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REPORT
 OF THE
 SECRETARY OF WAR.

CONFEDERATE STATES OF AMERICA,
War Department. }
 Richmond, Nov. 26, 1863. }

To His Excellency JEFFERSON DAVIS, *President, U. S. A.*

SIR: I have the honor to submit the following report:

During the past year, the war has raged with increased violence, and on more extended arena. From central Pennsylvania to southern Texas, the shock of arms has been felt in many battles, on a grand scale, and in numberless engagements, varying from the conflicts of thousands to the skirmishes of a few.

Such extended warfare, as was almost inevitable, from the superior numbers and more abundant resources of the enemy, has been chequered by some reverses, as well as illustrated by not a few brilliant victories and glorious achievements.

These events are, at the same time, too vivid in remembrance, and too near in occurrence, to make needful or appropriate their full recital. To illustrate the sustained glory of our arms, it will fully suffice to recall, in the east, the victory, against all odds of numbers and position, at Chancellorsville, the capture of Winchester, the invasion of Pennsylvania, closing with the grand, but indecisive battle of Gettysburg, where the glorious successes of two days' combat barely failed on the third of being crowned by a crushing defeat to the enemy, and inflicted such heavy loss as enabled our gallant army, with many of the ends of the movement accomplished, to retire unassailed and defiant within our limits.

In the South, the complete repulse, at Charleston, in the spring, of the grand attack by sea, made with the plated ships and guns of unprecedented calibre and range, which the arrogance of the foe

imagined must overpower all resistance, has been followed, in the renewed attack, conducted now by land and sea, by the bloody repulse at Wagner and Sumter, which last, reduced to a pile of crumbling ruins, yet harbors resources and heroic men, that keep in distant awe and impotent malignity the enemy, with all his ingenuity of land and naval war.

In the far west, beyond the Mississippi, the valor and patriotism of our soldiers have been signalized by achievements, which, though on a less grand scale, lose not in glory by comparison with any triumphs of the war. If we have, then, to report the loss of the Arkansas Post, and the repulse at Helena, we have to glory in the hard fought battle of Prairie Grove; at the skillful evasion of an overpowering force in lower Louisiana; the steady resistance and judicious strategy that enabled a force wholly inadequate to a direct encounter, yet to harass, pursue and finally to expel the hordes of the enemy. Then at the brilliant success of Brashear City, Milligan's Bend, and many minor affairs that asserted again the supremacy of our arms in western Louisiana.

Texas, meantime, has been preserved intact, feeling the step of the foe only to expel him with shame and blood in the repulses at Galveston and Sabine Pass, which, for the results obtained by limited means, have been rarely matched in history.

The gravest reverses of the year have been sustained by us in Mississippi, and resulted in the capture of Vicksburg and Port Hudson with their garrisons; in the partial command, by the enemy, of the Mississippi river, and the temporary evacuation of Jackson, the capital of the State, by our remaining forces. Yet, these were, to the enemy, bloody acquisitions, and to us errors not unredeemed by much of glory and vengeance. Port Hudson and Vicksburg, by the gallantry and constancy of their defence, fully sustained the renown of their previous deeds; and the repeated efforts of the vastly superior forces of the enemy to snatch their prizes by violence, ended only in fearful loss and shameful rout. Our brave soldiers succumbed only to privation and exhaustion. And whatever may have been the loss to the country, they, at least, lost not honor.

The campaign in Mississippi was certainly disastrous; and with the forces and resources collected in the State, it is difficult to resist the impression, that the disasters were not inevitable. Their causes, and whether attributable to any deficiencies in prescience, skill or valor on the part of either commanders or their troops, it is felt to be inappropriate here to discuss, as under a just sense of what is due to all concerned, as well as to the Confederacy, a court of inquiry has been instituted to make full investigation of the whole campaign. It met; but its session has, in consequence of military events occurring in its vicinity and demanding the presence of witnesses and judges at other points of duty, been temporarily suspended. It is, however, expected soon to resume and complete its enquiries. Justice requires judgement to be suspended by all, until, from such acknowledged authority, facts and conclusions can be attained.

These events caused great exultation and renewed confidence to

the enemy, who imagined they had sundered the Confederacy, and secured the unlimited command and free navigation of the Mississippi river, the great conduit of western trade, while readily a corresponding shock of despondency and foreboding of the consequences to ensue from the capture of so many brave soldiers, and the loss of command over the river, and the means of ready communication with the west, affected the public mind of the Confederacy.

As results develop themselves, the exultation and the depression are found to have been alike exaggerated. The gallant soldiers captured, after brief furloughs, having, by exchanges, declared out of the excess of prisoners before so largely made by us, been released from their paroles, are, for the most part, already reorganized and equipped, and now stand ready, with their approved valor and constancy, to meet the invader of their country.

The communication with the trans-Mississippi, while rendered somewhat more precarious and insecure, is found by no means cut off, or even seriously endangered.

This cannot well be otherwise, when it is recollected how difficult it is to guard, by gunboats or troops, hundreds of miles of river bank, if even securely possessed by the enemy, and how wholly impracticable when on both sides, for the greater portion of the distance, the possession is with our own troops or people. Besides, the resources of the trans-Mississippi are such as to make it self-sustaining; and against any force which the enemy, while engaged in their desperate struggle with the States on this side, can spare for attack on those beyond, it is not extravagant to say, that they have better means of resistance, and greater assurance of final success than the rest of the Confederacy. This department, too, in view of the contingency of losing command of that river, has been endeavoring to aid the self-sustaining capacities of that section, by the establishment of works for the production of all supplies needful for the maintenance and efficiency of its armies. To these considerations may be added, that a general, among the ablest, the most zealous and judicious the Confederacy can boast, is happily entrusted with the command and improvement of their resources, and enjoys the full confidence of the government, the people and the army. With circumstances thus favorable, the people of the trans-Mississippi States have only to manifest the energy, courage, and devotion to the common cause of the Confederacy which have signalized them in the past, to dissipate, as well among themselves, as their more eastern brethren, needless apprehensions.

The hopes of the enemy have proven more illusive than the forebodings of our people. The Mississippi river is not opened to them for the purposes of trade or travel.

Without a stronghold on the river where heavy guns may be placed or defended, we may not debar passage to their vessels of war. But with the command of long stretches of the river bank, and ready access to nearly all parts, it would be strange, indeed, if we allowed security or impunity to their boats of trade or passage. The river is nowhere so wide that sharpshooters, even, cannot prove formidable, and batteries of light artillery, sustained by small detachments of cavalry,

may almost absolutely command its channel. The frequent bends of its course, opening the boats, despite all side defences, with their boilers and machinery, to a raking fire, and the wooded coverts that yet line many miles of its banks, give facilities and efficiency to such modes of attack. Above all, except as a mere outlet to the gulf, for the solid advantages of trade, which have been so realized in the past, and are now as longingly anticipated by the States of the Federal Union on the northern Mississippi, and its tributaries, the river must have, in its lower course, a friendly people, engaged in the avocations of peace and productive industry, and not, as now, a desolated and deserted region, occupied only by men maddened by accumulated wrongs, and eager for every means and opportunity of retribution. The folly of these vain expectations must soon be acknowledged, and may contribute to dissipate the wilder delusion that the Confederacy can be subjugated, and the ends of unity and peace be obtained by violence and oppression.

On the other hand, the people of the Confederacy have been enabled to realize, how little, with courage and constancy on their part, their fate is determined by even signal reverses, and by the loss of single strongholds, however relatively important. While material injuries are freely admitted to have resulted to the Confederacy from the disasters in Mississippi, yet some real benefits have undoubtedly accrued from the compulsory abandonment of fixed points of defence on the river. In view of the superior numbers of the enemy, and the larger appliances of war enjoyed by them, the necessity of defending special strategic points may justly be deprecated, since it retains stationary a large force, and offers a wager of battle against all odds, in which the result is less to be determined by valor and skill, than by accumulated numbers and the improved armaments of modern warfare, in which alone, circumstances gives them unquestionable advantage. In the extent of our territory, and the absence of vital centres, the mobility of our troops gives for our defence advantages more than compensatory, and is therefore ever to be preferred.

The loss of Port Hudson and Vicksburg has, on our side, liberated, for general operations in the field, a large army, while it requires the enemy to maintain, cooped up; inactive, in positions insalubrious to their soldiers, considerable detachments from their forces.

Nor, in a country not accessible by inland waters, where their gun-boats can penetrate, are they enabled, from their garrisoned points, to establish control or dominion over any extended district. This is illustrated in Mississippi, where, after having overrun, amid the dismay inspired by our reverses there, a large proportion of the State, they have now been constrained to release and send off their forces, until they control little more than the ground their garrisons rest on, while the experience of their recent ravages, and the insulting presence of a hated foe on their soil, are rousing to fiercer indignation and resistance, the people of the State.

In Tennessee the campaign has been conducted with more varied fortunes. The deficiency of resources in men and provisions, rather than reverses in battle, during the summer, compelled the withdrawal

of our army from middle Tennessee to the South side of the Tennessee river, where for a long time, they held at bay the superior forces of the enemy. At length, with large reinforcements and the combination of a formidable army advancing from Kentucky, the enemy moved on the one side to possess east Tennessee, and on the other to cut off our larger army under Gen Bragg. The necessity of concentrating forces to encounter the main attack, left east Tennessee, with feeble defence, to rely chiefly on the stronghold that guarded the main pass of the mountains. Unaccountably, and under circumstances, which would force suspicion of cowardice or treachery, but for the hope of satisfactory explanation from the commander, now a prisoner to the enemy, this almost impregnable post was surrendered without a struggle. In consequence, east Tennessee came easily into the possession of the enemy; but when their invading forces, attempting to press their advantage, advanced towards southwest Virginia, they were successfully encountered and repelled by our forces in that quarter. Meantime, the grander aim of the enemy to cut off the army of Gen. Bragg had been evaded by a quick withdrawal towards his base, and having received considerable reinforcements from the veteran army of northern Virginia, General Bragg advanced in turn on his pursuers. Once again, the superior prowess of our arms was established on the bloody field of Chickamauga, in what ranks among the grandest victories of the war. Its immediate effects were to relieve all the more southern States from the dread of invasion and ravage, and to hold invested under privation and suffering the dismayed and shattered remnants of the enemy's grand army of the West. Its ulterior results yet await development, and may bring recovery of the soil and deliverance to the people of a most important portion of Tennessee.

From the achievements of our army the transition is natural to its numbers, condition, and prospects

The labors, perils and sacrifices of the past year could not fail to exact losses from its glorious ranks. Time and the occasion forbid more than a passing allusion to the heroic dead, whose deeds and their memory constitute the glory of the present, as they will the proudest inheritance of future generations. To the foremost of the illustrious throng, resting in the immortality of assured fame, more special reference may be demanded by just appreciation of his heroic qualities and eminent services, and by the saddened hearts of the people of the Confederacy, who mourn the death of their chosen champion, stricken by "an accursed chance," in the hour when the prowess of a stroke of daring and generalship, just accomplished, had opened the way to crowning victory. Without disparagement to others, it may be safely said, he had become, in the estimation of the Confederacy, emphatically "the hero of the war." Around him clustered with peculiar warmth, their gratitude, their affections, and their hopes. His deeds had approved him a warrior of the highest order, as the whole tenor of his life, in peace as in war, had shown him the very type and model of the Christian and hero. From the first battle of Manassas, when, by his firmness and invincible will, he earned the title now indissolubly connected with his name, down

to the battle of Chancellorsville, where his dauntless valor struck its final and most decisive blow, he was identified with almost every important movement and brilliant victory in Virginia. He had lived long enough to reap a full harvest of fame, and to have become an example to his countrymen and the admiration of the civilized world. But to the Confederacy his loss is felt to be, not only irreparable, because the memory of his deeds, and the spirit he inspired glow through the hearts of its armies to animate to noble emulation and kindred deeds of valor, patriotism, and self-devotion. The blood of such a martyr to the cause of southern liberty and independence canonizes it to the faith and devotion of all its defenders, and constitutes a resistless appeal to the sympathies of mankind as to the justice of God, against the foul aggressions of our invaders.

Our army may be less in the number of effectives present, but, in every other respect, is believed to be superior to its condition at the close of the last year. The men are more veteran, indurated to all the hardships and exposures of a soldiers' life, familiar with danger, and confident in themselves and their officers. Their discipline is improved, and while their fiery valor is unabated, their firmness and constancy may, under all circumstances, be more confidently relied on.

The officers, through the tests to which they have been exposed, and the purification effected by the aid of examining boards, have been rendered more efficient and capable. Altogether, whether the character, valor, efficiency, and morale of the men and officers be regarded, it is but simple justice to them to assert, that they have never been surpassed, if ever equalled, by any like number of troops, in the records of modern warfare. It only remains, that their numbers should be increased and kept up to the standards required by their organizations, to give assurance of their invincibility, and the early triumph of our cause. It becomes important to consider the sources whence such increase of numbers may be drawn.

The first means to be adopted naturally, is to bring back to the army the large and undue proportion of men, who, from the provisional character of the army from the vicinity and temptations of their homes, under the trials of early service, and in a more relaxed state of discipline, have deserted, and straggled from their colors.

The effective force of the army is generally a little more than a half, never two-thirds, of the numbers in the ranks. From the absentees, considerable allowance is doubtless to be made for those disabled by wounds and sickness, to whom, as the law makes as yet no adequate provision, discharges have not been granted. It may yet be safely assumed that one third of our army, on an average, are absent from their posts, and may, with due efforts, be returned. The best means for the accomplishment of this end, it is believed, will be found in some agencies, to be added to the service for the enrollment and collection of conscripts. They will be more naturally suggested in connection with the consideration which will be given to that branch of the service.

The classes liable to conscription constitute the natural aliment for the support and increase of the army. During the most trying period

of the past campaign, when reverses and captures so greatly diminished our forces in one important department, it was deemed expedient to subject to the call for conscription those between the ages of forty and forty-five. Thus, the male population between the ages of eighteen and forty-five, with the exception of such, as under existing laws, are exempt, or have put in substitutes, are liable to military service. It is difficult to give, with accuracy, the number, who, under the past action of the conscript law, have been brought into our armies, and still more, those who yet remain to be called into the field. The law, it will be recollected, gives to all the privilege, before being enrolled, of volunteering into the companies they may prefer. And as calls have been made, a large proportion of those, who, under it, have come into service, have availed themselves of this privilege, and thus do not come under the cognizance of the conscribing officers, or on the lists of enrolment. On the nearest approximate estimate that can be made, it is believed, that to every one assigned, there have been three volunteers. The number assigned during the past year in Virginia, amounts to some five thousand, and hence, the addition to the army from that State, would be some twenty thousand men, supposing, as there is no reason to doubt, that other States have done as well, some eighty to one hundred thousand men should have been added to our forces. Yet, with so serious an addition, our armies have not fully maintained their strength in numbers. This affords a startling, but, it is feared, not an incorrect view of the waste by sickness, casualties of battle, captures, desertions and discharges.

The resources of supply, from collection of deserters, and from conscription, must evidently diminish as the service becomes more active, and the numbers are exhausted; and it cannot be confidently expected that they can, during another year, increase, or even maintain our army in its present numbers. Yet the enemy is making every effort, and scrupling at no means, to raise to overwhelming numbers his already superior forces. One draft for three hundred thousand men is scarcely finished, with results, indeed, but little satisfactory to him, before another call for a like number is made. The army of the Confederate States, it is clear, must be, at least, maintained, and, if practicable, even increased. Our final triumph and independence must else be precarious, and consequences worse than ever visited a conquered people, may be our hateful and enduring lot. All means within our reach to swell our armies should unhesitatingly be employed.

The able-bodied men between eighteen and forty-five years of age, constitute, naturally, the active force for the field, and would, probably, suffice, and be as numerous as the means and products of the country would equip and sustain. It seems to have been the scheme of the conscript law, that all such should be so devoted to active service; but the provision allowing substitutes, and the exemption law, have exonerated considerable numbers and classes. Both, it is submitted, should be repealed.

The law allowing substitutes has proved a means for depleting the army, while it has done more than any single measure to excite dis-

content and impatience under service among the soldiers. The persons received as substitutes have proved, for the most part, wholly unreliable; have, in many cases, only entered to desert, and often, elsewhere, again to make sale of themselves, with a view to like shameful evasion; while the fact that the wealthy could thus indirectly purchase liberation from the toils and dangers necessary for the defence of the very means that gave them the privilege, and of the country itself, naturally produced among the less fortunate and poorer classes, repining and discontent.

The men thus exonerated, too, were, from the advantages of position and learning they had enjoyed, among the most spirited and reliable of our soldiers, who had shrunk rather from the hardships than the perils of a soldier's life. The law is deservedly regretted and reprobated by all acquainted with its operation. It is earnestly recommended that it be at once repealed, and that all who have enjoyed its benefits be now again subjected to the sacred duty of defending in arms, their property, their liberties, and their country. No objection of law and justice precludes this, while every consideration of policy and equity commands it.

The liberty to put in a substitute, as it was given by act of Congress, may, regularly and constitutionally, be abrogated by the same instrumentality. There has been no compact, as has been alleged, between the soldier or conscript, exempting himself by putting in a substitute, and the government. It is nothing more than a privilege, which from grace or policy, the government has accorded to him; and instead of complaining at its abrogation, he ought to be grateful for the measure of exemption, which he has been allowed to obtain. But it may be insisted, that there is a contract existing, if not between the government and the principal, yet, at least, between the principal and the substitute, of which, though made on the faith of an existing law, the former loses all benefit when he is reclaimed to service.

Were this the correct view, it would be better for the government that it should return to the principal a fair proportion of the sum expended by him, in obtaining his substitute, in all cases in which such substitute has adhered to his engagement, and not cheated the Government of the service to which the contract bound him, than to allow the further exoneration of the principal.

But in reality, the just view of the matter, seems to be, that whenever a call is made on certain prescribed classes for military duty, the privilege of substitution only exempts from that call, and neither can, nor ought to, liberate the principal from the paramount duty, ever incumbent on every citizen, as a patriot soldier, to defend his country. The principal when called, by having his substitute accepted, is exonerated from service under that call only; and if he enjoys that, has the full consideration for the contract he has made, whether with the government or his substitute, he falls back into the body of citizens, and becomes one of the militia of the country, liable like all others to be summoned on other exigencies, and upon further calls to military service. In his exemption from service under the special call which his substitute meets, he has enjoyed his full privilege, or if it

be contract, has received his stipulated consideration; a further call may not be made; future exigencies may not demand more levies for the army; peace may be obtained, and then his exemption will have proved complete, and have been gained by the substitution. He, falling back into the militia, as every citizen liable to military duty, takes his chances of future calls and future necessities. He is subject to be again called, whenever, in the judgment of the Congress, having power to determine, the service of himself and any others is necessary for the public defence. Such need, it is submitted, now exists, and the class of principals, as well as all others constituting the militia, being under the paramount obligation, neither to be evaded or bargained against, of military service to the State, may be summoned to the field. A man can no more, by privilege granted or contract made, escape the paramount obligation of defending his country from invasion and ruin, than by promise or purchase of absoluteion, he can evade the duty of obedience to God. This view of the right of the Government to claim such service is submitted, rather to remove scruples which have been imagined to exist on the part of Congress in authorising the call, than to obviate difficulties to be anticipated from the class of principals. It is confidently believed their courage, zeal and patriotism will disdain all paltry quibbling to evade their country's call, and that by prompt response in that country's need, will they manifest their appreciation of their own highest duty, and their alacrity to meet whatever of peril or sacrifice it may entail.

No records exist which will furnish the precise number of principals who may thus be recalled to service. The best conjectural computation places the number throughout the Confederacy, at not less, certainly, than fifty thousand men, of an age and class calculated to make approved soldiers.

The classes covered by the exemption law, may also, it is believed, be advantageously abridged. The aim of the law seems to have been to exonerate only a sufficient number of experts in various professions, trades and mechanical pursuits to meet the requirements of society, but as the mode of effecting this, in various instances, all of special trades or pursuits have been exempted, the consequence has been, that a larger number of persons, more in various localities than are needed by the requirements of the country, have been relieved from service. This has caused some natural dissatisfaction among those whose services are exacted in the field, as well as it has operated to the diminution of the numbers liable to conscription. A wiser course, it is believed, would be to render all within the prescribed ages, capable of bearing arms, subject to conscription, and allow details to be granted from the professions and mechanical pursuits to the extent that may be necessary for the industrial wants of society. A considerable number might thus be added to the army without unduly impairing the necessary supply of skilled labor for the needs of the country.

Another means of replenishing the army, would be by lessening or withdrawing the details which, from time to time, have been made from the army and from conscripts, for the works and various opera-

tions of the Government. It has been the policy and earnest effort of this department to make them as limited as possible; but still they have, under the unceasing demands of all branches of the service swollen to a number that constitutes a serious abstraction from the army. One great cause of the number thus required, has been the exceptional state of the market for labor caused by the enhancement of prices and the paucity of laborers. The comparatively few men who are at command for hire, claim, and can obtain wages that almost preclude their employment by the Government, and besides as the public works have to be carried on by laborers assembled in considerable numbers, and in many instances, as at mines, salt-petre caves, and the like, at distant points, the men above conscript age having, for the most part, families and settled abodes are reluctant to render their services, for any rewards. The only remedy that is seen for this, would be the extension of the claim of service by Government to a greater age, and allow details from those not now subject to military call. Priority would thus be afforded to the Government in the command of laborers, and when it was thus distinctly recognised by them as their contribution to public defence, and in lieu of the military service exacted of them, it would be acquiesced in without dissatisfaction.

To some extent, likewise, the necessity of details might be obviated by some organized system of impressing or engaging the labor of free negroes and slaves, where they could be made available. The effort to do this, by the temptation of interests of owners, has been generally found to be unavailing. In many of the Government works, where the unskilled labor of slaves would be most available, exposure to the seductions or attacks of the enemy, are dreaded by owners, who are averse to having them removed from their personal supervision and influence. To command slaves, therefore, in anything like the number required for the many works of Government, to which they could be applied, compulsion, in some form, would be necessary,

The use of negroes may, likewise, swell the number of men in arms in the field, by substituting teamsters, cooks, and other camp employees, who are now largely supplied from the ranks. This policy has, heretofore, met the approbation of Congress, and been embodied in the act approved April 21, 1862. No provision, however, was made to procure the negroes for these offices, and from the causes mentioned, although their utility has been recognized, they could not be obtained by voluntary engagements of service or hire from their owners.

There may be difficulties and embarrassments in enforcing the service of slaves, but they might be overcome, on the principle of impressing them as property, or of requiring contributions from their owners of certain quotas, for public service, as has been done for works of public defence. The wickedness and malignity of our enemies have certainly placed considerable numbers of negroes, almost of necessity, at the control of our Government. To favor the pusillanimity of their people, as well as the better to advance the nefarious ends of their unjust warfare, they have adopted as their deliberate policy the employment of the slaves as soldiers in their army. They

have already formed numerous regiments of the slaves they have seduced or forced from their masters, and the statement has been boastfully made in their public prints that they have already some thirty thousand negro troops in arms. It is now an ascertained fact, that, as they overrun any portion of our territory, they draw off—often by compulsion—the most efficient male slaves, and place them in their negro regiments; and when they have established any where a temporary occupation, they practice a regular system of compulsory recruiting from the slaves within their reach. Not merely, therefore, for the purpose of preserving to the Confederacy this valuable labor, thus abstracted, but from the plainer necessity of preventing the enemy from recruiting their armies with our own slaves, it becomes a clear obligation, on the military authorities of the Confederacy, to remove from any district exposed to be occupied or overrun by the enemy, the effective male slaves. Were there any white population within our country so affected to the enemy as to afford recruits to their army, there could be neither doubt nor delay in removing them to a secure distance on the approach of hostile forces, and surely the obligation is even more clear in regard to the slaves, whose employment by the enemy, as soldiers, converts them from valuable laborers into savage instruments of an atrocious war against our people and their institutions. All male slaves capable of arms, in such cases, should, on the approach of the enemy, be at once removed by military authority, to more secure districts, where they may be reclaimed by their masters, or, on their failure to do so, be employed, on reasonable terms of hire, by the Government. In this way, it is probable, a large number of efficient negroes may be obtained to supply the details from the army for all unskilled labor, and also to liberate for arms the soldiers now engaged in unwarlike duties in the trains and camps of our armies. While it may be difficult to ascertain the precise numbers that may, from these various sources, be thrown into our armies, there can be no doubt they would be swelled considerably beyond their present numbers, and constitute an army larger, as well as more effective, than any we have yet mustered. In view of the increasing repugnance of the enemy, to furnish recruits to their army, and the failing hopes it indicates, it is almost certain that manifestation of strength and resolution on the part of the people of the Confederacy would soon be decisive of the struggle. When all the disastrous consequences of long, wasting warfare are weighed, and the mighty issues, to ourselves and our posterity, dependent on our success, are realized and it is apparent our people have only, with united wills, and a supreme effort to put forth their entire strength, to assure the prize of peace and independence, should there be misgiving, or hesitancy even, in adopting all the means requisite to summon forth the full number of our population of age and ability for arms, and to hurl them against the invading foe? The only inquiry, it is hoped, will be for the agencies that can most speedily accomplish the desired marshaling.

The organization already engaged in the execution of the conscript law, may, with some slight modifications, be readily made available.

With its officers, it now extends to all portions of the Confederate States, and by systematized action, it may be rendered as available to collect stragglers and deserters, to give information of the details that may be spared, and of the laborers, whether free or slave, that may be commanded to fill the places of the soldiers returned to service, as to enrol conscripts, and the exempts and principals who may be again recalled to military service. One addition may be required to give it fuller efficiency. As originally designed, the law was expected entirely to enforce itself by its prestige and the sanction of public sentiment. Every man, on being enrolled and summoned to his duty, was expected promptly to respond, and no adequate means of compulsion were incorporated. This, in the main, has been sufficient, as among a free people ready obedience to law—especially a law for the public defence—might be expected; and the appearance of compulsion, particularly by military authority was to be deprecated as both unnecessary and revolting. But as the war has been realized in all its trials, repugnance and recusancy, have, in some limited portions of country, been manifested occasionally to the call of the conscribing officers; and when desertion and straggling have added in those districts, numbers of lawless and desperate men, there have been combinations and organizations for open resistance to the regular action of the law. It is always best to overcome such evils in their inception, and to prevent such lawless feelings from coming to the head of open violence and insurrection. There has, therefore, been found the necessity, at times, of small supporting forces to aid and enforce the execution of the law, both of conscription and for the arrest of deserters. Such forces could only occasionally, and at intervals, be spared from the armies in the field; and it is, therefore, found expedient to organize, of non-conscripts and the least available of the conscripts, local or temporary organizations, which could be more constantly employed in arresting deserters, and collecting the conscripts. A regiment or battalion in each State would probably suffice for the full accomplishment of these ends; and, while under the general laws already existing, a few companies have been organized and are thus employed, it might be well to have more special authority of law for the constitution and employment of such limited forces by the officers of the conscript service.

One of the subjects demanding early attention is to make provision respecting the troops whose term of service will expire during the ensuing spring and summer. The number is considerable. According to the records of the Adjutant and Inspector General's office, three hundred and fifteen regiments and fifty-eight battalions contain more or less of those whose original term of service having been for twelve months, either re-enlisted for two years, or were embraced within the operation of the act of April 16th, 1862. That act authorized the re-organization of the regiments, battalions, squadrons, and companies within its scope, which was completed—once for all. And though the individual soldiers, composing such organizations in a greater or less degree, be entitled to their discharge from them, the organization itself is not disturbed or broken up, but

remains the more or less a skeleton according to the numbers of those discharged.

It is earnestly recommended that these organizations be not broken up by any legislative action. Great injustice would thereby be done to the gallant officers who have been tested in every way; the inspiring associations and prestige of courage and success attached to the existing organizations would be lost. Should new organizations be authorized, much injury would be done to the service, by the unsettled feelings, discontents, and aspirations, and the demoralization, in order and discipline, which follow general electioneering throughout a command. These evils were so vividly realized in the re-organization of the twelve months men, and operated so harshly on many of the best officers in the service, that their renewal is most earnestly deprecated.

The men whose terms of service would thus expire, cannot finally be discharged from the service. The country needs their assistance for defence against our oppressors. Under the present law, they would have the privilege of selecting their companies. But the exigencies of the service may advise a modification of the privilege of selecting the existing companies in which to serve, before enrolment, so as to restrict it to a company of the same arm of the service, otherwise, a partiality for certain branches of the service, as, for instance, the artillery, the desire of change, of trying a new sphere of action, so natural to the individual, may operate to impair seriously, if not destroy, the efficiency of one or more arms of the service, while others might be increased beyond all proper proportion for usefulness.

The necessary legislation is therefore recommended, to retain in service all those between the ages of eighteen and forty-five, at the close of their present terms of enlistment, with the privilege of selecting beforehand an existing company in the same arm, in which to serve, preserving the present organizations, with their officers, to be filled up by such selections and the assignments of enrolled conscripts.

From peculiar circumstances or influences, some of the present organizations will be greatly reduced in numbers; and to place them in a proper condition of efficiency will furnish an additional reason for the adoption of the means suggested to increase the numbers of our troops, especially of recalling to service the principals who have furnished substitutes.

In some instances, doubtless, the reduction of existing organizations will compel the necessity of consolidating them. This furnishes an additional reason to some hereafter produced, for the bestowal of this power upon the department.

The law providing boards to determine the competency of officers, has operated very favorably, both to secure efficiency, and to promote improvements among all aspiring officers and men. It has done much to obviate the evils anticipated from the system of election and promotion in the provisional army, when so few had the benefit of previous learning or experience. Still, the policy of elections at all may be well questioned, since inseparable from it arises an undue regard to popularity, especially among the non-commissioned officers, and a spirit of electioneering, subversive of subordination and disci-

pline. Promotions by seniority, too, as the rule, may be judicious, but it might, considering the number of officers who have no military education, be advantageously varied with a large latitude to selection. Boards to test competency instead of being casual and at discretion, should, it is thought, examine every officer on his promotion by seniority. The universality of the test would thus deprive it of that apparent invidiousness which often prevents its application. In that certainty, too, would be found a greater incentive to constant preparation on the part of all junior officers. It might be expedient to extend to those boards a wider power of recommendation, so that they might not be restricted to determining merely the competency of those before them, but might make recommendations of more efficient officers, whether in or out of the special organization, giving, however, preference, on an approach to equal qualifications, to the former. In determining the competency of officers, the boards have extended their inquiries to physical disabilities. In consequence, many officers, whose gallant services are attested by their wounds, or whose health has been broken down by the privations or exposures of service, are honorably retired, and thus deprived of their commissions. The efficiency of the service may be thus promoted, but every feeling of gratitude and justice revolts at such reward for wounds and sickness received in the service of the country. From such feelings it often happens that there is no call of a board in cases of disability, and then the position of the disabled officer cannot be filled in the field, and the road to promotion is effectually blocked to the junior officers. This state of things is often felt by gallant officers under disability with such honorable sensibility, that even without adequate provision for their own maintenance, they feel bound to resign. Nor can relief from this painful necessity be given by assigning them to posts or other duties than those of the field. For only by virtue of their commissions can such assignment be made and held; and their retention of the commission debars their juniors in the field from advancement, and leaves their command without the necessary complement of officers. All this results from the feature incident to the organization of the provisional army that the commission is restricted to, and dependent upon the special organization. To obviate the serious mischiefs resulting, it is recommended that all officers disabled by wounds or sickness incurred in the service should be honorably retired, and severed from connection with their special organizations, but be allowed, during the war, to retain their rank and pay. They would thus be available, as far as their disabilities for field service would permit, for posts and other light duties, and might, without injury to the service in the field, be scarcely less useful to the country in less exposed, but still important positions. Some measure of relief in these cases will be promotive of the efficiency of the army in the field, while it is imperatively called for by the simplest justice to the brave officers, who have been shattered in health or maimed in body, in noble discharge of patriotic duty.

In connection with the subject of these boards, it seems appropriate to invite attention to the number of reports proceeding from them,

and to the onerous duty which is imposed on the Executive to examine and decide on all which retire or dismiss officers. With other arduous labors, of even more importance, it is not physically possible that the proceedings should receive from the Executive a consideration that is desirable for just revision. A like remark applies to the many cases from courts-martial and the military courts, which are sent up or brought by appeal to Executive clemency, to the consideration of this Department and the President. At the same time, a painful responsibility attaches, in all these cases, which will not allow them to be lightly treated. To obviate the difficulty, it is recommended that an officer, in the nature of a judge advocate, be appointed specially to examine all such cases, and to make report on all that require the exercise, finally, of Executive discretion. Some measure of this kind should be adopted, or the approvals of the commanders in the field be made final, except on direct appeal, within reasonable time, to the Executive.

In reference to the cavalry, under the system of requiring the men to furnish their own horses, it is becoming daily more difficult, and, it is feared, will soon become impracticable, to keep mounted a sufficient number for effective service. Under the advance in price, and the increasing scarcity of suitable horses, few have the ability to supply themselves, while the contingencies of active and exhausting service, often on inadequate forage, too frequently imposes the necessity. The difficulty is enhanced by the limited range of casualties for which provision of payment is made—only those “killed in action.”

The difficulty of procuring horses is also becoming almost equally applicable to officers. The law of the provisional Congress, making provision for the payment for horses killed in battle, did not, according to the received construction, embrace officers. This was probably owing to the liberal rate at which, with existing values, their pay was fixed. In consequence, they would receive no allowance whatever for horses, even when killed in battle, had not a law of the United States, embraced in the general re-enactment of the provisional Congress, allowed them compensation, not exceeding in any case the sum of two hundred dollars for the horse. The change which the increase of prices has made, partially in the rate of pay, as also in the price of horses, renders it beyond the ability of many to procure suitable steeds when dismounted. Justice, as well as the interest of the service, urges the correction of these evils, and, it is suggested, either that the system be changed and horses be furnished by the Government to both officers and men, with a disallowance of the compensation granted for the service or loss of the horse, or that provision be made to pay all officers, as well as men, the appraised values of their horses, when lost by any of the actual contingencies of service, and not through remissness or neglect.

The advantages anticipated from the allowance of corps of partizan rangers, with peculiar privileges of prize to stimulate their zeal and activity, have been very partially realized, while from their independent organization and the facilities and temptations thereby afforded

to license and depredations, grave mischiefs have resulted. They have, indeed, when under inefficient officers, and operating within our own limits come to be regarded as more formidable and destructive to our own people than to the enemy. The opportunities, too, afforded them of profit by their captures, as well as the lighter bonds of discipline under which they are held, serve to dissatisfy the trained soldiers of the provisional army, who, encountering greater perils and privations, are denied similar indulgences. There are certainly some honorable exceptions to the general estimate thus held of the partizan corps, and, in several instances, partizan leaders have distinguished themselves and their corps by services as eminent as their achievements have been daring and brilliant. They constitute only notable exceptions, and experience of the general inefficiency and even mischief of the organizations, would recommend that they either be merged in the troops of the line, or be disbanded and conscribed. To preserve the few that are valuable coadjutors to the general service, a discretion may be entrusted to the Department.

