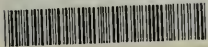


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MESSAGE

OF

THE GOVERNOR OF VIRGINIA,

AND

ACCOMPANYING DOCUMENTS.

RICHMOND:
WILLIAM F. RITCHIE, PUBLIC PRINTER.
1863.

YALE



M E S S A G E .

EXECUTIVE DEPARTMENT, VA.

RICHMOND, Jan. 7, 1863.

*Gentlemen of the Senate
and House of Delegates:*

Another important and eventful year in the annals of the commonwealth and the Southern Confederacy, has passed. When the impartial historian shall have made up the record for the inspection and serious deliberation of the present and future generations, it will reflect the highest honor upon the enlightened wisdom and patriotism of our generals and subordinate officers; upon the courage, the energy and the unyielding spirit of our gallant soldiers—while the brightest page will be reserved to chronicle the noble heroism; to illustrate the self-sacrificing devotion; to celebrate the virtues and commemorate the glorious deeds of the daughters of “The Old Dominion,” and of her southern sister states.

An all-wise Providence has guided and guarded, has watched over and protected, and has stimulated and encouraged us in the effort we are making to achieve our independence. Our loved ones at home and our armies in the field have been blessed with general health. The earth has yielded in bountiful profusion every thing necessary to supply our wants and promote our comfort. Our arms and our efforts have been crowned with the most brilliant success. Our people have been cheered and exhilarated by our victories on the Chickahominy; at Cedar Run; at Manassas plains, twice baptized in blood; at the surrender of Harpers Ferry; at the battle of Sharpsburg; at the signal triumph of our arms at Fredericksburg; and finally, at Murfreesborough and at Vicksburg. The names of Lee and Johnston, and of Beauregard, of Jackson, of Longstreet and of Price, of Ewell, of the two Hills, of J. E. B. Stuart, of Forest, and of Morgan and others, will never be forgotten. The valorous deeds, the unsurpassed courage of the officers and soldiers of the Southern

Confederacy; the sacrifices they have made, and the sufferings they have so patiently endured in the holy cause of independence, will be remembered, while freedom has a votary and justice and right an advocate.

In every thing that constitutes soldiers, our army has never been excelled in ancient or modern times. They have shown themselves ready to submit cheerfully to every sacrifice for the success of the cause. They have endured privations not less severe than those submitted to by our revolutionary ancestors, in a struggle not less important or sacred than that in which we are now engaged. Nothing but a pure love of freedom, a noble and elevated spirit of patriotism, a generous ardor in behalf of our country's independence, a determined purpose to dissolve an alliance with a people who entertained respect neither for the constitution nor laws, a people who repudiated all the glorious reminiscences of the past, could have induced officers and men, women and children to make the unparalleled sacrifices which have characterized this unnatural war, brought upon us by one whom accident elevated to the presidency of the United States, in the memorable year 1860. Abraham Lincoln stands this day, in the estimation of the people who constituted a part of the United States, and before the world, as the justly detested author of the ruin of his country, and is answerable for the blood that has been shed, and the lives that have been lost upon the fields of battle. He and those who elevated him to power, inaugurated this revolution, and upon him and them will rest the curses of the present and of coming generations. As he has sown, so let him reap. On his retirement from the presidency, a doom, more fearful than that of Devergoil, awaits him.

In after times, the origin, progress and results of this revolution will furnish a theme for curious speculation and enquiry. It will be a matter of amazement that a government, great and noble as ours was, should have been sacrificed to the fell spirit of a wild and reckless fanaticism: that a large portion of the people should have been so thoughtless and so wicked as to make war upon the institutions of a minority, and drive them into revolution for their defence and preservation. But however this may be, it is certain that the Union is dissolved; and it is equally certain that we can *never* again be reunited; and the man who preaches the doctrine of *reconstruction*, is a traitor, and deserves a traitor's doom.

The admission of the forty-five counties of Virginia, as an independent state, by the federal congress, clearly indicates that that government has no longer a hope of accomplishing the subjugation of the south; and they are looking to boundary in the adjustment of the controversy which they have provoked. They have overrun much of our state; and this new state thus formed embraces counties both sides of the Blue Ridge. If in any adjustment the portion of our territory embraced by these counties is to be regarded as part of the northern government, it requires no prophet to decide what the future of so much as remains is to be. It is bound necessarily to be free territory. I cannot suppose, in any treaty of peace that may be agreed upon, Virginia will ever recognize this division of her territory, or ever assent to a treaty that will strip her of any portion of her domain. Nor can I think that the confederate government will ever assent to such an arrangement. Whenever a settlement shall be made, come when it may, Virginia is to be regarded as a whole, her territory is to be preserved intact, and she is to take her place in the Southern Confederacy as she separated from the old government. Her proportions are not to be diminished. Virginia is to be in the future as Virginia was in the past. She is to be as she has been, "THE OLD DOMINION," full and perfect in all respects. We cannot give up a foot of the north west nor of the middle west—not a foot on the Potomac borders, not a foot on the peninsula, nor on the bay, nor on the James river. It is better that this war should continue for an indefinite period of time, than that Virginia shall be even partially dismembered. Let every Virginian, then, kneeling at the altar, swear that the old commonwealth shall remain one and indivisible, and that he will never assent to an adjustment, which will take from her one square foot of her territory.

The federal army, which has invaded this state, has been so damaged in the various battles which have taken place, that it will be difficult again to bring its power to bear upon us in the field. We have reason to believe that it has been demoralized, and that officers and men have learned a lesson, little anticipated by them when the war commenced. Be this, however, as it may, we must not relax our efforts. We must preserve our organization; perfect our plans; redouble our energies; employ all the means within our reach—and above all, we must encourage a tolerant, charitable feeling; inspire harmony and conciliation, and in every respect be prepared for every possible contingency that may occur. We have much at stake, and

it becomes us to omit nothing calculated to insure success in the struggle. Dissension and division, strife and contention, crimination and recrimination, can have no other effect than to embarrass, and perhaps defeat plans and measures, upon the success of which the present and future of our cause and country in a great measure depend. Principle is always to be respected and observed; and it is proper to remember that it is not less important as a rule for governments than for individuals. If we cannot agree upon the principle, let our protest be made, and postpone the question, and the controversy to which it may give rise, to a day of peace. If the policy indicated is not approved, postpone it to a day when it can be settled without destroying the unity and harmony of our people. It will all come right in the end. The people are honest, patriotic, intelligent—and they will decide it in such way as to preserve the honor of the country, and maintain their own rights. The questions of principle and policy are postponed merely; and we may be assured the time will come when they can be fairly and properly decided. It becomes us, therefore, to be tolerant one towards another; to bear and forbear; to cherish a kind and conciliatory spirit; to do all and suffer all that patriotism inculcates or duty enjoins upon the citizen.

