up as to blockade runners. But I would dispense with much of that force by hanging or shooting all the blockade runners caught. These rascals have no claim upon their lives when they put the country to millions of expense to watch them, besides a large number of soldiers exposed to premature disease. In all such cases, when fairly detected, they should be hung. I think they are worse than spies. They combine the spy and the thief.

The loyal people of Norfolk and Portsmouth paid near $25,000 of internal revenue last year; I do not know how much this. Many of them, however, have paid large amounts of internal revenue for licenses that have not been permitted to use them; others commenced using and were closed up by the caprice of military commanders, and to make way for those who are in the same trade as monopolists. This is a reproach.

I submit these suggestions with great deference. But the subjects I have embraced are so deeply interesting to the people I represent, that did I not call them to your attention I should be grossly criminal.

I have been just as close to this war, ever since it commenced, as I could without much danger of being hurt, and have observed as closely as I could all the time. I think I understand the subject about which I am writing, and I am satisfied that if the military rule had been practiced in West Virginia as it was in Alexandria for the last eighteen months, and in Norfolk for the last five months, that instead of the vast majority of loyal Union men that are there now sustaining the Government with men and money, and happiness and prosperity around them, there would have been a vast ma-

jority of copperheads and secessionists, and civil government could not have been sustained. Regiments that now fill the Union army would have been in the secession army. I mean precisely what I say.

The question has been asked me, I am satisfied, a thousand times, "Does the President and Congress know of the oppression practiced on us?" They say, "We have great confidence in the President's honesty and the purity of Congress, and they will redress our wrongs." I have an abiding confidence, gentlemen, in your justice.

I was born in Virginia. I desire to live in Virginia when this rebellion is subdued. I hope to see the old flag shortly unfurled in every county in the State, and the people acknowledging its majesty, and acknowledging with uplifted hands, the Constitution it represents to be the supreme law of the land. I never expect to have the *love* and *sympathy* of the rebels; but by the grace of God, by doing *right*, I intend to command their respect. My ardent desire and sincere prayer is, that this rebellion may be speedily crushed, that freedom may be enjoyed, not only in the State, but in all the broad limits of the nation, and that when the impartial historian comes to make up the record, he may be able truthfully to publish, that in accomplishing this great result the Government never sanctioned a *wrong* that was done to any man, however humble.