The military courts have been found to operate beneficially on the morale and efficiency of the army. They have dispensed with the necessity of such frequent details of officers from their regular duties for courts martial, and from their disconnection with the rivalries and interests of the line, as well as their larger experience and superior qualifications, have generally secured a larger measure of satisfaction to their judgments. As the courts, under the existing law, are each separately constituted, the members cannot, under temporary exigencies, be interchanged or assigned from one court to another. Inconveniences have sometimes resulted from this, when, from any cause, it was desirable some member should not sit in a particular case, or when some members of a particular court were detained by sickness, or some other reason, and from inability to supply their places, the court is rendered inoperative. As a remedy, it is proposed the Executive be authorized, at any time, to assign judges from one court to another, as, in his judgment, the service may require. And a similar authority to detail field officers as members of the court, in temporary exigencies, might be given to the commanders of corps or departments, as is granted them by the law creating such courts, to detail an officer to perform the duties of the judge advocate in case of his absence or disability.

For the due complement of staff officers, the powers reposed by law in the Executive seem adequate, with one exception. The appointment of quartermasters and commissaries, for service in the field, has never been extended beyond brigades, and consequently, no such officers can be directly appointed for divisions, corps, or an entire army. The experience of the service indicates, that for every army a chief quartermaster and commissary, in direct communication with the general, through whom the general supplies and movements of the army may be arranged and directed, are essential. So also as corps, and even divisions, have often, in the operations in the field, to operate separately, sometimes at considerable distances apart, almost as separate armies, for like uses, to them a principal quartermaster and

commissary are always important, and at times, indispensable. The necessity of the case has, therefore, led the generals, under their discretionary control over all the officers of their commands, to withdraw or assign from their brigades, quartermasters and commissaries to act for the army, the corps and divisions, and as such assignment proved continuous, their places have not unfrequently been filled as vacancies by new appointments to the brigades. Indeed, this has become a practice so recognized, that Congress, in one of its acts, has seemed by its reference to division quartermasters to have given to it an implied sanction. The Department, however, has, in the absence of express law, felt an embarrassment in either making such appointment, or in giving to the officers assigned rank appropriate to their superior position, and more extended duties. It is suggested that such difficulties had better be removed by direct authority for the appointment and assignment of such officers, with rank determined by the dignity of the commands to which they are to be attached.

For the more effective organization of the army, it will be necessary to have the power, when companies or regiments are reduced in numbers below a certain complement, to consolidate and organize them anew. This is a necessity greatly to be regretted, for many honorable associations, as well as the prestige of courage and success attached to the old organizations, make it alike matter of feeling and policy to retain them. Justice to the many gallant officers, who, by such consolidations, must lose their commissions, likewise increases the repugnance to the proceeding. With most of the organizations contributed from the States where the conscript law can be enforced, it is hoped the necessity may be avoided. But no alternative seems to exist in regard to those coming from the States overrun, or in the occupancy of the enemy. Without such measure, the organizations from these States will dwindle to extinction. From them the recruits that can be procured come only in organizations of their choice, and are generally induced to come forth from the enemy's lines by the active exertions of officers interested in forming new commands. This power of consolidation has sometimes, from the necessity of the case, been exercised by generals in commands, but unless effected by consent, the Department has felt its inability to regard them otherwise than temporary arrangements, and as leaving the old organizations with their officers in legal existence. This leads to the inconvenience of having officers of the line retained in commission, without appropriate commands, and in every way causes complaint and confusion. In an indirect way, the power is, indeed, possessed, and under the stress of necessity, has sometimes been exercised by the Department, of effecting consolidations. That is, by disbanding one of the organizations from the same State, thus dismissing the officers, and leaving the men liable to conscription, and then assigning the latter to the other organization. The effect of this, however, is to retain all the officers of the one organization, while all of the other lose their commissions, or if in lieu of this plan, both organizations are disbanded, and the men thrown together in a new one, all the mischiefs and demoralizations resulting from elections, and a new set of officers, are

hazarded. It evidently would be far better there should be the discretion reposed either in the commanding general or the Department to consolidate directly, and let the best officers from both organizations be selected, either by the Executive, or on the recommendation of impartial examining boards. Power should be given, too, in such cases, to permit such of the officers not needed, who are recommended as deserving, to retain their commissions, and be subject to assignment to other appropriate duties. Thus, as far as practicable, in the painful necessity of reducing commands, efficiency, in the commands would be reconciled with justice to the officers.

By the means recommended, all of military capabilities between the ages of eighteen and forty-five, excepting such as the actual needs of society or the Government render more serviceable in peaceful avocations, may be effectively devoted to active service in the field. But there will still remain large numbers, of ages less adapted to the field but still capable of arms, who may be rendered effective as a reserve, and for purposes of local defence and internal police. In a struggle such as the Confederacy is engaged in, with all the dearest interests of the present and future dependent on the successful resistance to foes superior in numbers and material resources, and animated by the most malignant passions for our complete subjugation or extermination, all of whatever age, capable of striking a blow or mustering for defence, should be unhesitatingly summoned, as they should be prompt to answer, to the sacred duty of repelling the invader. The Confederacy may well be regarded as a beleaguered city, where all capable should be placed at the guns, and all privileged from age or infirmity should yet minister to the common safety. The ruthless policy, recently adopted by the enemy, of cavalry raids through important districts of country, with the nefarious purposes of destruction and devastation, that by depriving of the means of production and subsistence the helpless and dependent, they may compel to submission the men they have feared to confront or been unable to subdue, render more clear and imperative the duty of thus organizing and preparing our reserve population. These raids, hitherto made with little danger through extensive but sparsely populated districts, and prosecuted rather in the spirit of brigands than of soldiers, might be easily checked and punished by comparatively few brave men, however little adapted to continuous service, if only duly organized and armed. A few instances of merited vengeance from the intended victims of their rapacity and cruelty, would effectually stop such malignant marauders. To accomplish such organization, it will only be necessary to enforce as an obligation, the duty on all capable of arms to unite in such companies as are provided for voluntary engagements by the acts of the 21st of August, 1861, and the 13th of October, 1862. The former contemplated organizations for local defence and special service within prescribed districts, when the members remained uninterrupted in their ordinary avocations, until on the occurrence of an emergency called by the President into actual service, and when the need had passed, were again returned to their civil pursuits. While in service, they are armed, paid and provided

by the Confederate Government, and constitute a part of the Provisional Army, subject to the military authority, and governed by the rules and articles of war. The latter provided for mere defensive bands of twenty or more, who, on the approach of a hostile incursion, should, with their own arms and means, bravely seek to defend their homes and punish the spoilers. It cast around them the ægis of the Government, and recognized them as among the authorised defenders of their country.

These two laws may readily be adapted to a division of the reserve population into two classes; those whose age and health would sustain service throughout the State, or some extensive district, and who might be called on for continuous service during an emergency, and those who would only be adapted to defensive or police operations within their counties. By this adaptation, and a compulsory requirement, the whole arms-bearing population not in active service, could, without seriously impairing the productive and industrial resources of the county, be organized as effective aids in our great struggle. They would suffice to ensure defence and internal security to each State and country, while the armies in the field could be employed solely in overthrowing the invading hosts of the enemy. A prouder spectacle would never have been presented in history, than a whole people thus organized and armed prepared, old and young alike, at home and on their frontiers, to meet and repel their rapacious aggressors.

The subject of the exchange of prisoners of war has excited much attention, and has a painful interest to our people and our brave soldiers, whom the fortune of war has thrown into the hands of our enemies. It was the desire of this Government, from an early period of the war, to agree upon a fair and equitable system of exchanges. The large preponderance of prisoners being on our side, negotiations were opened and had been nearly consummated, the terms having been agreed upon in accordance with the views of his Government as expressed by the Commissioner of the United States. And under his assurance of satisfactory settlement, a large number of prisoners held by us were delivered up. Some serious reverses, however, just then befalling us, and large numbers of prisoners being taken by the enemy, they refused to consummate the agreement, and broke off the negotiation. Their loss in prisoners in subsequent military operations, especially in their disastrous defeats around this city, again giving us the preponderance, a cartel of exchange was agreed on and executed. Various efforts to obtain unfair advantages by quibbling as to its terms and operation were made, and its provisions violated by the enemy, but the cartel was recognized as being in force and exchanges continued to be made. Our reverses in July again gave them, as they claim, the preponderance in the number of prisoners, since which time they have openly disregarded its obligations, and have now, upon false and flimsy pretext, declared it to be inoperative. All exchanges have now ceased, with little apparent prospect of renewal. The exchange of prisoners was desired on our part for the sake of humanity, to prevent, in accordance with the usages of war

among civilized nations, individual suffering, as far as practicable. And all the obligations imposed on us, as to the treatment of prisoners and exchange, by such usages and the cartel of exchange, have been fulfilled on our part with entire and scrupulous good faith, while the course of our enemies has been marked by perfidy and a disregard of their engagements and the dictates of humanity.

The report of Mr. Ould, our Commissioner of Exchange, which accompanies this, will fully explain the present position of this interesting subject.

It is gratifying to be able to report that, during the past year, the ordnance and mining bureau have steadily increased the production and supply of arms and munitions. Notwithstanding the serious injury, sustained from fire by one of the leading establishments of the Confederacy for the manufacture of ordnance, yet by prompt repairs and the establishment of similar works in other portions of the Confederacy, the manufacture has rather increased, and is now believed to be adequate to the regular demands of the service. Arms, too, of approved kinds are being made with more facility, at more places and in larger numbers, than at any previous time. Very valuable additions to our supplies of arms have been made during the year by importations from abroad, and thus have enabled the bureau promptly to repair the very heavy losses which were sustained in the disastrous campaign in Mississippi. But without such aids in the future, unless unwonted losses occur, confidence is felt in our ability, by internal manufacture, to provide arms adequate to the demands of our armies. In the manufacture of powder, balls, shell, &c., progress has been marked, and with some addition in the supplies of nitre from foreign sources, there will be no want of adequate supplies of superior quality. Special attention has been given to the distribution of these works in different portions of the Confederacy, so as not to leave our supplies dependent on single disasters. While not yet wholly independent in the supply of nitre, there has been, until very recently, marked increase in its production. That increase has, during the past year, nearly doubled from production. The temporary occupancy by the enemy of the districts of the country where the richest deposits of nitrous earth were found, has, for the present, diminished the production, but it is encouraging to know, that the artificial sources of supply, in beds of nitrous earth, will soon begin to be available, and much more than supply the deficiencies which have resulted from the operations of the enemy.

The mining operations in iron, lead and coal have all been pushed with remarkable skill and activity, under the direction of the zealous head of the nitre and mining bureau, in despite of all the embarrassments resulting from paucity of laborers and fluctuating prices, and the result has been in each more abundant production, and a better prospect of future sufficiency, than we have yet enjoyed. A more decisive exhibition of the resources and exhaustless capacities of endurance possessed by the Confederacy could not well be presented than the decided increase, amid unprecedented efforts and sacrifices in the field and numberless impediments in procuring machinery, labor

and supplies, of all the great manufactures essential for successful defence.

The quartermaster and commissary generals, in the administration of their respective departments, have had, during the past year, extraordinary difficulties and embarrassments to encounter. The manufacturing operations of the former, as in the other bureaus, have indeed been conducted on a large scale, with more economy of material and with greater skill and energy, than at past periods, and have made more nearly the supplies for the army from internal resources, but still for some essential articles, such as shoes, blankets and woolen cloths, partial dependence on importations could not be avoided. In these articles it can scarcely be expected that domestic production can be increased, for, under the wasting consumption of war, the production of the raw material is more likely to be diminished than increased. But the difficulties of both the the quartermaster and commissary generals have been most grave in the large necessary purchases and transportation of forage and subsistence. The abstraction of so much male labor from culture, and the barbarous ravages of the enemy pursued with a systematic view to curtail our resources by spoliation and destruction, combined with unfavorable seasons, to limit, almost beyond precedent, the production of these essential articles. The scarcity, too, was greatest in one or two of the States nearest to our largest armies, and the necessity for months of sustaining almost entirely the armies of northern Virginia, from supplies of corn drawn from South Carolina and Georgia, will strikingly illustrate both the dearth and the difficulty of supplying it. At one time it was thought necessary to make appeal direct to the feelings and patriotism of the people for the prompt rendition of all surplus of supplies for subsistence, and it is a grateful duty to acknowledge, that they who have never failed to recognize as their own the cause of the Confederacy, with zeal and emulation met the exigencies of the case, and, in very many instances, stinted themselves and their dependents to supply the army. It is most creditable to these departments that they have been able, amid the real deficiencies existing, and the many hindrances from distance, defective transportation and other causes, to keep the armies at all times moderately supplied, and even able to make all the movements in the field which the exigencies of the campaign demanded. How long their exertion will avail to assure such results, it must be confessed, is now a matter of grave anxiety. The consumption of all animal life in the war has been very great, and, in addition, during the past few months, destructive and wide-spread disease has prevailed among the swine, which constitute the most servicable, as well largest resource for meat. Bacon and beef must, in view of the needs of both the army and the people, be scarce during the coming year. It is confidently believed indeed, that there is a sufficiency of meat in the Confederacy to afford a reasonable supply to the army, and yet sustain the people likewise, but to attain such result, it must be husbanded with care, and used with more economy than our people have been accustomed to practice. The supplies of hay and long forage generally are likewise un-

doubtedly scant, for these articles are not habitually produced in superabundance in the Confederacy, and the season has been decidedly unfavorable. Many substitutes for the better kind of long forage may be readily found on plantations, and it is hoped the people will recognize the necessity of parting with the best of their stores for the use of the animals exposed to the much harsher toils and labors of the service. This is the more necessary, as another of our immediate needs is the due supply of horses for cavalry and artillery, indispensable arms of the service. Our safety demands that we preserve our horses during the rigors of the winter, and in a condition to resume efficient service in the spring, as it would then be next to impossible to replace them.

But the gravest difficulty encountered by the purchasing department is, that the only mode of obtaining supplies available to them is impressment. The inflation of the currency, and the insatiable thirst for gain and speculation induced by it, have caused inordinate enhancement of the prices of all products, and a yet continuing advance, stimulated, in part, by the increasing volume of the currency, and in part by the sordid calculation of large gains from hoarding by holders or speculators. To this has likewise contributed some distrust, not of the cause of the Confederacy, but of its future ability, however earnest its desire to preserve its credit and good faith, to redeem the large issues which such enhancements of price rendered inevitable. The consequences have been an almost universal repugnance on the part of producers and holders to sell at any price, except under compulsion. This evil had begun to manifest itself before the close of the last Congress, to such a degree, that some legislative remedy was recognized to be indispensable. To buy at current prices was seen to be suicidal to the credit of the Government, to swell its indebtedness, in a brief period, beyond its utmost capacities for redemption, and, at the same time, to raise, by daily accessions, the advancing scale of extravagant prices, until both the fears and interest of the holders would forbid sales at all. Under these circumstances, Congress devised and authorized a system of impressment of all property required "for the good of the service," or the accumulation of adequate supplies for the army, at the same time recognizing, that under the exceptional circumstances of the country, and the disturbance of the ordinary laws of trade regulating supply and demand, current prices constituted no criterion of just compensation required by the Constitution to be allowed for the appropriation of private property to public uses. Congress provided for the ascertainment of such just compensation by reference, in the first instance, in part to local appraisers, and then to two commissioners to be appointed for each State, one by the Governor and the other by the President of the Confederacy. These officers combining, by their appointment, the sanction of the State and Confederate authorities, were not only to entertain appeals from local appraisements, but, from time to time, to ascertain and prescribe fair rates of valuation to govern in impressments. As there seems no other alternative, this was, perhaps, as judicious an arrangement on this delicate and difficult

subject as was practicable, and on it the Government has been compelled to rely almost exclusively during the past year. This resource, operating with increasing stringency and strain, is, at this time, its only reliance. The evils attending it, are, however, very great, and only less than the failure or deficiency of supplies, which, so far, it has managed to avert. Impressment is, evidently, a harsh, unequal and odious mode of supply. With the utmost forbearance and consideration, even its occasional exercise is harrassing and irritating; but when it has to prevail as a general practice, to be exercised inquisitorially and summarily in almost every private domain, by a multitude of subordinate officers, it becomes beyond measure offensive and repugnant to the sense of justice and prevalent sentiment of our people. It has been, perhaps, the sordest test of their patriotism and self-sacrificing spirit afforded by the war, and no other people, it is believed, would have endured it, without undue manifestations of discontent and resistance. It has caused much murmuring and dissatisfaction; but a knowledge of the necessities, which alone justified it, has caused the outcry to be directed rather to the mode, and as alleged, occasional excesses of its exercise, than against the system itself. Casual irregularities and abuses in the use of such a power, by numerous agents in so many quarters, may not be wholly unavoidable, but every effort to obtain information respecting them, and to afford prompt correctives, has been earnestly made by the Department. As to the mode of action, great misapprehension has prevailed. It has been supposed that it was the system of the Department to attempt to regulate the prices for the public, according to the schedule rates prescribed by the State appraisers, by impressing the products held by all who sold at higher rates, and in like spirit to keep supplies from being enhanced in price by the competition of consumers in the large large cities, by the impressment of all supplies in transitu to market, unless the holders would agree to sell at schedule prices. To this supposed policy was ascribed the great enhancement of prices in the markets of the cities, and the gravest apprehensions of want were entertained by many, from the alleged exclusion of free supplies to the cities. The orders and instructions of the Department had been, in fact, against such policy, and the republication and reiteration of the regulations on the subject, which had been made soon after the initiation of the system, have, it is hoped, removed such injurious impressions. At the same time, it is found, as throughout it had been feared by the Department, that the scarcity and high prices of supplies in the markets of the country have not been due to the law of impressment, or to the supposed policy under it. The impressment law applies only to the surplus of producers, and expressly exempts to them and others the reasonable supplies they may have or obtain for the consumption of themselves, their families, or dependants. Thus all consumers are privileged freely to supply themselves. All supplies, too, it is now at least fully known, are exempt in transitu to market, and for a reasonable time afterwards. Yet it is found that all prices have only the more rapidly advanced, and are still advancing, and that neither are the markets of

the cities adequately supplied, nor can consumers, by purchase at current rates, without the utmost difficulty, supply themselves. The truth is, that the explanation, as the cause, is to be found outside of the impressment law, or the action under it. The real difficulty is, that the price advancing from day to day with an accelerated ratio, and a steady depreciation of the currency, the holders, unless required by positive necessity, prefer to retain their supplies, and will not sell for any temptation of present price. The impressment law is, in fact, almost the only corrective of this feeling, which would else be well nigh universal. It favors the supply of the markets and of consumers. The apprehension that surplus products, if retained, may be impressed by the Government, at the rates prescribed by the State appraisers, constitutes the strongest, as it is nearly the only, inducement to holders to sell at market rates. Setting aside feelings of humanity and patriotism, which, to a creditable degree, may induce sales, and testing the matter by the general motive of self-interest alone, this is a plain matter of calculation. Who would sell, unless forced by a present necessity for the money, when constant advance in the price of the product is sure, and the money, if received at once, is no less certain of its depreciation before the occasion of its future use. The difficulty, therefore, with the consumer, as with the Government, is the redundancy of the currency, and the consequent steady inflation of prices. This, in its direct, and even more, in its indirect influences, not merely on the market and on the property of citizens, but on their instincts of selfishness, or their sentiments, tastes and aspirations, is a fearful evil, and more demoralizing to our people than the more dire calamities of war. It pertains to another branch of the Government, and to an abler mind, to portray this subject in its true colors, and to propose correctives; but as the mischief weighs as a paralysis on the energies of this Department, I may be excused for saying, that, in my judgment, the sole effective remedy is prompt reduction of the existing issues to the amount needed for currency by the people of the Confederacy, and the inflexible determination and pledge never to exceed it. No mode of utilizing the credit of the Confederacy can be so wasteful, as the enhancement of all prices by a constantly increasing ratio, or so mischievous as the subversion of the standard of values, tempting all into the wild whirl of speculation, and corroding by the vile greed of gain all the nobler elements of character. If the present system be continued, prices, already many hundred per cent. above true values, must be indefinitely enhanced, the credit of the Government must be wrecked utterly, and no alternative left for the continuance of our patriotic struggle, and the preservation of our lives and liberties, but grinding taxation, and the systematized seizure, without present compensation, of all supplies needed for the employees, as well as the armies of the Confederacy.

The necessity of reliance on impressment, as the ordinary mode of supply, it is trusted will, by judicious legislation, soon be obviated; but as it may, at all times, be of occasional necessity and employment, it is desirable that the law should be perfected in some of its features. In the confidence felt, with justice in the main, in the deference of

our people for law, and in their patriotic disposition to comply with the requirements for their defence, Congress has made imperfect provision as to the mode of procedure for its enforcement, especially when evaded or resisted. It is very important that the enforcement of all laws, even those having direct connection with military affairs, should not look to, or be dependent in the first instance on, the sanction of armed force, but should be attained by civil procedures, and the regular administration of justice. The absence of such provisions in this law has compelled the Department to frame and issue regulations assimilating the proceedings to civil administration, which regulations partake more the character of legislation than is felt to be appropriate to military orders. They have been acquiesced in with commendable recognition of their aim by the public, but it is preferable they, or more perfect provisions, should have the legislative sanction.

The tax in kind, which was adopted in some measure to obviate the issue of notes and the resort to impressment, has been as yet but measurably operative; but beneficial results have so far followed, and greater are expected to flow from its application. Delays have resulted, it is believed, from inevitable causes for the most part, in the lists of assessment to be made by the officers of the Treasury, and handed over to the quartermasters. To obviate these, and realize early supplies, invitations were extended to all producers to deliver spontaneously to the quartermasters and commissaries, what they considered as their tythes, for which receipts would be given, to be allowed in evidence of delivery on the future reception of the assessor's lists. To some extent, this invitation has been responded to, and has relieved, so far, the Department from the necessity of impressing supplies, and had lightened the labor of future deliveries. Owing to reluctance, however, generally felt by producers, either to indicate the extent of their crops, or to prepare them for market, from both the fear of impressment, and the indisposition to sell, deliveries before assessment have been less prevalent than was anticipated. It is yet too early to form any reliable estimates of the amounts of supplies that may be counted on from this tax, but it is certain that the loss of several productive districts, the wanton ravages of the enemy in others, and an unfavorable season for growth in considerable regions of the Confederacy, must materially lessen the supplies that were calculated on from this source. Enough has been realized to justify the wisdom of the imposition of this tax, and as earnest injunctions have been given to both assessors and collectors to expedite, as far as practicable, their operations, it is hoped sufficient returns may be obtained, at an early day, to direct the future legislation of Congress to the attainment of larger supplies by this mode of taxation: Its increase would evidently contribute to the financial relief of the government, while a larger contribution in kind, if only equitably apportioned in comparison with the impositions on other classes, would probably prove to the producers the most acceptable mode of taxation.

The inflation of the currency and inordinate prices of all supplies, have caused to the Department a painful embarrassment from the inadequacy of the salaries and allowances to its clerks and employees,

to maintain them. Single men in such positions are barely able to subsist on their official compensation, and those with families, when without other means, have been obliged to yield their places, depend on the charity of friends, or suffer dire privations. Cases of such real suffering have resulted from this cause, that it would be culpable remissness, or unfeeling obduracy, not to urge earnestly a more just provision for them. Their whole time and labor are given with a zeal, devotion, and industry, rarely surpassed, to the toilsome and unostentatious duties of the bureaus and offices. Means, at least, of subsistence and lodging should be accorded without delay, by the Government, to such faithful laborers.

The administration of the Department, in all its extensive operations, has been greatly impeded by the deficiency of transportation, especially on the railroads. Shut off from the sea, and with command of very few of its rivers, the Confederacy is dependent almost wholly on the railroads for communication and transportation. The roads were not constructed with reference to such extensive needs, and even in time of peace, with all facilities of supplies and repairs, would have been inadequate to such duties. How much less in time of war, with every drawback of deficient labor, insufficient stock, defective machinery and scant supplies, and with exposure often to seizures or spoliations by the enemy, could they be expected to meet such unprecedented requirements. It must be matter of surprise and gratification, that they have sustained themselves so well, and have afforded to the Government and the people the measure of accommodation they have. It is but a just tribute to them to say, that in the main, they have been managed in a patriotic spirit, and have rarely failed to meet the requirements of the government with alacrity and zeal. It has not been necessary during the year to exercise the large discretionary powers of control vested by Congress in the Executive over the railroads, for if repugnancy existed to the just demands of the Government, the known possession of such powers has sufficed to exact compliance. But while the dispositions of the railroad companies have been good, their means have been gradually becoming less. The Government has already given to many some aid, but will have hereafter to render fuller and more constant assistance. Some of the minor roads will have to be sacrificed to keep up the tracks of the leading lines. Iron will have to be provided and rolled for machinery, and the construction and repair of locomotives and rolling stock. Skilled mechanics, to some extent, will have to be furnished from the army, and for some of the more delicate machinery needed by them, importations from abroad may have to be attempted. With these aids, it is hoped they may not only be maintained, but improved in their means of transportation. The lowest point of depression has probably passed. For the first year or more, under the delusive expectation of the early termination of the war, the companies relied almost wholly on their existing stock, and made few efforts at supply or reparation. They scarcely husbanded their resources, which, under the exhausting demands made on them, became greatly diminished. Of late, with more experience, a wiser prescience guides their management, and,

besides practising economy of means, they are sedulously engaged in endeavoring to increase their stock, and to provide for the contingencies of future service or loss. In their best estate, they will not be able to furnish adequate facilities of transportation for both the Government and the people. From considerations of public utility and supreme duty, as well as from their dependence on the aid of the government, they should be required by law, as nearly all have engaged by contract, to give preference, in all cases, to Government freight, so as to command all their means of transport, when necessary. Beyond that, it is the fixed rule of the Department to make no exaction on them, and to attempt no regulation of their surplus means of transportation, or to award no special privileges to any in their use, but leave such free to the discretion and management of their officers. On this subject misconception has often prevailed, and the charge of favoritism has been alleged against the Department, but on no point has inflexibility been more steadfastly maintained, and all special privileges denied.

It will have been noted, that in nearly all the branches of supply, we are not yet exempt from dependence, to a greater or less extent, on foreign importations. These can only be obtained by the command of sterling funds or exchanges on foreign countries, and be introduced by evasion of the existing blockade. Without credit in foreign countries so established as to enable the Government to borrow without great sacrifice, if at all, and with the difference of exchange appreciating daily to a ruinous rate, it became early apparent to me that recourse must be had to our great staple products, which in the markets of the world were readily exchangeable for coin. They had only to be placed abroad, and the same means which exported them would serve for the necessary importations. The business of evading the blockade had previously been in private hands alone, and while precarious, had been, under skilful charge, a source of enormous profits. So excessive had become the rates of freight and exchange, that on calculation it was found, that the mere charge, independent of the cost of the cargo, for the freightage of a steamer of three hundred tons from the West India Islands to one of our ports, were to the Government upwards of two millions of dollars in its currency. Under these circumstances, the Department did not hesitate to inaugurate the plain policy of evading the blockade with steamers purchased and run by its officers. The limited means at the command of the Department abroad, which could be spared from the necessity of procuring immediate supplies, were employed in purchasing several steamers. These, under competent officers, were at once engaged in exporting cotton and importing supplies. The number which the means of the Department could command were far too few to meet its requirements, and contracts were made with capitalists to provide and engage in the trade, other steamers, in which the Department took an interest, to be paid for in cotton, either to be delivered here or to be exported in them. In this way, while more vessels were induced to venture in the business of evading the blockade, a controlling influence was secured over the importations made in them for private account. This

constituted an important consideration for the public good, as under the temptations merely of private interest, it had been found that to a great extent, articles of mere luxury or noxious use, as liquors, from the superior profits they afforded, rather than goods of real utility to the people, were introduced by the steamers of private traders. The steamers owned by the Department, four in number, were, for a long time, run between Wilmington and the Islands with signal success, and almost the regularity of packets. The profits by the outward and the saving by the inward trips to the Department were very great, as at each trip, according to the current rates, the value of the vessel was fully reimbursed. It is a moderate calculation to estimate the gain thus effected for the Department, as upwards of twenty millions of dollars in currency. Still the quantity of cotton which could be carried out by the steamers, owned or held in part by the Department, by no means supplied the sterling which was required abroad for the wants of the Government, and the experiments made, had only served to demonstrate what resources for establishing credit and commanding funds abroad, could be afforded by larger exportations of our staple products, cotton and tobacco. About the same time too, the closing of the port of Charleston by the successful operations of the enemy on Morris-Island, caused apprehensions that the business of evading the blockade would soon become more difficult and precarious. This made it more important to place abroad, as rapidly as possible, a stock of cotton, which would afford means of commanding large supplies, while they could be introduced. The Department therefore, in conjunction with the Hon. Secretary of the Navy, who fully appreciated this mode of supplying the demands of his Department for sterling, proposed, and succeeded in effecting arrangements with the companies and merchants engaged in evading the blockade on private account, by which, on fair terms of freight, payable partly in cotton here and partly in drafts on the cotton taken out by them, they undertook on every voyage to take out, some a third, and some one half of their cargoes of cotton for the Government, and likewise placed at the command of the Government a fair proportion of their capacities for freight on the return trip, for the importation of its supplies. The Department was aided in effecting this arrangement, not only by the patriotic feelings of the private owners, but also by the facilities it was enabled to afford them in commanding cargoes of cotton without unnecessary delays, through the preference in transportation given by the railroads to cotton ordered by the Government. Hence in view of the importance of continuing these arrangements with private merchants, it has become more than ever essential that the priority of transportation on the railroads should be maintained to the Government, for under present laws, by that preference alone can these arrangements for the exportation of cotton be continued.

These arrangements were made in good time, for, as anticipated, the blockade of Wilmington, the port of the Confederacy best adapted for evading the blockade, has been of late more stringent. All the blockading ships of the enemy have been transferred from Charleston, and, within the last two months, a considerable number of steamers,

among them those belonging to the Department, have been captured, or destroyed to prevent their falling into the hands of the enemy. While the risk is now certainly increased, still with the additional steamers which the contracts with the Government or the temptations of private gain has brought into the trade, it is believed the blockade may be evaded, so far as to add greatly to our resources abroad from the exportation of our staple, and to bring in the supplies needed by the Government. Measures, meantime, are being taken to increase the facilities of entrance into the port, by the use of moveable batteries of Whitworth guns, of long range, along the coast, and to endanger the safety of the blockading vessels.

So long as our staples can be exported, and supplies introduced with reasonable exemption from capture, there cannot be a question of the policy of pursuing the venture, and when all the advantage to our credit abroad, and to our means of resistance within the Confederacy, are estimated, it may be well questioned whether the whole trade should not be subjected by law to equitable regulation, so as to secure to the Government a fair proportion of the profits resulting from all shipments. As the trade could not be carried on at all except to fortified cities, and through the special protection afforded by the armaments of the government, the benefits derived by the Government would be only a reasonable return. The regulation of the trade, both to secure a participation in the profits to the Government, and to require the introduction mainly of articles of use or necessity, instead of luxuries and noxious liquors, it is believed is demanded by the general sentiment of the country, and would be readily acquiesced in by the sense of justice and patriotic feelings of the merchants engaged in the trade.

The business of export and import for the Department became so large and important that it was found necessary to devote officers of the Department and special agents at Wilmington to its management. It has grown almost a separate branch of administration in the department, and to be nearly assimilated to a separate bureau. While thus it has been conducted with success, some serious practical inconveniences have resulted from not having a separate officer or bureau established by law, and specially charged with the whole business. All the bureaus depending, in some measure, on foreign supplies, have been interested in the operations thus conducted, and all have had to contribute out of their appropriations, according to their interest, in providing means for the purchase of ships and cargoes, and, as under the interruptions of the blockade, the exact proportions in which cargoes are furnished are not known for a long time, and when the vessels are lost can never be precisely ascertained, great difficulties exist in settling and apportioning the credits and charges to each. This is apt to create dissatisfaction, as well as irregularities in the accounts of each bureau. It would manifestly be simpler and more satisfactory that the business should be made a separate one, under the control of a competent head, that appropriations should be made directly for its operations, all sales and purchases abroad be made under his instructions, and that, providing means abroad, he should be

only called on by the bureaus for their appropriate supplies. When it is considered to what extent cotton and other staples have to be purchased and forwarded in the Confederacy, arrangements for procuring and running ships, or contracting with the owners of vessels in the trade to be negotiated, shipments and sales in foreign countries to be effected, and purchases and importations made from abroad, it will be readily seen that the business requires an able head, and will constitute by no means the least important branch of administration pertaining to the Department.

A proper officer, as well as judicious regulations, are likewise desirable for the conduct of the trade in cotton and supplies between Texas and Mexico. The law leaves the trade entirely free, but as the export of cotton affords almost the only means of obtaining supplies for the trans-Mississippi department, the generals commanding there have felt themselves under the necessity of prescribing regulations and conditions for the conduct of the trade. This was rendered the more necessary from the limited means of transport which could be commanded, and which, without some restriction, there was danger would be engrossed by private parties, eager to participate in a most lucrative trade, or to remove beyond the contingencies of war, the funds realized by them from the conversion of their property in the Confederacy. The regulations imposed by military authority were, however, regarded by many, whose pursuit of gain was hindered, as vexatious and illegal, and produced such complaint and dissatisfaction that they were abrogated by the Department. The necessities of that command now, more than ever, require the control of this trade and its direction to the supply of funds and stores for its military needs. The trade should either be carried on directly by competent officers of the Department, or conducted on conditions or by permits that would secure to the Government as its results necessary credits and supplies from abroad.

In other points likewise, comprehensive legislation will be required for the proper administration of the military affairs in the trans-Mississippi Department. Since, by the interruption of command over the Mississippi river by the enemy, facilities of communication with the more eastern States and the seat of Government, are greatly diminished. In anticipation of such contingency, as already stated, arrangements, months prior to our reverses in Mississippi, had been initiated by this Department to make as far as practicable, the trans-Mississippi department self-sustaining, and capable of separate administration. Foundries, manufactories of arms, powder mills and workshops, as well as exportations for mines and nitrous earths had been instituted, and while some have been already in successful operation, others were in progress of early completion. To conduct and further complete these various branches of military administration, it is desirable that separate offices under competent heads, should be established. Indeed, so far is this Department insulated and severed from direct communication with the Department here, that it is deemed judicious, some extraordinary powers of military administration should be entrusted to the general commanding, and that office assimilated

to the Bureau of the Department here, under his immediate supervision, yet reporting as opportunities offer to the heads of the corresponding Bureaus here, so as to preserve harmony and conformity of action, should be constituted by law. A separate office should certainly be established there for the conscript service, and either the conscripts be directed to be appropriated entirely to the organizations west of the Mississippi river, or some ratio of apportionment, as well as mode of sending recruits to the organizations on this side, be prescribed. It may be necessary, too, to give some unusual power of recommending and assigning officers to service, subject to the future approval and action of the Executive. By these means, it is believed that serious embarrassments and inconveniences from the isolation of that Department will be remedied.

It is gratifying to know that the severance of the States west of the Mississippi from those of the east, has caused no abatement in their devotion to the Confederacy, their confidence in its cause, or in their spirit or resolution to achieve a common independence. Entire harmony and co-operation prevail between the Confederate and State authorities there, and in the valor of their soldiers, the ability of their generals, the patriotism and hardy, resolute character of their people, the wide expanse and impracticable nature of their territories, and the great, though only partially developed resources of their country, all find an assured augury of ultimate triumph.