A reasonable degree of common sense, judgment, prudence, patriotism and conciliation will carry us safely through this war. We must be united, if we would be successful. Concert and harmony are indispensable, and without these essential virtues, we can only anticipate disaster and inglorious defeat.

The vandalism of the northern armies is without parallel in the history of warfare. No regard has been paid to the rights of persons or of property. They have violated the one and trampled upon the other. They have arrested and imprisoned private citizens, and subjected them to every indignity and outrage: they have destroyed property that could be of no value to them, and that in all previous wars had been respected. Wardrobes have been broken open, and the wearing apparel of the ladies and their children either destroyed, or appropriated by officers high in rank, and sent to their homes in the north. Pianos and valuable furniture of all kinds have been boxed up and removed in many instances, and in others broken up, and the pieces scattered about the premises. The most wanton destruction has marked the progress of the northern army; and the cities and towns they have occupied exhibit "the abomination of

desolation." Even the lodges of the venerated order of masons were broken open and robbed of their emblems, jewels and regalia; the churches were shamefully desecrated; the Bibles torn to pieces, and scattered through the streets. Our cities, towns and counties indicate that they have been cursed by the presence of a heaven-defying and a hell-deserving rabble.

Is it not marvelous, in view of all these things, that we could so long have remained in association with such a people? This war has exhibited them in their true characters—as murderers and robbers. They have disregarded all the rules of civilized warfare. Their prisoners we take are entitled to no consideration, and if they received their deserts, they would be regularly indicted and tried for violating our state laws, and suffer the penalties which those laws annex to their crimes. The alliance between us is dissolved, never (I trust) to be renewed at any time, or under any conceivable state of circumstances. Let us achieve our independence (as it is certain we will); establish our government upon a firm and enduring basis; develop our material resources, valuable beyond all calculation, and move forward in the highway of greatness and power and influence. When the war ends, a bright and glorious future awaits us. The agriculturist, the mechanic, the manufacturer, the miner, will return to their accustomed employments: life, activity and prosperity will exhibit themselves in all branches of business: our cotton, our rice, our tobacco, our iron, our coal, our salt, will enable us to carry on trade with all parts of the world, and will give to us, amongst the nations, a respectability and character, inferior to no one of them.

The finances.

The balance in the treasury on the 1st day of October 1861 was	-	-	-	-	138,214	84
Amount received into the treasury from October 1st, 1861, to September 30th, 1862,	-	-	-	-	8,954,833	12
					<hr/>	
					9,093,047	96
Amount of warrants issued upon the treasury from October 1st, 1861, to September 30th, 1862,	-	-	-	-	8,658,846	45
					<hr/>	
Balance in the treasury October 1st, 1862,					<u>\$ 434,201</u>	<u>51</u>

It is cause for congratulation, that although the pecuniary burden upon Virginia has been heavy from the commencement of the war, she has sustained it with a spirit and courage worthy of her revolutionary fame. All the demands upon her that have been presented, have been promptly paid so soon as audited. No creditor has been compelled to wait longer than was necessary to adjust his accounts, and ascertain the amount to which he or she was entitled.

The salt contract and mode of distribution.

So soon as I could leave the seat of government after your adjournment, I repaired to Saltville for the purpose of executing the law in regard to the purchase and distribution of salt. I very soon found that a most perplexing and embarrassing duty had been devolved upon me; that it was surrounded with difficulties; and that it would require the exercise of great prudence and the most judicious management to accomplish the objects of the legislature, and at the same time steer clear of disagreeable and injurious conflicts with the interests of the confederate government and the governments of the states of Georgia, Alabama, Tennessee and North Carolina—all of whom had entered into contracts with the proprietors of the salt works, and under which they were engaged in the manufacture of salt for the supply of the citizens of those states. These latter contracts were not made until the legislature had declined to purchase the salt works property, and were made therefore in good faith. When I went to Saltville, I found that they had made large expenditures of money, and they were at that time just beginning to enjoy the fruits of their outlay. The confederate government had also a contract for twenty-two thousand bushels of salt per month, which had been made in the year 1861, and which was then in process of execution. To have interfered with this contract, would have entailed severe suffering upon our soldiers in the field, not only for the present, but in the future, so long at least as the war should continue. County and corporation courts in our own state, as they were authorized by a special law to do, in praiseworthy efforts to relieve the wants and necessities of their people, had also made contracts, which had been partially executed by the delivery of one or more of the monthly installments provided for in the contracts. To have interfered with these, would have been to punish them for the commendable efforts they had made, and could not have resulted otherwise than in withholding from their citizens the salt they were

then actually receiving. I came to the conclusion, therefore, after the most mature consideration, not to interfere in any way with these subsisting and partially executed contracts. Had these contracts been merely executory, I might perhaps have come to a different conclusion.

There were still other difficulties equally as embarrassing. If I should determine to take possession of the works, I must, in the first place, have had the damages assessed for the real property so seized. In the second place, I must have had timber condemned sufficient to supply the necessary amount of fuel that would be required for the operation of the works. In the third place, I must impress a sufficient number of slaves to cut and cord the wood, and a sufficient number of wagons and drivers and other labor to insure its delivery at the works. In the fourth place, I would have been compelled to impress hands experienced in the salt boiling business, and who were familiar with the process of manufacture. In the fifth place, I would have been compelled to meet the requirements of the contract which had been made with the confederate government, which your act directed me to keep inviolate. And many other things of importance, but of less consequence, would have been required to be done. The necessary result would have been, that when I had finished the payment of assessments of all kinds, I would have had very little of the appropriation left, with which to prosecute the manufacture of salt. Nineteen-twentieths of the appropriation would have been absorbed, and the people would have been in the end worse off for salt than under the present arrangement.

