

NEGRO TROOPS IN THE CIVIL WAR

BY

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I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY
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BE ACCEPTED AS FULFILLING THIS PART OF THE REQUIREMENTS FOR
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NEGRO TROOPS IN THE CIVIL WAR

INTRODUCTION

On the nineteenth of April, 1861, the negro was not looked upon as a possible military factor in the coming struggle between the North and the South. The cause of the war he might have been, although it was not the policy of the Federal Government to make any such admission. In accordance with this firm intent and purpose of the Government to make the issue not that of Slavery but of union or disunion surely, nothing could have been more inharmonious and contradictory than the use of negro troops. Such few suggestions as to the arming of colored men as came at that time to the Government were disregarded or dismissed with the answer that the War Department had no intention of calling into Government service any colored soldiers.¹ Certainly no one in high official position would have at that time suggested the arming of the black race as the means by which the rebellion might be most "certainly, speedily and economically" suppressed, as did Secretary Chase less than two years later.² Nor would the proposition have been favorably viewed even without this political drawback, for the place of the negro in the scheme of evolution was not highly rated, and the idea that a plantation slave could be transformed into a courageous and effective soldier was one to be ridiculed or scorned. The possibility of teaching the negro the duties of a soldier, or of his adhering to that teaching in actual warfare were equally matters of doubt.

At the beginning of the war then, the Army was composed wholly

1. War Records, Serial No. 122, pp. 77, 107, 133.
2. Warden, Chase, 514.

of white troops, and negroes were excluded by the regulations which provided that any "free white male person above the age of eighteenmight be enlisted".³ The status of the negro was in no way different from what it had been before the outbreak of the war, nor was there any apparent movement in Government circles toward the improvement of that status. Not only was any positive attempt to injure the "institution" frowned upon, but the fugitive slave law was enforced with what vigor official commands could inject into it.

On the twenty third of April, Brigadier General Benjamin F. Butler wrote to Governor Hicks of Maryland; "I have understood, within the last hour, that some apprehensions were entertained of an insurrection of the negro population of this neighborhood. I am anxious to convince all classes of persons that the forces under my command are not here in any way to interfere with, or countenance any interference with, the laws of the State. I am, therefore, ready to cooperate with your excellency in suppressing, most promptly and effectively, any insurrection against the laws of Maryland." General McClellan in his first advance made an equally emphatic proclamation of protection, In it he said; "Notwithstanding all that has been said by the traitors to induce you to believe that our advent among you will be signalized by interference with your slaves, understand one thing clearly--not only will we abstain from all such interference, but we will, on the contrary, with an iron hand, crush any attempt at insurrection on their part." General Halleck forbade the admission of negro slave within the lines except when especially ordered by the general commanding. General Sherman said "my orders are that all negroes shall be delivered upon the claim of the owner or agent". Speaking on the same subject, General Buell said that in

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every instance of which he knew, where applications had been made by persons whose slaves had found their way into the camps, the master had secured his servant and taken him away. The attitude of military leaders was in the main that this was a question with which they had nothing to do. It was a matter for the courts to decide, and no policy was open to them but that of obedience to existing laws.⁴

But uniformity of action could not be expected, and there were soon those, who, either by reason of personal feeling or force of circumstances, took a different stand. General Fremont on the thirtieth of August, 1861, electrified the country by incorporating in his proclamation of martial law throughout the state of Missouri a clause confiscating all property, real or personal, belonging to those persons who should take up arms against the United States, and declaring the slaves of such persons free. President Lincoln immediately asked a modification of this proclamation, urging the unfavorable effect it could not fail to produce in the border States, but Fremont obdurately refused to make the requested changes without a specific order to do so. The order came forthwith on the tenth of September, and the necessary revisions were made.⁵ The stories of discussion which the Fremont order and its subsequent modification caused, while for the most part Public Opinion was in sympathy with Lincoln's action, yet showed clearly enough that the Negro could not be kept out of the War with any degree of success.

As the war progressed and the Federal armies moved southward, this fact became more and more evident to military leaders at least.

4. War Records, Serial No. 2, pp. 303, 48.
Serial No. 4, pp. 307, 347.
Serial No. 5, p. 431.
Serial No. 9, p. 364.

See also Sutherland, The negro in the Late War,
War Papers read before the Commandery of State of Wisconsin, I, 166.