It is gratifying to be able to state that our relations with the Indians, under the protection of this Government, continue to be of a satisfactory character. Though there have been some instances of disturbances among individuals, as was to be expected under the machinations of our enemies and the withdrawal of our troops from the coterminous territory under military operations in adjoining States, yet Mr. Scott, our Indian Agent, who has just returned from a visit to, and a sojourn among them of some months, gives assurance that they continue unshaken in their loyalty to the Government, and in their devotion to our cause and sacred rights. His report accompanying this, will furnish details of interest.

The estimates for the expenditures of this Department, for the six months, from January 1st, to June 30th, 1864, are herewith transmitted. The amount is large, but, at the existing rate of prices, certainly not greater than is required to maintain the armies of the Confederacy in a state of efficiency. Indeed, if there be a continuance of the constantly accelerating advance in the cost of all supplies that has attended the inflation of the past year, these estimates will scarce prove adequate to the wants of the Department. Should, however, there be a reduction of the currency to the actual needs of the country and its maintenance on a stable basis, these estimates may be largely reduced. Such policy is the only mode of correcting this, as the many other resulting evils of our redundant currency.

Since the foregoing was written, the shifting fortune of war has brought reverse to our army in northern Georgia, near the theatre of its late great triumph. While a large portion of our forces were engaged in improving their victory by the expulsion of the enemy from east

Tennessee, and on the eve, as appeared, of entire success, the enemy accumulated large reinforcements within their beleaguered lines at Chattanooga. With overwhelming numbers they assailed our army in position before them, and though meeting bloody repulses on either wing, carried the position when weakened in the centre. This unexpected reverse seems to have caused something of panic in a portion of our troops dreading to be cut off, and led to a hasty retreat of the whole army with considerable loss both in men and material. The enemy pressed their advantage with alacrity, and were pursuing with exultation and confidence, when they were encountered by one of our unshaken divisions and driven back with fearful loss, in confusion and dismay. This more than checked their advance, for it compelled the rapid retreat of their whole army, with all the attendant indications of dreaded pursuit, behind the lines of Chickamauga, where they have since remained. Meantime, deep interest concentrates on the events occurring in east Tennessee, where it is yet uncertain whether our disasters in front of Chattanooga may not have compelled the sudden retreat of our forces, when on the eve of consummating their work, by the capture of Knoxville with General Burnside and his army.

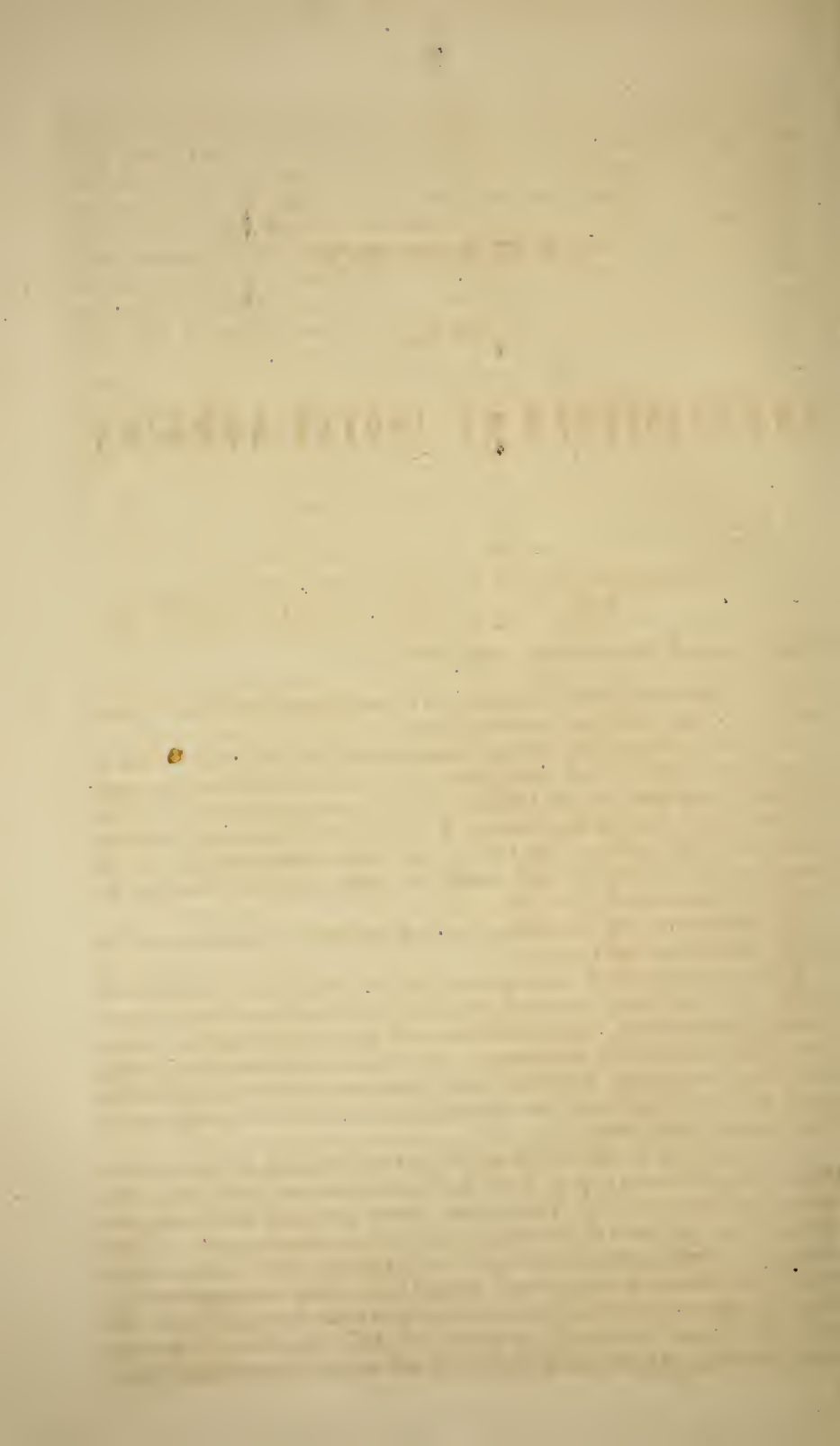
Movements of the enemy on the Rappahannock have again proven the invincible army of Northern Virginia, under its consummate commander, the sure bulwark of the capital. Emboldened by some partial success, the results to us of incaution or over-confidence, the Federal army crossed the Rapidan in full force and with every indication of making, by battle, an open way to Richmond. General Lee was prompt to offer them the coveted opportunity, but while they ventured to confront, they dared not encounter the veterans before whom they had so often recoiled in defeat and humiliation. After their vaunting manifestation, they have ignominiously slunk off under cover of night, and again sought an inglorious shelter in their lines beyond the river.

A fair review of the varied events of the year should cause no abatement of confidence in the ultimate triumph of our cause. Our very reverses, as already stated, will only demonstrate to our enemies the futility of their aims and the vanity of their hopes. A brave people, commanding a territory of such extent and resources, never have been, and while true to themselves and their liberties, never can be subjugated. Those reverses, however, admonish our people, as they would avoid the desolating ravages and costly bloodshed of protracted war, to unite their wills and concentrate their energies and resources to the grand aim of expelling the invader. We have only to will and to dare as one man, and our work is sure of accomplishment. Every motive and incentive that can fire the soul or nerve the arm of man are urgent upon us. All that is dear to humanity, property, honor, wives, children and homes—nay, the very lives of the present and the hopes of future generations, for us are staked on success. The malignant intents of the foe would exterminate or debase us, through the insolent lordship of our slaves, to the mastery of his brutal despotism. No alternative exists but stern defiance and un-

flinching resistance. Our only, as our certain safety, is in victory. Every impediment should be cast aside. The insatiate spirit of greed must be exercised. Distrust and despondency be displaced by the confidence of invincible resolve and the might of a firm faith. Our means without stint, and our men without favor or affection, must be rendered to the cause. Each man should rise to the height of a supreme duty, counting all cost as gain, and exulting in every sacrifice that shall free us forever from loathsome association with a despicable people, and establish the Confederacy of our choice on the basis of approved strength, in permanent fruition of peace, prosperity and independence.

Respectfully submitted,

JAMES A. SEDDON,
Secretary of War.



REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Office of Indian Affairs, December 7, 1863. }

HON. JAMES A. SEDDON, *Secretary of War* :

SIR: I have the honor to submit, for your consideration, the customary annual report on Indian affairs.

The sum of \$233,560 55 was appropriated at the last session of Congress to comply with treaty obligations, and to meet the legitimate incidental expenses of the Indian service arising therefrom, to June 30, 1863, and the further sum of \$117,920 00 for similar purposes to December 31, 1863. No part of the latter appropriation has yet been touched; of the former, there has been used, as designed by Congress, the sum of \$193,925 57.

The estimates from this office, for the Indian service, to June 30, 1864, amount to \$232,660 57.

Affairs in the Indian Territory are by no means in a satisfactory state. This is mainly attributable to the interruption of its free and easy communication with Richmond, and the occupation of a large part of the country by the enemy. In the face, however, of all these troubles, the Indians generally have lost none of their faith in the good will and integrity of the Government, and do full justice to its exertions in their behalf.

Your attention is especially called to the condition of the Cherokees. By the disloyalty of John Ross, the Principal Chief, the Cherokee Nation was split in twain; and about one half, embracing the greater part of the full bloods, went over to the enemy. These hostile Indians—generally called “Pin” Indians, from a secret abolition organization, which existed among them prior to the commencement of the present war, the members of which were known to the initiated by a pin displayed in a particular and conspicuous place upon their clothing—by the aid of the white and negro forces of the enemy,

are now in complete possession of the Cherokee country. The wives and children of those, who have kept their plighted faith with this Government; and who (or at least all of them capable of bearing arms) are in the Confederate service, have been driven from their homes, and are now scattered over the Choctaw and Chickasaw countries, in many instances, without shelter, without clothing, without money, and depending wholly upon the provisions furnished them by the general in command of the Indian Territory, to keep them from starving. Their situation is truly deplorable, and when taken in connection with other facts, which will be hereinafter stated, appeals most strongly to the Government for relief.

The Cherokees receive the benefit of no annual payments from the Confederate States, as is the case with the Choctaws, Chickasaws, Creeks, &c., at least these payments are so insignificant in amount, being less than one thousand dollars, that they may be regarded as nothing. Unlike the other loyal nations, they are entitled to no annuities, either perpetually, for a term of years, or at the pleasure of the President; nor have they any large portion of their funds lying in the United States Treasury uninvested, or invested in stocks of the United States, or in those of any of the Northern States, the interest upon which this Government, by treaty, has engaged to pay annually to the nation owning the same; but they have their funds almost wholly invested in the stocks of certain of the States of this Confederacy.

By the treaty with the Cherokees, the Confederate Government, after 1861, the year for which the first payment was to be made to them, only assumed the duty and obligation of collecting and paying over, as trustee, the interest upon their funds, which were thus invested. It may be well to state in this connection, also that the Government only agreed in its treaties with other Indian Nations to collect and pay over the interest due, or which might thereafter be due them upon stocks of a similar character.

In article forty-five of the Cherokee Treaty, after a statement of all the investments and funds of the Cherokees in the possession of the United States, and providing for an advance by the Confederate States of the interest upon these for the year 1861, with the payment of all arrearages, &c., appears the following:

“And the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over, as trustees, to the said Cherokee Nation, all sums of money not hereby agreed to be assumed and paid by them, accruing whether from interest or capital of the bonds of the several States of the Confederacy, now held by the Government of the United States, as trustee for the Cherokee Nation, and the said interest and capital as collected shall be paid over to the Cherokee Nation. And the said Confederate States will request the several States of the Confederacy, whose bonds are so held, to provide by legislation, or otherwise, that the capital or interest of such bonds shall not be paid to the Government of the United States, but to the Government of the Confederate States, in trust, for the said Cherokee Nation.”

The funds of the Cherokee Nation, including national, school, and

orphan, fund, thus invested in the stocks of certain of the Confederate States, amount in the aggregate to seven hundred and forty-nine thousand and five hundred dollars; upon which there is interest for about three years due. This interest, as shown above, the Confederate States have agreed to collect and pay over to the Cherokees. With this engagement, however, during the war, it is utterly impossible for the Government to comply. The stocks in question are made up, in the main, not of registered, but of coupon bonds; the interest upon which is payable to bearer. Of course, in the absence of a description of the bonds, their numbers, &c., (information which cannot be supplied by this office,) to enable the proper authorities of a State to stop the payment of the coupons, should they be presented, it would be extremely hazardous for them to pay the interest upon such State's indebtedness to these funds.

From these facts it will be perceived that the money due the Cherokees from parties able and willing to pay, and which, if paid, would supply their most pressing wants, and thus lighten the burden of their compulsory exile, cannot be obtained.

I would, therefore, most respectfully suggest that Congress be requested to make an appropriation adequate to meet the necessities of this people, at the earliest practicable moment. It is scarcely necessary to add, after the foregoing remarks, that money they are compelled to have, and that speedily, or the amount of suffering among them, during the present winter, will be great. Indeed, with the utmost promptness in this matter on the part of the Government, the winter, for which they are so ill prepared, will be far advanced before any material relief can be afforded them.

Such an appropriation will be no tax—will entail no expense upon the Confederate States. The Cherokees request the money, but they do not ask it as a gratuity. It will be perceived from the letter addressed to this office, on the 4th instant, by the delegate to Congress from the Cherokee Nation, a copy of which is herewith submitted, that the Cherokees expect the Government, should it advance this money, to replace the amount so advanced, from the funds due them, and which it has agreed to collect.

The Choctaws, Chickasaws, Creeks, and Seminoles, although almost all the young and able-bodied men of these nations are in the army, have succeeded in cultivating and raising very good crops of breadstuffs during the past season. From all the information I could gather, while in the Indian country, where, in pursuance of orders from the War Department, it may be well for me to remark, I have been for the greater portion of the last six months, I entertain, no doubt, a sufficiency of provisions has been made by them for family use until the coming in of the next crop. Supplies for the army of the territory are drawn from northern Texas.

Since my last report, no perceptible alteration has been wrought in the loyalty and kindly feelings of these nations towards the Confederate States. Individual instances of disaffection have, of course, occurred, but it is gratifying to be able to state that they have been extremely rare, and include in them no persons of note or influence.

During the past summer and fall, the harmony of our relations with these Indians, especially with the Creeks, and according to the opinion of some, (in which it is proper for me to say I did not join,) the Choctaws also, appeared to be somewhat threatened with disturbance. It is but an act of justice to these two gallant nations, that a brief, but explicit, statement of the facts in each case should be herein submitted:

1. *In regard to the Creeks.* It seems that the two regiments, (known as the first and second Creek regiments,) which this nation had placed in the Confederate service, soon after the ratification of its treaty with this Government, refused to obey orders and continue with the army of the Indian Territory, when it fell back before the advancing forces of the enemy, in August last, from its position near the northern border of the Creek country to Middle Boggy in the Choctaw country. This action on their part, although insubordinate, and calculated to embarrass the operations of the general in command, was no evidence of disloyalty, or a disposition to make terms with the enemy. It was solely the result of a desire to remain in their country for its protection, and that of their families and property. To show that but sheer justice is done the Creeks in the foregoing remarks, I quote an extract from a letter now on file in this office, addressed to General Cooper, on the 30th August, by D. N. McIntosh, Colonel of the 1st Creek regiment, while, with the 2nd, commanded by Colonel Chilly McIntosh, it was separated, as above indicated, from the main body of our forces, giving an account of the state of feeling at that time existing among the Creeks. After having alluded somewhat gloomily to the retreat of our army, and the dangers which seemed to environ the people of his nation, he stated: "I have no fears of any of my command going over to the enemy, as they have been properly tried. I have heard of none of the Creeks deserting, but being, as they are, greatly scattered for the purpose of collecting and moving their families, stock, &c., to places of safety, I have had but little opportunity of hearing particularly as to their movements."

Colonel D. N. McIntosh also transmitted to General Cooper, at the same time, a letter from the Federal officer commanding the northern troops in the Indian country, to Colonel Chilly McIntosh, in which vast promises are made the Creeks on one hand, and dire threats on the other, to induce them to lay down their arms. A copy of this letter is hereto appended.

General Steele has informed me by letter, written October 13, 1863, and received just before my departure from the Indian country for Richmond, that the Creek regiments had again joined his command. This information was not at all unexpected, as the communication from Colonel McIntosh, before referred to, had prepared me for it.

2. *In regard to the Choctaws.* At a meeting held in the latter part of September, or early in October last, at Doaksville, in which certain propositions of the most flattering nature, addressed by the Federal General Blount to the Choctaws, soon after the occupation of Fort Smith by his troops, were discussed, one or two members of the

nation were represented to have given utterance to sentiments that savored of a wish to have the Choctaws ignore their treaty engagements with the Confederate States, and assume a position of neutrality during the remainder of the existing war. Being, at the time, in the vicinity of Armstrong, the capital of the Choctaw country, I proceeded, at once, to that place, for the purpose of consulting with the authorities of the nation, and other influential men, whom I expected to meet there in attendance upon the council, which was then in session. My object in making this visit was not that I had the faintest idea of the nation being induced to swerve one hair's breadth from its good faith and loyalty, by the promises, however specious and glittering, of the Federal commander, or any of the statements alleged to have been made in the Doaksville meeting; for I was well assured of the truth and integrity of the mass of the Choctaw people, and their thorough devotion to the great principles underlying the present struggle, but it was simply to use my exertions to allay any excitement or ill-feeling—to prevent the growth of any dissensions or divisions among them—to which the circumstances in question were so well calculated to lead. My interview with the principal chief and council was in the highest degree satisfactory, and I found that in despite of the machinations of enemies, the utmost quiet and harmony prevailed throughout the Choctaw country. With reference to the question of "neutrality" in connection with the action of the nation during the present war, the council had, prior to my arrival, passed unanimously the annexed resolution:

"Be it resolved by the General Council of the Choctaw Nation assembled, That any person speaking sentiments of a character tending in any wise to destroy the confidence of the Choctaw people in the ability of the Confederate States to sustain themselves in the present struggle, and advising the people of this nation to take any steps tending in any manner to induce this people to occupy a position of neutrality or withdraw their united support from the Confederate States, shall be deemed and considered an enemy to this nation of people and a traitor to the liberties of his common country and interest, and deserving of the death of a traitor," &c.

About one-third of the Reserve Indians, who ran away from their homes, at the time (October 23d, 1862,) of the attack upon the Agency by a band of marauding Indians, have come in, and by the permission of the authorities of the Chickasaw Nation, have been temporarily settled in their country, near Fort Arbuckle. I chanced to be in the Indian country when they left; and as soon as an opportunity offered, I dispatched Mr. Sturm, the issuing commissary for the Reserve, and Mr. Shirley, who had been a merchant at the Agency, in search of them, with instructions to bring them back, if possible. An account of the result of this undertaking is contained in letters written by them to this office, copies of which will be found annexed to this report.

Those of the Reserve Indians who have come in are the Comanches, Caddohadagheos and Anadagheos. The Wichitas, Aionais, Huecos and Tahuacarros refused to return, and are still out upon the prairies.

Many of the former have been organized into military companies, and are all doing excellent service, as scouts, upon the frontier. They are anxious, I have understood, to be sent again to the Reserve, where they have comfortable homes, &c., but it is so far west, and so much exposed, and the transportation of supplies to them would be so difficult and expensive, that I have thought they had better remain where they now are during the winter, and, perhaps, during the war.

In my last report I stated that the small tribes—with the exception of an inconsiderable fragment of the Great Osages—occupying the northeastern part of the Indian Territory, (the Great and Little Osages, Senecas, Shawnees, mixed bands of Senecas and Shawnees and Quapaws.) had had all joined the North. Their country, which borders on Kansas, has long been in the possession of the enemy.

The Osages, who have thus continued true and faithful, numbering in all scarcely more than six hundred souls, under Black-Dog, the second Chief of the tribe, have had, since they were forced to leave their country, no fixed homes. For a short time they resided with the Cherokees; they next removed to the Creek Nation, from which they soon passed into the Seminole country. There they remained until within the last two or three months, when, like the Reserve Indians, they were located upon lands of the Chickasaws, in the vicinity of Arbuckle. The young men, I should not neglect to state, are in the Confederate service, and compose what is known as the Osage battalion.

The Osages are generally a rude and uncivilized people, fond of the chase, and greatly attached to their old manners and customs. Even before the war, when they were all together in their own country, and well supplied by the United States with the means of earning a livelihood, they were incapable, from habits of unthriftiness and want of industry, of doing so. Of course, therefore, under existing circumstances, driven from their homes, and wanderers in other lands, the families composing this fraction of the tribe must be furnished by the Government with the necessaries of life, or they will freeze and starve.

Provision for an annual appropriation of ten thousand dollars to buy clothing for the Osages having been made by treaty, I would respectfully recommend the propriety of Congress being asked for an additional appropriation to be applied to the purchase of food for them. A special estimate for this purpose will be prepared and submitted.

In conclusion, permit me to say, that in view of all the circumstances which have surrounded the Indians, during the war, especially the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles, the attachment manifested by them for the Confederate Government, has been remarkable, and ought to be a source of the sincerest gratification and pride to all our people. When, on the one hand, it is recollected that nothing scarcely but reverses have heretofore attended their efforts for the defence of their country; that a large portion of it has been overrun, and their property carried off, or destroyed; that their troops, (not, however, be it said, without earnest attempts on the part

of the Government to rectify these things,) have been indifferently armed and clothed, and irregularly paid; while on the other hand, the emissaries of the northern Government, to induce them to abandon our cause, have been lavish of magnificent promises to them; of gold and silver, without stint; provisions and clothing for the indigent; and the protection of their rights in person and property forever—I repeat, when all these facts are recollected, the continued fidelity and loyalty of these Indians may well produce in the minds of our people sentiments of surprise and admiration. And not only have they maintained their loyalty in the presence of these trying circumstances; but their confidence, as a general thing, in the justice and integrity of this Government; in its good will and friendship for them; and in the final triumph of the great principles for which it is contending, has ever remained firm and unshaken.

A table showing the condition, at the opening of the war, of the funds held by the United States in trust for the southern Indians, and the extent of the liability assumed by the Confederate Government on account of the same in the treaties of 1861, is subjoined to this report, and attention to it is respectfully requested.

Very respectfully, your obedient servant,

S. S. SCOTT,

Commissioner of Indian Affairs.



LIST OF DOCUMENTS

ACCOMPANYING REPORT OF THE

COMMISSIONER OF INDIAN AFFAIRS.

- No. 1.—Papers in relation to funds of Southern Indians, &c.
- No. 2.—Letter of Colonel Stand Watie, Principal Chief of Cherokees, dated August 8, 1863.
- No. 3.—Ordinance of Cherokee Convention.
- No. 4.—Letter of Hon. E. C. Boudinot, delegate to Congress from Cherokee Nation, dated December 4, 1863.
- No. 5.—Letter of Colonel Winchester Colbert, Governor of Chickasaw Nation, dated August 21st, 1863.
- No. 6.—Letter of Colonel W. R. Judson, commanding Federal troops, to the Creeks, dated August 30, 1863.
- No. 7.—Letter of Major I. G. Vore, dated August 20, 1863.
- No. 8.—Letter of John Shirley, in regard to Reserve Indians, dated December 23, 1863.
- No. 9.—Letter of J. J. Sturm, issuing commissary, dated January 5, 1863.
- No. 10.—Letter of C. B. Johnson, contractor for feeding Reserve Indians, dated September 18, 1863.

[No. 1.]

PAPERS IN RELATION TO FUNDS OF SOUTHERN INDIANS.

ABSTRACT A,

Of amounts payable to Indians of Southern Superintendency, (now called Arkansas and Red river Superintendency.) under Treaties and Acts of Congress of the United States.

Amounts payable annually forever :

Nature of the Incitedness.	Date of Act or Treaty.	Article of same.	Amount.
TO THE CHICKASAW NATION.			
Permanent annuity originally payable in goods.....	Act Feb 25, 1796	\$3,000
TO THE CHOCTAW NATION.			
Permanent annuity	Nov. 16, 1805	II.	2,000
Permanent annuity for support of light-horsemen	Oct. 18, 1820	XIII.	60
Permanent provision for education	Jan. 20, 1825	II.	6,000
" " " blacksmith	Oct. 18, 1821	VI.	600
" " " iron and steel	Jan. 20, 1825.	IX.	300
Interest on \$500,000 at 5 per cent. for education and other beneficial purposes, to be applied under direction of general council	June 22, 1855.	X & XIII.	25,000
			\$25,520
TO THE CREEK NATION.			
Permanent annuity in money	Aug. 7, 1790.	IV.	\$1,500
" " " "	June 16, 1802	II.	3,000
" " " "	Jan. 24, 1825	IV.	20,000
" " " provision for blacksmith and assistant and for shop and tools	" " "	VIII.	840
Permanent provision for iron and steel for shop	" " "	"	270
" " " pay of wheelwright	" " "	"	600
Interest on the sum of \$200,000, to be invested in some safe stocks, paying an interest of at least 5 per cent per annum for purposes of education.....	Aug 7, 1856	VI.	10,000
			\$25,210
TO THE SEMINOLE NATION.			
Permanent annuity by way of interest at 5 per cent per annum on \$500,000 agreed to be invested for them	Aug. 7, 1856	VI.	\$25,000
TO THE GREAT AND LITTLE OSAGES.			
Interest on \$00,120 at 5 per cent per annum, being the value of 54 sections of land set apart for educational purposes by treaty and by Senate resolutions, Jan. 19, 1828	June 2, 1828.	VI.	\$2,610
TO THE SENECA.			
Permanent annuity in specie.....	Sept. 29, 1817	IV	\$500
" " " "	Sept. 17, 1818.	"	500
			1,000
TO THE SENECA AND SHAWNEES.			
Permanent annuity in specie.....	Sept. 17, 1818.	IV.	\$1,000
RECAPITULATION.			
Chickasaw Nation.....			\$ 2,000
Choctaw "			31,220
Creek "			20,240
Seminole "			21,000
Osages			2,610
Senecas			1,000
Senecas and Shawnees.....			1,000
			\$104,870

ABSTRACT B,

Of amounts payable to Indians of said Superintendency, under treaties, made by the United States.

Amounts payable for a limited number of years :

Nature of indebtedness.	With what year to end	Date of Treaty	Article of Treaty.	Amounts.
TO THE CREEK NATION.				
For education, stipulated to be paid for thirty-three years beginning with the year 1832,.....	} 1864. {	Mar. 24, 1832	XIII.	
		and Jan. 4, 1845.	IV.	\$3,000
For education, stipulated to be paid for twenty years, beginning with the year 1845	"	" " "	"	3,000
For annual provision for two blacksmiths and assistants, shops and tools, continued for seven years, after June, 1857, by treaty of Aug. 7, 1856,	"	Mar. 24, 1832.	XIII.	1,680
For annual provisions for iron and steel for shops, continued for seven years after June, 1857, by treaty, Aug. 7, 1856,.....	"	" " "	"	540
				\$8,220
TO THE SEMINOLE NATION.				
Annual provision, for the support of schools, stipulated for ten years [Extended by new treaty]. . .	1865.	Aug. 7, 1856.	VIII.	\$3,000
Annual provision for agricultural assistance, stipulated for ten years. [Extended by new treaty]. . .	"	" " "	"	2,600
Annual provision for support of smiths and smith shops, stipulated for ten years. [Extended by new treaty].	"	" " "	"	2,200
				\$7,200

RECAPITULATION.

Creek Nation,	\$8,220
Seminole Nation.....	7,200
	\$15,420

Add :

Annual provision for goods, provisions and agricultural implements for the Comanches, Calawas and Apaches, of Arkansas river,.....	1863.	July 27, 1852.	VI.	\$15,000
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ABSTRACT C,

Of amounts payable to Indians of said Superintendency, under treaties made by the United States.

Amounts payable during the pleasure of the President :

Nature of Indebtedness.	Date of Treaty.	Art. of Treaty.	Amounts.
TO THE CREEK NATION.			
For annual provision for blacksmith and assistant, and shop and tools	Feb. 14, 1833.	V.	\$ 840 00
For annual provision for iron and steel, for shop.....	Feb. 14, 1833.	V.	270 00
For annual provision for wagon-maker.....	Feb. 14, 1833.	V.	600 00
For annual provision for assistance in agricultural operations..	Jan. 24, 1826.	VIII.	2,000 00
For annual provision for education.....	Feb. 14, 1833.	V.	1,000 00
			\$4,710 00
TO THE QUAPAWS.			
For annual provision for education.....	May 13, 1833.	III.	\$1,000 00
For annual provision for blacksmith and assistant, shop, tools, iron and steel.....	May 13, 1833.	III.	1,960 00
For annual provision for farmer.....	May 13, 1833.	III.	600 00
			\$2,660 00
TO THE SENECA.			
For annual provision for blacksmith and assistant, shop, tools, iron and steel.....	Feb. 23, 1831.	IV.	\$1,060 00
For annual provision for millers.....	Feb. 23, 1831.	IV.	600 00
			\$1,660 00
TO THE SENECA AND SHAWNEES.			
For annual provision for blacksmith and assistant, shop, tools, iron and steel	July 20, 1831.	IV.	\$1,080 00
RECAPITULATION.			
Creek Nation			\$4,710 00
Quapaws			2,660 00
Seneca			1,660 00
Seneca and Shawnees.....			1,080 00
			\$10,090 00

ABSTRACT D.

Arrearages of annuities, annual interest and payments overdue to Indians of said Superintendency.

Nature of indebtedness.	Under what treaty.	Article of Treaty.	Amounts.
TO THE CREEK NATION.			
Of moneys payable for wagon-makers, blacksmiths, shops, iron, steel, and agricultural purposes.....	Aug. 7, 1856.	VIII	\$3,750
Of interest on the sum of \$200,000 that should have been invested at 5 per cent. per annum, for educational purposes.....	" " "	VI	9,000
			<u>\$12,750</u>
TO THE SEMINOLES.			
Of moneys for support of schools, due up to, and including Dec 30, 1860.....	Aug. 7, 1856.	VIII	13,000
Of moneys for agricultural assistance for the year 1860.....	" " "	"	2,000
Of moneys for smiths and smith shops for the year 1860.....	" " "	"	2,200
			<u>\$17,200</u>
TO THE CHICKASAWS.			
Of interest on the sum of \$376 781 57, moneys of the Chickasaws in the Treasury of the United States, and invested in U. S. stocks, for 1861 only.	May 24, 1834.	XI	\$22,606 89
Of interest on the sum of \$376,781 57, and other moneys of the Chickasaws due by the United States, or collected by them prior to the year 1861.....	" " "	"	\$
			<u>\$</u>
TO THE CHEROKEES.			
Of interest on the permanent general fund of the nation, as the same is invested, for last half of 1860, and all of 1861. Fund \$517,261 39	Dec. 29, 1835.	X	\$43,372 36
Of interest on permanent orphan fund of the nation, as the same is invested, for last half of 1860, and all of 1861. Fund \$50 000.	" " "	"	4,500 00
Of interest on permanent school fund, as the same is invested for the last half of 1860, and all of 1861. Fund \$197,800.....	" " "	"	17,772 00
			<u>\$65,644 36</u>
TO THE CREEK ORPHANS, OF 1832.			
Of interest collected and due by the United States, on State and U. S. stocks, to 1st January, 1861, and not paid over, belonging to those persons and the descendants of those persons, who were orphans in 1832, described as ' orphan children of the Creeks.'.....	March 24, 1832.	II	\$

RECAPITULATION.

Creek Nation.....	\$12,750 00
Seminoles.....	17,200 00
Chickasaws.....	22,606 89 and \$
Cherokees.....	65,644 36
Creek Orphans.....	\$
	<u>\$118,231 25</u>
	\$

ABSTRACT E,

Of moneys in the Treasury of the United States not invested, and investments in United States stocks, for the Indians of said superintendency.

BELONGING TO THE CHICKASAW NATION.

Paid into the Treasury on the 9th of January, 1857, principal of so much Ohio 6 per cent. stock, held in trust for Chickasaws.....	\$100,000 00
Amount of Chickasaw funds invested in 6 per cent. United States loans of 1842.....	104,039 77
Amount of Chickasaw funds invested in 6 per cent. United States loans of 1847.....	135,250 00
Amount of Chickasaw funds invested in 6 per cent. United States loans of 1848.....	37 491 80
	<u>\$376,781 57</u>

BELONGING TO THE CHICKASAW ORPHANS.

Amount of Chickasaw orphan funds invested in the United States 6 per cent. loans of 1842.....	\$433 68
Amount of Chickasaw orphan funds invested in United States 6 per cent. loans of 1847.....	770 03
	<u>\$1,203 71</u>

BELONGING TO THE CHOCTAW NATION.

So much of Choctaw general fund invested in United States loans of 1842, 6 per cent.....	1,734 71
So much of Choctaw school fund invested in United States loan of 1842, 6 per cent.....	60,893 62
So much of Choctaw school fund invested in United States loans of 1847, 6 per cent.....	18,498 17
	<u>\$81,126 50</u>

BELONGING TO CERTAIN PERSONS AND THEIR DESCENDANTS, CREEK ORPHANS OF 1832.

So much of Creek orphan fund invested in United States 6 per cent. loans of 1842.....	\$49,900 90
So much of Creek orphan fund invested in United States 6 per cent. loans of 1847.....	41 76
	<u>\$49,942 66</u>

BELONGING TO CHEROKEE NATION.

So much of permanent orphan fund of Cherokees in the United States Treasury uninvested.....	\$5,000 90
So much of permanent school fund of Cherokees invested in United States 6 per cent. loans of 1847.....	5,800 00
	<u>\$10,800 00</u>

BELONGING TO GREAT AND LITTLE OSAGES.

So much of moneys belonging to the Osages invested in United States 6 per cent. loans of 1842.....	\$24,679 56
So much of moneys belonging to the Osages invested in United States 6 per cent. of loans of 1847.....	44 46
	<u>\$24,724 02</u>

ABSTRACT E,—CONTINUED

BELONGING TO THE SENECAS AND SHAWNEES.

So much of moneys belonging to the Senecas and Shawnees, invested in United States 6 per cent. loan of 1847.....

\$466 10

RECAPITULATION.

Chichasaw Nation.....	\$376,781 57
Chickasaw Orphans.....	1 203 71
Chectaw Nation.....	81,126 59
Creek Orphans.....	49,942 66
Cherokee Nation.....	10, 00 00
Great and Little Osages.....	24,721 02
Senecas and Shawnees.....	466 10
	<u>\$545,044 56</u>

ABSTRACT F,

Of moneys due Indians of said Superintendency and unliquidated under provisions of former Treaties.