I therefore determined to purchase salt, if possible, that being, in my judgment, the only feasible plan for relieving, to any valuable and useful extent, the public necessities, and avoiding disagreeable conflicts, pregnant with the most mischievous results to the unity and harmony which should be cherished and cultivated between the state of Virginia and the confederate government, and all the states composing the Confederacy. The soldiers of all these states stood side by side, on the battle field, with the soldiers of Virginia, in a struggle without parallel in the history of the world, for its magnitude, and its importance to the present generation and those who are to succeed us. I was unwilling to do any thing to arouse prejudices or excite ill feeling between citizens of states where cordiality and kindness now existed, and whose sons, martyrs in a holy cause, sleep

quietly and soundly in a common grave, the dust of each commingling with the other.

Nor was I willing to interfere with the county and corporation contracts. The counties and corporations which had made these contracts, had exhibited commendable forecast and judgment in making provision for their citizens. Such a spirit I thought deserved encouragement. The contracts were made in good faith—the object was laudable, and every principle of justice, in my judgment, demanded their observance and strict fulfillment. I declined, therefore, to interfere with these contracts, so as to leave the contracting parties unembarrassed by any act of mine. Their contracts were left as I found them, in every respect undisturbed by the contract which I had made with Stuart, Palmer & Scott. All the contracts previously made were made with Stuart, Buchanan & Co., a separate and distinct firm.

A copy of my contract with Stuart, Palmer & Scott is herewith transmitted; also a copy of my proclamation, providing for the distribution of the salt acquired under that contract, and the previous proclamation issued, prohibiting the shipment of salt over the rail roads of the state.

In making the distribution, such counties only were embraced as could be reached, the object being to make the purchase available to as great an extent as possible, for the relief of the people. All doubtful counties were included in the distribution, and those only were excluded which were, in whole or in part, under the control of the enemy.

Shortly after the adjournment of the legislature, I directed Quartermaster General Smoot to adopt such measures as he might deem advisable, to procure salt from the Kanawha works. A copy of the order and instructions are herewith communicated. If the orders issued to the sheriffs of the counties had been promptly complied with, we would have secured at least one hundred thousand bushels of salt from these works; but parties in the counties immediately went to work to defeat the object of the orders. Owing to this fact, the movement of the wagons was delayed until so late a period as to prevent them from reaching the Kanawha valley before our army was compelled to retire from it. My object was therefore defeated, and the supply anticipated from this source was lost to the people of

Virginia. The report of Major Smoot on this subject is herewith transmitted.

Defeated in procuring salt from the Kanawha Salines, I determined to make an additional contract with the proprietors at Saltville. With this view, I directed my aid de camp, Col. S. Bassett French, to repair to Saltville, and make an additional contract to an amount not exceeding eighty thousand dollars, and to secure its delivery at the earliest period practicable. After much trouble and difficulty, Col. French succeeded in making a contract for thirty-four thousand bushels, deliverable in the month of March next, upon the terms specified in my contract with the parties of Scott & Co. Copies of his contract and report are herewith communicated.

I ascertained, during the visit of Col. French at Saltville, that the state line required eighteen hundred bushels for immediate use, for packing purposes for beef and pork, and I instructed him to procure the quantity required. I supposed it would be furnished without delay or difficulty; but much to my surprise, the proprietors, who had agreed to furnish so much salt as the state line might require in addition to the amount agreed to be furnished to the state, declined to supply this demand. I therefore directed Major Smoot to proceed without delay to Saltville, and impress the amount required, under the act of assembly; for which, see Code, edition of 1860, chapter 32, sections 1st and 2d. The matter was arranged, without resorting to the exercise of the power referred to. A copy of Major Smoot's report is herewith communicated.

The reports of Colonel French and Major Smoot present clear and intelligent views of their action in the important matters committed to their management. Their duties have been performed faithfully, promptly, and to my entire satisfaction.

I have endeavored to perform my duty faithfully in the execution of this act of the general assembly. It has been the most perplexing and embarrassing duty that has devolved upon me as the executive of this commonwealth. If the works had been purchased last spring, as I thought they should have been, by the state, we would have had an abundance of salt for the wants of our people, and could have realized from the property a sum sufficient to have paid the purchase money, or the greater portion of it, the past year. In future years it would have paid a handsome revenue into the treasury.

In my management of this matter I have honestly labored to meet the just expectations of the general assembly. If I have succeeded, I will be gratified. If I have failed, I will have the consciousness of knowing that I have faithfully endeavored to execute the law in its spirit and letter.

The penitentiary.

I communicate herewith, the report of the directors of the penitentiary, accompanied by the reports of the superintendent and the surgeon. Eight tables, designed to show the operations for the year ending the 30th September last, and to present a comparative view of its operations under Colonel Morgan and the late incumbent, accompany the superintendent's report. I frankly confess I do not understand these accounts, after the most careful examination. It appears from the figures that the profits on manufactures in the several wards have amounted for the year to upwards of \$35,000, and yet the balance against the institution for the same time is upwards of \$10,000. In other words, I do not see how profits should have been made upon every branch of manufactures, and yet the institution should not have been able to pay its expenses, and at the same time yield something very handsome to the state treasury.

On the 9th day of December last the aggregate number of					
convicts was	-	-	-	-	412
White male convicts,	-	-	-	240	
White female convicts,	-	-	-	3	
				—	243
Free negro male convicts,	-	-	-	25	
Free negro female convicts,	-	-	-	7	
				—	32
Male slave convicts,	-	-	-	16	
Female slave convicts,	-	-	-	10	
				—	26
Making a total in the penitentiary, of				—	<u>301</u>

There are hired out, of male free negro convicts and slave convicts, 94, and of female free negro and slave convicts, 13—making 107. In addition to these, are four children (slaves) between the ages of one and four years. Some provision of law is necessary to authorize these infants to be disposed of. Perhaps it would comport with the dictates of humanity to restore them to the former owners of the mothers, that their relatives and connexions might be afforded the

opportunity to take care of them during their infancy. In consideration of this restoration, the owner should be required to refund a portion of the value paid him by the state for the mother.

I learn from the report of the superintendent of the Georgia penitentiary, that the clear profits of this institution for the last year amounted to the sum of \$27,774 74. Of this sum \$10,000 were paid into the treasury, and the residue was reserved for the purchase of materials for the operations of the present year. The number of convicts in this institution is 242.