5. War Records, Serial No. 3, pp. 467, 469, 477, 485.

Instead of an occasional fugitive from some rebel plantation or camp, negroes were coming to the Federal lines in numbers that made impossible, from a humanitarian point of view, a continuance of the summary policy of refusing these admittance. Where it had been a comparatively simple matter to turn one runaway slave over to a pursuing master, it was an entirely different proposition to return half a dozen families, to masters who would send the women and children South and put the able bodied men to work upon the plantations which were provisioning the Southern forces⁶. The growing realization that the negroes were a valuable military asset to the South, and the knowledge that they were being used in the building of the fortifications and breast works against which Northern troops would soon be sent, was undoubtedly effective in accelerating the adoption of a new policy by the North. That the negroes were so used there can be no question. The fact was gleefully flaunted in the faces of Northern Abolitionists who were wont to declaim over the sad life of the slave and his supreme desire for freedom, that negroes were making voluntary offer of their services to the Confederate Government for just such labor⁷. It was not long before Northern Generals were making similar use of fugitive negroes. The struggle of the Federal Government to maintain its much-emphasized policy of non-interference, while at the same time it recognized the wisdom and

6. War Records, Serial No. 2, p. 53, ibid., Serial No. 122, p. 708.
7. Greeley, American Conflict, II, 521. Quoting Charleston Mercury, January 3, 1861.

ibid., Quoting Memphis Avalanche, September 3, 1861.
Williams, History of Negro Troops, II, 8. Quoting Charleston Mercury, April 30, 1861.
ibid., Quoting Memphis Appeal, May 9, 10, 11, 1861.

practicability of the use of fugitives is admirably illustrated in a letter of May thirtieth, 1861, from Secretary of War Cameron to General Butler. He says; "The Department is sensible of the embarrassment which must surround officers conducting military operations in a state by the laws of which slavery is sanctioned.

The Government cannot recognize the rejection by any State of its Federal obligations, nor can it refuse performance of Federal obligations resting upon itself. Among these Federal obligations, however, no one can be more important than that of suppressing and dispersing armed combinations formed for the purpose of overthrowing its whole constitutional authority.

While, therefore, you will permit no interference by the persons under your command with the relations of persons held to service under laws of any State, you will, on the other hand, so long as any State within which your military operations are conducted is under the control of such armed combinations, refrain from surrendering to alleged masters any person who may come within your lines. You will employ such persons in the services to which they may be best adapted".⁸

In August of that year, Congress passed its first anti-slavery measure, the act of August sixth, confiscating property used for insurrectionary purposes and making free slaves used by the rebel forces. Senator Trumbull of Illinois introduced the bill on the twentieth of July, offering as an amendment the section giving freedom to slaves used for military purposes. After a more or less heated debate, in which Senators Trumbull of Illinois, Fessenden of Maine, and Wilson Of Massachusetts led the discussion for the bill, and Breckenridge of Kentucky and Pearce of Maryland the opposition,

the bill passed with a vote of thirty three to six. It was taken up in the House of Representatives August second. Here as in the Senate the representatives of the border States met it with determined opposition, but with some changes which did not destroy the original purpose of the measure, it passed, although the proportion of votes in its favor was not so high as it had been in the Senate. On the sixth of the month it received the approval of President Lincoln and became law.⁹

In accordance with this changing policy, Secretary of War Cameron included in his directions to General Sherman, when the latter went south in October, instructions to avail himself of the services of any persons, whether fugitive from labor or not, who should offer themselves to the National Government¹⁰. These instructions were destined to prove the basis for much acrimonious controversy later, on the question of whether they did or did not sanction the arming of negroes, but at the time they were effective in meeting the point then at issue, the admission to the lines and use of fugitives, or their return to southern claimants. No unfair advantage seems to have been taken by General Sherman of their meaning. A second piece of legislation settled the matter once for all in the spring of 1862, a measure prohibiting all officers or persons in the military or naval service of the United States from employing any of the forces under their respective commands for the purpose of returning fugitive slaves¹¹.

Once the use of fugitive negroes as laborers was firmly established as legitimate, it is not to be wondered at that certain more

9. Wilson, Anti Slavery Measures in Congress, 1-16.

10. War Records, Serial No. 6, p. 176.

11. Wilson, Antislavery Measures in Congress, 17-37.

adventurous spirits should rush on to the next step, that of arming them as soldiers. During the spring and summer of 1862 there were three such attempts, under the leadership respectively of Generals Hunter, Butler, and Lane.