Nature of indebtedness.	Under what Treaty	Act of Treaty.	Amounts.
TO THE CHEROKEES.			
For so much due the Cherokee Nation, as recited in the treaty of 1861,	Aug. 6, 1845.		\$ 12,000 00
For so much due the treaty party of the Cherokee Nation, as recited in the treaty of 1861,			10,300 00
			\$ 22,300 00
TO THE CHOCTAWS.			
Amount due and payable to the Choctaw Nation, for retrocessions of the lands ceded by them by treaty of September 27, 1830, under an act of the Senate of the United States, passed in 1825, 1860, paid them out of \$500,000 appropriated in March, 1861, whatever remains after deduction of all just and proper expenditures and charges, under the treaty of 1830,	Aug. 7, 1856.		
TO THE CHICKSAWS.			
The residue uninvested and unaccounted for, of the net proceeds of their land, ceded by treaty of October 20th, 1832, under that treaty, and the treaty of May 24th, 1834, as hereinafter would appear by the account provided for by treaty of			
TO THE APALACHICOLA INDIANS.			
The amount due the Apalachicola Indians for losses sustained by them by their removal west of the Mississippi, under treaties of October 11, 1832, and June 18, 1833, with the Apalachicola, and May 9, 1832, with the Seminoles; such amount as the President shall find to be due,	Oct. 11, 1832. June 18, 1833. May 9, 1832.		

RECAPITULATION.

Cherokees,	\$22,300 00	
Choctaws,		\$
Chicksaaws,		\$
Apalachicola,		\$
	\$22,300 00	\$

ABSTRACT G.

Of Stocks and Bonds of States not of the Confederacy, in which moneys of Indians in said Superintendency are invested, assumed by the Confederate States, interest payable annually, and capital at the restoration of peace.

Funds of what Nation, and what stocks.	Under what Treaty.	Per Cent.	Amount's	Net annual income.
CHEROKEE				
National Fund State of Maryland.....	Dec. 29, 1835.	6	\$ 761 39	\$ 45 68
School Fund, State of Pennsylvania.....	Feb. 27, 1819, and Dec. 29, 1835. }	5	4,000 00	200 00
			\$ 4,761 39	\$ 245 68
CHICKASAW INDEBTMENTS:				
State of Indiana.....	May 24, 1834.	5	\$ 2,000 00	\$ 100 00
CHICKASAW NATIONAL FUND:				
State of Indiana, redeemable in 1837.....	Oct. 20, 1832	5	141,000 0	7,050 00
" " " " " " 1866.....	May 24, 1834.	5	61,000 00	3,050 00
" Maryland, " after 1870.....	" "	6	6,499 57	368 97
" " " " " " 1891.....	" "	6	8,500 17	504 00
" Illinois, " " " " " " 1890.....	" "	6	17,000 00	1,020 00
			\$ 231,999 74	\$12,099 97

RECAPITULATION.

	Principal.	Interest.
Cherokee Funds.....	\$ 4,761 39	\$ 245 68
Chickasaw "	237,499 74	12,089 97
	<u>\$ 242,261 13</u>	<u>\$12,335 65</u>

ABSTRACT II,

Of funds of Northern Indian Tribes, invested in stocks of States of the Confederacy, and held in trust by the United States.

Stocks of what States and held in trust for what tribes.	Per cent	Amounts.
<i>Missouri.</i> —For the Chippewas of Swan Creek.....	6	\$5,000 00
For the Delaware general fund.....	6	290,000 00
For the Iowas.....	6	15,000 00
For the Kansas.....	5½	18,000 00
For the Kaskaskias.....	6	2,000 00
For the Kaskaskias, Peorias, &c.....	6	25,000 00
For the Menomies.....	6	3,000 00
For the Ottoways of Blanchard's Fork.....	6	8,000 00
For the Ottoways of Roche de Bouff.....	6	1,000 00
For the Ottoways and Chippewas.....	6	10,000 00
For the Pottawatomies.....	6	5,000 00
		<u>\$388,000 00</u>
<i>Florida.</i> —For the Delaware general fund.....	7	\$59,000 00
For the Iowas.....	7	2,000 00
For the Kaskaskias, Peorias, &c.....	7	37,000 00
		<u>\$118,000 00</u>
<i>Georgia.</i> —For the Delaware general fund.....	6	\$2,000 00
<i>Louisiana.</i> —For the Delaware general fund.....	6	\$4,000 00
For the Iowas.....	6	9,000 00
For the Kaskaskias and Peorias.....	6	15,000 00
		<u>\$28,000 00</u>
<i>North Carolina.</i> —For the Delaware general fund.....	6	\$341,000 00
For the Iowas.....	6	63,000 00
For the Kaskaskias, Peorias, &c.....	6	117,000 00
		<u>\$521,000 00</u>
<i>Kentucky.</i> —For the Menomies.....	5	\$7,000 00
<i>South Carolina.</i> —For the Delaware general fund.....	6	\$1,000 00
For the Iowas.....	6	3,000 00
For the Kaskaskias, Peorias, &c.....	6	3,000 00
		<u>\$7,000 00</u>
<i>Tennessee.</i> —For the Delaware general fund.....	6	\$14,000 00
For the Iowas.....	6	20,000 00
For the Kaskaskias, Peorias, &c.....	6	97,000 00
For the Menomies.....	5	19,000 00
For the Ottoways and Chippewas.....	5	1,000 00
For the Wyandots.....	5	53,000 00
		<u>\$204,000 00</u>
<i>Virginia.</i> —For the Ottoways and Chippewas.....	6	\$3,000 00

RECAPITULATION.

Missouri.....	\$388,000 00	Kentucky.....	\$7,000 00
Florida.....	118,000 00	South Carolina.....	7,000 00
Georgia.....	2,000 00	Tennessee.....	204,000 00
Louisiana.....	28,000 00	Virginia.....	3,000 00
North Carolina.....	521,000 00		
Aggregate.....			<u>\$1,348,000 00</u>

NOTE.—*Maryland.*—For the Pottawatomies, six per cent., \$130,850 43.

SUMMARY

Of amounts due Indians of said Arkansas and Red River Superintendency, and assumed by Confederate States.

Abstract	Amounts assumed—on what account.	Payable on ratification of treaty.	Payable at close of war.	Amount unascertained & payable at close of war
A.	Annuities and annual payments, payable perpetually.	\$104,186 00		
B.	Annuities and annual payments, payable for limited and fixed terms	33,420 00		
C.	Annuities and annual payments, payable during the pleasure of the President	10,090 00		
D.	Arrears of annuities, annual payments and interest over due	118,231 25		
E.	Moneys in Treasury of the United States uninvested, and moneys invested in United States stocks		\$545,044 50	
F.	Moneys due by the U. S. under former treaties, but unliquidated by those treaties			
G.	Moneys invested in stocks of the States not of the Confederacy	22,300 00	210 261 13	
		\$288,227 25	\$785 305 69	

H. - Amount of funds of Northern Indian tribes invested in stocks of States of the Confederacy..... \$1,248,000 00

OFFICE OF INDIAN AFFAIRS, }
December 7, 1863. }

Respectfully submitted,

S. S. SCOTT,
Commissioner of Indian Affairs.

To Hon JAMES A. BENDON, Secretary of War.

(No. 2)

EXECUTIVE OFFICE, }
 Cherokee Nation, Aug. 8, 1863. }

Hon. S. S. SCOTT, *Commissioner of Indian Affairs* :

SIR: In compliance with your request, I herewith submit a statement of matters relating to the Cherokee people. The history of military operations in this country, and in the State of Arkansas, directly affecting the interests of our people, give just cause for complaint.

The Indian troops who have been true to the South from the very first, have been treated, in many instances, as though it were immaterial whether or not they were paid as promptly, and equipped as thoroughly, as other soldiers; money, especially obtained for them, has more than once been appropriated to the use of other commands; clothing procured at great trouble and expense to cover the nakedness of Indian troops, has, on several occasions, been distributed among less necessitous soldiers.

Notwithstanding, the treatment has been such as to test to the utmost their fidelity, they have remained true as steel. I can point to my command and show less desertions than in any of like size in the service. I am glad to be able to say, that of late, my command has been better provided for than formerly. * * * *

Nearly every able-bodied man among the Cherokees is doing service in the army; in a majority of instances, their families have been robbed of everything, leaving them utterly destitute, and only too glad to escape with their lives; they are scattered over the Creek and Choctaw Nations, and in the State of Texas; a census will soon be made out of their number; I think it will not fall short of six thousand. It is proposed to colonize these families at some point convenient to the provision market of Texas. Some arrangement will have to be made to provide them with shelter and clothing. The Cherokees have, by an ordinance recently adopted by their convention, undertaken to provide for their own destitute people; their agents appointed for this purpose can accomplish but little good without money. I suggest that the annuities due the Cherokees be turned over as soon as possible, there can be no question that such annuities are due from the States of this Confederacy; the difficulty of collecting them is another matter. The Confederate States have promised us full protection against our enemies; I have ever made due allowance for the many embarrassments and difficulties the Government has experienced in maintaining her own rights, and fulfilling her engagements with the Indians; but I have always encouraged those who complain of neglect, and have done all in my power to maintain confidence in the ability and certainty in the intentions of the Government. Shall I continue to encourage them; or shall I at once unveil to them the

dread truth that our country is to be hopelessly abandoned, and that they are to receive the reward of poverty and ruin for their unswerving fidelity to the southern cause?

Very respectfully,

Your obedient servant,

STAND WATIE,
Principal Chief of Cherokees.

[No. 3.]

An Ordinance to supply provisions to the poor and destitute of the Cherokee Nation.

Be it ordained, by the people of the Cherokee Nation, in convention assembled, That the principal chief be, and he is hereby, authorized immediately to appoint some competent person to act as commissioner for the Cherokee Nation, whose duty it shall be to collect as many depots, as, in his judgment, may be necessary, either within the State of Texas or the Choctaw Nation, or elsewhere, at convenient distances from those places where provisions can be obtained; and such commissioner is hereby authorized and instructed to supply transportation to those women and children, and men unfit for service in the army, with their baggage, to the vicinity of said depot, who shall make representation to him of their inability to supply themselves with adequate transportation.

Be it further ordained, That such commissioner be, and is hereby, authorized to obtain from the "Confederate States Government," through its proper agent, such supplies of provisions as may be deemed necessary for the use of all persons provided for in this ordinance, such supplies of provisions to be obtained at such times and places as may be agreed upon by the commissioner of the Cherokee Nation and the agent of the Confederate States.

Be it further ordained, That in case the necessary supplies of provisions cannot be obtained from the Confederate States Government, then the commissioner of the Cherokee Nation is hereby authorized and empowered to obtain from the Confederate States Government whatever amount of money may, in his judgment, be necessary for the purchase of provisions.

Be it further ordained, That such commissioners shall have discretionary power to purchase provisions from persons, association, or company, on the faith of the Cherokee Nation, which is hereby pledged for the payment of all such expenses out of any moneys that are now or may be hereafter due from the Confederate States. And our delegate in Congress is directed to obtain, if possible, indemnity for all such expenses under the provision of the treaty.

Be it further ordained, That the authority granted to the commissioner to obtain provisions extend equally to the providing of transportation and to the employment of laborers.

Be it further ordained, That all Cherokee refugees except such as are herein mentioned, whether removed by provisions of this ordinance, or already residing in Texas or the Choctaw Nation, shall be entitled to rations upon their representations that they have no money with which to purchase the same; but no person fit for military service shall be entitled to rations.

Be it further ordained That those families residing at such distance from the depots as to make it inconvenient for them to draw rations there, shall be permitted to draw at some point in their own neighborhood by arrangements of the commissioner, if such arrangement be practicable, if not practicable, and in case the commissioner shall obtain money for the purchase of provisions, then he will issue the cost of such rations, exclusive the cost of transportation to such families in money

Be it further ordained, That such commissioner shall enter into bond with sufficient security to the satisfaction of the principal chief to the sum of seventy-five thousand dollars for the faithful performance of his trust, and also be subject to removal by the principal chief for neglect of duty. Said commissioner shall keep a record of the number of persons removed to the several depots with the name and age of each, also the number of persons drawing rations by name; and also shall keep a correct account of all the expenses incurred in the necessary performance of his duty. Said commissioner shall also file a quarterly account with the president of the "national convention," or with the president of the "national committee," who shall appoint a committee of three to examine such account with the vouchers accompanying it, and report to said convention or committee, which body, by a majority of votes, may approve or disapprove said account.

Be it further ordained, That such commissioner shall receive as compensation for his services the sum of two hundred dollars per month, and rations, and be entitled to not exceeding four assistants; each assistant to receive one hundred and twenty-five dollars per month and rations, such sums to be paid out of the treasury of the Cherokee Nation upon warrant of the principal chief

Be it further ordained, That such commissioner is hereby instructed to provide for the comfort of such refugees, both as regards comfortable winter quarters and other matters as may be essential to their comfort.

ALECK FORMAN,
President Convention.

WM. P. BOUDINOT,
Secretary Convention

I hereby certify that the above is a true copy from the original.

STAND WATIE,
Principal Chief Cherokee Nation

PRARIE SPRINGS, C. W.. }
August 1st, 1863. }

[No. 4.]

RICHMOND, VA., }
 Dec. 4, 1863. }

Hon. S. S. SCOTT, *Commissioner of Indian Affairs*:

SIR. On the 1st day of August, 1863, the Convention of the Cherokee Nation adopted an ordinance to provide for the destitute refugees from that country. The commissioners appointed to carry out its provisions have applied to the Confederate Government for funds. Any moneys they may receive from the General Government will be replaced after the war, out of funds which are now, or may hereafter be, due the Cherokees. Of course, no obligations in the treaty will be effected by such arrangements.

Very respectfully,

Your obedient servant,

E. C. BOUDINOT,
Delegate from the Cherokees.

[No. 5.]

EXECUTIVE OFFICE, CHICKASAW NATION, }
 August, 21, 1863. }

Hon. S. S. SCOTT:

SIR: Your letter of the 14th inst nt was received to-day, and in answer, I have to say that the condition of the Chickasaws is as good as the circumstances and the times will admit. We have had fine crops, and there is no danger of the people starving, unless the Feds. get in amongst us. We are much in need of ammunition and arms. Many of the soldiers in the Chickasaw battalion are without guns. This deficiency should be supplied by the Confederate States. The Indian Department is deficient in the right kind of arms for effective service. Some of the Chickasaw soldiers have received no pay for service for the last twelve months. I should like to see you much, and converse with you. I could give you more information than could be stated in the short limits of a letter.

Most respectfully,

Your obedient servant,

WINCHESTER COLBERT,
Governor Chickasaw Nation

[No. 6.]

HEADQUARTERS 1ST BRIGADE, ARMY OF THE FRONTIER, }
 IN THE FIELD, August 30, 1863. }

To Col. CHILLY McINTOSH, *Commanding Creeks* :

COLONEL: I am now occupying your country, and intend, as far as possible, to prevent the unnecessary destruction of the property of the Creek Nation. I know that you have been deceived by the so-called Confederate States leaders, in relation to sustaining themselves as an independent nation. That time has already passed. The breaking up of the Confederate armies in the Valley of the Mississippi, the defeat of Johnston, the defeat of Lee, and the flight of your own army, is sufficient proof that they have no power to sustain their Government. I now call upon you and your people to return to their allegiance, and save their property and homes; otherwise, your country will be permanently occupied—their interests divided among the loyal portion of the nation. Those that come in now, without further hesitation, will be protected in all their rights as citizens of the Creek Nation. If you choose, you can select such men as you think proper to negotiate upon the subject, and I shall be happy to meet them in council.

W. R. JUDSON, *Colonel Commanding*
1st Brigade, Army of Frontier.

[No. 7.]

HEADQUARTERS 1ST BRIGADE, DEPARTMENT I. T., }
 Breaking Creek C. N., Aug 20, 1863. }

COLONEL: Enclosed, I send you the communication promised by the Creeks to you while you were here. Nothing new here. No movement on our part since we left the neighborhood of Elk creek; no enemy seen this side the Arkansas, except small robbing parties of Pin Cherokees. They go from house to house with impunity. Federals still scattered on account of sickness; none of our commands permitted to annoy or attack them. Indians all quiet, but determined not to fall back until whipped back. It is said General Steele is having Boggy Depot fortified as a precautionary measure. Kiawas have been into the Seminole country and killed some of Colonel Jumper's people. The Chickasaw battalion is ordered to their assistance.

I have the honor to be,

Very respectfully, your obedient servant,

I. C. VORE,

Major and Q. M., Indian Territory.

Colonel S. S. SCOTT, *Commissioner Indian Affairs, Headquarters Dept.*
Trans-Miss.

[No. 8.]

FORT ARBUCKLE, C. N., }
 December 23, 1862. }

SIR: Agreeably to the wishes of the Commissioner of Indian Affairs, on my arrival at the Wichita Agency, in November last, I sent an express to the camps of the Reserve Indians, camped at or near the Antelope Hills, but in consequence of the total absence of grass they were unable to proceed, and returned on the third day, bringing with them six families of Indians found in the Wichita mountains, who were absent on a buffalo hunt at the time of the stampede. A few days afterwards, I met with a party of Indians direct from the camps on the Canadian, who reported that the Indians there were in a destitute condition, and anxiously waiting to hear from some person, authorized to instruct them what to do. The chiefs had all assembled in Council and instructed their young men to remain in camps until they could ascertain the intention of the Government—that it was their wish to carry out the treaty and return to their homes in peace, if permitted. The chiefs of the Prairie Indian, had also replied to some men from Fort Wise, that they had made peace with Texas and the Indian nations east of them—that they would take no part in this war unless they were first attacked by one side or the other, and that they did not expect to be disturbed by the southern troops who professed to be their friends. After waiting three weeks for a reply to a communication, sent by express on the 24th ultimo, I determined to return to this place with the Indians found in the mountains, and arrived here this afternoon; but, previous to leaving the Reserve, I sent my brother and two men to the camps of the Reserve Indians with instructions to invite them in, with the hope that suitable provision would be made for them. I will leave here in the morning for Sherman, Texas, where I reside at present, and should my services be required any further, you can command me. Enclosed herewith you will find instructions from the Commissioner Indian Affairs, to take charge of the property found at the Agency. You will please instruct me what disposition to make of it.

I have the honor to remain,

Very respectfully, your obedient servant,

JOHN SHIRLEY.

D. H. COOPER, *Brigadier General, Scullyville, C. N.*

[No. 9.]

SHOAL CREEK, C. N., }
 January 5th, 1863. }

To Gen. COOPER, *Scullyville, C. N.*

SIR: The Commissioner of Indian Affairs, while at Arbuckle, wrote a letter to the reserve Indians, and sent it by me to Fort Cobb,

requesting them to come near Arbuckle and stay during the winter. I went to Fort Cobb but saw none of the Indians. On my return to Arbuckle, Mr. Shirley and several other men, who were acquainted with the Indians, started out in search of them. He saw several Comanches and Caddos, but saw none of the chiefs of the different bands. He passed this place, on his return to Texas, twelve days since. Mr. Bunger and two other white men went on towards Antelope Hills, where the reserve Indians, and the Comanches, Kiawas and several other bands were encamped. When, within forty miles of Antelope Hills, they meet a portion of the Caddos, Anadahkos, and Ionics on their way to Arbuckle, (200.) The chiefs, on hearing the talk sent to them, immediately dispatched some men to bring in the rest of the Caddos and Comanches. Mr. Bunger left the Caddos at Fort Cobb, collecting their stock; they will be at Arbuckle in ten or twelve days. The Kiowas are hostile; a party came to the Caddo camp, while Mr. Bunger and the two other white men were there, and demanded them, and said they would kill them before they left the camp. Jose Marie told them that the Shawnees had come and killed several of his white friends, when all of his young men were from home, but now they could not kill these men, who were his friends, until after they had killed him and his men. The Kiowas staid near his camp all night; next morning they desisted from demanding the lives of the white men, but told the Caddos they were fools, for that in the spring a powerful combination of red men, who are now encamped on the north Canadian, would kill all the red men who are friendly to Texas, and would drive the Texians into the sea.

I think there will be about eight hundred Indians, who will come to Arbuckle, and if the reserve Comanches come, it will increase the number to twelve hundred. There are now, at this place, one hundred and sixty-six Tonks and sixteen Comanches, to whom I am issuing rations regularly. I think the Tonkaways, and other reserve Indians, should be in a few miles of each other, so that the commissary could issue the rations all at one place. I would be glad to hear from you soon.

Very respectfully,

Your obedient servant,

J. J. STURM,

Issuing Commissary, Reserve Indians.

[No. 10.]

SHERMAN, GRAYSON COUNTY, }
September 18, 1863. }

To Col. S. S. SCOTT, *Commissioner of Indian Affairs, Shreveport, Louisiana:*

SIR: I have just received the information from the Indian Reserve camps that the Caddos that went off with "Jim Pock Mark" last fall,

have been in the Reserve with a message from the disaffected Indians to this effect, viz. : That all the bands that left the Reserve last year would return this fall, and would be accompanied by a strong escort of Federals, to occupy and hold the Reserve country ; to start from Fort Bent, on the Arkansas and that they would all be fed and protected by the northern Government. The season having been unusually dry, has and will delay their time of starting, and should they come this fall they must start before the 1st of November. Thinking it very important that you should know this immediately, I have not lost a moment in sending you this communication. This is not a mere rumor, and your department, should have the thing attended to most promptly, or the whole northern frontier of Texas will be subject to invasion, and a large portion of the Indian country be overrun and lost. You are aware I am not easily alarmed by Indian rumors, but this is worthy of your earnest attention, and some action should be taken at once. I have also to-day addressed General Steele on this subject.

Yours, Respectfully,

C. B. JOHNSON.



REPORT

OR

COMMISSIONER OF EXCHANGE.

CONFEDERATE STATES OF AMERICA,
War Department, }
Richmond, Va., Dec. 5th, 1863. }

HON. JAS. A. SEDDON, *Secretary of War:*

SIR: I have the honor to submit the accompanying correspondence between the Federal Agent of Exchange and myself:

I have selected from the mass of correspondence, such letters as relate to matters of general interest, and especially to the subjects of controversy between us.

1. Papers from one to twelve, inclusive, relate the arrest and detention of non-combatants. The Federal authorities have persistently refused to observe any reciprocal rule as to such parties. Their military commanders seem to have been permitted to make arrests of non-combatants without regard to their age, sex or situation. After arrest, they have been thrown into prison and there indefinitely retained, in most cases, without charges. I have persistently contended that the whole subject of their capture of non-combatants, should be determined by rule, and not by arbitrary practice. This reasonable proposal, not receiving the assent of the enemy, the Confederate authorities have been forced, in some instances, to retain Federal non-combatants as a measure of retaliation.

2. Papers from thirteen to sixteen, inclusive, relate to the retention of exchanged and unexchanged officers and men. There are officers and men now in Federal prisons, who have been there ever since the adoption of the cartel. I have brought to the attention of the United States authorities again and again the names of some of the parties who were confined in violation of the exchange agreements. In some cases, after long delay, the parties were released. Others, however, are still languishing in confinement.

3. Papers from seventeen to forty, inclusive, relate to the general orders of the enemy and their connection with declarations of exchange. So anxious has the Confederate Government been to remove all obstacles to a general exchange of prisoners, that when the

computation and adjustment of paroles was made a subject of difficulty by the enemy, we promptly agreed to determine the whole matter in accordance with the general orders, issued at Washington. This very liberal proposition has not been accepted by the Federal authorities, I have, however, by virtue of the provisions of the cartel, proceeded to make declarations of exchange, upon the basis of those general orders. In those declarations of exchange, I have not exceeded the valid paroles, which are on file in my office. The reply of the Federal agent to my letter of October 31st, 1863, was so personally offensive, that I was compelled to return it to him without any answer.

4. Papers from forty-one to forty-seven, inclusive, relate to the confinement of Gen. John H. Morgan and his officers in the penitentiary, at Columbus, Ohio. Though the Federal agent on the 3rd of July, 1863, notified me that Gen. John H. Morgan and his officers would be placed in close confinement, he informed me two months afterwards, that "the United States authorities had nothing to do with the treatment that General Morgan and his command received when imprisoned at Columbus."

5. Papers from forty-eight to fifty-seven, inclusive, relate to the detention of surgeons. Before the date of the cartel, surgeons were unconditionally released after capture. That rule was first adopted by the Confederate commanders and was subsequently followed by the Federals. Some time ago, one Rucker was indicted by a grand jury in Virginia, for several felonies. Although Rucker was never a surgeon in the Federal service, the enemy held surgeon Green of the Confederate navy, in retaliation. This caused retaliation on our part, in return, and surgeons were afterwards held in captivity on both sides. In this instance the Federal authorities proved that they were ready to sacrifice their own medical officers in an endeavour to secure the release of a felon in no way connected with their medical service. Rucker having recently escaped from jail, the surgeons on both sides have been released.

6. Papers from fifty-eight to sixty-three, inclusive, relate to persons captured upon our rivers and the high seas. By agreement made with the Federal agent of exchange, all such who were captured before December 10th, 1862, were declared exchanged. In spite of that agreement, some of our pilots and sea captains were kept in confinement. The correspondence will fully show the refusal of the Federal authorities to adopt any fair and reciprocal rule, as to the further exchange of such persons.

7. Papers numbered sixty-four and sixty-five, show the pretensions of the enemy as to such persons as have been tried under the laws of a sovereign State for offences against the same.

8. Papers from sixty-six to seventy-two, inclusive, embrace all the correspondence in which Gen. E. A. Hitchcock has borne a part. It seems there are two commissioners of exchange, on the part of the Federal government. How far the authority of each extends, or how far one is subordinate to the other, has not as yet clearly appeared. The future may perhaps, explain that they may be put to separate

uses. The last letter of Gen. Hitchcock, bearing date November 23, 1863, I returned, with the following indorsement, to wit: "Protesting that the statement of facts contained in this paper is incorrect, I return it to its author as unfit to be either written or received."

With this brief notice of the correspondence, I respectfully submit it as my report.

Respectfully,

Your obedient servant,

RO. OULD, *Agent of Exchange.*

CORRESPONDENCE

Relative to the Arrest and Detention of Non-Combatants.

[No. 1.]

MR. GULD TO LIEUT. COL. LUDLOW.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, Va., Oct. 4, 1862. }

LIEUT. COL. WM. H. LUDLOW,
Agent of Exchange :

SIR :

* * * * *

I also bring to your attention the case of peaceable, non-combatant citizens of the Confederate States, taken, in some instances, with almost every possible indignity, from their homes and thrown into military prisons. I do not utter it in the way of a threat, but candor demands that I should say, that if this course is persisted in, the Confederate Government will be compelled, by a sense of duty to its own citizens, to resort to retaliatory measures. In no one instance have the Confederate authorities sanctioned the arrest of any citizen of any one of the United States found in the exercise of a lawful and peaceful business. If such a case can be found, the wrong will be speedily righted. Such cases not being within the rules of military capture, are not, therefore, the proper subjects of exchange under a cartel. Hundreds of cases have been brought to the attention of the Confederate authorities, where parties in pursuit of their ordinary occupations, and not bearing arms, and not being in any military organization, have been arrested, dragged from their homes, and thrown into prisons, where they remain to this day, even though the United States forces, which made the arrest, have been withdrawn from the neighborhood where it was made. The Confederate Government can in no way, whether by a system of exchanges or otherwise, recognize the right of the United States to invade its territory, arrest, carry off, and detain indefinitely its peaceable citizens. In any case where an exchange is proposed, if the situation of the parties is the same, it will be cheerfully made. The Confederate Government, however, has not arrested your peaceable citizens, and has none of that class to offer in exchange for such of the Confederacy as have been taken. To exchange such as we have the right to capture, according to the usages of war, for our own peaceable citizens, unlawfully and unjustly taken, as we think, would be a *quasi* recognition of

your right to make such captures. I trust, therefore, that the United States Government will unconditionally release all citizens of the Confederate States belonging to the class to which I have referred.

Very respectfully,

Your obedient servant,

RO. GULD, *Agent of Exchange.*

[No. 2.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS 7TH ARMY CORPS, }
Fert Monroe, Va., Dec. 3, 1862. }

Hon. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR: Since I wrote to you this morning, information has been given me that some thirty or forty citizens of Pennsylvania, non-combatants, were seized by order of General Stewart, in his late incursion into Pennsylvania and Maryland, and were conveyed to Richmond. This is so clearly in contravention of the positions you have laid down, that I need only mention the fact to you to insure their immediate delivery to Capt. Mulford, in charge of the flag of truce.

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW;

Lieut. Col., and Agent for Exchange of Prisoners.

[No. 3.]

MR. OULD TO LIEUT. COL. LUDLOW.

RICHMOND, VA., Dec. 11, 1862.

Lieut. Col. WM. H. LUDLOW,

Agent of Exchange :

SIR: With reference to the Pennsylvania non-combatants captured by General Stewart, and whose release you ask in your letter of the 3d inst., I beg leave respectfully to state that they were captured, and are now held only in retaliation for captures of non-combatant citizens of the Confederate States. As soon as your Government releases the non-combatants of the Confederate States, now held by you, and agrees to abandon the policy of making such captures in the future, or, in other words, as soon as your Government agrees substantially to the proposition relating to such captures, which I made to you at

our last interview, these citizens of Pennsylvania will be unconditionally released. You have in your military prisons at this time a far larger number of persons who were arrested on Confederate soil, while engaged in no acts of hostility to your Government, than we have in ours. How can you claim the release of your non-combatants when you retain ours? How can you ask us to release your non-combatants when you refuse to agree that ours shall not be captured? In retaining these Pennsylvanians, the Confederate Government does not abandon its position so often reiterated, that the capture of non-combatants is illegal, and contrary to the usages of civilized warfare. The Confederate Government is anxious to put an end to any such practice. It has protested earnestly and persistently against it. When those protests failed to accomplish the desired end, a sense of duty to its own citizens demanded that the Confederate Government should resort to other means. May I not hope that the United States Government will promptly settle this whole matter by a release of such Confederate citizens as are now in prison, and who, when captured, were connected with no military organization, and by a disavowal of any purpose to make any such arrests in the future?

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 4.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS, }
Fort Monroe, June 2, 1863. }

HON. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR: A. D. Richardson and Junius H. Browne, correspondents of the *New York Tribune*, captured about the 4th of May last, near Vicksburg, are said to be confined in the Libby Prison. Mr. Colburn, the correspondent of the *New York World*, who was captured with them, has been released. It has been the practice to treat attaches of the press as non-combatants, and not to retain them. The release of Mr. Colburn is a partial recognition of this practice. Will you please inform me if you will release Richardson and Browne, and if not, why not.

I am, very respectfully,

Your obedient servant,

WH. H. LUDLOW,

Lieut. Col., and Agent for Exchange of Prisoners.

[No. 5.]

MR. OULD TO LIEUT. COL. LUDLOW.

RICHMOND, VA., June 5, 1863.

Lieut. Col. WM. H. LUDLOW,
Agent of Exchange.

SIR: In one of your communications of the 2d, you refer to the correspondents of the press, and say it has been the practice "to treat them as non-combatants, and not to retain them." I have been struggling for nearly twelve months to establish just such a rule as to non-combatants, without success. The only difficulty I met, was in your consent. When was the rule established that non-combatants were not to be retained? What was the date of its adoption by Burnside, or Rosencrans, or Milroy? What peculiar immunity should the correspondents of the Tribune have over an old grey-headed grandfather, who never shouldered a musket, or followed in the wake of an army? Wherein are they privileged over delicate and noble-souled women, who are either languishing in your prisons or "released" to the rigors and dangers of the wilderness?

It seems to me that if any exception be made as to any non-combatants, it should be against such men as Tribune correspondents, who have had more share even than your soldiery in bringing rapine, pillage, and desolation to our homes. I have no compassion for any such, even if their miseries were ten-fold greater. You ask me why I will not release them. 'Tis because they are the worst and most obnoxious of all non-combatants. Yet, bad as they are, deeply as they have wronged and outraged us, they will be released if you will only discharge from imprisonment men and women "the latchets of whose shoes they are unworthy to unloose."

Mr. Colburn was released because Mr. Barr, a correspondent of the Grenada Appeal, was held by your authorities for one of the three correspondents, and it came within the rule of our "sovereign will and pleasure" to release him. Moreover, if I had been disposed to ignore Mr. Colburn, it would have given me a great deal of trouble to make a selection between the Tribune's correspondents.

Respectfully, your obedient servant,
RO. OULD, *Agent of Exchange.*

[No. 6.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, VA., August 1, 1863.

Brig. Gen. S. A. MEREDITH,
Agent of Exchange:

SIR:

* * * * *

For the purpose of showing to you the position of the Confederate Government in relation to the imprisonment of non-combatants, I now

renew to you the proposal which I have frequently tendered to your predecessor. I propose that all the non-combatants now held in prison, on either side, be immediately and unconditionally released; and that no captures of non-combatants shall hereafter be made. If the latter branch of this proposition is too broad, I will thank you to suggest any proper modification.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 7.]

BRIG. GEN. MEREDITH TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS, }
Fort Monroe, August 27, 1863. }

HON. ROBERT OULD,

Agent of Exchange, Richmond, Va.:

SIR: I would again earnestly call your attention to the case of Messrs. Richardson and Brown, correspondents of the New York Tribune. In yours of August 20, you state "that there is no fair and reciprocal rule which may be proposed for mitigating the horrors of this war, that will not be cheerfully adopted by the Confederate authorities." Now, sir, I think that the Confederate authorities could not have a better opportunity for reciprocating, than in the case of the two gentlemen above named; for, when Vicksburg was captured, the editors of the Whig and Citizen fell into our hands, and were immediately paroled and sent away. If you are sincere, then, in your offers, I call upon you to give me evidence thereof, by immediately releasing Messrs. Richardson and Brown.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brig. Gen., and Commissioner for Exchange.

[No. 8.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, *August 28, 1863.*

Brig Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: I still adhere to my declaration of the 20th instant, in respect to the release of non-combatants. To that, and almost every other communication involving a principle, you have not replied. Fairness requires that you should answer it, in some form, before you criticize

it. Will you agree to the unconditional release of all non-combatants? Your reference to the parole of the editors of the Whig and Citizen, at Vicksburg, has no sort of force. They were paroled by the terms of surrender, and not by any special grace of your authorities. You could not have retained them without a breach of the terms of capitulation. Their cases are in no respect analagous to those of Richardson and Brown, except in their avocation of driving the quill. Richardson and Brown will be released just as soon as you agree to discharge non-combatants. I still say, there is no fair and reciprocal rule which may be proposed for mitigating the horrors of this war, that will not be cheerfully adopted by the Confederate authorities.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange*

[No. 9.]

BRIG. GEN. MEREDITH TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS, }
Fort Monroe, Aug. 14, 1862 }

HON. ROBERT OULD,

Commissioner for Exchange, Richmond, Va.:

SIR: Mr. Daniel Gerhart, an old and wealthy citizen of Ohio, was taken prisoner at Winchester, Va., while attending a son dangerously ill, and is now confined at Richmond. Can nothing be done to expedite the release of this gentleman?

Respectfully, your obedient servant,

S. A. MEREDITH,

Brig. Gen., and Commissioner for Exchange.

[No. 10.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, VA., *August 20, 1862.*

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: Your communication of the 14th instant, respecting Mr. Daniel Gerhart, has been received. You say he was taken prisoner at Winchester, while attending a son dangerously ill, and inquire whether anything can be done to expedite his release. Undoubtedly, something can be done. Release our non-combatants, whom you have in prison, and Mr. Gerhart is instantly free. I hope there is enough strength in Mr. Gerhart's case, he being a "wealthy citizen

of Ohio," to accomplish what justice and mercy have asked in vain, for more than a year.

Respectfully, your obedient servant,
RO. OULD, *Agent of Exchange.*

[No. 11.]

BRIG. GEN. MEREDITH TO MR. OULD.