The late message of the governor of Alabama shows that a balance of \$27,000 is on hand, after the payment of all expenses, as the net products of the penitentiary of that state. The number of convicts in this institution is 205.

These are the results in the only states from which statistics have been received. I regret that I have received no reports from the other states of the Confederacy, showing the condition of their penitentiaries. I would be glad to compare the results of their management with the management which has characterized our own. The contrast between the management in Georgia and Alabama and our own penitentiary, is most striking, and shows how inefficient, negligent and careless has been the management here.

The total number of convicts employed in the Virginia penitentiary, in manufacturing and mechanical pursuits, last year, was 298—greater by 56 than the number in Georgia, and greater by 93 than the number in Alabama. With the demand which has existed in the south, for a year past, for the products of manufacturing and mechanical labor, the profits of the Virginia penitentiary should have been proportionally great. Instead of this, however, the result is that the institution is a burden upon the state. Of the residue of the convicts (107), the free negro and slave convicts constitute a part. They are hired to the owners of blast furnaces engaged in the manufacture of pig iron for the uses and purposes of the Southern Confederacy. The remaining convicts are in feeble health, and employed in light duties about the penitentiary and public square.

On the 16th day of November 1860, in order to procure raw materials for the use of the penitentiary, I advanced the sum of \$2,500 to the agent and storekeeper, from the contingent fund, upon the

assurance that it should be returned in sixty days, taking from him bond and security. This sum was not refunded until the 17th day of October last.

When the present agent and storekeeper entered upon his duties, very little stock was on hand, and that little was unsaleable; and as his predecessor had failed to pay the amount due in his hands, means with which to purchase materials were wanting. The convicts were unemployed and had been unemployed much of the year, and it was necessary that funds should be provided with which to procure materials and supplies. I accordingly advanced five thousand dollars from the contingent fund; which was applied to these objects, and work was again resumed. It has been found exceedingly difficult for the last year to procure materials and supplies as they were needed; but if prudence, forecast and energy had been exhibited by those charged with the management, an ample stock could have been laid in for the year's operations. This is conclusively demonstrated in the cases of Georgia and Alabama; and what has been done in those states could have been done in Virginia, if those invested with the management and control had possessed ordinary business qualifications.

I have made recommendations in regard to this institution, in several previous messages; which it is not necessary here to repeat, but to which I now again invite your attention; and I particularly invite the attention of the committees on the penitentiary to them. I regard many of them as of the first importance; and unless some legislation to carry them out shall be speedily adopted, serious mischiefs will in my judgment result.

On the night of the 5th of December last three convicts escaped from the penitentiary, and a fourth was seriously injured in the attempt to escape. So soon as the fact was made known to me, I ordered an investigation to be made. The report from the directors has been received, and is herewith transmitted.

The same men who succeeded in making their escape on the 5th of December last, made an ineffectual effort to escape in the month of April previous. The same *interior* guard was on duty on both occasions, and were found asleep in the guard room, if I am correctly informed. A law punishing such neglect of duty should be passed immediately, and the punishment should be sufficiently severe to

cure the evil. Such carelessness and negligence might result in the most serious and alarming consequences, and it behooves us to apply the proper remedy at the earliest moment.

Compensation of clerks.

I transmit herewith the proceedings of a meeting of the clerks of the several departments of the government of the state, asking for an increase of compensation, upon the principles of the bill passed by congress at the last session. It is absolutely necessary that some action shall be immediately taken upon this subject, or we will lose all our most valuable and efficient clerks. Already several of our best clerks have resigned and entered the service of the confederate government, where the pay is better. The salaries paid by the state are not sufficient for their support in this day of extravagant prices; and they have therefore been driven, by stern necessity, to seek new positions, where the compensation will secure them the means of living.

It is the pride and boast of our state that the several departments of the government have been managed by competent officers, and the public business has been dispatched promptly and efficiently. This has been owing mainly to the fact that our clerks were kept in office so long as they were faithful and attentive to their duties; and being familiar with the law and its requirements, they dispatched business accurately and promptly. Clerks of intelligence, educated in the branches of business in their several departments; familiar with all the details, and experienced in the performance of their duties, are invaluable in the management of the operations of government. Of such is the corps of Virginia clerks composed; and we should have wisdom enough to adopt a policy which will retain them in our service. The heads of the departments have important duties to perform, that engross much the larger portion of their time, and it cannot be expected that they can educate a new set of clerks every six or twelve months. I can conceive of nothing better calculated to prejudice the public business, delay its execution, and to produce confusion, than frequent changes of the clerical force, which the government is compelled to employ in its service. Such results ought to be avoided, and they can be avoided by doing sheer justice only to this deserving class of public officers. The adoption of the policy inaugurated by congress will solve the problem, and retain in the service of Virginia a corps of clerks inferior to none in the service of either of the states of the Confederacy.

Forgery of warrants on the treasury.

Since your late adjournment, forgeries to a large amount upon the treasury have been discovered. When the fact became known to me, I instructed the first auditor and treasurer to make a report of the amount of the forgeries, and all the attendant circumstances. The report of these officers is herewith communicated, and will furnish full information as to their number and amount, and the facts connected with, as well as the result of the examination of the party suspected, which took place before the mayor of Richmond. The genuine signatures of the auditor and treasurer are attached to but one of the warrants. This warrant is for \$596, and was paid by the Farmers Bank of Virginia. All the others were absolute forgeries, and are losses sustained by the banks, and not by the state. When they are examined, it is surprising, with the erasures and interlineations upon the face, they did not excite suspicion, and thus lead to the arrest of the guilty parties who presented them at the banks for payment. I commend the subject to your attention.

The land office.

In a previous message, I presented my views in regard to this department, and amongst other things, recommended that the issue of patents should cease. I am satisfied that there must be very little if any vacant land in the state; and under these circumstances, the issuance of patents is calculated to encourage fraud, and furnish the means of imposition upon the ignorant and unsuspecting: and besides, the continuance of the present system is well calculated to keep land titles unsettled, and thereby increase litigation. Population is not likely to seek a settlement where titles are uncertain, and where parties are compelled to take with their purchases the expenses of long and angry controversies.

Since the state withdrew from the federal Union, I have taken the responsibility of refusing to sign patents for land in the disloyal counties, and in other counties I have withheld my signature, where I had no satisfactory assurance that the parties applying for the patents were loyal and faithful citizens, true alike to the state and the Confederacy. It is impossible to procure conclusive evidence in these cases; and the consequence has been, that the register and myself have been compelled to rely on such information as we could get from persons visiting the capital.