In March, the states of South Carolina, Georgia and Florida with the forces then under Brigadier General G. B. Sherman were constituted a military department, to be called the Department of the South, and to be under the command of Major General Hunter.¹ Along with the department, General Hunter fell heir to the instructions by which General Sherman had governed his relations with the negroes. General Hunter was in no sense a strict constructionist, and proceeded to put into effect the broadest interpretations of the law and of his orders. April sixteenth he issued a proclamation freeing negroes held to service against the United States Government by rebels within a certain district of his department². Had he taken no further emancipatory measures, his course could have been justified under the Confiscation Act of August, 1861, which authorized the freeing of slaves held to labor against the Federal Government. But this was only the beginning of a series of acts which stirred intense feeling not only in the Department of the South, but throughout the country. May ninth the famous emancipation proclamation declaring free all negroes held as slaves within the three states of Georgia, Florida and South Carolina, was promulgated as General Order No. 11. It shared the fate of General Fremont's similar pronouncement, and was revoked by President Lincoln's order on the nineteenth of the same month.³

¹ War Records, Serial No. 6, p. 254.

² War Records, Serial No. 6, p. 254.

³ War Records, Serial No. 6, p. 254.

The excitement and disorder which accompanied this emancipation proclamation was almost immediately swallowed up in a greater agitation. The rumor spread rapidly throughout the country that General Hunter was organizing negro regiments. Truth

FIRST ATTEMPTS AT THE USE OF NEGRO TROOPS

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1. War Records, Serial No. 6, p.248.

2. War Records, Serial No. 20, p. 333.

3. ibid., p. 341. Serial No. 123, pp. 42-43.

The excitement and discussion which accompanied this emancipation proclamation was almost immediately swallowed up in a greater agitation. The rumor spread rapidly through the country that General Hunter was organizing and arming a regiment of black troops. Truth lay behind the disturbing rumor. The headquarters of the Department of the South were at Port Royal, South Carolina. In the immediate vicinity were numerous abandoned plantations, which were being worked for the Government by the abandoned slaves, under the direction of the Treasury Department. Then slaves were also used as officer's servants and in the Quarter Master's Department. General Hunter was charged with the duty of guarding the entire seacoast from South Carolina to Florida, and felt the need of more troops than the sixteen thousand then under his command. Applications for reinforcements met the answer that the operations in the peninsular campaign demanded all available troops, and that none could be spared for the Department of the South.⁴ The idea of arming the negroes suggested itself as a possible remedy for this unfavorable state of affairs, and General Hunter was not the type of man to hesitate too long for fear of adverse Public Opinion or a possible stretching of his orders.

According to one account, General Hunter called into consultation with him, on this new project, a certain negro preacher called Abram Murchison, a man who exercised considerable influence among the blacks. As early as the seventh of April, all the male negroes were called together for a discussion of the subject of their arming. The matter was kept quiet, a fact significant in itself, only two white men, both in Government employ, attending the meeting.

4. ibid., pp. 337, 350. Serial No. 6, pp. 254, 263.

Murchison addressed the assembly, explained what were the difficulties in the situation, and finally asked all those willing to take up arms in defence of the Government and of themselves, to rise.

The response was instantaneous and unanimous. Some hundred negroes were enrolled as willing to bear arms⁵. Whatever the truth or falsity of this account, it is certain that General Hunter had the plan under consideration, and early in May took steps for carrying it out.

He based his authority for such a step on the letter of instruction which General Sherman had received, and which had been transferred to him at the time of his appointment as commander in the new department.⁶ The controverted clause followed a general authorization for the use of negroes as "ordinary employes," and sanctioned their use "if special circumstances seem to require it, in any other capacity, with such organization (in squads, companies, or otherwise)" as he might "deem most beneficial to the service; this, however, not being a general arming of them for military service." Just the extent of the authority here conferred might very properly be a matter for some doubt. The language is far from specific. The prohibition of a "general" arming might lead to the conclusion that in the "special circumstances" alluded to, a special arming might be permissible. But that still left undefined the terms "general", and "special circumstances". In view of the policy of the Government at the time the instructions were issued, (October 1861) and their refusal to accept any of the offers of negro troops which made their way to the War Department, one is obliged to conclude that the only

5. New York Times, May 1, 1862. Letter signed. J. M. W.

6. War Records, Serial No. 6, p. 176.

arming of negroes which would have been considered within the limits of Governmental approbation, would have been confined to individual cases and for purposes of protection merely. General Sherman made no attempt to enlarge the probable meaning of the instructions.