OFFICE COMMISSIONER FOR EXCHANGE. }
Fortress Monroe, Va., Oct. 23, 1863. }

MR. ROBERT OULD,
Agent of Exchange, Richmond, Va.:

SIR: I enclose to you herewith, a letter from W. P. Wood, Superintendent of the Old Capitol Prison, addressed to Maj. Gen. E. A. Hitchcock, to which I specially call your attention.

Will you release our citizens, whom you hold confined in your prisons, against whom there are no charges? There is no disposition on the part of the United States authorities to harrass or annoy citizens. In all cases heretofore, so far as I know, whenever southern citizens have been arrested, it has been for special reasons, marking the individuals as seperated from the mass of a community. I know of no citizen of the South who is held by the United States authorities *merely* because he belongs to the South. If you know of any such, name them, and they shall be sent home. Some time since, the United States authorities arrested two citizens in Virginia, for special cause. The Richmond authorities arrested two supposed Union men, to answer for those mentioned above, without any charges against them. Why are not these men released? Within twenty-four hours after any given time, the United States authorities can arrest double or treble the number of citizens of the South, that you hold of citizens the North; and, though they have hitherto refrained from the arrest of citizens, as *such*, the detention of citizens in the Richmond prisons, or elsewhere in the South, as Union men, may necessitate a recourse to similar proceedings on the part of the authorities of the United States.

Should the infliction of such misery on the citizens of the South be inaugurated, on their own authorities will rest the onus.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brig. Gen., and Commissioner for Exchange.

[No. 12.]

MR. OULD TO BRIG. GEN. MEREDITH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
 Richmond, Va., Oct. 31, 1863. }

Brig. Gen. S. A. MEREDITH,
Agent of Exchange :

SIR: In relation to your communication of the 23d instant, enclosing a letter from W. P. Wood to Gen. Hitchcock, I submit the following:

More than a year ago, recognizing the injustice of the arrest of non-combatants, I submitted the following proposition to the Federal authorities, to wit: "That peaceable, non-combatant citizens, of both the United States and the Confederate States, who are not connected with any military organization, shall not be arrested by either the United States or Confederate armies within the territory of the adverse party. If this proposition is too broad, let the only exception be the case of a temporary arrest of parties within army lines, where the arresting party has good reason to believe that their presence is dangerous to the safety of the army, from the opportunity afforded of giving intelligence to the enemy. It is to be understood, however, in the latter case, the arrest is to cease as soon as the reason for making it ceases, in the withdrawal of the army, or for any other cause. This proposal is understood to include such arrests and imprisonments as are already in force."

Although this proposition, so reasonable and humane in its terms, has been before your Government for more than a year, it has never been accepted. I now, again, invite your attention to it. If it does not suit you, I will thank you to suggest any modification. I am willing to adopt any fair and reciprocal rule that will settle this matter on principle. It must, however, be settled by rule. It cannot, with any safety, be determined by "special cases."

You ask me if I will release your citizens, against whom there are no charges. Would it not be more liberal to make that offer on your part, as far as our citizens are concerned, before you ask our consent? You have kept Confederate citizens in prison for many months, without charges. Most of them have never had any charges preferred against them, although, in the opinion of your authorities, there were "special reasons" for their arrest. How easy is it to give or invent a special reason? In all probability, there has never been an arrest and imprisonment, on either side, since this war began, for which there was not a "special cause." An arrest for retaliatory reasons, even, is special.

As far as the arrest of citizens of the Confederate States, by our authorities, is concerned, we will submit to no interference, in any way, by the Federal Government. It is a matter with which you have nothing to do. The Confederate authorities do not interfere with

your arrests, of your own people, no matter what injustice has been done to them. Any attempt, on the part of the Federal Government, to interpose in cases which only concern our authorities, and the people of these Confederate States, may be justly styled impertinent and meddlesome. As far, however, as the arrests of citizens of the adverse party is concerned, we are, at all times, ready to adopt any fair and reciprocal rule.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

CORRESPONDENCE

Relative to the Retention of Exchanged and Unexchanged Officers and Men.

[No. 13.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEP'T OF VA., 7TH ARMY CORPS, }
Fort Monroe, Va., April 8, 1863. }

Hon. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR : The best mode of Arranging all questions relating to exchange of officers, is to revoke, formally or informally, the offensive proclamation relating to our officers.

I simply ask that you say, by authority, that such proclamation is revoked. The spirit of that proclamation was the infliction of personal indignities upon our officers, and as long as it remains unrepealed, it can be at any moment put in force by your authorities. What assurance have we that it will not be ?

I earnestly desire a return to the cartel in all matters pertaining to officers, and until such be the case, and uniformity of rule be thereby established, our exchanges of officers must be special. Some of our officers, paroled at Vicksburg, were subsequently placed in close confinement, and are now so held. If, hereafter, we parole any of your officers, such paroles will be offset against any which you may possess. At present the exchanges will be confined to such equivalents as are held in confinement on either side.

I hope you will soon be able to remove all difficulties about officers, by the revocation I have mentioned.

By reference to the map, you will see that Fort Delaware is en route to Fort Monroe. It is used as a depot for collecting of prisoners, sent from other places for shipment here, and is, from its peculiar position, "well adapted for convenience for exchange."

If any mistake be found in the account of men paroled by Lieut. Col. Richards, at Oxford, Miss., on the 22d of December, 1862, it can be rectified when we meet.

I am, very respectfully, your obedient servant,

WM. H. LUDDOW,

Lieut. Col. and Agent for Exchange of Prisoners.

I have written to Mr. Hoffman to send T. J. Dunn, company E-18th Mississippi regiment, and now said to be at Locust Springs.

[No. 14.]

MR. OULD TO LIEUT. COL. LUDLOW

RICHMOND, April 11th, 1863.

Lieut. Col. WM. H. LUDLOW,
Agent of Exchange :

SIR : Your letters of the 8th instant have been received.

I am very much surprised at your refusal to deliver officers for those of your own who have been captured, paroled, and released by us, since the date of the proclamation and message of President Davis. That refusal is not only a flagrant breach of the cartel, but can be supported by no rule of reciprocity or equity. It is utterly useless to argue any such matter. I assure you that not one officer of any grade will be delivered to you, until you change your purpose in that respect.

You have charged us with breaking the cartel. With what sort of justice can that allegation be supported, when you delivered only a few days ago over ninety officers, most of whom had been forced to languish and suffer in prisons for months before we were compelled by that and other reasons to issue the retaliatory order of which you complain? Those ninety-odd are not one-half of those whom you unjustly hold in prison. On the other hand, I defy you to name the case of one who is confined by us, whom our agreement has declared exchanged. Is it your idea that we are to be bound by every strictness of the cartel, while you are at liberty to violate it for months, and that, too, not only in a few instances, but in hundreds? You know that our refusal to parole officers, was a matter exclusively of retaliation. It was based only upon your refusal to observe the requirements of the cartel. All that you had to do to remove the obnoxious measure of retaliation, was to observe the provisions of the cartel and redress the wrongs which had been perpetrated.

Your last resolution, if persisted in, settles the matter. You need not send any officers to City Point, with the expectation of getting an equivalent in officers, so long as you refuse to deliver any for those whom we have released on parole in Tennessee and Kentucky. If captivity, privation, and misery are to be the fate of officers on both sides hereafter, let God judge between us. I have struggled in this matter, as if it had been a matter of life and death to me. I am heartsick at the termination, but I have no self reproaches.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange

[No. 15.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, Oct. 2d, 1863

Brigadier General S. A. MEREDITH,

Agent for Exchange :

SIR: I am very glad that Lieuts. Baker, Pumphrey, Crutcher, and Thorpe have at last been released. There are many other officers yet behind, precisely in their situation. I have frequently given a list of them to your predecessor. I will furnish you one if you desire it. You say the above-named have been detained by "some unaccountable mistake." Each of their names, with the places of confinement, has been more than once presented to the Federal agent. Lieut. Baker was at Fortress Monroe, the headquarters of the Agent of Exchange, for months. It is, indeed, "unaccountable."

I will make inquiry as to John W. Woolsey. Brengle did not belong to the sanitary commission. He was arrested upon his return from a difficult and hazardous military enterprise for which he was specially employed and paid. If you can bring him within the rule established as to members of the sanitary commission, I will release him.

Charles W. Webster is at Castle Thunder. He is a citizen, abiding in captivity until you release the non-combatants arrested on our soil and carried off to your prisons. I will make inquiry into the case of Henry D. Barnett.

Respectfully, your obedient servant,

ROBERT OULD,

Agent for Exchange.

[No. 16.]

MR. OULD TO BRIG. GEN. MEREDITH.

C. S. A., WAR DEPARTMENT, }
Richmond, Va., Oct. 23, 1863. }

Brig. Gen. S. A. MEREDITH,

Agent of Exchange :

SIR: Capt. Frank Battle, 20th regiment Tennessee volunteers, C. S. A., is now and has been for some time past in irons at Nashville. It is alleged that he is ironed in retaliation for similar treatment inflicted by the Confederate authorities, upon Capt. Shade Harris, company D, 3d East Tennessee cavalry, who was captured on or about the 26th of December, 1862. I have seen a special order, No. 51.

issued by Brig. Gen. R. S. Granger, dated August 3d, 1863, in which it is directed that Capt. Battle shall be so treated and held.

Capt. Shade Harris, before he joined the Federal army, was a Confederate soldier. He deserted, and was subsequently captured in arms. For the crime of desertion, he was tried before a court martial, found guilty, and sentenced to death. Before conviction, he was neither closely confined or ironed. His father had access to him both before and after his trial. The President, in mercy, commuted the sentence to imprisonment. For that imprisonment your authorities have seen fit to put in irons and close imprisonment an officer captured in open warfare and against whom no personal charges have been preferred. I am very sure this statement is in entire conformity with the facts. If so, you deny our authority to try and punish a deserter from our army, even when the desertion is inflamed and made more heinous by direct support and succor to the enemy. I am strongly in hope that the mere statement of this case is sufficient to show the manifest wrong of the proceedings against Capt. Battle. I will thank you to inform me, if, upon the foregoing facts, your Government justifies its treatment of Capt. Battle, and whether you intend, by any form of retaliation upon our soldiers, to contest our right to punish desertion from our service, where the offending party has subsequently joined your army and been captured by our forces.

Respectfully, your obedient servant,

ROBERT OULD,

Agent of Exchange.

CORRESPONDENCE

Relative to the General Orders of the United States, and their connection with declarations of Exchange.

[No. 17.]

MR. OULD TO LIEUT. COL. LUDLOW.

RICHMOND, June 19, 1863.

Lieut. Col. WM. H. LUDLOW,

Agent of Exchange :

SIR : On the 5th day of June, 1863, I requested you to inform me when general order, No. 100, was to be considered as going into effect. To that you have returned no answer. Its date is April 24, 1863. You delivered it to me on the 23d May, 1863.

I perceive by a general order, No. 15, March 9th, 1863, issued by General Schenck, that all officers and men, who had been captured in his department, and particularly in the Shenandoah Valley, and released on parole, and not regularly exchanged, should return to duty and service, on penalty of being considered deserters. When you delivered general order, No. 100, to me, I inquired of you as to the date when it went into effect. I understood you to say, the date of its delivery. You may, therefore, well imagine my surprise, when I perceive that by the general order of one of your departmental commanders, the new provisions as to paroles, are not only to have effect from and after March 9th, 1863, but are made to apply to all cases previous to that date, without any limitation as to time. This is not only contrary to your own declarations to me, but to our common practice up to May 23d, 1863. You have charged against me and received credit for several captures made by General Stoneman's command, in his recent raid. Is it pretended that you are to have credit for captures made by your commands, while none is to be given to us under precisely the same circumstances? Is this fair, or just, or right?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[No. 18.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS, DEPARTMENT OF VIRGINIA, }
Seventh Army Corps, }
 Fort Monroe, July 7, 1863. }

Hon. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR: I herewith enclose to you a copy of general order No. 207, which contains some additional provisions to those mentioned in my communication to you of the 22d May last. It is understood that officers of the United States, and Confederate officers have at various times and places paroled and released prisoners of war, not in accordance with the cartel.

The Government of the United States will not recognize, and will not expect the Confederate authorities to recognize, such unauthorized paroles. Prisoners released on parole, not authorized by the cartel, after my notice to you of the 22d May, will not be regarded as prisoners of war, and will not be exchanged.

When prisoners of war have been released without the delivery specified in the cartel, since the 22d May last, such release will be regarded as unconditional, and the prisoners released, as subject to orders without exchange, the same as if they had never been captured.

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW,
Lieut. Col. and Agent for Exchange of Prisoners.

[No. 19.]

WAR DEPARTMENT, }
Adjutant General's Office. }
 Washington, D. C., July 3, 1863. }

General Orders, }
 No. 207. }

I. The attention of all persons in the military service of the United States, is called to article seven of the cartel, agreed upon on the 22d of July, 1862, and published in general orders No. 142, September 25th, 1862. According to the terms of this cartel, all captures must be reduced to actual possession, and all prisoners of war must be delivered at the places designated, there to be exchanged, or paroled until exchange can be effected. The only exception allowed is the case of commanders of two opposing armies, who are authorized

to exchange prisoners, or to release them on parole at other points mutually agreed upon by said commanders.

II. It is understood that captured officers and men have been paroled and released in the field by others than commanders of opposing armies, and that the sick and wounded in hospitals have been so paroled and released, in order to avoid guarding and removing them, which, in many cases, would have been impossible. Such paroles are in violation of general orders and the stipulations of the cartel, and are null and void. They are not regarded by the enemy, and will not be respected in the armies of the United States. Any officer or soldier who gives such parole will be returned to duty without exchange, and, moreover, will be punished for disobedience of orders. It is the duty of the captor to guard his prisoners, and if, through necessity or choice he fail to do this, it is the duty of the prisoner to return to the service of his Government. He cannot avoid this duty by giving an unauthorized military parole.

III. A *military parole* not to serve till exchanged, must not be confounded with a *parole of honor* to do or not to do a particular thing not inconsistent with the duty of a soldier. Thus, a prisoner of war, actually held by the enemy, may, in order to obtain exemption from a close guard or confinement, pledge his parole of honor that he will make no attempt to escape. Such pledges are binding upon the individuals giving them, but they should seldom be given or received, for it is the duty of the prisoner to escape, if able to do so. Any pledge or parole of honor extorted from a prisoner by ill-usage or cruelty is not binding.

IV. The obligations imposed by the general laws and usages of war upon the non-combatant inhabitants of a section of country passed over by an invading army, cease when the military occupation ceases, and any pledge or parole given by such persons in regard to future service, is null and of no effect.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

J. C. KELTON,
Assistant Adjutant General.

(Official copy,)

HEADQUARTERS ARMY, July 8, 1863.

[No. 20.]

MR. OULD TO LIEUT. COL. LUDLOW.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, Va., July 13, 1863. }

Lieutenant Colonel WM. H. LUDLOW,
Agent of Exchange:

SIR: I have declared exchanged Lieutenant General Pemberton, Majors General Stevenson, Forney, M. L. Smith, and Bowen; Brig-

adier Generals Barton, Lee, Cumming, Moore, Hebert, Baldwin, Vaughan, and Shoup; Colonels Reynolds, Waul, and Cockerill; and Brigadier General Harris, of the Missouri militia; all of whom were recently captured and paroled at Vicksburg.

You can take the equivalents out of the officers captured and paroled by us at Chancellorsville, or from privates, as you prefer.

Respectfully,

Your obedient servant

RO. OULD,
Agent of Exchange.

[No. 21.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEP'T OF VIRGINIA, 7TH ARMY CORPS, }
Fort Monroe, July 14, 1863. }

HON. ROBERT OULD,

Agent for Exchange of Prisoners:

SIR: I decline to unite with you in your declaration of the exchange of the officers named by you in your communication of the 13th instant, just received, and who form a part of those captured at Vicksburg.

In violation of the cartel, you now hold, in close confinement, many of our officers, though their release was long ago demanded, and their equivalents tendered to you. You even permitted these equivalents to be sent back to Fort Monroe from City Point. In this position of affairs, and being in entire ignorance of what you propose to do with our officers now in your hands, I must decline any special arrangements until we meet. This meeting, with your consent, will take place as soon as I shall have received the paroles of the Vicksburg captures.

Please, therefore, notify the officers named by you, that their exchange cannot be recognized by our authorities, until the declarations be united in by me.

In making arrangements with you for exchanges of paroles of officers, I shall expect to exhaust equivalents of equal rank, before we take up those of higher rank.

To settle all difficulties connected with exchanges of officers. I again invite you to a return to the cartel, and, if you refuse, I again ask you, why such refusal.

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel, and Agent for Exchange of Prisoners.

The declaration of exchange made by you on the 2d instant, leave you in debt to me between eight and nine hundred men. Please make no more declarations until we meet.

[No. 22.]

MR. OULD TO LIEUT. COL. LUDLOW.

RICHMOND, July 17, 1863.

Lieutenant Colonel WM. H. LUDLOW,

Agent of Exchange :

SIR: In my communication to you of the 13th instant, declaring the exchange of certain officers who had been captured and paroled at Vicksburg, I only did what you yourself have frequently done. On at least one occasion, you went farther than I presumed to go. You declared your men exchanged, when you had no equivalents to offer. You say in your letter of the 14th instant, that you decline to unite with me in my declaration, and request me to notify the officers that their exchange cannot be recognized. I call your attention to the fifth article of the cartel, which provides that "each party upon the discharge of prisoners of the other party, is authorized to discharge an equal number of their own officers or men from parole." I have exercised a clear right under the cartel—one that you have exercised over and over again. I have already delivered to you the equivalents of these officers, which equivalents you may declare exchanged. My right to declare these officers exchanged does not depend upon your assent. After I have given you equivalents, their exchange is perfected by my declaration, whether you "decline to unite" with me or not. I shall not, therefore, give the notice which you request. The officers referred to are already rightfully and properly exchanged. The right to declare officers and men exchanged where equivalents have been delivered, is one that I cannot yield, and I am unwilling to bind myself by an agreement not to exercise that right "until we meet."

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[No. 23.]

LIEUT. COL. LUDLOW TO MR. OULD.

NEW YORK, July 22, 1863.

HON. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR: Your communication of the 17th instant has been forwarded to me here.

There is no authority in the cartel for your proposed declaration of exchange of your officers captured at Vicksburg, in the manner you indicate. The cartel provides for exchanges of equal rank, until such are exhausted, and then for equivalents.

In consequence of the very much larger number of officers and men we hold on parole and in confinement, you can give no equivalents for the general officers you desire to have exchanged. You cannot, for a moment, assume that you can select a general officer, and declare his equivalents in those of inferior rank, when we hold the paroles of your officers of the same rank as the latter. But even supposing this arrangement was permitted by the cartel, I do not see how you could avail yourself of it at this time. You will recollect that since the proclamation of the Hon. Jefferson Davis, of December last, and more especially since the passage of the act of your Congress in reference to our captured officers, both of which were in violation of the cartel, and have caused in the one case a temporary, and in the other a continued suspension of exchanges of officers under the cartel that all such exchanges have been subjects of special agreement between us. To avoid the complication and annoyance of these special agreements, I have again and again urged you to a return to the cartel, but up to the present moment in vain. On the contrary, you retain in close confinement large numbers of our officers for whom I have made a demand and tendered equivalents. Until you consent to a return to the terms prescribed by the cartel for exchanges of officers, I shall not consent to any exchanges of them, except on special agreements.

I repeat that I decline to unite in your proposed declaration of exchange of officers captured at Vicksburg, and if recaptured they will be dealt with as violators of their parole.

Ought you not, in justice to them, to notify them of the exact condition of their cases, and thus enable them to avoid being placed in a false position.

If you are authorized to deliver our officers now held in close confinement, and to a return to the cartel in exchanges of all officers, all the complicated questions which have arisen within the last few months can be promptly disposed of. To such a return, in the name of humanity, I again invite you. I am now only waiting the receipt of

papers, connected with the Vicksburg captures, before going to City Point.

I am, very respectfully,
Your obedient servant.

WM. H. LUDLOW,
Lieutenant Colonel, and Agent of Exchange of Prisoners.

[No. 24.]

MR. OULD TO LIEUT. COL. LUDLOW.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, Va., July 26th, 1863. }

COL. WM. H. LUDLOW,

Agent of Exchange:

SIR: Your communication of the 22nd contests my declaration of exchanges of officers made on the 17th instant. You say "the cartel provides for the exchange of equal ranks, until such are exhausted, and then for equivalents." If you had been at Fortress Monroe, where you could have seen the cartel, instead of New York, from which your letter is dated, you would have written no such paragraph. There is nothing in the cartel which contains any such doctrine, or which favors it. Every provision is against it. Your own and my practice have been opposed to it. I again say to you what I have already stated in my communication of the 17th instant, that your assent is not needed to the declared exchange, and I shall not notify the officers, whom I have declared exchanged, as you request. I have allowed you to declare exchanges when the number of prisoners in our hands has been the greater. This has been the case from the day when we first met in the fall of last year, to the capture at Vicksburg. Now, when you have scarcely received official advices of your superiority in prisoners, you boast of the fact, and declare that I cannot give an equivalent for the general officers I have declared exchanged. The point you make is worth nothing, even as you have stated it. You know we have no Lieutenant Generals or Major Generals of yours in our hands. For that reason I have declared them exchanged in privates or inferior officers at your election. I had the right, under the cartel, to make the choice myself, but I preferred that you should do it, and, therefore, I gave you the notification which I did. If, at any time, you present officers for exchange who have been paroled, and we have no officers of similar rank on parole, you can declare their exchange in privates. If, it at this time, you have any officers of the rank I have declared exchanged, or of any other rank, or if you have any particular organization of privates or non-commissioned officers whom you wish exchanged, you have only to state such fact and your selection will be approved. If you hold the paroles of our officers of any rank as you state, you have only to present them,

and whatever is in our hands, whether on parole or in captivity, will be freely given in exchange for them. You say you have again and again invited me to a return to the cartel. Now that our official connection is being terminated, I say to you in the fear of God—and I appeal to Him for the truth of the declaration—that there has been no single moment, from the time when we were first brought together in connectoin with the matter of exchange to the present hour, during which there has not been an open and notorious violation of the cartel, by your authorities. Officers and men, numbering over hundreds, have been, during your whole connection with the cartel, kept in cruel confinement, sometimes in irons, or doomed to cells, without charges or trial. They are in prison now, unless God, in His mercy, has released them. In our parting moments, let me do you the justice to say that I do not believe it is so much your fault as that of your authorities. Nay more, I believe your removal from your position has been owing to the personal efforts you have made for a faithful observance, not only of the cartel, but of humanity in the conduct of the war.

Again and again have I importuned you to tell me if one officer or man now held in confinement by us, who was declared exchanged. You have, to those appeals, furnished one, Spencer Kellog. For him I have searched in vain. On the other hand, I appeal to your own records for the cases where your reports have shown that our officers and men have been held for long months and even years in violation of the cartel and our agreements. The last phase of the enormity, however, exceeds all others. Although you have many thousands of our soldiers now in confinement in your prisoners, and especially in that horrible hold of death, Fort Delaware, you have not, for several weeks, sent us any prisoners. During those weeks you have dispatched Captain Mulford with the steamer New York to City Point, three or four times without any prisoners. For the first two or three times some sort of an excuse was attempted. None is given at this present arrival. I do not mean to be offensive when I say that effrontery could not give one. I ask you with no purpose of disrespect, what can you think of this covert attempt to secure the delivery of all your prisoners in our hands, without the release of those of ours who are languishing in hopeless misery in your prisons and dungeons?

Respectfully,

Your obd't serv't,

ROB'T. OULD,
Agent of Exchange.

[No. 25.]

EXCHANGE NOTICE, No. 6.

RICHMOND, September 12, 1863.

The following confederate officers and men, captured at Vicksburg, Miss., July 4, 1863, and subsequently paroled have been duly exchanged, and are hereby so declared:

1. The officers and men of Gen. C. L. Stevenson's division.
2. The officers and men of Gen. Bowen's division.
3. The officers and men of Brig. Gen. Moore's brigade.
4. The officers and men of the 2d Texas regiment.
5. The officers and men of Waul's legion.
6. Also, all confederate officers and men who have been delivered at City Point at any time previous to July 25th, 1863, have been duly exchanged, and are hereby so declared.

RO. OULD, *Agent of Exchange.*

[No. 26.]

BRIG. GEN. MEREDITH TO MR. OULD.

HQ. QRS. DEPT. OF VA., SEVENTH ARMY CORPS.)
Fortress Monroe, September 24th, 1863. }

HON. ROBT. OULD, *Agent, &c :*

SIR: To meet your declaration of exchange of the 12th instant, I inform you that I have this day announced the following:

"A declaration of exchange having been announced by R. Ould, Esq., agent for exchange at Richmond, Va., dated September 12, 1863, to meet the same in part, as equivalents, it is hereby declared that all officers and men of the United States army captured and paroled at any time previous to the 1st September, 1863, are duly exchanged.

S. A. MEREDITH,
Brigadier General, Commissioner for Exchange."

The number of officers covered by the first five sections of your declaration is	-	-	1,208	
The number of enlisted men is	-	-		11,865
The number of officers covered by 6th section is	-	-	72	
The number of enlisted men is	-	-		8,014

Making a total of officers,	-	-	1,280	
And total of enlisted men,	-	-	22,879	-----

Aggregate,	-	-	-	-	24,159
Reduced to enlisted men,	-	-	-	-	29,438
Of the Federal troops on parole there are					
Officers,	-	-	-	-	76
Enlisted men,	-	-	-	-	19,083
<hr/>					
Aggregate,	-	-	-	-	19,159
Reduced to enlisted men,	-	-	-	-	19,409
<hr/>					
Which gives a balance in our favor, of	-	-	-	-	10,024

I now claim this balance which is due us, and I demand that you return to their paroles all officers and men for whom you have paroled no equivalents, or that you release an equal number from the prisons in Richmond.

Your declaration was wholly unwarranted under the cartel, and it might with great propriety be set aside. In it you failed to announce to me the 6th section, as published in the Richmond Enquirer of the 10th instant, which covers 72 officers and 8,014 enlisted men. You did not, according to the terms of the cartel, furnish me with any "list," or even give me the number of men, by which I could declare equivalents, nor did you give me any time to prepare my announcement. I here deem it incumbent upon me to state that I consider your course in this matter a deliberate breach of good faith on the part of the authorities under whom you act. The 5th article of the cartel (General Orders, No. 142, 1862,) would have authorized you to discharge prisoners of the Federal forces, furnishing a "list" of them, and then you could have discharged an equal number of your own officers and men "from parole." The cartel not only contemplates a "mutual" exchange of "lists" (article 5), but expressly declares (article 4) that no exchange is to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

As to the paroles given at Gettysburg and elsewhere, you made an agreement with my predecessor, Lieut. Col. Ludlow, to take effect from May 22d, 1863, that all paroles given not in accordance with the cartel, should be considered null and void. How, then, can you claim as valid the Gettysburg paroles?

If you have any rolls or lists of any men whom you have paroled that I have not given you credit for, or if there should be any errors in my account, I will be happy to rectify the same.

You declared exchanged, before my predecessor was relieved, certain officers captured at Vicksburg, in which declaration he refused to unite. There are but two officers, I believe (Generals Stevenson and Bowen), who are covered by your declaration of the 12th instant. If the other officers named have not been returned to their paroles, as requested by Lieut. Col. Ludlow, you are indebted to us for their equivalents. The chief ground of the objection to that declaration, that at that time there were no equivalents of the same grade in our

possession (the only condition which would have warranted your making the declaration); and if we consented to it we would be obliged to offset them by officers of inferior rank.

In making up the number of Federal troops to be exchanged, I have included all those mustered out of the service, all discharged, deserted and deceased.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier General and Commissioner of Exchange.

[No. 27.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, Oct. 2, 1863.

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: Your communication of the 24th ultimo, declaring that all officers and men of the United States army, captured and paroled at any time previous to the 1st of September, 1863, are duly exchanged, has been received.

You are aware that when I met you on the 24th of August last, at City Point, I made to you the following proposal, to wit: "I propose that all paroles, on both sides, heretofore given, shall be determined by the General Orders issued by the War Department of the United States, to wit: No. 49, No. 100, and No. 207, of this year, according to their respective dates, and in conformity with paragraph 131 of General Order No. 100, so long as said paragraph was in force. If this proposition is not acceptable, I propose that the practice heretofore adopted respecting paroles and exchanges, be continued. In other words, I propose that the whole question of paroles be determined by the General Orders of the United States, according to dates, or that it be decided by former practice." You have neither accepted or declined either branch of that proposal, although I have, both in personal interview and by letter, solicited you to do one or the other. On the same day you submitted to me your proposition, which, unlike mine, was prepared before hand, and which is as follows: "I propose, on behalf of the Government of the United States, that all paroles given by officers and men between the 23d day of May, 1863, and the 3d day of July, 1863, not in conformity with the stipulations of the cartel, shall be regarded as null and void. A declaration to this effect to be published to both armies." That proposition I immediately declined. I then and there gave you my reasons. In the first place, I informed you that the Confederate authorities had never, at any time, and did not then ask that paroles, "not in conformity with the stipulations of the cartel," should be regarded as valid. I further told you that an agreement to regard "as null and void" pa-

roles between certain dates, which were "not in conformity with the stipulations of the cartel," was an implication that paroles liable to the same objection before the first named date and after the last, *should* be regarded as valid, and was, therefore, necessarily vicious on its very face. I also told you that another reason for declining your proposition, was the one which caused you to make it, to wit: that the paroles which had been given to us were *between* the dates embraced in your proposition, while those given to you were before and after. When I made the objection to your proposal, that it intimated that paroles "not in conformity with the stipulations of the cartel" before the 23d of May, and after the 3d of July, of this year, were to be regarded as valid, I asked you to state, in writing, that no such intimation was conveyed. This you declined to do, saying, somewhat brusquely, that you did not wish to have any discussion about the matter. Upon my pressing the subject, however, you put a memorandum at the foot of the proposition, saying that the proposal was in reply to my letter of August 5, 1863, and in lieu of the proposition therein made by me. You would not, did not disclaim the implication which your proposition contained, nor have you done so since. My letter of the 5th of August only demanded, in compliance with your own General Order, No. 100, that if you rejected the paroles, the parties should be delivered to us.

You informed me that you would transmit my proposition to Washington, and give me a speedy answer in person or by letter.

On the 7th of September I complained that no reply had been returned, although two weeks had elapsed, and two boats had been dispatched to City Point since the date of our interview. At the same time I informed you that the Confederate authorities would consider themselves entirely at liberty to pursue any course with reference to my proposition which they might deem right and proper under all the circumstances of the case.

Accordingly, on the 11th of September, in pursuance of this plain intimation, I notified you that on the following day (that being the time when the notice would reach you) I would declare exchanged a portion of the Vicksburg captures. I gave you the divisions, brigades, regiments and batteries. I also informed you that I had in my possession more valid paroles of your officers and men than would be an equivalent for the exchange I then declared; that, in addition, I had delivered at City Point some ten or twelve thousand men since the last declaration of exchange; that, as it had been the practice, however, of the agents of exchange, whenever one of them declared a special exchange, to allow the other to select the equivalents, I gave you that privilege, and if you did not avail yourself of it, I would name the Federal officers and men who were discharged from their parole by reason of the declaration of exchange then made. This notification to you was not only in accordance with former practice, but was sanctioned if not demanded by the fifth article of the cartel, which, after providing for the manner in which "each party" may discharge "their" officers and men from parole, says, "thus enabling *each* party to relieve from parole such of *their own* officers and men as

the party may choose." I have said this course was in accordance with former practice, and for proof, refer you to the letters of Lieut. Col. Ludlow, former agent of exchange, of the following dates of this year, to wit: April 6th, 8th, 13th, 19th and 27th; May 12th, 26th and 30th; June 5th, 9th and 13th, wherein he declared the exchange of Federal officers and men.

In one of Lieut. Col. Ludlow's communications of May 30, 1863, he says: "I have declared exchanged the Holly Springs capture, the 91st regiment Illinois volunteers, captured at Elizabethtown, Ky., December 27, 1862, and the captures at Mt. Sterling, on the 22d and 23d of March, 1863; also, the officers and men of the Indianola. The exact numbers I have not on hand, but they foot up some hundreds less than the balance due. I will furnish you with the exact numbers as soon as received." The same boat that conveyed that communication brought another written subsequently, but dated the same day, as follows: "I have declared exchanged the 51st regiment Indiana volunteers, 73d regiment Indiana volunteers, and 3d regiment Ohio volunteers. These number each less than three hundred men, and compose a part of Streight's brigade. I will add to the above declaration the 80th Illinois volunteers, and fifty-eight members of the 1st Tennessee cavalry."

The enlisted men alone, designated in *either one* of the communications, exceeded the "balance" due to Lieut. Col. Ludlow. The excess in both communication was two thousand two hundred and ninety, without taking into account "the captures at Mt. Sterling on the 22d and 23d of March, 1863."

You will observe that Lieut. Col. Ludlow, in these two communications, "did not furnish me with any list, or even give me the number of men, by which I could declare equivalents; nor did he give me any time to prepare my announcement." I quote from your letter of the 24th of September to me.

Not only was that the case, but he made a wholesale exchange of the Mt. Sterling captures, by a simple reference to it as being made "on the 22d and 23d day of March, 1863," without any designation of corps, division, brigade, regiment or company. Further than that, I have never, to this day, been furnished with a list of those captured at Mt. Sterling, or even with the aggregate number.

Such, then, were the circumstances, and such the precedents, under which I declared the exchanges of September 12, 1863. I have purposely gone into minute and faithful detail in consequence of the extraordinary character of your letter of the 24th of September. You state that you consider my course to be a deliberate breach of good faith on the part of the authorities under whom I act. In a bungling sort of way you have used language which casts an offensive aspersion both upon myself and the Government I represent. If there had not been subjects of very grave import to both people referred to in other portions of your communication, I would have treated it with the silent contempt it deserved, and returned it to you without comment. For the first time in the correspondence of the agents of exchange has any such discourtesy occurred. I regret it very much. Heretofore I

have had occasion to complain of the action of your Government, but it has always been done with decorum. I have never written a word personally offensive to the Federal agent of exchange, or insulted his Government with a charge of "*deliberate* breach of good faith." It is a matter of very little moment to me what may be your opinion of "my course." There are some people connected with this war who, either from ignorance or passion, seem to have no clear ideas on any subject. The opinion of such, even if uttered in the language of courtesy, is but of little avail, but, if expressed with intemperance, only "exalts their folly." There has been no breach of faith on the part of the Confederate States, "*deliberate*" or otherwise. You were importuned to agree to some fair principle by which paroles could be adjusted and computed. After patient waiting—after failure on your part to respond affirmatively or negatively—the Confederate Government, through its agent of exchange, did what was demanded by courtesy, and justified both by former practice and the provisions of the cartel.

I now proceed to notice the misstatements of your letter. I will not call them "*deliberate*," although you had the means of correcting them at your hand; for such phraseology, so open to the imputation of discourtesy and coarseness, finds in such communications as the present only the precedent of your example.

1. Your computation of paroles is incorrect on both sides. As to your item of 1,208 officers and 14,865 men, embraced by the first five sections of my exchange notice, I have no exception to make. Some of our Vicksburg rolls were lost, and I have not the means of making an accurate computation as to them.