I recommend, therefore, that the issue of land patents be discontinued, and that the books and papers be confided to the custody of the register, who can respond to all calls for patents and plats as they may be required by parties, in connection with legal controversies now existing, or which may hereafter arise, growing out of conflicts to titles for lands.

Act concerning slaves for work on fortifications.

This act, which passed near the close of your last session, requires amendment in several respects; and I invite your early attention to the modifications I suggest.

The first provision of the law is defective in this, that it does not prescribe with certainty the mode of ascertaining the slave population of the counties, cities and towns. The calls made upon me under this law have been predicated upon the census of 1860; and in many of the counties, cities and towns called upon, the slave population, by the casualties of the war, has been very seriously reduced; and in addition, the draft falls with peculiar severity upon the people, who can illy afford to part with their available labor. They have been severe sufferers from the war, by the reduction of their laboring force and the overrunning of their territory, and some regard should be paid to these considerations in all such cases.

In the second place—the act requires the confederate government to pay the value of all slaves that may escape and not return to their owners, or that may be seized or killed by the public enemy, or by the want of due diligence, or lost in any other manner, or that shall be injured by want of proper care. But it contains no provision declaring the manner by which the value of the slave is to be ascertained before he enters the service. The law should be explicit upon this point; and when the value is ascertained, it should be regarded as conclusive. When I have been consulted in regard to it, I have made it a rule to advise that it was the duty of the courts either to fix the value, or designate reliable and judicious men to do so, and file the record of valuation in the clerk's office of the county court.

In the third place—the act declares, “slaves hired by individuals having other slaves, shall be regarded as in the possession of their owners, and classed accordingly in regard to confederate service.” In many instances which have been brought to my notice, the owner

and the hirer have been charged with the same slaves, and both have been required to make contributions upon this basis of calculation. This is clearly unjust, and could not have been contemplated when the act was passed. An owner of slaves may have fifty, and all the valuable males may be hired, leaving none in his possession except women and children. How is such an one to comply with the requisition, without withdrawing his hired slaves, and thereby incur the hazard of losing his hires, by taking the slaves away without the consent of the party hiring them? In such cases, the owners could, if the law permitted it to be done, substitute free negroes, who would in many instances be entirely willing to render service for the compensation provided by the law, especially as this sum would be increased by the sum each would receive from the owner. An amendment authorizing the adoption of the policy indicated would, in my judgment, be wise, and would give great relief in many portions of the state. I do not see that the principle of substitution would operate prejudicially in any respect.

In the fourth place—the governor is required to equalize (as nearly as may be) the burden between the counties, cities and towns, and also between the citizens, due regard being had to the number of slaves theretofore furnished for confederate service. It is impossible to perform this duty, because the slaves have not been heretofore ordered into service by the governor, nor have rolls, showing the service, been returned to him. Hence I have relied upon the chief of the engineer bureau of the confederate government, who has all this information in his possession; and I am glad to believe that in making the calls, this requirement of the law has been carefully observed.

This law is exceedingly distasteful to many of our citizens—not because they are unwilling to make all necessary sacrifices for the cause and the country, but because the law is so indefinite in its terms, that there has been no uniform construction. The amendments indicated would, I think, have the effect of removing the objections of many, and if the law is to continue for any considerable length of time, would perhaps reconcile the people to it.

* The war has operated most oppressively on our people in Virginia, and it becomes us, while we perform our duty to ourselves and to the confederate government, so to frame our legislation as to make the burden bear as lightly as possible upon them. We have already lost untold millions in slave and other personal property and in the

devastation of our territory. Our losses have been very heavy—exceeding greatly, I apprehend, the losses of the people of any other state, in this war. Our citizens have submitted to them, with a fortitude in the highest degree commendable. The multiplied wrongs and outrages inflicted upon them by the enemy, have had no other effect than to strengthen their resolution, and arouse them to a more determined purpose to succeed in the struggle in which we are engaged.

Rucker's case.

The confederate government turned over to me this notorious criminal, for trial for his numerous offences against the laws of Virginia, on the 6th day of October last. He was immediately sent to Alleghany county, and was subsequently indicted by the grand jury in several cases. As the cases possess uncommon interest and importance, I felt it to be my duty to instruct the attorney general to attend and aid in conducting the prosecution. The report of this distinguished and able officer is herewith transmitted, and to it I refer you for full information respecting the proceedings, as far as they have progressed.

Justices of the peace and other officers.

I have received information that several of the justices of the peace in Mercer county have taken an oath of allegiance to the federal government. The first question that presented itself was, whether their offices thereby became vacant. This question was presented to the attorney general for his opinion, and I regret to say that this experienced officer can find “no law vacating their offices *ipso facto*.” As there are doubtless many cases of like kind in the state, I earnestly invoke your attention to the adoption of the necessary legislation to relieve the state from all such unworthy officers. The cases can be reached by investing the county courts with authority, where the fact is established, to declare the offices vacant. The law should be made applicable to sheriffs, coroners, clerks, constables, &c.

Legislative resolutions.

A resolution, requesting information as to “whether any free negroes claiming to be from the United States, invading the soil of this state in violation of its laws, and captured by the armies of the Confederate States, have been surrendered by the confederate authorities;

and if so, upon what ground such surrender has been made," was adopted by the house of delegates September 22d last. On the same day I transmitted a copy of the resolution to the honorable secretary of war, with the request in writing that he would furnish the information desired, at his earliest convenience. On the 21st November last a reply was received from the assistant secretary of war, enclosing a report from Commissioner Ould, both of which accompany this communication.

The senate adopted a resolution September 24th last, requesting the governor "to enquire of the confederate authorities, 1st, what number of slaves and free negroes have been captured by our armies; 2d, what disposition has been made of the same; 3d, how the owners of said slaves may obtain possession of them:" and the governor was "further requested to procure a list of the said slaves, and of their owners' names, so far as practicable, and cause the same to be published for general information; and that he also be requested to communicate the same to the senate." This resolution was transmitted to the honorable secretary of war, on the day of its adoption, with a request, in writing, for the information asked for, at his earliest convenience. No answer has been received to this application; and I have therefore been unable to carry out the instructions of the senate.