But General Hunter found in them what seemed to him full authority, and proceeded to the recruiting and organization of his black troops. His immediate plan was the organization of two regiments, to be officered by the best non-commissioned officers to be found in the Department. Sergeant C. T. Trowbridge, of the New York Volunteer Engineers was appointed Captain of the first company of this proposed first regiment, on the seventh of May, 1862. He with two others, was detailed for recruiting duty. It was General Hunter's intention that the new regiments should be in all respects on an equality with the white troops. Pay, food, clothing, and drill were to be the same, and recruiting officers received instructions to make their proposition to the blacks on that basis. Jules de la Croix, one of the Treasury agents in charge of contrabands, was put in charge of the examination and enrollment of Volunteers.⁷

The enlistments did not progress with ^{the} rapidity for which General Hunter had hoped. Names came in slowly. If a hundred negroes had testified their willingness to bear arms in a secret meeting on April seventh, they were unwilling to prove that desire a month later, when the opportunity was offered by a recruiting officer rather than by one of their own leaders. General Hunter had acted largely from a theoretical point of view as to the attitude the negroes would take, and had neither wide personal observation nor testimony from the Treasury agents to back that theory. He had counted on their readi-

7. War Records, Serial No. 123, pp. 29-30.

ness to take side with the North against their masters. The Treasury agents could have told him that there was a general distrust of the Federal authorities among the contrabands, a distrust due to the lurid pictures their masters had taken care to paint, of the fate awaiting any black man unfortunate enough to fall into Yankee hands. That they were to be worked without pay, or sold into Cuba, were among the mildest of these threats. No wonder that the negroes held aloof from military organization.⁸

There was another reason equally potent. When the news went out among the white soldiers that negro troops were to be organized, it met with general disapproval, and they proceeded to put what hindrances they could in the way of a successful accomplishment of the undertakings. The stories of dire things to come, told the contrabands by the rebels, were echoed and elaborated upon by the white soldiers. They were contemptuous of the abilities of the negroes, and would not face the indignity of their establishment on a plane of technical equality.⁹

These were not insurmountable obstacles. With a steady adherence to the quiet policy with which the recruiting began, an insistence on the principle of voluntary enlistment, the doubts and fears of the contrabands would have given way to confidence. But this would have taken more time than General Hunter cared to devote to the organization of his first regiment, and he rashly adopted a policy of impressment. Without consultation, either with his Brigadier Generals or the contraband agents, he sent out a peremptory order to

8. *ibid.*, pp. 52-53.

C. Higginson, *Army Life in a Black Regiment*, 272-273.

9. New York Times, Aug. 22, 1862. Letter from the Hilton Head Correspondent, Aug. 15, 1862.

S. W. Higginson, *Army Life in a Black Regiment*, 272

the various district commanders, requiring the return to his headquarters, then at Hilton Head, of all able bodied negroes capable of bearing arms. The order was forthwith passed on to the plantation superintendents through the special agent of the Treasury Department, Mr. Pierce.

The latter saw clearly the undesirable effects certain to follow such an order. Not only would the contrabands be frightened into even deeper suspicion and distrust of the Government, but this general impressment of men from the plantations would be disastrous to their success, and the forty thousand dollars invested therein would be wasted. All these considerations he embodied in a letter to General Hunter, and later reviewed with him personally. General Hunter, although denying his intention to take the negroes against their will, and promising that after receiving "free papers" at Hilton Head they should be given the opportunity to return to the plantations if they desired, nevertheless refused to revoke the impressment order.¹⁰ In view of the fact that General Rufus Saxton had on the twenty ninth of April received his assignment to duty in the Department, with special jurisdiction over plantations and contrabands, and was shortly expected, his action seems the more premature.¹¹

The impressment was carried out as rapidly as possible. Companies of soldiers were detailed for the disagreeable duty and all the able bodied between eighteen and forty five who had not succeeded in making their escape or secreting themselves safely, were brot into Hilton Head. Destressing scenes accompanied the departure of the

10. War Records, Serial No. 123, pp. 50-56.

11. ibid., pp. 27,56.

files of negroes. They themselves were reluctant, uneasy; their wives and children wept and moaned, giving vent to their feelings in the usual unrestrained and passionate fashion of the negro.