Your second item, however, of 72 officers and 8,014 men, embracing the sixth section of my exchange notice, is incorrect. In the first place, all the officers *on both sides*, who have been delivered at City Point, are exchanged. They were specially exchanged. Major Mulford knows that fact. All Confederate soldiers who were delivered at City Point up to May 23, 1863, including said date, were declared exchanged by Lieut. Col. Ludlow, while the Federal troops were only exchanged up to May 6, 1863. The number of Confederate soldiers, reduced to privates, delivered at City Point from May 23 to July 25, (the date named in my notice,) is 5,831, instead of 8,014. The rolls show this very clearly. Of the Federal troops on parole, you say there are 76 officers and 19,083 men. If these officers are those delivered at City Point, you make an error against yourself. They have been exchanged. From the 6th of May, 1863, (the time of the last exchange of Federal troops,) to the 1st of September, 1863, (the time named in your notice,) I have delivered at City Point alone, in privates, 18,610. All of these are on parole. I have other valid paroles in my possession, amounting to at least 16,000 more. Allowing, therefore, that your Vicksburg computation is correct, you owe me, upon the last notice which you have published, more than 7,000, instead of my owing you 10,024, as you claim. Many of the 16,000 paroles to which I have referred, have been acknowledged by Lieut.

Col. Ludlow in his correspondence. So much as to your computation, and your exchange notice based upon it.

2. You say I failed to announce to you "the sixth section of my exchange notice, as published in the Richmond Enquirer of the 10th instant, which covers 72 officers and 8,014 enlisted men." This is not so. On the 1st of August last I informed you in writing that I had declared exchanged all Confederate soldiers who had been delivered at City Point up to July 20, 1863. No deliveries were made at City Point between July 20 and July 25, and therefore one announcement was the same as the other. I did not inform you of the exchange of the City Point men in my letter of the 11th September, because I had already notified you on the 1st of August.

3. You say I did not furnish you with any list, or even give the number of men, by which you could declare equivalents, nor did I give you any time to prepare your announcement. You were furnished with the lists of all paroled men delivered at City Point, numbering up to September 1, 18,610 men. As to other paroles held by me, you failed to accept or decline the terms upon which they were to be computed and adjusted, and therefore it was useless to send them. You had, or ought to have had, duplicates of many of them in your possession. If there was any particular capture on parole, or any special class of paroled men whom you wished to declare exchanged, you had only to announce that fact, and the lists would be furnished if I had them and you had not. With what propriety could I send you lists which I believed to be in accordance with the cartel, but which you intimated you would decline to acknowledge? Moreover, according to my interpretation of the cartel, that instrument very clearly gives the right to you to select what Federal officers and men shall be relieved from their parole, whenever I discharge our officers and men from their parole. I claim the same right when you declare an exchange of your paroled men. If I had sent you lists of such of your officers and men as were relieved from their parole by my declaration of exchange, I would, in effect, have violated that provision of the cartel which gives the right to "each party to relieve from parole such of their own officers and men as the party may choose." It was entirely unnecessary for me to give you the number of men whom my notice declared exchanged. They were all Vicksburg captures or City Point deliveries. You had the rolls of both. You had in your possession as much information as I could communicate, even if I had held the Vicksburg rolls, which I did not. I have already proved to you by the record that the former Federal agent, when he declared exchanges, gave neither lists nor the number of men. There is, however, a more recent case. You yourself have just declared a sweeping exchange. You have not furnished me with any lists or designation of corps, division, brigade, regiment, or company, notwithstanding the clamor you have raised about my omission in those particulars. Your objection as to want of time for the preparation of your announcement, is a small one at best. The cartel does not make it incumbent upon me to give you time. Your predecessor did not give it to me. The correspondence, however, between us, before the 12th

of September, was of such a nature as must have prevented a surprise.

4. I did not make any such agreement with your predecessor, Lieut. Col. Ludlow, as you state, nor did I ever make any agreement with any one, by which I renounced the right to claim the paroles given at Gettysburg. The first official letter which I ever addressed to you was in relation to this very subject. It bears date August 1, 1863, and is as follows :

“ BRIG. GEN. S. A. MEREDITH,

“ *Agent of Exchange :*

“ SIR : In the Army and Navy Official Gazette of the date of July 14th, 1863, I find a letter from Lieut. Col. Wm. H. Ludlow, of the date of July 7th, 1863, addressed to Col. J. C. Kelton. In it is the following paragraph, to wit :

“ ‘ I have the honor also to state that since the 22d of May last, it has been distinctly understood between Mr. Ould and myself, that all captures must be reduced to possession, and that all paroles are to be disregarded unless taken under the special arrangement of commanding officers of armies in the field, as prescribed in section seven of the cartel.’

“ If Lieut Col. Ludlow means that he had declared to me that such was the rule which had been adopted by the United States in relation to captures and paroles, to go into effect from and after May 23d, 1863, he is entirely right. If he means that I at any time consented to adopt or acquiesce in any such rule, he is entirely wrong. All that passed between us on that subject is in writing. The correspondence will interpret itself.

“ Respectfully, your ob't. serv't.,

“ ROB'T. OULD,
“ *Agent of Exchange.*”

The general order, No. 100, issued at Washington, which Lieut. Col. Ludlow communicated to me on the 23d May, 1863, in its 131st paragraph provides, that “ if the Government does not approve of the parole, the paroled officer must return into captivity ; and should the enemy refuse to receive him, he is free of his parole.” In no communication, in no interview with either Lieut. Col. Ludlow or yourself, where the subject was under consideration, did I ever fail to demand that, if your Government rejected the paroles, the parties should return into captivity. I had the warrant of your own general order for that demand, but pleaded it in vain. So far from carrying out its own general order, your Government, on the 30th June last, while the order was in force, and before the publication of general order, No. 207, convened a court of enquiry, and required the court to give its opinion on the following point, to wit : whether Major Duane and Captain Michler, captured and paroled on the 23th June, 1863, should be placed on duty without exchange, or be required to return to the enemy as prisoners of war. The general order required the latter, but the court found that the Government was free to place those offi-

cers on duty without exchange. The reason given by the court was, not that the Federal agent and myself had *agreed* to regard such paroles as invalid, but that I had been *notified* they would not be recognized. It is true that I was informed that certain paroles would not be considered as valid, but I was also notified at the same time, by the same hand, and through the same instrument, that the "paroled officer" must return into captivity if his parole was not approved. In other words, on that day (May 23d, 1863,) Lieut. Col. Ludlow, with little or no comment, delivered to me general order, No. 100, as the rules adopted for the government of the Federal army. I never had any intimation that all the provisions of general order, No. 100, did not continue in force, until I received, on the 8th of July, 1863, the following letter from Lieut. Col. Ludlow :

" FORT MONROE, July 7th, 1863.

" SIR : I herewith enclose to you a copy of general order, No. 207, which contains some additional provisions to those mentioned in my communication to you of the 22d May last. It is understood that officers of the United States and Confederate officers have, at various times and places, paroled and released prisoners of war, not in accordance with the cartel.

" The Government of the United States will not recognize, and will not expect the Confederate authorities to recognize such unauthorized paroles. Prisoners released on parole not authorized by the cartel, after my notice to you of the 22d May, will not be regarded as prisoners of war, and will not be exchanged.

" Where prisoners of war have been released without the delivery specified in the cartel, since the 22d of May last, such release will be regarded as unconditional, and the prisoners released as subject to orders without exchange, the same as if they had never been captured.

" I am, very respectfully,

" Your obedient servant,

" WM. H. LUDLOW.

" *Lieut. Col. and Agent for Exchange of Prisoners.*

" Hon. ROBT. OULD, *Agent, &c.*"

The "notice" referred to in Lieut. Col. Ludlow's letter was the delivery of general order, No. 100, with its 131st paragraph. That paragraph was set aside by the provisions of general order, No. 207, which bears date July 3, 1863, three days *after* the submission of the question of the paroles of Duane and Michler to the court of inquiry, two days *after* its finding, and several days *after* our captures in the Gettysburg campaign. On the 7th of July, 1863, Lieut. Col. Ludlow substantially informs me that although he notified me on the 22d of May, that paragraph 131 of general order, No. 100, was to be continued in force; yet, under the circumstances of the case, and in view of what had taken place in Maryland and Pennsylvania, said paragraph was not to be considered as being in force at any time after the 22d of May, and general order, No. 207, although it was issued July 3, 1863, should be construed as bearing date the 22d of May, preceding!

It will be observed that Lieut. Col. Ludlow, in his letter to me of the 7th of July, nowhere says I had made any agreement with him, and yet it bears the same date as his letter to Col. Kelton. It is apparent on the face of the paper that he is conveying to me certain information for the first time, and that this information is the "additional provisions" of general order, No. 207, one of which set aside paragraph 131 of general order, No. 100. The court of enquiry, in its finding, (see Army and Navy Official Gazette, July 14, 1863,) says I was "notified," &c. Lieut. Col. Ludlow, in his letter to Col. Kelton, says it was distinctly "understood" between Mr Ould and himself, &c. You, in your letter of the 24th of September, say I made an "agreement" with your predecessor. - The notification first rises to an understanding, and is then elevated into an agreement. What further promotion it will receive remains to be seen.

You have charged a deliberate breach of good faith upon the part of the Confederate States. Let me bring to your attention an incident connected with this matter of release from paroles. On March 9, 1863, General Schenck, of immortal memory, issued a general order, No. 15, requiring all officers and men who had been captured and paroled in his department, and particularly in the Shenandoah Valley, but who had not been exchanged, to return to duty on penalty of being considered deserters. Your general order in force at that time—No. 49, February 28, 1863—in section 8, provided that if the engagement which a prisoner made was not approved by his Government, he was bound to return and surrender himself as a prisoner of war. The same general order, No. 49, in the same section 8, uses these memorable words, which I now set up against your present extraordinary claims, to wit: "His own Government cannot, at the same time, disown his engagement and refuse his return as a prisoner." In spite of those honest words, General Schenck issued his order, which to this day has not been countermanded, in effect directing not only that such as were captured and paroled after March 9th, 1863, should return to duty, but also all who had been captured and paroled, under the circumstances named, since the beginning of hostilities, on penalty of being considered deserters. At that very time and afterwards, even to as late as Stoneman's raid, the former agent of exchange was charging against me, and receiving credit for captures and paroles similar to those repudiated by Schenck's order. It is due to Lieut. Col. Ludlow that I should say that, when the matter was brought to his attention, he declared that Schenck's action was without proper authority, and that I would have credit for such as reported for duty under the order. Still the order was not countermanded, but, on the contrary, has been followed and sustained by general order, No. 207. I have received no returns of such as have reported under Schenck's order, and never will.

In your letter of the 24th of September, and others, you refer, in connection with our Gettysburg captures, to "paroles not in accordance with the cartel." The phrase figures not only in your correspondence, but in the findings of your courts and in some of your

general orders. Let me here, in the most formal manner, assure you that the Confederate Government considers the cartel to be binding and imperative to the fullest extent of any and all of its provisions. I have never asked you to respect a parole which is inconsistent with that instrument. You say the Gettysburg paroles are in contravention of the cartel. Let me give you some of them—all, or nearly all, of them belong to one or the other class:

“I, the subscriber, a prisoner of war, captured near Gettysburg, Pa., do give my parole of honor not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the interest of the same, until regularly exchanged. In the event this parole is not recognized by the Federal authorities, I give my parole of honor to report to Richmond, Va., as a prisoner of war within thirty days.

“JOHN E. PARSONS,
“1st Lieut. and Adj’t. 149th Pa. Vols”

“I, the subscriber, a prisoner of war, captured near Gettysburg, Pa., do give my parole of honor not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the interests of the same, until regularly exchanged. This parole is unconditional, and extended to a wounded officer for the sake of humanity, to save a painful and tedious journey to the rear.

“ROY STONE, Col. 149th P. V.”

“We, the undersigned, of the company and regiment opposite our names, do solemnly swear that we will not take up arms against the Confederate States of America until regularly exchanged in accordance with cartel, even if required to do so by our Government.”

“The following named prisoners, captured near Gettysburg, Pa., are paroled on the following conditions, namely, not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the same, until regularly exchanged; this parole is unconditional, and if not recognized by the authorities of the United States Government, all pledge themselves to repair to Richmond, as prisoners of war, at the expiration of twenty days from this date.”

Does the cartel contemplate that these officers and men should be returned to duty without exchange? It no where says so upon its face. When we were without any cartel, all such paroles, and, in fact, all military paroles, were respected. The very first act of the agents of exchange was to adjust mutual accounts as to the officers and men who had been captured and paroled before the cartel was signed. If it had been intended by the cartel to repudiate such paroles as were given at Gettysburg, or upon any battle field, a provision to that effect, in distinct terms, would have been incorporated in it. That instrument was intended to apply to “all prisoners of war held by either party”—to such as were in military depots or prisons, to such as had been removed from the battle field or place of capture, and reduced into

actual possession. It left the force and effect of military paroles, and the respect which should be paid to them, to be determined by the usages of civilized nations of modern times. It certainly did not purpose to prevent a wounded officer or man from entering into a stipulation not to take up arms until exchanged, as the condition of his release, when his life would be at the serious risk of forfeit if he did not make the contract. Nor does it any where deny the right of any soldier, wounded or not, to bind his Government, by his military obligation, when he is in the hands of the enemy. The latter part of article seven does not really controvert this view. That clause intended to give "the commanders of two opposing armies" the power of declaring an exchange of prisoners, with the further right of paroling whatever surplus there might be after the exchange was arranged. Without such clause, the two commanders would have no right to declare an exchange. It was, therefore, inserted. Until recently, nobody ever pretended that the cartel forbid the giving and receiving of ordinary military paroles. The uniform practice under the cartel for nearly a year sanctioned them. Whatever, however, may be the determination as to this matter, it is entirely clear that at the time the Gettysburg paroles were given, your own military law required that if the parole was not approved the party should return to our lines. Many of the paroles indicate on their face that the persons giving them were aware of that fact. I have, therefore, demanded that if you reject these paroles, the parties who gave them should be returned to us. The question between us is not so much whether you will regard these paroles as valid, as whether you will comply with a rule of your own making, and which was advertised to us as being the controlling law of the case.

I know not what you mean by your reference, on your third page, to article four, of the cartel. All the officers and men whom I declared exchanged, were "actually restored to our lines." All the officers and men whom I requested you to select as equivalents for them in the exchange, "had been restored to your lines."

The parties whom I have declared exchanged, have not been "returned to their paroles, as requested by Lieut. Col. Ludlow." I do not understand by what sort of reading of the exchange notice of the 12th of September you make out that only "two officers (Generals Stevenson and Bowen)" were exchanged. My letters of July 13, September 11, and September 26, will inform you of all the Vicksburg prisoners, officers and men, whom I have declared exchanged.

Your objection to the declaration of the exchange of the general officers paroled at Vicksburg, because there were no equivalents of the same grade, is exploded by the provision of the cartel which declares that "men and officers of lower grades may be exchanged for officers of a higher grade."

I have thus answered all the items of your letter of the 24th Sept. I regret the extreme length of the reply. I have, however, confined myself to the matter of that letter, and to such subjects as were directly connected with its contents. In a future communication I will call to your attention the instances of the violation of the cartel by

the Federal authorities. Notwithstanding the expression of their sudden regard for that instrument, I will show they have continued those violations from its date to the present moment.

I now inform you, in view of the recent declaration of exchange made by you, coupled with your failure either to agree to or decline the proposition made to you on the 24th of August last, in relation to paroles, that the Confederate authorities will consider themselves entirely at liberty to pursue any course as to exchange or paroles which they may deem right and proper under all the circumstances of the case. At the same time, I am directed to express their entire willingness to adopt any fair, just and reciprocal rule in relation to those subjects, without any delay.

Respectfully, your obedient servant.

ROBT. OULD,
Agent of Exchange.

[No. 28.]

BRIG. GEN. MEREDITH TO MR. OULD.

HEADQUARTERS DEPT OF VA., 7TH ARMY CORPS, }
Fort Monroe, Va., Sept. 14, 1863. }

Hon. ROBERT OULD,

Agent of Exchange :

SIR : In your letter of Sept. 7th, declining to exchange General Graham for General Smith, you state "that I appear to be laboring under some strange mistake; that General Smith has already been exchanged, and, that I have received the equivalent." On July 14th, 1863, my predecessor, Lieut. Col. Ludlow, wrote to you, positively declining to unite with you in your declaration of exchange of July 13th, and requesting you to notify the officers therein named, that their exchange would not be recognized by the authorities of the United States. May I ask, who was the "equivalent" delivered for General Smith? I now repeat to you the notification of Lieut. Col. Ludlow, and state that the authorities of the United States will not recognize the exchange of the above officers until united in by me.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brig. Gen. and Com'r for Exchange.

[No. 29.]

MR. OULD TO BRIG. GEN. MEREDITH.

C. S. A., WAR DEPARTMENT, }
Richmond, Va., Sept. 14. 1863. }

Brig. Gen. S. A. MEREDITH,

Agent of Exchange :

SIR: In your letter of the 14th instant, you inquire "who was the equivalent delivered for General Smith." If you will refer to my letters of the 13th and 17th of July, you will find out who was the equivalent. It had been our practice, whenever a special exchange was declared by one party, to allow the other to select the equivalent from prisoners already paroled or delivered. I pursued that course in the case of the Vicksburg general officers. The equivalent could be found in officers and men paroled at Fredericksburg, in pursuance of an agreement between Generals Lee and Hooker. If that was not satisfactory, the equivalent could easily be found in the ten thousand prisoners whom I had released from captivity and sent to City Point. In that ten thousand there was an excess of more than six thousand, at least, over the number you had delivered at the same place since the last general declaration of exchange. My letter of the 17th of July contains a fair statement, not only of the practice of the agents of exchange, but of the grounds of my authority to declare the exchange of the Vicksburg general officers, including Gen. M. L. Smith. The effort to cast discredit upon the regular and honorable exchange of these officers, is, to use a phrase of your own, in one of your letters of the 14th instant, "simply ridiculous."

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

[No. 30.]

EXCHANGE NOTICE No. 7.

RICHMOND, Oct. 16th, 1863.

The following Confederate officers and men are hereby declared duly exchanged:

1. All officers and men captured and paroled at any time previous to the first of September, 1863. This section, however, is not intended to include any officers or men captured at Vicksburg, July 4th, 1863, except such as were declared exchanged by exchange notice No. 6, Sept. 12th, 1863, or are specifically named in this notice. But it does embrace all deliveries made at City Point or

other place before Sept. 1st, 1863, and with the limitation above-named, all captures at Port Hudson or any other place, where the parties were released on parole.

2. The staff of Generals Pemberton, Stevenson, Bowen, Moore, Barton, S. D. Lee, Cummings, Harris, and Baldwin, and of Colonels Reynolds, Cockrell, and Dockerey, the officers and men belonging to the engineer corps and sappers and miners, and the fourth and forty-sixth Mississippi regiments, all captured at Vicksburg, July 4th, 1863.

3. The general officers captured at Vicksburg, July 4th, 1863, were declared exchanged July 13th, 1863.

ROBERT OULD,
Agent of Exchange.

[No. 31.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, Oct. 16th, 1863.

Brig. Gen. S. A. MEREDITH,

Agent of Exchange :

SIR: I herewith enclose to you a declaration of exchange, which I shall publish in a day or two. You will perceive it is based upon the declaration of exchange communicated to me in your letter of the 24th of September last. In my notice I have followed your phraseology. I would have preferred another form of declaration more in accordance with the circumstances of the case. Inasmuch, however, as my declaration to a considerable extent is retaliatory of yours, I have deemed it more appropriate to follow your own form of expression.

I have refrained from declaring exchanged the large residue of the Vicksburg capture. The only addition I have made to the notifications already given you as far as that capture is concerned, is the fourth and forty-sixth Mississippi regiments. According to my computation, you are considerably in debt to me upon your exchange notice, even if I take into consideration only such paroles as those to which no objection has been made. I have adopted the principles of your general orders in the computation of the paroles in my possession, and will continue to do so, until some other agreement is made between us. I reserve to myself the right to make further declarations of exchange from time to time, based upon the paroles in my office, until I have declared exchanged a number of Confederate soldiers equal to that of Federal troops declared exchanged by your last notice. At the same time, I express my entire willingness to adopt any fair, just, and reciprocal rule of computation and apply the same both to the past and the future.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

[No. 32.]

BRIG. GEN. MEREDITH TO MR. OULD.

HEAD QUARTERS, DEPARTMENT OF VA. AND N. C. }
 Fort Monroe, Oct. 17, 1862. }

Hon. ROBT. OULD,

Agent of Exchange, Richmond, Va :

SIR : On the 22d day of May, 1863, Lieut. Col. Ludlow, then agent of exchange for the United States, enclosed you copies of general orders, No. 49 and No. 100, of War Department, announcing regulations and instructions for the government of United States forces in the field, in the matter of paroles, stating that these orders and the cartel are to govern our forces; when the cartel conflicts with the orders they must be set aside. The cartel requires that prisoners of war shall be delivered at certain named places, and if they are not so delivered, the paroles cannot be valid. In consequence of the usage which had governed both parties up to that time, instructions were subsequently issued that paroles given before the 22d of May should be considered valid, though deliveries had not been made as required by the cartel. In order to the putting in force these instructions, it was not necessary to ask your consent. We were only bound to notify you that from that time the cartel would be rigidly adhered to by us, and the same course would be exacted of the Confederate authorities.

If you wish paroles recognized when the parties were not delivered at the places named in the cartel, you "ask that paroles not in conformity with the stipulations of the cartel should be regarded as valid."

I will now proceed to show that your declaration of September 12th was not in accordance with the cartel. Your reference to acts of Lieut. Col. Ludlow does not sustain you, for, according to your own letter, Lieut. Col. L. was declaring an exchange to cover a "balance due" on declarations previously made by you. The troops thus declared exchanged by Lieut. Col. Ludlow are as follows :

51st Reg't Ind. Vol.	-	-	-	371
75th " " "	-	-	-	268
31 " Ohio "	-	-	-	311
Tenn. Cavalry,	-	-	-	58
				<hr/>
				1,008
Paroled at Mt. Sterling,	-	-	-	463
				<hr/>
				1,471

You state that the "excess," without taking into account the Mount Sterling captures, was 2,290, whereas the whole number, including said captures, amount only to 1,471.

If, in making up this balance, Lieutenant Colonel Ludlow failed to give rolls and numbers, it does not justify you in anticipating a decla

ration by me, without furnishing me either rolls or numbers, or giving me time to consult the records to make them up for myself. When the paroling is properly done, both parties have rolls, and then there can be little difficulty in arranging an exchange, to be simultaneously declared. You state that when the Federal troops were declared exchanged to the 6th of May, the Confederates were declared exchanged to the 22d of May, inclusive. I have nothing to show that the exchanges on both sides were not alike. The Confederate prisoners delivered between the two dates amount to 5,083 privates, and, if we have already received equivalents for them, they should be deducted from my former computation. Without counting these, the number covered by your declaration of September 12, and the subsequent explanatory declaration of September 26, amounts to 29,451.

The number of Federal troops on parole to September 1st, and declared exchanged, amounts to 23,911. The officers included are those paroled at Gettysburg and elsewhere, not those delivered at City Point.

These numbers differ from those given to you before, because, in making up that calculation, all enlisted men were counted alike, whereas non-commissioned officers should have been counted as two privates.

Giving you, then, credit for the 5,083 enlisted men, which you state were delivered at City Point between the 6th and the 23d of May, and declared exchanged by Colonel Ludlow, you are now in our debt 5,569 enlisted men.

You state that you have in your possession valid paroles, amounting to 16,000 men. For all the prisoners that we claim as on parole, we can show the rolls of delivery at the places named in the cartel, received by Confederate officers; and if you can show similar rolls of the 16,000 men you speak of, they will, of course, be recognized as valid, and you will be credited with them.

Respectfully, your obt^t servant,

S. A. MEREDITH,
Brig. Gen. and Com. for Exch.

[No. 33.]

MR. OELD TO BRIG. GEN. MEREDITH.

RICHMOND, October 27, 1863.

Brigadier General S. A. MEREDITH,

Agent of Exchange:

SIR: In reply to your communication of the 17th instant, I state that general orders, Nos. 49 and 100 were not sent to me at the same time. I received general orders, No. 49 long before No. 100 was delivered to me. Their respective dates will show that to be the fact.

My own personal recollection is that general orders, No. 100 was never communicated in a letter. It is my habit faithfully to keep all letters written by the Federal Agent of Exchange. A careful search of the records of my office does not disclose any letter from Lieut. Col. Ludlow communicating general orders, No. 100. Lieutenant Colonel Ludlow met me at City Point on the 23d of May, 1863, and he then and there delivered to me general orders, No. 100, stating that the principles therein announced would, in the future, control the operations of the forces of the United States. No written communication accompanied it. If any one was ever written to accompany it, I never received it. You are in error, therefore, when you say that Lieutenant Colonel Ludlow, on the 22d May, 1863, enclosed copies of general orders, No. 49 and No. 100, announcing regulations and instructions for the government of the United States forces in the field, in the matter of paroles, stating that these orders and the cartel were to govern your forces, and that when the cartel conflicted with the orders, they were to be set aside. Independent of the facts of the case, I am justified in saying that any such communication would have been very extraordinary. It would not only have admitted that the general orders were in violation of the cartel, but would have declared that the later general order, which, on its face, was announced to be the controlling law, should be set aside by the provisions contained in an earlier paper.

I again assert that the only notification I ever received as to your successive changes of purpose in the matter of paroles, was, from your own general orders, according to their respective dates, delivered to me without any further comment than I have already communicated to you.

You say my "reference to the acts of Lieutenant Colonel Ludlow" does not sustain me. You further say "the troops thus declared exchanged by Lieutenant Colonel Ludlow are as follows:"

51st Regiment Indiana Volunteers,	-	-	-	-	-	271
75th " " " "	-	-	-	-	-	268
3d " Ohio " "	-	-	-	-	-	311
Tennessee Cavalry,	-	-	-	-	-	58
						<hr/> 1,008
Paroled at Mount Sterling,	-	-	-	-	-	463
						<hr/> 1,471

Permit me to say that I read this paragraph of your letter with very great surprise. In my letter of the 2d instant, which you were contesting, I gave, at length, the communication of Lieutenant Colonel Ludlow, and by reference to it, you will find that not only are the regiments which you have named therein mentioned, but also the Holly Springs capture, numbering 1,383 privates, the 91st Illinois regiment, numbering 649 privates, the officers and men of the Indianola, numbering 69 privates, and the 80th regiment Illinois volunteers, numbering 400 privates. Not only is that the case, but

your enumeration of 1,471 privates in the specified regiments is incorrect. The true aggregate is 1,676 privates. You misname one of the regiments also. The regiment declared exchanged was not the 75th Indiana, but the 73d.

In an interview with me at City Point, in the presence of Major Mulford, you admitted that all Confederate officers and soldiers delivered at City Point before the 23d of May, 1863, were declared exchanged, while the Federal soldiers were only declared exchanged up to May 6th, 1863. Yet, in your letter written subsequent to this admission, you say you "have nothing to show that exchanges on both sides were not alike." Since your letter of the 17th, in our last interview you made the same admission. If the fact is denied at any time, I stand prepared to prove it.

As to your computation based upon my declarations of exchange, I refer you to my letter of the 2d of October, 1863. Every statement therein contained is strictly and accurately correct. I again assert what I am ready to prove, that I have in my possession more valid paroles of your officers and men than would be an equivalent for the exchanges I have declared up to this date.

Respectfully, your obedient servant.

ROBERT OULD,
Agent of Exchange.

[No. 34.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, Oct. 20, 1863.

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: More than a month ago I asked your acquiescence in a proposition, that all officers and soldiers on both sides should be released in conformity with the provisions of the cartel. In order to obviate the difficulties between us, I suggested that all officers and men on both sides should be released, unless they were subject to charges; in which event, the opposite Government should have the right of holding one or more hostages, if the retention was not justified. You stated to me, in conversation, that this proposition was very fair, and that you would ask the consent of your Government to it. As usual, you have as yet made no response. I tell you frankly, I do not expect any. Perhaps you may disappoint me, and tell me that you reject or accept the proposition. I write this letter for the purpose of bringing to your recollection my proposition, and of dissipating the idea that seems to have been purposely encouraged by your public papers, that the Confederate Government has refused or objected to a system of exchanges.

In order to avoid any mistake in that direction, I now propose that all officers and men on both sides be released in conformity with the provisions of the cartel, the excess on one side or the other to be on parole. Will you accept this? I have no expectation of an answer, but perhaps you may give one. If it does come, I hope it will be soon.

Respectfully, your obedient servant.

ROBERT OULD,
Agent of Exchange.

[No. 35.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, Oct. 27th, 1863.

Brig. Gen. S. A. MEREDITH,
Agent of Exchange:

SIR: I enclose to you a memorandum of the paroles to which I have referred in several recent communications. Most of these paroles, you will observe, are antecedent to May 23d, 1863. The reason why these paroles have not been heretofore discharged, is that up to July, 1863, we had the advantage of prisoners and paroles. Not one of these paroles is covered by any declaration of exchange, except the one lately made by you. For no one of them have I received any equivalent. All of them since the date of your general orders, No. 207, were given in pursuance of a distinct agreement between the commanders of two opposing armies. I have many other paroles in my possession, but I have only presented those which are within the terms of your general orders, according to their respective dates.

I understand there are other paroles coming within the same general orders, which were given by your officers and men on the other side of the Mississippi river. They have not as yet reached me. When they do, and when I show they are within the scope of your general orders, I will claim them—otherwise I will discard them.

I have also received other informal paroles, which I have sent back for correction. These are also within the provisions of your general orders. When they are returned, I will claim them also.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

[No. 36.]

BRIG. GEN. MEREDITH TO MR. GOULD.

OFFICE COMMISSIONER FOR EXCHANGE. }
Fortress Monroe, Va., Oct. 29, 1863. }

HON. ROBERT GOULD,

Agent of Exchange, Richmond, Va.

SIR: I am in receipt of your communication of the 20th instant, the tenor of which induces me to make some explanatory statements of facts, with which, it would seem, you need to be reminded.

The system of exchanges, of prisoners of war, determined in the existing cartel, was first interrupted by the declared purpose of the Confederate Government to make certain distinctions in the treatment of a particular class of troops, officers and men, in violation of the provisions of the cartel. This appears to have been the first step towards the irregularities which have culminated in your unequivocal declaration, reported by me to my government on the 8th instant, that "you will proceed to declare exchanges whenever you conscientiously feel that you have the right to do so, for the purpose of putting men into the field."

There can be no objections to your acting conscientiously in any given case, so long as your conscience is enlightened and guided by those laws of war which require obedience between belligerents to solemn agreements, entered into by authorized commissioners acting in the name of their respective superiors. But, if you mean by the expression, "your conscientious sense of right," to substitute this sense of right for the requirements of an existing cartel, I can by no means concede to you that right; and if you do not mean this, I cannot understand what you do mean by so vague and general a declaration. Judging by your recent proceedings, it seems that you have declared exchanged all Confederate officers and soldiers on parole within what you claim as your lines, up to a very recent date, without having any proper right so to do, either under the cartel or under the laws of war.

The history of this matter, as I understand it, is briefly this: While my predecessor, on duty at this place, was here, in discharge of the duties now committed to me, you at one time made a declaration of exchange, embracing no great number of prisoners of war, not in accordance with the requirements of the cartel, and you invited Col Ludlow, my predecessor, to make a corresponding declaration of equivalents. Such a declaration was made by Col. Ludlow, doubtless without anticipating the magnitude of the evil which appears now as the result of that departure from the cartel, first inaugurated by yourself. Subsequently to my coming on duty here, the events of the war threw upon your hands a large body of paroled officers and men (over 30,000,) captured by General Grant at Vicksburg, and not long afterwards some 6,000 or more captured by General Banks at Port Hudson.

Suddenly, and without any proper conference or understanding

with me, and but a few days prior to the important events at Chickamauga, as if for the express purpose of increasing the force of General Bragg against General Rosencrans, you gave me notice that, on the next day after the date of that notice, you would declare exchanged a large portion of the troops which had been captured by Gen'l Grant.

When your declaration was made, it covered an indeterminate number of troops, designated by commands, brigades, divisions and corps, no definite number either of officers or men being designated. Up to that time, you had delivered at City Point a certain number of prisoners of war, for which you had receipts, by which you must have known the number you might claim the right to discharge from their parole. You did not think proper to limit yourself to this number, nor, in any proper manner did you refer to it, but made your declaration of exchange in such indefinite terms as made it next to certain that you did not intend to be governed by the cartel.

On referring to the data furnished by the reports of General Grant, and now in the hands of the Commissary General of prisoners at Washington, it was ascertained that you had discharged from parole, by your declaration, a very considerable number of your men over and above any claim you might pretend to, founded on receipts for prisoners of war delivered from the South according to the cartel.

Without referring to fractions, it appeared, from the best data in our hands, that you had discharged *three for two*, or one-third more than you were entitled to.

You suggested that I should make a corresponding declaration of exchange, when, as I suppose, you must have known you had not delivered to me, nor had you valid paroles of our men sufficient to cover the number declared exchanged by yourself; and, when I proceeded to make the declaration extending to those men you had delivered, and stated to you my objection to your proceedings, you insisted that you had valid paroles for more than the number that you had declared exchanged, though you failed to produce those paroles, or to give any account or history of them; and you then proceeded to make a further declaration of exchange, ignoring the cartel altogether—basing your action upon no data communicated to me, the whole proceeding resting, as I suppose you will say, upon *your* sense of right, as if you were the only party having a *right* to an opinion on the subject—acting evidently in anticipation of the formal declaration referred to at the commencement of this communication, “that you will proceed to make declarations of exchange for the purpose of putting troops into the field, whenever you think proper;” and, having now exhausted, by a declaration of exchange, the paroled prisoners in your hands, you propose to me the delivery of prisoners of war in our hands, for whom you have no equivalents—or, comparatively, but very few—in order, as it were, that you may obtain possession of many thousand more men of your own, delivered or on parole, for the purpose of declaring them also exchanged, and putting them into the field, not in conformity with the existing cartel, nor in accordance with the usages of war, but whenever, in your individual judgment, you may think it proper to do so.

I have only to add, that an easy inference from this statement is the answer I have to make to your proposal of the 20th instant, which is not accepted.

Respectfully, your obedient servant,
S. A. MEREDITH,
Brig. Gen. and Commissioner for Exchange.

[No. 37]

MR. OULD TO BRIG. GEN. MEREDITH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, October 31, 1863. }

Brig. Gen. S. A. MEREDITH,
Agent of Exchange :

SIR: Your communication of the 29th instant, has been received, and its extraordinary and groundless statements read with surprise.

You first represent me as having informed you that I would proceed to declare exchanges whenever I conscientiously felt that I had the right to do so, for the purpose of putting men into the field. In another part of your letter I am charged with having stated that I would proceed to make declarations of exchange for the purpose of putting troops into the field, whenever I thought proper. Both of these paragraphs are between quotation marks, to indicate that I had communicated them. Moreover, they are mentioned as being my "unequivocal declaration." Upon a faithful examination of my correspondence with you and your predecessor, I can find no instance in which such language has been used by me. Will you inform me of the date of any such communication, or furnish me with a copy of it? If you cannot, you will certainly deem me justified in denouncing your statement as utterly without foundation in truth.