The lunatic asylums.

I have received a report from the directors of the asylum at Staunton, and am gratified to assure you that it continues to be managed with the ability and success which has ever characterized its accomplished superintendent. The institution is filled with patients, and I regret to say that numerous applicants of this unfortunate class of our citizens for admission, have to be rejected. With every disposition to accommodate, it is found impossible to receive another patient.

The enemy still being in possession of Williamsburg, I have been unable to procure reliable information as to the condition and management of the asylum located at that place. I have, however, ascertained, that shortly after the city was taken, Doctor Galt and the assistant physician both departed this life. Their places have been supplied by two physicians from the north, and at the latest dates they continued in the performance of their duties. All the

officers who were in charge when the enemy took possession of the place, resigned, because they were required to take an oath of allegiance to the federal government. Subsequently, the larger portion, at the request of the federal authorities, resumed their places, and are still in office. It is just to them to state that nothing was said about the oath when they returned, and they have exhibited their devotion to the commonwealth, by adhering to her fortunes, and refusing to acknowledge their allegiance to the government of our enemies.

Two discharged patients made their way to Richmond some weeks since. They informed me that the medical attendants were faithful and attentive, and they believed were well qualified for their positions. The supplies were ample for their support, but were badly prepared, owing to the difficulty of controlling the servants. They further stated that when their orders of discharge were delivered, they were informed that neither money nor provisions could be furnished, and they must make their way to Richmond as best they could. After much toil and suffering, they arrived here; and after being informed of their destitute condition, I applied for their relief, from the civil contingent fund, a sum sufficient to enable them to reach their homes. The one resided in Pittsylvania, and the other in Floyd county.

Some months ago, having heard the most distressing reports as to the condition of the lunatics, I determined to enquire into the truth of these reports, by sending Col. Ewell, late president of William and Mary college, and Mr. Custis of the house of delegates, to make a careful examination, and report the results. General G. W. Smith, a gallant officer, and a kind hearted and humane gentleman, readily assented to allow a flag of truce; but the federal authorities refused to permit these gentlemen to pass within their lines. This attempt on my part to relieve these poor helpless people was thus defeated, and I am therefore unable to speak more definitely respecting the management of the institution and the condition of its inmates.

I cannot permit this occasion to pass, without placing on record my unqualified condemnation of the action of the federal authorities in this matter, and my protest against it, as a scandalous outrage upon the principles of civilization and the dictates of christian humanity.

William and Mary college.

This is the oldest literary institution in this country, with the single exception of Harvard university. The original charter of the college was granted by William and Mary on the 8th day of February in the year 1692, and it has continued an institution of learning of high character and great merit, dispensing the benefits and blessings of education to thousands, up to the period when this war broke out. Its graduates and students and their descendants are to be found in almost all the states that constituted the late United States. No institution has done more for the cause of education, science and literature, than this venerable college.

Three times has it been reduced to ashes. It was first destroyed and rebuilt in the year 1721; again in the year 1857, and rebuilt by voluntary contributions—and finally destroyed in the summer of 1862, after the enemy had taken possession of the city of Williamsburg. The buildings had been used as a place of deposit by the enemy for their commissary and quartermaster stores; and it was not until these were removed, as I am informed, that the buildings were burned. Thus, we have another evidence of the vandal spirit which animates the yankee army. The antiquity of an institution of learning, or the benefits it has conferred upon mankind, secures no protection against such a foe as we are fighting. With them nothing is sacred. Neither personal rights, private property nor charitable or literary institutions are entitled to their respect or protection. Their mission is the subjugation of the south, and they are foolish enough to think their policy will strike terror to the hearts of the southern people, and finally force them into subjection to northern power. What a miscalculation! The outrages they have committed, the enormities they have perpetrated, have aroused and inflamed the southern mind, and have intensified southern feeling to an extent that will do all, dare all, and submit to all that northern diabolism can inflict, before they will ever consent to a reconstruction of the government of the United States. They have “poured the sweet milk of concord into hell,” and our future relations must be those of enemies.

Virginia military institute.

I transmit the report of the board of visitors of the military institute for the year ending June 30, 1862, accompanied by the reports

of the superintendent, the surgeon and the treasurer, and also the correspondence between General T. J. Jackson, commanding confederate forces, requesting the services of the cadets in his proposed attack on Millroy, and General F. H. Smith, superintendent, to which I invite your particular attention. I regard these as decidedly the most interesting reports that have emanated from the officers of the institute since its organization. The report of the intelligent superintendent cannot fail to interest most deeply every son of Virginia, and he will rise from its perusal with a feeling of pride in learning what services have been rendered in this struggle for independence by its cadets. This institution has done much to aid our cause, and its elevés have rendered services in this war, which have amply compensated Virginia for all the expenditures she has been called upon to make. Indeed, it is difficult to estimate its value; but it is easy for even the casual observer to see that we would have been most seriously embarrassed in the origin of the war, if we had not been able at that important moment to call upon this educated military talent to aid in drilling and organizing our inexperienced volunteers.

The institute has furnished eight brigadier generals, fifty-six colonels, thirty-nine lieutenant colonels, thirty-eight majors, one hundred and ten captains, one hundred and sixteen lieutenants, twelve aids de camp, twenty-six adjutants of regiments, and thirty-four assistant adjutant generals, surgeons, quartermasters and commissaries—making a total of four hundred and forty. Of these, fifty-seven have been killed, and seventy-three wounded in battle, and eight have died in service—making a total of one hundred and thirty-eight. When it is recollected that these results are founded upon incomplete returns, we may well conclude that the Virginia military institute has rendered services valuable beyond comparison with those rendered by any other similar institution in the Confederacy. Its claims, therefore, upon the state are strong, and whatever aid may be required to enlarge its sphere of usefulness, will meet with a ready response from the general assembly, especially when it is considered that this war may last for years.

The number of cadets at the institute at this time is upwards of two hundred and fifty. All the embarrassments and difficulties which attended the reopening of the institute in January last (and they were many), have been happily overcome by the indomitable perseverance, energy and judgment of the superintendent and his as-

sistants. The school is in a most flourishing condition—more so than at any previous period in its history. The number of cadets could have been much increased, if accommodations could have been provided for all who made application for admission.