Plantation superintendents, helpless in the face of orders from headquarters, unwillingly gave their assistance to the squads of guards, and did what they could to reassure the suspicious captives and their agonized families.¹²

This was not an auspicious beginning for a venture which would have had enough obstacles to face at the best. For three months General Hunter persisted in the attempt. The regiment was organized, under the name of First South Carolina Volunteers. Officers were appointed, some difficulty being faced in the selection of men suitable for such positions who were willing to face the opprobrium unavoidably connected with the unpopular project, and drill began, in spite of ridicule and insult from the white soldiers. The one cheering thing about the matter was the responsiveness of the negroes to drill. They showed an adaptability which was something of a surprise to those who had been most hopeful.¹³

But the regiment had no sound legal standing. However firmly General Hunter might convince himself that its organization was justified by his orders, that conviction was not shared by the Federal Government. June fifth, Mr. Wickliffe of Kentucky introduced into the House a resolution asking that the Secretary of War be directed to inform the House whether or not a regiment of "fugi-

12. War Records, Serial No. 123, pp. 57-60

13. New York Times, Special correspondent, June 13, 1862.

June 27, 1862.

August 26, 1862.

tive slaves" had actually been formed under General Hunter's supervision, and if so, whether he was authorized to muster them into the United States service. There were further questions as to the supplying of arms and equipment for the regiment.¹⁴ The resolution was adopted and referred to Secretary Stanton, who on the fourteenth replied that the Department had no official information as to the organization of any such regiment, and that the muster of fugitive slaves as soldiers was not authorized by the United States Government, and that no arms had been furnished to be placed in the hands of "those slaves." A copy of the House resolution was duly forwarded to General Hunter with a request for an immediate report. The report, as submitted by Secretary Stanton some two weeks later, is perhaps worth quoting as showing clearly General Hunter's attitude on the matter of arming negroes.¹⁵

"Headquarters Department of the South,
Port Royal, S. C., June 23, 1862.

Hon. Edwin M. Stanton,
Secretary of War, Washington, D. C.:

Sir:

I have the honor to acknowledge the receipt of a communication from the Adjutant-General of the Army, dated June 13, 1862, requesting me to furnish you with the information necessary to answer certain resolutions introduced in the House of Representatives June 9, 1862, on motion of the Honorable Mr. Wickliffe, of Kentucky.

14. Cong. Globe, 37 Cong., 2 Sess., 2587.

15. House Exec. Dec. 5., 37 Cong., 2 Sess., Document 133.
War Records, Serial No. 123, pp. 196-198.

Only having received the letter covering these inquiries at a late hour on Saturday night, I urge forward my answer in time for the steamer sailing today (Monday), this haste preventing me from entering as minutely as I could wish upon many points of details such as the paramount importance of the subject calls for.

To the first question, I reply that no regiment of 'fugitive' slaves has been or is being organized in this department. There is, however, a fine regiment of persons whose late masters are 'fugitive rebels' men who everywhere fly before the approach of the National flag, leaving their servants behind them to shift, as best they can for themselves.

To the second question, I have the honor to answer that the instructions given to Brig. Gen. T. W. Sherman by the Hon. Simon Cameron, late Secretary of War, and turned over to me by succession for my guidance, do distinctly authorize me to employ all loyal persons offering their services in defense of the Union, in any manner I might see fit. There is no restriction as to the character or color of the persons to be employed or the nature of the employment, whether civil or military, in which their services should be used. I conclude, therefore, that I have been authorized to enlist 'fugitive slaves' as soldiers, could any such be found in this department. No such characters, however have yet appeared within view of our most advanced pickets. It is the masters who have in every instance been the 'fugitives', running away from loyal slaves as well as loyal soldiers, and whom we have only partially been able to see, chiefly their heads over ramparts, or, rifle in hand, dodging behind trees in the extreme distance.

To the third interrogatory it is my painful duty to reply that I never have received any specific authority for issues of clothing, uniforms, arms, equipments, &c., to the troops in question. Neither have I had any specific authority for supplying these persons with shovels, spades, and pickaxes, when employing them as laborers, nor with boats and oars when using them as lightermen; but these are not points included in Mr. Wickliffe's resolution. To me it seemed that liberty to employ men in any particular capacity implied with it liberty also to supply them with the necessary tools, and acting upon this faith, I have clothed, equipped, and armed the only loyal regiment yet raised in South Carolina.