Upon these premises you have proceeded to throw off sundry sentences, more flippant than worthy of notice. As usual, however, you finish the paragraph which contains them with a misstatement, in asserting that I "have declared exchanged all Confederate officers and men on parole," within our lines, "up to a very recent date." I have done no such thing. I specially excepted the larger part of the Vicksburg captures.

You then proceed to give what you call "a history of this matter." That history, like many others, turns out to be a romance. Lieut. Col. Ludlow's declarations of exchange, to which I referred in my letter of October 2, 1863, were not made in response to any invitation from me, or in consequence of any previous declarations which I had made. I did not "inaugurate" what you term "a departure from the cartel." The correspondence of the office very clearly shows that fact.

You are wrong, also, in your statement that the Vicksburg capture

was subsequent to your "coming to duty" at Fortress Monroe. I received official communications from Lieut. Col. Ludlow as late as July 22, 1863, weeks after the Vicksburg surrender, and none from you until the 25th of the same month.

Your charge that the declaration of exchange, bearing date September 12, 1863, was made "as if for the express purpose of increasing the force of General Bragg against General Rosencrans." This, also, is untrue. The declaration was not published until several days after the 12th, although it bore that date. Not one of the officers or men named in that declaration of exchange was on the battle-field of Chickamauga.

You further say I must have known that I had not delivered to you, nor had I valid paroles of your men, sufficient to cover the number declared exchanged by me. I knew exactly the contrary, and so informed you. On the 12th of September, 1863, in announcing the declaration of exchange I would make on the following day, I wrote to you that I had "in my possession more valid paroles of your officers and men than would be an equivalent for the officers and men" enumerated in the exchange notice. I have made the same statement to you more than once since. I am prepared to prove that it was true each time it was uttered.

You say your declaration of exchange extended to those whom I had *delivered*. If you mean that it was limited to such, you are incorrect; for it declared exchanged all officers and men of the United States army captured and paroled at any time previous to the 1st of September, 1863, and included many thousands of prisoners taken and paroled by our cavalry and other forces, in many States of the Confederacy, never delivered by me. I have already furnished you a memorandum of at least sixteen thousand of these paroled prisoners.

You say I failed to produce the paroles, or to give any account or history of them. If you mean that I refused to do so, it is not true. I offered to produce them at any time, and importuned you to agree to some principle by which they could be computed and adjusted. When I last met you at City Point, you requested me for the first time to send to you a memorandum of the paroles claimed as valid by me. I furnished you with the list on the 27th instant, that being the first day, after your request, on which a flag of truce boat appeared at City Point.

You say I then proceeded to make a further declaration of exchange, ignoring the cartel altogether, and resting the whole proceeding, as you suppose, on my sense of right. There, again, you are mistaken. I did not rest the proceeding entirely upon my sense of right; I relied, in some measure, upon yours, and to that extent, its propriety may be doubtful. In communicating to you Exchange Notice, No. 7, which is the one to which you refer, I wrote to you as follows: "I herewith enclose to you a declaration of exchange, which I shall publish in a day or two. You will perceive it is based upon the declaration of exchange communicated to me in your letter of the 24th of September last. In my notice I have followed your phraseology. I would have preferred another form of declaration, more in accordance

with the circumstances of the case. Inasmuch, however, as my declaration, to a considerable extent, is retaliatory of yours, I have deemed it more appropriate to follow your own form of expression." Your letter of the 24th of September declared that "all officers and men of the United States army, captured and paroled at any time previous to the 1st of September, 1863, are duly exchanged." On the 16th of October following, I declared exchanged "all [Confederate] officers and men captured and paroled at any time previous to the 1st of September, 1863." If that was "ignoring the cartel," as you charge, I only followed your example. Our declarations of exchange were precisely similar, except that in another part of my notice I reserved from its operation the larger part of the Vicksburg paroles. If I had followed your "sense of right," as I then had and still claim the right to do, I would have included all.

The Confederate authorities take it unto themselves as a proud and honorable boast, that they have determined all these matters of paroles and exchanges according to their "sense of right," and not by any views of temporary expediency. In following that guide, they have at least shunned some examples furnished by your Government. They have never, in violation of their general orders, and without notice to the adverse party, ordered their paroled officers and men to break their solemn covenant, and, without exchange, lift their arms against their captors. They have, therefore, escaped the pangs of that retributive justice which made your general order of July 3, 1863, though so well suited to the meridian of Gettysburg, invalidate the paroles given at Port Hudson, on the 9th of the same month. Upon further reflection, I am sure you will be satisfied that it does not become your authorities, who have chosen, whenever they felt so disposed, without notice or consent from us, to repudiate the established usages of exchange, and put new constructions upon the cartel, to complain that others have acted according to their sense of right.

Not content with all the misstatements of fact which I have cited, you have, in your letter of the 29th instant, descended to a malignant and wanton aspersion of the motives of the Confederate authorities in making the proposal contained in my letter of the 20th instant. You were asked to agree "that all officers and men on both sides should be released, the excess on one side or the other to be on parole." It would have been injustice enough to the many thousands of your prisoners in our hands, and to those of ours in your custody, simply to have declined the proposal. But you have thought proper to add to your refusal the gratuitous insult to the Confederate States, of intimating that their fair and honest offer was made for the purpose of putting into the field officers and men fraudulently exchanged. This calumny is as destitute of foundation in fact, as it is despicable in spirit.

In conclusion, let me tell you that the purpose of your letter is apparent. It has been well known for a long time that your authorities are opposed to a fair and regular exchange of prisoners under the cartel. In rejecting my proposition you have endeavored to conceal, under a cloud of vague charges and unfounded statements, the deter-

mination at which your Government long since arrived. Why not be frank once? Why not say, without any further subterfuges, that you have reached the conclusion that our officers and soldiers are more valuable, man for man, than yours?

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 38.]

BRIG. GEN. MEREDITH TO MR. OULD.

OFFICE OF COMMISSIONER FOR EXCHANGE, }
Fortress Monroe, Va., Nov. 7th, 1863. }

HON. ROBERT OULD,

Agent of Exchange, Richmond, Va.:

SIR: In your communication of Oct. 27th, you state, "that general orders Nos. 49 and 100 were not sent to you at the same time." I forward you herewith a copy of Lieut. Col. Ludlow's letter, inclosing to you the two orders above-mentioned, and bearing date May 22d, 1863.

These two orders announced general rules, based on the usages of war, which, in the absence of any specific agreement between belligerents, should govern in paroling prisoners of war, but in this case, a cartel had already been agreed upon, and no order of either party could set aside any of its provisions. For instance: A commander, on being captured, might, under some circumstances, give a parole for himself and his command, without violating general order No. 100, (which includes general order No. 49,) but unless the paroling was done at City Point or other named place, it would be in violation of the cartel, and the paroles must therefore be set aside as invalid. No exception could be taken to this course by the party granting the parole, because the validity of the parole depends on a strict compliance with the provisions of the cartel, and when any other course is followed, than that pointed out by that instrument, any claim based upon it must fail. Paragraph 130, of order 100, which prescribes the duties which a paroled soldier may perform, is also, to some extent, set aside by the cartel, which restricts these duties to a much more limited field than the order. Paragraph 131 is also made inoperative by the cartel, because it could only apply to paroles not given at the points designated for delivery; all such paroles are, by the cartel, made invalid, and the paroling party could therefore have no pretext for claiming their recognition. If such a claim could be admitted, the effect at Gettysburg, would have been to give to Gen. Lee, the privilege of placing his prisoners in our hands, to be delivered to him, at our own charge, at City Point, which is so manifestly absurd, that even you cannot claim it. General order No. 207, was

intended simply to announce to the army, that the irregular practice of paroling small squads of men and individuals, without rolls or other reliable evidence of any kind, which had very generally prevailed, must be discontinued, and that thereafter, the cartel should be rigidly adhered to. This announcement had been made to the Confederate authorities through you.

There have been no "successive changes of purpose in the matter of paroles," as you assert, nor changes of any kind, except so far as to return to a strict observance of the cartel; and this is a change, the propriety of which, I do not think you can question.

The figures which I gave you in my letter of October 17th, were not given as embracing all declared exchanged in general order 167, of June 8th, but only those which Lieut. Col. Ludlow used, to make up the *balance* due him after arranging that declaration with you. It was the declaration which Lieut. Col. Ludlow made to cover this balance, that you cite, as the precedent which authorized you to announce so unexpectedly your declaration of September 12th. The 80th Illinois, 311 men, not 400, as you say, was accidentally omitted from my letter, and, by a clerical error, the 73d Indiana was written 75th Indiana. Paragraphs 5 and 6, of General Order 167, cover the troops referred to, and other paragraphs cover the captures mentioned by you. Any discrepancy in numbers declared exchanged at that time, on either side, is of little consequence, as up to the date of that order, it is assumed that the exchange account was satisfactorily balanced.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brig. Gen. and Com'r for Exchange.

[No. 39.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEPT OF VA., 7TH ARMY CORPS, }
Fort Monroe, Va., May 22, 1863. }

HON. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR: I have the honor to enclose to you copies of General Orders No. 49 and No. 100, of War Department, announcing regulations and instructions for the government of the United States forces in the field, in the matter of paroles. These, together with the stipulations of the cartel, will govern our army. I would invite your special attention to article 7 of the cartel, which provides that all prisoners of war shall be sent to places of delivery therein specified. The execution of this article will obviate much discussion and difficulty growing out of the mode, time, and place of giving paroles. No

paroles or exchanges will be considered binding, except those under the stipulations of said article, permitting commanders of two opposing armies to exchange or release on parole at other points mutually agreed on by said commanders.

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW,

Lieut. Col. and Agent for Exchange of Prisoners.

[No. 40.]

MR. OULD TO BRIG. GEN. MEREDITH.

C. S. A., WAR DEPARTMENT, }
Richmond, Va., Nov. 18th, 1863. }

Brig. Gen. S. A. MEREDITH,

Agent of Exchange :

SIR : In your communication of Nov. 7th, 1863, you enclose a copy of a letter bearing date May 22d, 1863, purporting to have been written by Lieut. Col. Ludlow and addressed to me.

I reiterate what I have before said, that general order No. 100, when it was delivered to me, was not accompanied by any written communication. You are aware that Lieut. Col. Ludlow was at City Point on the 23d of May. It is unquestionably true that he wrote the aforesaid letter on the 22d, at Fortress Monroe. It is just as true that he brought it with him to City Point. My own personal recollection is perfectly distinct that, at the conclusion of our interview at City Point, he took the pamphlet containing general order No. 100 from a package, the seal of which he broke at the time, and delivered said order into my hands, with the remark that its provisions in the future would govern the operations of the United States forces. Why he retained the letter I do not know. The fact, however, is exactly as I have stated it, and fully explains why a copy of the letter was on Lieut. Col. Ludlow's letter book. I do not want to be understood for one moment as imputing any fraud or improper conduct in what Lieut. Col. Ludlow did in the premises. He undoubtedly thought the remark he made at the time of the delivery dispensed with the necessity of giving me the letter.

Respectfully, your obedient servant,

ROBERT OULD,

Agent of Exchange.

CORRESPONDENCE

Relative to General Morgan and his men.

[No. 41.]

BRIG. GEN. MEREDITH TO MR. OULD.

OFFICE COMMISSIONER FOR EXCHANGE, }
Fortress Monroe, July 30, 1863. }

HON. ROBERT OULD,

Commissioner for Exchange, &c., Richmond, Va. :

SIR: This will inform you, and, through you, the authorities under whom you act, that General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command, who have not been delivered in compliance with the conditions of the cartel agreed to by Major General Dix and Major General Hill.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brig. Gen. U. S. Vols. and Com'r for Exchange.

[No. 42.]

MR. OULD TO BRIG. GEN. MEREDITH.

WAR DEPARTMENT, }
Richmond, Va., August 1, 1863. }

Brigadier General S. A. MEREDITH,

Agent of Exchange :

SIR: I am in receipt of your communication of the 30th ultimo, informing me that "General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command." I beg leave respectfully to ask what you mean by "close confinement?" In what respect will that "close confinement" differ from the confinement of other prisoners, officers and men.

Colonel Streight's command is treated exactly as are the other officers held in captivity by us. What that treatment is you can find from any conscientious officer who has lately been confined in the Libby. You will hear no complaint from me or from the Confederate authorities so long as our officers receive the treatment which yours do here.

You further say that "Colonel Streight's command have not been delivered in compliance with the conditions of the cartel agreed to by Major General Dix and Major General Hill.

In retaining Colonel Streight and his command the Confederate authorities have not gone as far as those of the United States have claimed for themselves the right to go ever since the establishment of that cartel. You have claimed and exercised the right to retain officers and men indefinitely, not only upon charges actually preferred, but upon mere suspicions. You have now in custody officers who were in confinement when the cartel was framed, and who have since been declared exchanged. Some of them have been tried, but most of them have languished in prison all the weary time without trial or charges. I stand prepared to prove these assertions. This course was pursued, too, in the face not only of notice but protest. Do you deny us the right to detain officers and men for trial upon grave charges, while you claim the right to keep in confinement any who may be the objects of your suspicion or special enmity?

Respectfully, your obedient servant,

ROBERT OULD;

Agent of Exchange.

[No. 43.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, August 28, 1863.

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: Some time ago I addressed a communication to you, asking why you held General Morgan in close confinement, and what was its nature? To that I have received no reply. In that I am not disappointed, as it is not the habit of the Federal agent of exchange to answer enquiries. Since then I have seen in your papers detailed accounts of the treatment General Morgan and his brother officers have received. What does this mean? It is alleged that this course is pursued in retaliation for the confinement of Colonel Streight and his officers. I have already assured you that those officers are treated exactly as all others held in confinement at the Libby. Colonel Streight has expressed to me, in person, his satisfaction as to the manner in which he was treated. Do you wish him shaved and put

in a felon's cell? If you do, you are pursuing exactly the course to effect it. May I again ask, why have you put General Morgan and his brother officers in a penitentiary? I have but faint hopes of getting any reply, but under the circumstances I have ventured the question.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

[No. 44.]

BRIG. GEN. MEREDITH TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VA., 7TH ARMY CORPS, }
Fortress Monroe, Sept. 30, 1863. }

HON. ROBERT OULD,

Agent of Exchange, Richmond, Va.:

SIR: Had I succeeded—after waiting thirty hours—in obtaining an interview with you when I was last at City Point—I had intended to explain to you that the United States authorities had nothing whatever to do with the treatment that General Morgan and his command received when imprisoned at Columbus. Such treatment was wholly unauthorized.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brig. Gen. and Com'r for Exchange.

[No. 45.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, October 2, 1863.

BRIG. GEN. S. A. MEREDITH,

Agent of Exchange:

SIR: As you did not have the opportunity to explain to me at City Point how "the United States authorities had nothing to do with the treatment that General Morgan and his command received when imprisoned at Columbus," will you be so kind as to do it now? I thought Morgan and his command were prisoners of war, captured by the United States forces, and therefore in their custody. You and I have talked twice about General Morgan, and no hint was thrown out that he was not a prisoner of the United States. So far from that, on the

30th of July last, you informed me by letter that "General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command." Will you please explain to me what you meant by this notice of the 30th of July, if "the United States authorities had nothing to do with the treatment that General Morgan and his command received." Nay, more, will you enlighten me as to the point, why the United States authorities have allowed their prisoners and "hostages" to receive such "unauthorized treatment" for two months? I hope the reason is not of such a nature that it can only be communicated in a whisper. Let me have it on paper.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

[No. 46.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, October 13, 1863.

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: Accompanying this communication you will find the copy of a letter from Lieutenant Colonel Alston, of General Morgan's command. Lieutenant Colonel Alston is the officer who was delivered at City Point by the last flag of true boat. On the 30th of September last, you informed me that "the United States authorities had nothing whatever to do with the treatment that General Morgan and his command received when imprisoned at Columbus." In my interview with you, about one week ago, you informed me that General Morgan and his officers were held for others than "the members of Colonel Streight's command." You showed me a letter from General Hitchcock, in which the fact was announced. It seems that your authorities, having been assured, either from my representations or from those of your own people in confinement at Richmond, that Colonel Streight and his officers were receiving precisely the same treatment as that of other prisoners, they have adopted some other excuse for the continued confinement of General Morgan and his officers in a penitentiary. I ask if this does not show a determination to keep these officers in a confinement intended to be ignominious? When one excuse fails another is set up.

Your Secretary of War has himself borne testimony of the "honor" of Lieutenant Colonel Alston. I therefore call your attention to his communication, and again ask you how can General Morgan's original incarceration in the Ohio penitentiary, his continued confinement therein, the indignities received by him and his brother officers, and your announcement at our last interview be explained, if "the United

States authorities had nothing to do with the treatment General Morgan and his command received when imprisoned at Columbus? Will you also inform me whether the "United States authorities" intend to treat these officers as felons in the future? And, if not, whether those authorities will allow others so to treat them?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[No. 47.]

LIEUT. COL. ALSTON TO MR. SEDDON.

RICHMOND, October 10, 1863.

HON. JAMES A. SEDDON,
Secretary of War:

In compliance with your request, I beg leave to submit the following statement:

On the 5th day of July last, Brigadier General John H. Morgan, in command of a force of Confederate cavalry, attacked the Federal garrison at Lebanon, Kentucky, which consisted of the twentieth regiment Kentucky volunteer infantry, about five hundred men, and a section of artillery, about forty men, all under the command of Lieut. Colonel Charles L. Hanson. After a severe engagement of about seven hours, Colonel Hanson surrendered the entire force that had not been killed. He requested General Morgan to parole him and his command, to which General Morgan objected, "that his (Colonel Hanson's) Government had published a general order, that no more such paroles would be respected." Colonel Hanson replied, "that he was aware of this order, but this was a case which he believed, on proper representation to higher authority, would be permitted as an exception to this order; and, at any rate, if General Morgan would grant the parole to himself and the officers and men of his regiment, he would pledge his personal honor that he not only would observe it, but would see that every other one to whom the privilege was extended should observe it. If, after making a proper statement of all the facts to higher authority, he should be ordered back into service, he would pledge himself to report to General Morgan at some point within the Confederate lines.

This interview took place in the presence of several officers, among whom were Captain Davis, Assistant Adjutant General of Duke's brigade, who was an official witness of all that was said, and who immediately reported it to me, and brought the order from General Morgan for me to parole Colonel Hanson and his men and officers. Acting under these instructions, I paroled them on the evening of the 5th of July, and on the 8th of July, Captain William Campbell, of our command, and a small detachment of his men, were captured by a portion of this very regiment, and were treated, on their arrival at

Nicholasville, with the greatest indignity by Capt. Frank E. Walcott, of company F, of the same regiment. He not only abused the men as a parcel of horse thieves and scoundrels, but took their boots and hats from them and threw them away in their presence. Lieutenant Colonel Hanson also came up a short time afterwards, and took from one of the parties some crackers and cheese, which he had been allowed by the sergeant to purchase.

In a few days afterwards Lieutenant Colonel Hanson was ordered to Louisville to do provost duty, relieving Lieutenant Colonel Sterritt, of the twenty-fifth Michigan volunteer infantry, who was ordered to the field. He and his regiment are still on duty there.

On the 26th July, Brigadier General Morgan and most of his officers were captured. They were carried to Cincinnati, and from thence he and twenty-eight of his officers were selected and carried to Columbus, Ohio, where they were shaved and their hair cut very close by a negro convict. They were then marched to the bath room and scrubbed, and from there to their cells, where they were locked up. The Federal papers published, with great delight, a minute account of the whole proceedings. Seven days afterwards, forty-two more of General Morgan's officers were conveyed from Johnson's Island to the penitentiary, and subjected to the same indignities. I have seen Colonel D. Harrard Smith, one of the officers who was conveyed there among the second lot, and he told me that Mr. Merrion, the warden, apologized for such treatment; but he had distinctly informed General Burnside that he would receive them on no other terms, and he had sent them.

* * * * *

Very respectfully submitted by your obedient servant,

R. ALSTON,

Lieutenant Colonel P. A. C. S.

CORRESPONDENCE

Relative to the Detention of Surgeons.

[No. 48.]

MR. OULD TO LIEUT. COL. LUDLOW.

RICHMOND, VA., May 29, 1863.

Lieut. Col. Wm. H. Ludlow,

Agent of Exchange:

SIR: The names of several Confederate officers, including that of Col. Morehead, who were long since declared exchanged under our agreements, appear upon one of your recent rolls. These officers were not delivered to us. I understand they are detained at or near Old Point. Are these officers to be delivered to us or not? One of them is a Confederate surgeon—Dr. Read. Do you intend to retain surgeons?

There is not a single Federal officer in our custody who has been declared exchanged, unless it may be Rucker; and for him you hold Dr. Green. On what pretence are these officers held? I will be obliged to you, if you will inform me what course you intend to pursue in reference to such cases.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No 49]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS, }
Fort Monroe, June 9, 1863. }

Hon. ROBERT OULD,

Agent for Exchange of Prisoners:

SIR: Please have ready for delivery, all our officers in your hands who have been declared exchanged—Spencer Kellogg among the number. Deliveries of your officers declared exchanged can then be effected. I would suggest to you that Dr. Rucker be included. I very much desire that all surgeons should be treated as non-com-

batants, and unconditionally released. As I have before remarked to you, the cause of humanity demands it.

I saw Dr. Green at Fort Norfolk. He is most anxious to know what is to be his fate. Can you inform him?

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW,

Lieut. Col., and Agent for Exchange of Prisoners.

[No. 50.]

MR. OULD TO LIEUT. COL. LUDLOW.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, Va., June 12, 1863. }

Lieut. Col. WM. H. LUDLOW,
Agent of Exchange:

SIR: Dr. Rucker is prosecuted by the State of Virginia, for offences against her laws, for which he had no warrant in your own military law to commit. If you have any such officer of the Confederate States in any such position, even though he may have been declared exchanged by our general agreements, I cannot complain of his retention.

With this proper limitation, extending to only one case, I am ready at any moment, to deliver you every officer or man whom we have declared exchanged. I do not believe there are any such in our prisons. I have, however, caused diligent search to be made, and if any such are discovered, they will be promptly delivered to you.

I hope, therefore, you will have all our exchanged officers and men sent to City Point immediately. You will find there any of the same class whom I can discover. I will be thankful to you for any names which you may be able to furnish. Spencer Kellogg's case is already under inquiry.

With the limitation as to Dr. Rucker, I am entirely agreed to release unconditionally all surgeons. I agree with you, that the cause of humanity demands it, unless, indeed, it is shown that the surgeon has committed offences which prove him to be a savage and a beast.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 51.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS, }
 Fort Monroe, June 14, 1863. }

HON. ROBERT OULD,

Agent for Exchange :

SIR: Dr. Green will be retained as a hostage for Dr. Rucker. All other surgeons in our custody (three or four now being here) will be released and delivered to you, on the release and delivery to me of all you hold, except Dr. Rucker.

Do you agree to this, with the additional understanding that the detentions of surgeons shall be confined to these two?

Please inform me when Spencer Kellogg, and other of our officers declared exchanged, will be delivered at City Point, in order that arrangements may be made for sending up such of your exchanged officers as are at Fort Norfolk awaiting delivery.

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW,

Lieut. Col., and Agent for Exchange of Prisoners.

[No. 52.]

LIEUT. COL. LUDLOW TO MR. OULD.

HEADQUARTERS DEP'T OF VA., 7TH ARMY CORPS, }
 Fort Monroe, June 18th, 1863. }

HON. ROBERT OULD,

Agent for Exchange of Prisoners :

SIR: I send to you Col. Moorhead and Captain Flint, who have been declared exchanged. Also, all the Surgeons we have here, excepting Dr. Green.

Capt. Mulford is instructed to bring back Col Moorhead, unless Spencer Kellogg, declared exchanged, be delivered, if in Richmond, or if he be not, unless you give an agreement that Kellogg shall be delivered at City Point within two weeks.

Capt. Mulford is also instructed to bring back the Surgeons, unless he receives all our Surgeons now confined in Richmond, except Dr. Rucker; whom you retain under charges, and for whom Dr. Green is held as a hostage.

I am, very respectfully,

Your obedient servant,

WM. H. LUDLOW,

Lieut. Col., and Agent for Exchange of Prisoners.

Among the Surgeons retained by you, are Dr. Spencer, assistant surgeon of the 73d Indiana; also, Dr. Myers, U. S. N.

W. H. L.

[No. 53.]

MR. OULD TO LIEUT. COL. LUDLOW.

CONFEDERATE STATES OF AMERICA,
War Department.

Richmond, Va., June 23d, 1863. }

Lieut. Col. WM. H. LUDLOW,

Agent of Exchange:

SIR: The grounds upon which Dr. Rucker has been retained have already been very fully communicated to you. He has been indicted by the Commonwealth of Virginia for offences committed within her limits, which are not sanctioned by any civilized military code. He was not under the protection of a soldier when he committed the felonies charged against him. The State is now prosecuting him for these crimes, and his trial has been delayed for two terms of the Court, at his own instance, as I am informed.

You have said to me that the principles announced in general order No. 100, are to apply against you as well as for you. In that order you distinctly recognize the right of an invaded State to punish all wanton violence committed against its citizens, as well as all destruction of property not commanded by the authorized officer. I refer you to paragraphs 44, 47 and especially 59. If I had the framing of a provision to meet Dr. Rucker's case and to justify his detention, I could not use apter terms than those employed in paragraph 59.

Moreover, you have claimed and exercised the right of holding many of our officers and soldiers on mere suspicion, for months, without trial or proceedings of any sort against them. You have such in confinement now. For them, we have selected none of your officers or soldiers in retaliation. Yet, when we retain the first of yours, under indictment preferred by a grand jury, you immediately select one of ours in retaliation. If we had applied any such rule to you since the beginning of the war, how many of your officers and soldiers would be now in our prisons?

I lament with you the detention of surgeons. I am willing to do anything consistent with honor and justice to promote their discharge. But we cannot surrender a clear right. Dr. Rucker's detention is justified by your own principles and practice. I have already admitted your right to detain any one of our officers under similar circumstances.

If we are justified by the rules of war in detaining for trial Dr. Rucker, what right have you to hold Dr. Green in retaliation?

Your request for the discharge of all surgeons, except Drs. Rucker

and Green, is simply asking me to admit that the former is unjustly detained, and the latter rightly held in retaliation. I deny both, and appeal to your own military laws. As Dr. Rucker has asked to have his trial postponed, let his case remain as it is, and let us unconditionally release all other surgeons on both sides. If any grand jury of yours indicts any surgeon, or other officer of ours for such offences as are charged against Dr. Rucker, and he is detained for trial, I am sure I will not complain.

Respectfully, your obedient servant,
ROBERT OULD, *Agent of Exchange.*

[No. 54]

LIEUT. COL. LUDLOW TO MR OULD.

HEADQUARTERS, DEP'T. OF VA., 7TH ARMY CORPS,
Fort Monroe, July 12, 1863.

HON. ROBERT OULD,
Agent for Exchange of Prisoners:

SIR: As understood by me, Dr Rucker's alleged offences were committed in west Virginia, within the territory militarily occupied at the time by the troops of the United States. If so, by the laws and usages of war, your authorities have no jurisdiction in his case.

If you will release all our medical officers, except Dr. Rucker, I will send to you all we hold, except one, to be retained as a hostage for Dr. Rucker, who will be released when Dr. Rucker is released.

If it should be found that Dr. Rucker is properly retained under the cartel, or found guilty and punished according to the laws and usages of war, the hostages will be given up. But, if improperly retained and punished, retaliation will be resorted to

You have some Chaplains in your hands. Will you deliver them? Please send replies to the above by this flag of truce.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieut. Col., and Agent for Exchange of Prisoners.

[No. 55.]

MR. OULD TO BRIG. GEN. MEREDITH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 16, 1863.

BRIG. GEN. S. A. MEREDITH,
Agent of Exchange:

SIR: I respectfully call your attention to the correspondence between Lieut. Col. Ludlow and myself, in relation to Dr. Rucker and

the detention of surgeons, and especially to my communication of the 23d of June last. Lieut. Col. Ludlow, in his reply, bearing date July 12, 1863, says: "As understood by me, Dr. Rucker's alleged offences were committed in west Virginia, within the territory militarily occupied at the time by the troops of the United States. If so, by the laws and usages of war, your authorities have no jurisdiction in the case."

Paragraph 59, of your general order No. 100, does not make the distinction of military occupation suggested by Lieut. Col. Ludlow. It says, "a prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities." Any construction which would not include such "crimes" as are committed within the territory militarily occupied by the army to which the offender belongs, would leave the provision almost without any meaning. In Dr. Rucker's case, however, the distinction is without avail. I have delayed thus long in answering Lieut. Col. Ludlow's communication of the 12th ultimo, in order that I might obtain accurate information as to the facts in the case.

He is indicted for murder, committed on the 23d July, 1861, upon a citizen of Virginia, in Covington, Alleghany county, Va. At that time no Federal force was there, or ever had been. The United States forces did not invade that county, or region of country, until May, 1862.

He is also indicted for stealing a horse in January, 1862.

He is moreover charged with other offences, committed while the Federal forces were in the county.

Whatever, therefore, may be the construction placed upon the general order, so far as military occupation is concerned, Dr. Rucker's case is certainly embraced within the provisions of paragraph 59.

I am also reliably informed that, at the time of at least some of the offences charged against him, Dr. Rucker had no connection with your army. It will hardly be contended, I suppose, that immunity for crimes already committed, can be purchased by joining the forces of an invading army.

The correspondence between Lieut. Col. Ludlow and myself seems to indicate that the only hindrance to the immediate and unconditional release of all surgeons, is to be found in the detention of Dr. Rucker; and further, if such detention could find its justification in your general orders, even that hindrance would be removed. I therefore, bring to your attention the foregoing facts, drawn from the indictments against Dr. Rucker, by which it very clearly appears that he is rightfully held, and, therefore, Dr. Green wrongfully detained in retaliation.

I accordingly renew to you the proposition heretofore made by me, that all surgeons now held on both sides; with the exception of Dr. Rucker, be released without delay. I have no objection to extend the proposition to nurses and members of sanitary commissions. I would, however, much prefer that it should embrace all non-combatants.

I will be much obliged to you if you give me an early specific reply to the propositions herein contained.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 56.]

BRIG. GEN. MEREDITH TO MR. OULD.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS, }
 Fort Monroe, Sep. 30, 1863. }

HON. ROBERT OULD,
Agent of Exchange, Richmond, Va.:

SIR: In the hope that the officers of the medical department, on both sides, may be mutually released, who are now held as prisoners, I offer to you the following proposition: "That all persons of the medical departments, distinctly known as such, held as prisoners on either side, shall be discharged, irrespective of numbers."

If you will not agree to the above, I propose that "all shall be discharged, except one or more designated persons, for whom equivalents may be retained by the opposite party. We designate no one for exception."

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brig. Gen., and Commissioner for Exchange.

[No. 57.]

MR. OULD TO BRIG. GEN. MEREDITH.

C. S. A., WAR DEPARTMENT, }
 Richmond, Va., Oct. 2, 1863. }

BRIG. GEN. S. A. MEREDITH,
Agent of Exchange:

SIR: Your proposition of the 30th ultimo, to wit, "that all persons of the medical departments, distinctly known as such, held as prisoners on either side, shall be discharged, irrespective of numbers," is substantially a proposition that the Confederate authorities shall deliver to you Dr. Wm. Rucker, who is now in the custody of the State of Virginia, for crimes committed before he had any connection with the Federal army. If it does not mean that, I will agree to it most cheerfully. If it does, I cannot.

Your alternative proposition, that "all shall be discharged, except one or more designated persons, for whom equivalents may be retained by the opposite party," is the old demand that we should consent to the retention of Dr. Green, or some other surgeon, in retaliation for Dr. Wm. Rucker. To that I cannot agree. We are either right or wrong in the retention of Rucker. If right, you ought not to hold an equivalent. If wrong, Rucker should be delivered up. In no aspect of the case should Dr. Green, or any other equivalent, be retained.

In my communication to you of August 16, last, I went very fully into the case of Dr. Rucker. Can a single statement therein contained, be successfully controverted? If not, upon what grounds can you deny our right to hold and try him? I will really be obliged to you if you will show wherein I am wrong in any of the positions assumed in my communication of the 30th of August.

When you deny our right to hold Dr. Rucker, or contend for your right to detain a hostage for him, am I to understand you as contending that no officer on either side is to be held on charges preferred against him?

If you have any surgeon in confinement, under charges, let him be retained and tried under them. I will not complain, especially if they are preferred by a grand jury, as is the case with Dr. Rucker. I, however, can never agree that any surgeon shall be held as an equivalent or hostage for Dr. Rucker.

Some doubt has been expressed as to whether Rucker was ever a surgeon, regularly in your service. How is it as to that?

Respectfully, your obedient servant,

RO. OUID, *Agent of Exchange.*

CORRESPONDENCE

*Relative to the Detention of Persons captured on rivers and
the high seas.*

[No. 58.]

BRIG. GEN. MEREDITH TO MR. OULD.

OFFICE COMMISSIONER FOR EXCHANGE, }
Fort Monroe, Va., July 31, 1863. }

HON. ROBERT OULD,
Com'r for Exchange, &c, Richmond, Va.:

SIR: On June 10th, 1863, the barque Texana, bound from New York to New Orleans, was captured and burned by one James Duke and some fifteen others, who were on board the steamer Boston, which steamer they had taken possession of the night before. The pilot of the Texana was permitted to land, but the captain and crew were taken to Mobile and from thence to Richmond, where, ever since, they have been confined in the Libby prison.

The case of these men appears to me hard in all its bearings, and I cannot believe that the authorities at Richmond would sanction such irregular procedures, or establish such an inhuman precedent, were they fully cognizant of the facts in the case. With it is a list of these prisoners, and I hope you will use your best endeavors for their immediate release.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brig. Gen., and Commissioner for Exchange.

[No. 59.]

MR. OULD TO BRIG. GEN. MEREDITH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, Va., Aug. 1, 1863. }

Brig. Gen. S. A. MEREDITH,
Agent of Exchange:

SIR: I have received your communication in reference to the "captain and crew of the barque Texana." In it, you speak of

“irregular procedures” and “inhuman precedents.” If you had been acquainted with the action of your own authorities in similar cases, you would hardly have used such language.

I refer you to the several communications of mine to Lieut. Col. Ludlow in reference to the detention of the masters and pilots of Confederate steamers, and especially to my endorsement, dated June 29th, upon his application for the release of the officers and crew of the steamer *Emily*. The “irregular procedures” and “inhuman precedents” are not to be found in the action of the Confederate authorities. The slightest search will disclose them elsewhere, however. You have now in your prisons the following :

Capt. Floyd and the other officers and crew of the ferry boat *De Soto*. They are in prison in St. Louis, Missouri, and have been since January last.

The officers and crew of the schooner *Belle*, captured last February off Charleston. Some of the officers are now at Fort Lafayette.

The officers and crew of the steamer *Cuba*, captured off Mobile, last May. The captain is at Key West in prison.

The officers and crew of the steamer *Emma Bett*, captured in June last in the Sunflower river, Mississippi. They are said to be in Camp Chase. They are certainly in captivity.

The officers and crew of the steamer *Brittania*, captured off Charleston in July, 1863.

The officers and crew of the schooner *Glide*. The captain (Perry) is at Fort Lafayette.