I invite your attention to the report of the surgeon, and particularly to that portion which relates to increased hospital accommodations. His suggestions are sound, in my judgment, and I commend them to the favorable consideration of the legislature.

University of Virginia.

I have received no report or other authentic information as to the condition of this valuable institution, since it was reopened. If information shall be received during your session, it will be specially communicated.

Extortion.

In the laws and moral government of God, extortion is considered a high crime; and the extortioner is uniformly associated in his Word, with idolaters, with the covetous, thieves, drunkards, adulterers, fornicators and revilers. Against this prevailing crime and those who commit it, the president of the Confederate States, in a recent communication, appeals to me to invoke action on the part of the general assembly. He says, "I beg respectfully to ask the aid of the executives of the several states in recommending to the several legislatures," "the adoption of some measures to suppress the shameful extortion now practiced upon the people by men who can be reached by no moral influence, and who are worse enemies of the Confederacy than if found in arms among the invading forces. The armies in the field, as well as the families of soldiers and others of the people at home, are the prey of these mercenaries; and it is only through state action that their traffic can be suppressed. Their condign punishment is ardently desired by every patriot."

I cordially endorse all that the president says in this extract from his letter. If the members of the general assembly could have heard, as I have been compelled to hear, day after day, the appeals of mothers and sisters and children of soldiers, whose husbands, brothers and fathers are now and have been, from the commencement of this atrocious war, in the field defending the freedom and protecting the persons and property of these extortioners, they would feel the necessity of doing something for their relief,

Mothers, respectable in appearance, of refined manners, who have evidently seen better days, have come to me with children in their arms, and whose husbands were in the field, and have appealed to me to secure them some place where they and their little ones could be sheltered from the storm. They had been turned out of their houses, and were unable to secure others in which to live. Rents had increased, and they could not pay them out of the small pittance received by their husbands for their services. Avarice clutched every cent that could be had, in the way of increase for rent, bread and all family necessaries; and the wife of the soldier being outbid, she had of course to surrender her home. This should not be. The soldier's family should be protected and provided for, and he should have it to say, when he returns, the government has protected those who were dearer to me than life, while I have been absent fighting its battles for freedom. If he is assured his family is protected, he will fight cheerfully for his country, and will bless the country and uphold its institutions when peace shall be established. In all after time, as a general principle, he will be found a true and loyal citizen, faithful to the governments, state and confederate.

A single example will show what enormous profits are being made in one branch of manufacture in our state. I have it from undoubted authority, that a cotton manufacturing company has already divided seventy-five per cent. of profits, and will divide twenty-five per cent. more at the close of the year—making a clear profit in twelve months, of one hundred per cent. upon the capital stock. Other branches of manufacture are doubtless paying profits equally large, exhibiting an unhealthy condition of things, that requires the application of severe remedies. If the extortioner will not release his gripe, let the legislature so frame the tax bill as to make him contribute a fair proportion of his enormous gains to the support of the government. As long as he can make such profits, the war is a blessing to him, and its termination the last thing he desires to see brought about. He thinks alone of his gains—not of his country nor his country's cause.

The conscription bill, in its operation, takes possession of individuals, and puts them in service in our armies, without *their consent*. If the persons of men can be taken for the service of the country, why cannot property and the enormous profits of the extortioner be taken possession of in the same summary mode, to aid the country's cause? Is property acquired, or profits wrung by the extortioner

from the necessities of the people, more sacred than the person of the citizen? The personal liberty of the citizen rises far above all questions of property, or pecuniary profits, under our government.

The law presented at your last session is in most respects a good one; and I recommend that you take it up, amend it as you may think necessary, preserving the principle on which it is founded, and pass it. I am of opinion it will produce good results.

The prisoners captured by the state line.

One hundred and eighteen of the prisoners captured by the state line in the brilliant affairs at Prestonsburg and Pikeville in Kentucky, arrived here on the morning of the 27th of last month. I have had preparations made for their safe keeping, and I have announced to the president of the United States the terms upon which exchanges can alone be made. In the mean time I have placed in the penitentiary, and put at hard work, Capt. Gramm and Lieut. Wade, who are to remain at hard work as hostages for Capt. Duskey and Lieut. Vanner, now in confinement in the district penitentiary at Washington city.

I have also placed in solitary confinement Captain Thomas Damron and Lieutenant Wilson Damron, and privates John W. Howe, Isaac Goble, David V. Auxier, Samuel Pack and William S. Dills, who are held as hostages for the gallant Zarvona, who has been in confinement since July 1861, and who has been treated (if the half I hear is true) with a brutality unparalleled in the history of civilized warfare. Five others, deserters from the confederate service, have been turned over for trial. The other prisoners are confined and treated as prisoners of war, not to be released (with my consent) until some general rule shall be adopted in regard to prisoners and private citizens, which shall be just and honorable to the people of Virginia, and which will preserve their rights in future.

I rejoice at this capture, made by General Floyd, as it furnishes me the opportunity to demonstrate that Virginia is a sovereign state, with the power and the will on the part of her executive to defend the officers holding her commissions, and protect her citizens. If the state line shall accomplish no other result than it has effected, it will have established its reputation for valuable service, and will have secured an honorable place in history, connected with this war.

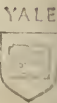
I invite your attention to the report of Major General Floyd, herewith communicated, and I commend it to your consideration. It will doubtless prove highly interesting to the general assembly, and will satisfy them that the state force has accomplished valuable results—results showing it deserving of the fostering care of the legislature. It has captured stores and other property equal in value to near half a million of dollars, and has effected the demoralization of the opposing force, and inspired a wholesome dread amongst them. This raid has been pronounced by the enemy one of the most destructive they have suffered; and Major General Floyd deserves the thanks of Virginia for the judgment in its conception, and the skill and energy he has displayed in its execution. Give him his ten thousand men, and he will do more for western Virginia than any other commander is likely to accomplish, for the relief of that section of the state. Colonel Clarkson and his gallant boys are not to be forgotten.

The state rangers.

Under the act organizing the companies of rangers, the term of service was declared to be twelve months. In the month of August last I directed all the companies to report to Major General Floyd. This gentleman had, at the request of the general assembly, been commissioned a major general, and I deemed it advisable, therefore, to place all state forces under his command. The term of service of some of the companies has expired; but regarding the defence of western Virginia as of the utmost importance, and knowing of no means of defence likely to prove so successful, I have retained them. Under all the circumstances, I thought it advisable to await the assembling of the legislature, when such action could be taken as would be considered wise and proper. So long as the state line shall be kept up, I consider it judicious to retain the rangers, to act in concert with the forces of the state line, and to be under the command of General Floyd. It is, however, for you to determine whether they shall be disbanded at the end of twelve months, or whether they shall be retained in service for a longer time.

The report of the adjutant general.

I commend this report to your consideration. The necessity of organizing a force for home defence, at this time, will strike the minds of the general assembly. It is of the first importance; and I commend its suggestions to your consideration and approval. They ap-



pear to me in all respects to be eminently judicious and proper, under the circumstances; and emanating from so experienced an officer they are entitled to great consideration and favor.

Ordnance department.

The report of the ordnance department is herewith presented, and shows that the valuable officer at the head of it has discharged his duty with that fidelity and ability which he has always heretofore exhibited. He has rendered valuable services from the beginning of the war to the present time. His attention, his energy, industry and practical judgment have been fully developed, in this important position, and the state owes him a large debt of gratitude.

The quartermaster general's department.

The duties of this department have been discharged with consummate skill, ability, industry and fidelity. Col. Smoot has been in the service of the state since the war commenced; and a more untiring and laborious officer I have never known in any service. His business has been managed with system and order; his accounts have been regularly settled to the satisfaction of the auditing board; and he has been prompt in the execution of the orders which have been from time to time issued to him. His purchases for the state line, in price and quality, will compare most favorably with those made for the confederate government, by its officers and agents, during the same period. He and his subordinates deserve well of the state.

Free negroes and slaves.

I suggest whether it would not be wise to enact a law requiring all free negroes now resident in those portions of the state which have been overrun by the enemy, to be removed and put to work upon the fortifications. In their present position in the peninsula and other portions of this commonwealth, they have it in their power to do us serious mischief, not only by tampering with our slaves, but in communicating valuable information to the enemy. The slaves ought also to be removed at the same time, and employed in like manner, if the owners would consent to the arrangement. I advise, therefore, that you pass a law authorizing confederate commanders to arrest the free negroes, list them, and deliver them over to the proper officer of the confederate government, for this or any other

service in which labor is required. They will receive good wages, and be provided with rations. When the danger passes by, they can return to their homes.

Many reasons could be urged in support of this suggestion, but I do not deem it necessary to present them, as they will readily occur to the minds of the members of the general assembly. Suffice it to say that there is a strong necessity for some action on this subject, and it ought to be taken at the earliest practicable moment.

Death of Hon. Wm. Ballard Preston.

Since your adjournment this distinguished gentleman has departed this life, and one of your earliest duties will be to select a successor to fill his place in the Confederate States senate.

Mr. Preston was a gentleman of the most estimable character, of brilliant talents, highly improved by cultivation. In the domestic and social circles he was an ornament. As a statesman, he was liberal in his views, ardently devoted to his country and its welfare, but with his whole heart he loved Virginia. Around her his affections were entwined as the tendrils of the ivy encircle the majestic oak.

During the session of the convention, and his service in the provisional congress and in the confederate senate, it was my good fortune to see much of him, and to confer freely with him on questions of the utmost importance to our beloved commonwealth. His views were presented with singular clearness and force, and our interviews were always pleasant and profitable to me. He recognized Virginia as the noble mother to whom he owed his allegiance, but never forgot his duties to the confederate government. As an orator he had few equals, and was remarkable alike for the grace and elegance of his elocution. He was a pure and good man, and in all the relations of life, public and private, he performed, faithfully and unostentatiously, his duties to his family, his friends and his country. He has been called from the theatre of action at a most interesting period in the history of our country, and well may Virginia mourn over the loss of so cherished and valued a son.

His race has been run; the goal has been reached, and he has gone to the grave, adorned with the highest honors that his state could confer. It is left for us to emulate his virtues, to imitate his example, and profit by the lesson his life inculcates.

Representation in the legislature.

It is necessary that some action shall be taken by you at this session in regard to representation from those portions of the state under the control of the enemy. An election for governor, lieutenant governor, attorney general and members of the general assembly, will come off in May next; and unless some legislative action is had now, the counties in the enemy's possession will have no opportunity of voting. This result should not be permitted to occur, if it can possibly be avoided. I suggest, therefore, that you pass a law similar in its provisions to the ordinance passed by the convention on this subject. It is but just to our gallant soldiers that they shall have a voice in the selection of their state officers and representatives in the general assembly; and it is equally just that the loyal men of all the counties of the commonwealth shall be represented. Our action should show that we do not intend to abandon any portion of Virginia; and our legislation can certainly be so shaped as to indicate this purpose in the most distinct manner. The citizens in the enemy's lines, whose loyalty to the commonwealth has been so thoroughly tested for the last eighteen months, have a right to expect that they shall be allowed to enjoy all the rights and privileges which legislation can confer.

Maryland.

I do not despair of Maryland. I have strong faith and an abiding conviction that this state is destined to constitute a part of the Southern Confederacy. I believe now, as I have uniformly believed, that a decided majority of her people are with us in feeling and in sentiment, and when they shall be permitted to give a free expression of their sentiments, they will so declare. Why should they not? Their interests and the interests of Virginia are identical. The ties of consanguinity and of marriage, of kindred institutions and similarity of pursuit—every tie indeed that is calculated to unite and bind people together, exists between Maryland and Virginia. The land of Carroll and of Howard, of Ringgold and of Watson, will seek an alliance with congenial spirits in the Southern Confederacy. Her proud spirited and patriotic daughters would repudiate with scorn any other association for their fathers, husbands, brothers and sons. And how could these daughters, who have exhibited such interest in the southern cause, and have uniformly shown such sympathy and manifested

such kindness and attention to our brave soldiers whom the casualties of war have thrown amongst them, ever assent to any other association than with their noble southern sisters? The destiny of Maryland is with the south. That destiny will be accomplished.

Conclusion.

May the Supreme Ruler of the Universe, who has watched over us with such benignant care; dispensed blessings with so liberal and generous a hand; crowned our arms with such brilliant success, and preserved us from the horrors of subjugation, still protect and defend us against the wiles and machinations of our unscrupulous enemies, and in his own good time, establish our independence.

Respectfully,

JOHN LETCHER.

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