To convince you more fully that the Confederate authorities have no desire to initiate “irregular procedures” or establish “inhuman precedents,” in the direction you indicate, I propose that the officers and crews of all vessels who are now held in confinement by either the United States or the Confederate States, be immediately released, equivalents from the army to be given to the party which has the excess. This proposition practically tests who favors the “irregular procedures” and “inhuman precedents.”

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 60.]

BRIG. GEN. MEREDITH TO MR. OULD

OFFICE COMMISSIONER FOR EXCHANGE, }
Fort Monroe, Va., Sept. 27, 1863. }

HON. ROBERT OULD,
Agent of Exchange, Richmond, Va.:

SIR: I have written to you twice in relation to the captain and crew of the barque *Texana*. You say that you will release them if

we will release prisoners of yours in like circumstances. We do not know of any prisoners held by us under similar circumstances as the crew of the Texana. If you will refer specifically to any such in our hands they shall be released.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brig. Gen., and Commissioner for Exchange.

[No 61.]

MR. OULD TO BRIG. GEN. MEREDITH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, }
Richmond, Va., Sept. 28, 1863. }

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: On the 1st of August last, in reply to your first communication respecting the captain and crew of the barque Texana, I gave you a list of six captures made by the Federal forces some or all of which corresponded with that of the Texana. I refer you to the letter of August 1st. The captures were either made at sea, or in our western rivers. The parties were engaged in either exterior or interior commerce. How they differ from the officers and crew of the Texana I cannot conceive. I then made you a proposition in reference to the release of the officers and crews of all vessels, who are now held in confinement by either the United States or Confederate States. You have not seen fit to accept it. I now make another proposal, to wit: that the officers and crews of all merchant vessels, who are now confined on either side, be immediately and unconditionally released. Either the proposal made in my letter of the 21st ult., or in this present one, will be acceptable to me.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 62.]

BRIG. GEN. MEREDITH TO MR. OULD.

OFFICE COMMISSIONER FOR EXCHANGE, }
Fortress Monroe, Va., Oct. 28, 1863. }

Hon. ROBERT OULD,

Agent of Exchange, Richmond, Va.:

SIR: Allow me to call your attention to the fact, that the officers and crews of the following named vessels are still detained in southern

prisons. These captures were made in January last, and the officers have been paroled and exchanged. Will you let me know by the next flag of truce, why they are not released?

U. S. ship "Morning Light."

U. S. schooner "Velocity."

U. S. steamer "Harrit Lane."

Respectfully, your obedient servant,

S. A. MEREDITH,

Brig. Gen., and Commissioner for Exchange.

[No. 63.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, Oct. 31, 1863.

Brigadier General S. A. MEREDITH,

Agent of Exchange :

SIR: I have just received your letter of the 28th instant, making inquiry respecting "the officers and crews" of the Morning Light, Velocity and Harriet Lane. You first say they "are still detained in southern prisons." You next say "the officers have been paroled and exchanged." I really cannot see how paroled and exchanged officers can "still be detained in southern prisons." If they have been paroled and exchanged, when was it done and by whom? If I have made any agreement as to these parties, I will fulfill it to the letter.

If the officers and crews of those vessels are in confinement, they are there because you refuse to release the officers and crews of Confederate vessels. The former are very likely to remain in confinement until you release the latter, unless I have made some agreement which entitles them to a discharge. I am not aware of having done so.

Respectfully,

Your obedient servant,

RO. OULD, *Agent of Exchange.*

CORRESPONDENCE

Relative to persons held in confinement at the South under conviction by a court.

[No. 64]

BRIG. GEN. MEREDITH TO MR. OULD.

FORT MONROE, November 15, 1863.

Hon. ROBERT OULD,

Agent of Exchange, Richmond, Va.:

SIR: I have information which will be relied and acted upon as authentic, unless formally and without reserve, denied, that Joseph Sherman and Edward Ludwig, of the 4th Maine infantry, were sent to the penitentiary from Botetourt county, in October, 1862, for a term of years, and that Anderson Crawford, of a Maryland regiment, has been sent to the penitentiary also, in all three cases upon accusations not recognized as criminal according to the laws of war. A reasonable time for receiving information from the South will be allowed, before giving any special orders in these cases.

Respectfully, your obedient servant,

S. A. MEREDITH.

There is no such man as Crawford in the penitentiary, nor has there been such a man during my official term. The other persons named are in the penitentiary, under judgments of the circuit court of Botetourt, and there they will remain during my term of service.

JOHN LETCHER.

November 17, 1863.

[No. 65.]

MR. OULD TO BRIG. GEN. MEREDITH.

C. S. A., WAR DEPARTMENT. }
Richmond, Va., Nov. 18, 1863. }

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: I herewith return to you the indorsement of Governor Letcher upon your communication of the 15th instant, relating to Sherman,

Ludwick, and Crawford. I also enclose to you a copy of the record of the trial and conviction of the two first named, and a letter from the superintendent of the penitentiary. If you will inform me in what State Anderson Crawford was convicted, I will send you a similar copy of the proceedings had in his case.

So many recent and novel interpretations of the "laws of war" have been delivered, that I am at a loss to know, from the tenor of your letter, whether it is intended by your authorities to contest the right of the Commonwealth of Virginia to punish persons within her jurisdiction for felonies. If, however, your own general orders are to have any effect, I suppose paragraph 59, of general order, No 100, settles the question.

I have very frankly, and at an early day, responded to your inquiries. I hope I am not asking too much, when I request that any "special orders" which may be issued in these cases, may be promptly communicated to me.

Respectfully, your obedient servant,

ROBERT OULD,

Agent of Exchange.

CORRESPONDENCE WITH GENERAL HITCHCOCK.

[No. 66.]

MR. OULD TO BRIG. GEN. MEREDITH.

RICHMOND, VA., Oct. 27, 1863.

Brig. Gen. S. A. MEREDITH,

Agent of Exchange :

SIR: I enclose to you a memorandum of the paroles to which I have referred in several recent communications. Most of these paroles, you will observe, are antecedent to May 23, 1863. The reason why these paroles have not been heretofore charged, is, that up to July, 1863, we had the advantage of prisoners and paroles. Not one of these paroles is covered by any declaration of exchange, except the one lately made by you. For no one of them have I received any equivalent. All of them, since the date of your general order No. 207, were given in pursuance of a distinct agreement between the commanders of two opposing armies. I have many other paroles in my possession, but I have only presented those which are within the terms of your general orders, according to their respective dates. I understand there are other paroles coming within the same general orders, which were given by your officers and men on the other side of the Mississippi river. They, as yet, have not reached me. When they do, and when I show they are within the scope of your general orders, I will claim them. Otherwise, I will discard them.

I have also received other informal paroles, which I have sent back for correction. These are also within the provisions of your general orders. When they are returned, I will claim them also.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

[No. 67.]

MAJ. GEN. HITCHCOCK TO BRIG. GEN. MEREDITH.

WASHINGTON CITY, D. C., Nov. 1863.

Brig. Gen. S. A. MEREDITH,

Commissioner for Exchange of Prisoners :

SIR: Your communication of the 29th ult. has been received, forwarding what "purports to be a tabular statement of the number of

valid paroles," claimed by Mr. Ould, with a copy of his letter accompanying it to yourself, of the 27th ult.

This tabular statement covers a claim to 18,867 paroles of Federal troops, without distinctions of grade, no officers or non-commissioned officers being noticed as among the prisoners. The statement professes to enumerate forty-four places where captures were made, with the names of captors, and dates of captures—the number said to have been captured being carried out in figures.

This statement may include some prisoners captured and paroled according to the laws of war, but if so, it is impossible to distinguish them by any evidence in the statement itself. A few are said to have been "received for" at Baton Rouge, January 22, 1863, and February 14, 1863, which may be verified, and some evidences may come to light confirming the alleged captures by Generals Lee, Bragg, and, possibly, some others; but, on the whole, the statement is unsatisfactory, and in its present form, is regarded as, without credit, and not entitled to consideration.

The statement does not show, in any one instance, by whom the prisoners were received, or to whom, or even where, they were delivered, leaving it to be presumed that they were, for the most part, paroled on the instant of capture, without authority under the cartel, in not being "reduced to actual possession," contrary to both the laws of war, as set forth in order No. 100, of 1863, and the provisions of the cartel. Order No. 100 merely publishes the laws of war, and the cartel is entirely in harmony with it.

The orders on this subject subsequently issued, and to which Mr. Ould appeals, were expressly designed to give effect to those laws and to the cartel, and were in no manner intended to abrogate, and neither do they abrogate or modify the one or the other.

If the enemy wishes, in good faith, to carry out the orders he refers to, the proper course would be to issue similar orders, and for a like purpose, in which case there might be some hope of a compliance with both the cartel and the laws of war.

Mr. Ould's effort to have recognized certain paroles as valid, which have been informally and improperly made, embracing, so far as we can know from his statements, many *citizens* in Kentucky, Tennessee, and elsewhere, (no particular placed being named in some instances,) by appealing to northern orders, is a mere perversion of the clear and manifest design of those orders, that design being, as already stated, to enforce, and not to nullify the laws of war. We appeal to those orders, and intend to be guided by them, and if the enemy would assume them, and be governed by them also, all difficulties on the subject of paroles would cease. By Mr. Ould's mode of application or misapplication of those orders, he would use them to destroy, and not enforce the laws of war.

The laws of war are first in order, imposing obligations upon belligerents, and they continue to be obligatory upon both parties, unless modified by a special agreement under a cartel, which, when agreed upon, becomes the highest authority in all specified cases included in the cartel, leaving the laws of war in full operation in all cases not

provided for in such cartel—a cartel being analagous to a treaty of commerce between nations, which may modify the natural laws of trade or commerce, binding both parties to the treaty.

The orders of a general in the field, or of a general-in-chief of one of the belligerents, is only operative within the field of the general's command, and can have no effect to modify either the laws of war or the provisions of a particular cartel. Such orders are purely disciplinary in the army where issued, and can neither bind an enemy, nor can an enemy appeal to them to justify his departure from, or violation of, either a particular cartel or the laws of war. A departure from such an order within the army subject to the authority issuing the order, might subject the offender to punishment within his own army, but could not be appealed to to make a parole valid, which, by the laws of war, or by the provisions of a particular cartel, would be disowned as not valid.

While we set forth these principles as binding, we deny, emphatically, that the orders appealed to by Mr. Ould sanction his departure from the laws of war or the cartel—the express purpose of order No. 207 (1863) being to enforce the provisions of the existing cartel. It sets out by an appeal, in paragraph I, to the cartel, by its date and the date of the order by which it was published, the provisions of which are to be enforced, and this is again set forward in paragraph II. Order No. 207 publishes a very important law of war in paragraph II, in announcing that “the obligations imposed by the general laws and usages of war upon the non-combatant inhabitants of a section of country passed over by an invading army, cease when the military occupation ceases; and any pledge or parole given by such persons, in regard to future service, is null and of no effect.” This paragraph of order No. 207, does not originate, it merely announces the law of war on the subject to which it refers, but it is particularly significant in view of the probable character of many of the paroles claimed as valid in the tabular statement furnished by Mr. Ould, in which, under the head of “where captured,” the statement uses generalities which can in no sense be received. Thus, captures are said to have been made in “Kentucky and Tennessee;” in “Tennessee;” in “Kentucky and Tennessee,” (again;) in “Tennessee,” (again;) in “Kentucky and Tennessee,” (a third time;) in “Barbour county, Kentucky,” (whether soldiers or citizens we cannot tell,) in “Western Virginia;” in “Western Virginia,” (again;) in “Hinds county, Mississippi;” in “Eastern Virginia;” in “Mississippi;” in “Kentucky and Tennessee,” (for the fourth time,) &c.

In fine, the statement is wholly informal and without authority.

You will please furnish Mr. Ould a certified copy of this communication.

Very respectfully, your obedient servant.

E. A. HITCHCOCK,

Maj. Gen. Vols. and Commissioner for the Exchange of Prisoners.

FORT MONROE, VA., Nov. 9, 1863.

S. A. MEREDITH,

Brig. Gen. and Commissioner for Exchange.

A true copy.

[No. 68.]

MR. OULD TO BRIG. GEN. MEREDITH.

C. S. A., WAR DEPARTMENT, }
 Richmond, Va., Nov. 21, 1863. }

Brig. Gen. S. A. MEREDITH,

Agent of Exchange:

SIR: I have received the letter of General Hitchcock relating to the memorandum of paroles which I forwarded to you.

General Hitchcock seems to have misapprehended my purpose somewhat in sending you that memorandum. You requested a list of the paroles which I claimed, and the paper which I sent to you was only intended to be understood as a memorandum in the way of notice to you. I did not expect you to agree to recognize the paroles therein referred to in such a general way, upon the mere presentation of the paper. The evidence which supports that memorandum of paroles is on file in my office. If we could only have agreed upon the principle by which they should be computed and adjusted, all the rest would have been easy work. I would have presented the paroles then selves or authenticated lists of them. The fact that they were given, the circumstances under which they were given, the parties giving them, would all appear upon the face of the papers in proper form. As General Hitchcock seems to indicate a willingness to re-open this matter, I will state for his benefit frankly, the principles by which I propose to be governed.

1. I will not claim the paroles of citizens. All the paroles which I will produce will be those of Federal soldiers in actual service at the time of capture.

2. I will show the particular locality where the parties were captured, the command to which they belong, the command which captured them, and the precise date of each transaction.

3. I will accompany the presentation with such full and particular evidence as will enable you to verify the truth of the case by your own records and the statements of your own officers and soldiers.

4. More than thirty of the forty-four items in my memorandum are cases of captures made previous to the 22d May, 1863. It has never, at any time, been alleged that I had any notice before that time that paroling upon the battle field was not to be permitted. The Federal authorities have charged against me paroles taken upon the battle field up to that date, and have received credit for them. I would have received credit for these items many months ago if you had had paroles or prisoners of ours to have offsetted against them. I will thank General Hitchcock to inform me, upon what principle he can reject those thirty-odd items. If he wants evidence that I have allowed precisely similar paroles, I will furnish it.

5. As to such of the paroles as were given between the 22d May, 1863, and the 3d of July, (the date of general order, No. 207,) I shall

contend that they shall be allowed under the provisions of paragraph 131, of general order, No. 100. I will allow any similar paroles given to you during the same period.

6. As to all paroles given after the 3d of July, 1863, I will allow general order, No. 207, to have full force. No paroles from and after that date are to be valid unless the paroling is in pursuance of the agreement of the commanders of two opposing armies.

7. In my memorandum the officers and non-commissioned officers are reduced to *privates*. There are but very few, if any, commissioned officers on the lists. They have already been exchanged and checked off. This is of itself proof that your authorities have heretofore recognized these paroles. The lists and paroles will show the grade of all the parties.

8. I have been greatly misunderstood by General Hitchcock, if he thinks I have refused to be governed by your general orders. Gen. Hitchcock says: "we appeal to those orders, and intend to be governed by them, and if the enemy would assume them, and be governed by them also, all difficulties on the subject of paroles would cease." I have already expressed my willingness to be governed by your general orders "on the subject of paroles." It was my original proposition I adhere to it still. Let, then, "all difficulties cease."

9. If our present difficulties are to cease, let me for the sake of future harmony suggest that there be some definitive meaning attached to the phrase "commanders of two opposing armies." Who are such commanders? We can readily understand that General Lee and General Meade are such. But is General Thomas the commander of one of the opposing armies at Chattanooga, or is it General Grant? Was General Pemberton the commander of an opposing army, when he was subject to the orders of General Johnston who was in his immediate neighborhood? Was General Gardiner the commander of an opposing army at Port Hudson? If so, is not every one who holds a separate command, such a commander? Does size constitute an army? If a Captain or Lieutenant is on detached service, is he the commander of an opposing army, and can he be released on parole by an agreement made with the officer who captured him, if he also is on detached service? I make these inquiries of General Hitchcock in no captious spirit. They do present difficulties to my mind, and I should like to know what is to be considered as the true interpretation of the phrase. All the captures after the 3d of July, 1863, which I ask you to recognize, were in pursuance of "an agreement between the commanders of two opposing armies." I cannot see how any difficulty can arise between General Hitchcock and myself after his letter, except as to captures between May 22d, 1863, and July 31, 1863. They are but very few in number.

I will thank you to send this letter or a copy of it to General Hitchcock.

Respectfully, your obedient servant,

RO. OULD.

Agent of Exchange.

[No. 69.]

MAJ. GEN HITCHCOCK TO BRIG. GEN. MEREDITH.

WASHINGTON CITY, Dec. 28th, 1863.

Brig Gen. S. A. MEREDITH.

Com'r for Exchange of Prisoners:

SIR: I have read the copy you forwarded of Mr. Ould's communication of the 21st inst., in which I perceive, Mr. Ould thinks I misapprehended his purpose in forwarding the "tabular statement" of alleged valid paroles made chiefly in the West and South. I supposed that the *tabular statement* was sent to you in explanation of the large number of prisoners declared exchanged by Mr. Ould, the propriety of which had been very properly questioned by you. If that was not the purpose of the statement, I regret that it fell under my notice. If Mr. Ould wishes either to present another "statement," or to furnish detailed explanations of that already before us, it will be time enough to consider the points he may raise when he presents them. In the meantime, I think it necessary to observe that neither Mr. Ould, yourself, nor myself, have powers outside of the cartel, except those plainly necessary for the execution of its provisions; but, in this connection, I must affirm that the first *shock* given to the free and continued execution of the provisions of the cartel, came from Mr. Davis, in his "message" of the 12th of January, of the present year, in which he declares his purpose of delivery to the several State authorities South, all commissioned officers of the Federal army who might be captured, to be tried, under State laws, for the crime of exciting servile insurrection. This stands yet as the avowed purpose of the chief executive of the States engaged in the rebellion. It has not been annulled in any form whatever, nor has the act of the southern Congress, in support of Mr. Davis' views, been in any manner repealed or disavowed. Without looking any further, I appeal to this as a full justification of the Federal commander-in-chief in suspending the operation of that portion of article four, of the cartel, which requires "all prisoners of war to be discharged on parole in ten days after their capture." it being manifest, that the authorities South could not parole prisoners according to the cartel, and carry out their declared purpose of delivering the officers over to State authorities to be tried as *criminals* under State laws. Whatever may have been the reason why the declared purpose of Mr. Davis has not been extensively carried into effect, the fact of the existence of that purpose, sanctioned as we know it to have been, is a sufficient reason on our part for not delivering prisoners on parole, particularly as there is every reason to believe that the purpose of Mr. Davis has only been arrested by the fact, that, by the fortune of war, we had in our hands more prisoners than were held in the South. In addition to the above, the treatment of colored troops, which make an integral portion of the Federal army, when captured in the South, is too well known to permit us for a

moment to suppose, in the present state of things, that there is any design in the South to treat that class of troops according to the laws of war, applicable to other troops of the Federal army; and until the southern authorities make some distinct declaration of a purpose to treat colored troops and their officers, in the employment of the United States Government, in all respects, according to the laws of war, as applicable to other troops, we cannot recede from the position taken by the commander-in-chief above referred to. The wisdom and the necessity of existing orders on this subject, will sufficiently defend the measure, in view of the *threats and practices* of the South, which only need to be known to justify this measure.

It is very well known that Colonel Bullow made these subjects the frequent topic of conversation with Mr. Ould, without producing any impression on Mr. Ould, tending to the point of inducing a declaration, by authority, from the South, that all officers of the Federal army, as well as enlisted men, shall receive, when captured, the treatment due to prisoners of war, with the express declaration that colored troops, both officers and men, shall receive similar treatment.

You will please communicate these views to Mr. Ould, with a request that he will lay them before his Government.

Very respectfully, your obedient servant,

E. A. HITCHCOCK.

Major Gen. Vols. and Commissioner for Exchange.

A true copy.

S. A. MEREDITH,

Brigadier General and Commissioner of Exchange.

[No. 70.]

MAJ. GEN. HITCHCOCK TO BRIG. GEN. MEREDITH.

WASHINGTON CITY, D. C., }
November 13, 1863. }

Brig. Gen. S. A. MEREDITH,

Commissioner for Exchange of Prisoners :

SIR: I am not yet informed whether any, or how far, relief may have reached our unfortunate prisoners of war in Richmond and its vicinity, under the orders of the Secretary of War, to send supplies to them of both food and clothing.

Meantime, it is proper and necessary that Mr. Ould should be notified, for the information of his Government, that whatever steps may have been, or may be taken thus to extend relief, must, on no consideration, be appealed to by the enemy to relieve him from the obligation to treat prisoners of war according to the laws of civilized warfare.

If, in other words, our prisoners in Richmond fail to receive such

supplies as the laws alike of humanity and war require, the authorities in Richmond must be informed, that it will not be considered a valid explanation or excuse for them to appeal to the fact, should it exist, that supplies from us have not reached them.

The action of our Government in this matter is dictated purely by humanity, and is only an effort to relieve our prisoners from suffering inflicted upon them contrary to the claims of both humanity and the laws of war, and must not be understood as relieving the authorities at Richmond from responsibility to the Christian world in the premises.

If the authorities in Richmond will send us these prisoners we will not only feed and clothe them, but will continue to supply food and clothing as heretofore to such prisoners as may be in our possession; and you will propose to Mr. Ould, that, in this case, we will agree without any reserve, to respect the parole they may give according to the laws of war, from which they shall not be relieved in view of past differences or pending questions on the subject of exchange, without the previously obtained consent of the authorities represented by Mr. Ould, as agent for exchanges, under the cartel.

You will please lose no time in communicating a copy of this note, certified by yourself to Mr. Ould, and will urge upon him its acceptance, as due to the most solemn considerations in the face of the civilized world.

Very respectfully,

Your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. Vols., and Commissioner for Exchange of Prisoners.

FORT MONROE, VA., Nov. 15, 1863.

A true copy.

S. A. MEREDITH, *Brig. Gen. and Commissioner for Exchange.*

[No. 71.]

MR. OULD TO BRIG. GEN. MEREDITH.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT. }
 Richmond, Va., Nov. 18, 1863. }

Brig. Gen. S. A. MEREDITH,
Agent of Exchange :

SIR: The letter of General Hitchcock has been received.

Until the Confederate authorities appeal to be released "from the obligation to treat prisoners of war according to the laws of civilized warfare," or offer as "an explanation or excuse" for insufficient food that supplies have not been forwarded by your Government, it is entirely unnecessary to discuss what will be the views of your authorities in either contingency.

Statements, most infamously false, have recently been made and circulated at the North, by persons whose calling should have imposed

a respect for truth, which their own personal honor seems to have failed to secure. Our regulations require that prisoners shall receive the same rations as soldiers in the field. Such your prisoners have received and will continue to receive. Do you ask more? If so, what do you demand? We recognize, in the fullest form, our obligation to treat your prisoners with humanity, and to serve them with the same food, in quantity and quality, as is given to our own soldiers. If the supply is scanty, you have only to blame the system of warfare you have waged against us. There is nothing in the action of the Confederate Government which gives any sort of countenance to the charge of cruelty or inhumanity to your prisoners. In the first place, we have importuned you to agree to a fair and honest proposition which would secure the release of all of them. When that was rejected, you have been permitted to send, without stint or limitation, all kinds of supplies to them.

General Hitchcock requests that the prisoners now in our hands be returned to your lines. This is not accompanied with any proposition to release our prisoners now in your hands. So far from that being the case, he promises to "continue to supply food and clothing as heretofore" to such. General Hitchcock need not have urged you to "lose no time in communicating" his letter. No degree of haste would have secured the assent of the Confederate authorities to a proposition so flagrantly unequal. We are ready to relieve your Government from the burthen of supplying "food and clothing as heretofore," to our people in your hands, and if they are sent to us, yours shall be returned to you—the excess on one side or the other to be on parole. I hope you will "urge" upon General Hitchcock the acceptance of this proposition "as due to the most solemn considerations in the face of the civilized world." We are content that the "civilized world" should draw its own conclusions when it contrasts the two offers. I will thank you to forward this communication to General Hitchcock, or inform him that the Confederate authorities decline to accept his proposition.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[No. 72.]

GEN. HITCHCOCK TO GEN. MEREDITH.

WASHINGTON CITY, D. C., Nov. 23d, 1863.

Brig. Gen. S. A. MEREDITH,

Commissioner for Exchange of Prisoners:

SIR: Your note forwarding a copy of Mr. Ould's letter of the 18th

instant, addressed to yourself, as an answer to my letter of the 13th, has been received. Mr. Ould, I perceive, states that our prisoners in Richmond receive "the same rations as soldiers in the field," according to the regulations."

The "regulations" may be such as Mr. Ould states them to be, but that our prisoners receive "rations" as stated, is contradicted by all of the evidence that has reached me outside of Mr. Ould's statement; and the evidence rests upon the statements of eye witnesses and of actual sufferers under the treatment received in Richmond and at Belle Isle, besides the testimony of facts disclosed by the visible condition of a delivery of some one hundred and eighty prisoners made at City Point, many of whom died, before reaching Fort Monroe, from *starvation*, according to the judgment of a competent medical officer.

Upon the evidence above stated, the Secretary of War ordered supplies to be sent for the distribution to the remaining prisoners; and this state of things induced the letter of the 13th instant, proposing to receive on parole the prisoners, and to hold them off duty until exchanged, independently of all existing difficulties on the subject of exchange.

Mr. Ould declines this offer and proposes that, if we will send to the South the prisoners in our hands, they will send ours to us, "the excess on one side or the other to be on parole."

Whatever appearance of verbal fairness there may be in this, the conduct of Mr. Ould, in connection with recent declarations of exchange will not permit us to regard this proposal as made in good faith and we cannot rely upon its being carried out by the enemy.

In the first place, the proclamation of Mr. Davis, and other public acts of those in power in the South, remain in full force, so far as we know, and are actually being enforced in the South, by which distinction is made between classes of troops employed by the United States and officers, serving with colored troops, if taken prisoners, do not receive and are not to receive the treatment due to prisoners of war, whilst the enlisted men of colored troops, when taken prisoners, it has been publicly declared, shall be sold into slavery.

That this distinction is made *actual*, in the treatment of prisoners of war, we know in some cases, and have much reason to apprehend it in others, which have not been permitted to see the light. We have positive information of the fact, that two colored seamen of the United States marine were captured near Charleston, and were not treated as prisoners of war.

Two free colored young men, with a Massachusetts regiment, were captured near Galveston and publicly sold into slavery.

In a recent case I made a proposal to release, mutually, all chaplains; and the proposal was "cheerfully accepted;" but, although we delivered about or more than twice the number we received, the enemy held back the chaplain of a Massachusetts colored regiment who was confined and in irons at Columbia, S. C.

In addition to these facts, Mr. Ould, not long since, declared that he would proceed to make declarations of exchange whenever he con-

scientifically felt that he had the right to do so, for the purpose of putting men into the field.

If this announcement means anything at all, it means that the usages of war, and the express provisions of the cartel, are subordinate to the individual determination and purposes of Mr. Ould on the subject of declarations of exchange; and, as a consequence, we must suppose that if Mr. Ould can obtain possession of the "excess" of prisoners, now in our possession, he will "proceed" to declare them exchanged, and put them into the field, upon what he might allege as his sense of right. When called upon for an explanation he would prepare what he might call a "tabular statement of paroles," as he recently did, made up from guerilla captures of citizens in remote parts of the country, set down as captured at *such places as Kentucky, as Tennessee, as Mississippi*, or at such a place as *Kentucky and Tennessee*, not in any instance properly reporting to whom delivered. Mr. Ould has shown the latitudinarian construction he puts upon his powers, and the nature of his sense of *right*, by writing a letter on the 10th of Oct. which he has not thought it necessary to communicate to us, but which has been published in a Richmond paper, by which he took upon himself the power to declare that the whole number of men delivered by General Banks, at Mobile, embracing several thousand men, captured at Port Hudson, were under no obligation to preserve their parole.

Mr. Ould has been a mere agent under the cartel, and when a question comes up as to the import of the cartel, its meaning, &c., Mr. Ould has no power to decide the question, for that belongs to the parties by whose authority the cartel was made.

The cartel provided two places for the delivery of prisoners of war, City Point and Vicksburg; but it provided, also, that when these places, or either of them, should become unavailable by the exigencies of war, some other point might be agreed upon.

Vicksburg, having fallen into our hands, became unavailable, as contemplated by the cartel, and Gen. Banks agreed with the rebel commander in the field that Gen. Banks would deliver the Port Hudson prisoners on parole, and they were delivered accordingly.

Mr. Ould knew that those men were unconditionally in the hands of Gen. Banks. They had been "reduced to possession," and had been taken to New Orleans, and might have been sent north, if Gen. Banks, had pleased. Instead of sending them to the North to swell the number of prisoners of war, in our hands at the North, Gen. Banks confided in the honor of a rebel commander, and "agreed" to parole those men at Mobile, Vicksburg being by the exigencies of war, no longer available as a place of delivery.

In that state of things Mr. Ould takes upon himself to decide that the delivery at Mobile was invalid, that place not being named in the cartel for the delivery of prisoners.

With a sense of right so obtuse, as this act indicates, it is doing no injustice to Mr. Ould to say that we cannot confide in any pledge he would make to carry out a special agreement, and we must accordingly decline to acquiesce in any measure which would throw into his hands

a large body of prisoners of war under parole, to be by him released from its obligations according to his sense of right.

You will understand from the above statements that Mr. Ould's decision touching the prisoners delivered by Gen. Banks, is not recognized as justifiable or valid, and that we claim that they are still prisoners of war on parole.

Very respectfully,

Your obedient servant,

E. A. HITCHCOCK.

Maj. Gen. of Vol., and Com'r for Exchange of Prisoners.

THE CARTEL.

[No. 73.]

HANALL'S LANDING, ON JAMES RIVER, }
July 22, 1863. }

The undersigned having been commissioned by the authorities they respectively represent, to make arrangements for a general exchange of prisoners of war, have agreed to the following articles :

ARTICLE 1. It is hereby agreed and stipulated, that all prisoners of war held by either party, including those taken on private armed vessels, known as privateers, shall be exchanged upon the conditions and terms following :

Prisoners to be exchanged man for man and officer for officer ; privateers to be placed upon the footing of officers and men of the navy.

Men and officers of lower grades, may be exchanged for officers of a higher grade and men and officers of different services, may be exchanged according to the following scale of equivalents.

A general commanding in chief, or an admiral, shall be exchanged for officers of equal rank or for sixty privates or common seamen.

A flag officer or major general shall be exchanged for officers of equal rank or for forty privates or common seamen.

A commodore, carrying a broad pennant, or a brigadier general shall be exchanged for officers of equal rank or twenty privates or common seamen.

A captain in the navy or a colonel, shall be exchanged for officers of equal rank or for fifteen privates or common seamen.

A lieutenant colonel or a commander in the navy, shall be exchanged for officers of equal rank or for ten privates or common seamen.

A lieutenant commander or a major, shall be exchange for officers of equal rank or eight privates or common seamen.

A lieutenant or a master in the navy or a captain in the army or marines, shall be exchanged for officers of equal rank or six privates or common seamen.

Master's mates in the navy, or lieutenants and ensigns in the army, shall be exchanged for officers of equal rank or four privates or common seamen.

Midshipmen, warrant officers in the navy, masters of merchant vessels and commanders of privateers, shall be exchanged for officers of equal rank or three privates or common seamen; second captains, lieutenants or mates of merchant vessels or privateers and all petty officers in the navy and all non-commissioned officers in the army or marines, shall be severally exchanged for persons of equal rank or for two privates or common seamen; and private soldiers or common seamen, shall be exchanged for each other, man for man.

ARTICLE 2. Local, state, civil and militia rank held by persons not in actual military service, will not be recognized; the basis of exchange being the grade actually held in the naval and military service of the respective parties.

ARTICLE 3. If citizens held by either party on charges of disloyalty or any alleged civil offence are exchanged, it shall only be for citizens. Captured sutlers, teamsters, and all civilians in the actual service of either party to be exchanged for persons in similar position.

ARTICLE 4. All prisoners of war to be discharged on parole in ten days after their capture, and the prisoners now held and those hereafter taken to be transported to the points mutually agreed upon, at the expense of the capturing party. The surplus prisoners, not exchanged, shall not be permitted to take up arms again, nor to serve as military police, or constabulary force in any fort, garrison, or fields work, held by either of the respective parties, nor as guards of prisons, depots, or stores, nor to discharge any duty usually performed by soldiers, until exchanged under the provisions of this cartel. The exchange is not to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

ARTICLE 5. Each party, upon the discharge of prisoners of the other party, is authorized to discharge an equal number of their own officers or men from parole, furnishing at the same time to the other party a list of their prisoners discharged, and of their own officers and men relieved from parole; thus enabling each party to relieve from parole such of their own officers and men as the party may choose. The lists thus mutually furnished will keep both parties advised of the true condition of the exchange of prisoners.

ARTICLE 6. The stipulations and provisions above mentioned to be of binding obligation during the continuance of the war, it matters not which party may have the surplus of prisoners, the great principles involved being: 1st. An equitable exchange of prisoners, man for man, officer for officer, or officers of higher grade, exchanged for officers of lower grade, or for privates, according to the scale of equivalents. 2d. That privates and officers and men of different services may be exchanged according to the same scale of equivalents. 3d. That all prisoners, of whatever arm of service, are to be exchanged or paroled in ten days from the time of their capture, if it be practicable to transfer them to their own lines in that time; if not, as soon

thereafter as practicable. 4th. That no officer, soldier, or employee in service of either party is to be considered as exchanged and absolved from his parole until his equivalent has actually reached the lines of his friends. 5th. That the parole forbids the performance of field, garrison, police, or guard, or constabulary duty.

JOHN A. DIX,

Major General.

D. H. HILL,

Major General, C. S. A.

SUPPLEMENTARY ARTICLES.

ARTICLE 7. All prisoners of war now held on either side, and all prisoners hereafter taken, shall be sent, with all reasonable dispatch, to A. M. Aiken's, below Dutch Gap, on the James river, in Virginia, or to Vicksburg, on the Mississippi river, in the State of Mississippi, and there exchanged, or paroled until such exchange can be effected, notice being previously given by each party of the number of prisoners it will send, and the time when they will be delivered at those points respectively; and in case the vicissitudes of war shall change the military relations of the places designated in this article to the contending parties, so as to render the same inconvenient for the delivery and exchange of prisoners, other places, bearing as nearly as may be the present local relations of said places to the lines of said parties, shall be, by mutual agreement, substituted. But nothing in this article contained shall prevent the commanders of two opposing armies from exchanging prisoners, or releasing them on parole, at other points mutually agreed on by said commanders.

ARTICLE 8. For the purpose of carrying into effect the foregoing articles of agreement, each party will appoint two agents, to be called agents for the exchange of prisoners of war, whose duty it shall be to communicate with each other, by correspondence and otherwise; to prepare the lists of prisoners; to attend to the delivery of the prisoners at the places agreed on, and to carry out promptly, effectually, and in good faith, all the details and provisions of the said articles of agreement.

ARTICLE 9. And in case any misunderstanding shall arise in regard to any clause or stipulation in the foregoing articles, it is mutually agreed that such misunderstanding shall not interrupt the release of prisoners on parole, as herein provided, but shall be made the subject of friendly explanation, in order that the object of this agreement may neither be defeated or postponed.

JOHN A. DIX,

Major General.

D. H. HILL,

Major General C. S. A.