I must say, in vindication of my conduct, that had it not been for the many other diversified and imperative claims on my time and attention, at least five or six well drilled, brave and thoroughly acclimated regiments should by this time have been added to the loyal forces of the Union. The experiment of arming the blacks, so far as I have made it, has been a complete and even marvelous success. They are sober, docile, attentive, and enthusiastic, displaying great natural capacities for acquiring the duties of the soldier. They are eager, beyond all things, to take the field and be led into action; and it is the unanimous opinion of the officers who have had charge of them that in the peculiarities of the climate and country they will

will prove invaluable auxilliaries, fully equal to the similar regiments so long and successfully used by the British authorities in the West India Islands.

In conclusion, I would say it is my hope, there appearing no possibility of other re-enforcements, owing to the exigencies of the campaign in the Peninsula, to have orgainzed by the end of next fall and to be able to present to the Government from 48,000 to 50,000 of these hardy and devoted soldiers.

Trusting that this letter may form part of your answer to Mr. Wickliffe's resolutions,

I have the honor to be, most respectfully, your very obedient servant,

D. Hunter,

Major-General, Commanding."

One wonders what would have been the result had General Hunter had as much time as he liked for the composition of his report. He could scarcely have concocted a paper more certain to infuriate his opponents and make his partisans chuckle in unholy glee at his impudent daring. The farcical allusions to the "fugitive masters", the apologetic reference to his lack of authority to issue spades and shovels, the suggestion that only lack of time had prevented a more satisfactory report of half a dozen instead of only one regiment, the politic reference to the long use of colored troops by the British were well calculated to make the anti-slavery North smile with amusement, while Border States men raged. Rather more seriously meant, and infinitely more apt to win new converts to his cause were his pleas of need for acclimated troops and re-enforcements. There was no dismissing them as unfounded or as mere impudence.

Unfortunately, Mr. Wickliffe was not present to listen to the reading of this extraordinary communication.¹⁶ Upon vote of the House it was ordered printed. One member suggested that ten thousand extra copies be printed for distribution while a still more enthusiastic supporter expressed his hope that they would make it a hundred thousand.¹⁷ The next day the House refused to sustain a resolution introduced by Wickliffe's colleague Dunlap, to the effect the paper was insulting¹⁸ to Congress and Army, and that Hunter should be censured. On the fifth Mr. Wickliffe brought up the subject again, and urged a reconsideration of the vote to print General Hunter's highly irritating letter. He criticized the Secretary of War for seemingly indorsing its insulting phrases by transmitting it to the House, and attacked the truthfulness of most of its statements. Letters of protest against the organization of the new regiment and particularly against the method of organization were produced, showing opposition among white soldiers and the Treasury Agents. After a hot debate his motion to reconsider the vote to print was laid on the table.¹⁹

But this refusal to censure was purely negative in its effect, and the First South Carolina Volunteers were desperately in need of active and substantial support. Appeals for authority to muster into service "all" loyal men and to appoint officers for new regiments went unheard, though by the eleventh of July, General Hunter was urging it as a military necessity; that he must have more troops if

16. Cong. Globe, 37 Cong., 2 Sess., 3102.

17. ibid., 3087.

18. ibid., 3109.

19. ibid., 3121-3127.

he were to control the long stretch of coast as it should be controlled, and in spite of the fact that he was very shortly after compelled to give the order for the abandonment of a part of the territory because of lack of reinforcements.²⁰ Under such conditions the regiment could not succeed. Formal recruiting was finally stopped, while General Hunter made a last appeal for authority to issue commissions to men who were acting as officers, and especially urged that some provision be made for the payment of his men. Desertions were frequent, due to the unpaid condition of the negroes, but he was still optimistic as to the possibility of putting many thousands of men in the service, once the financial and legal disability was removed.²¹ Failing to receive the requested authority, General Hunter on the tenth of August wrote to Secretary of War Cameron that he had felt obliged to disband them, with the exception of one company and so ended the first attempt at the use of slave soldiers.²²

Major-General Butler, commanding in the Department of the Gulf, was in the meantime facing the negro problem from rather a different angle. In his Department, the people had for the most part remained quiet, and the city of New Orleans had been promised protection for life and property so long as that quiet was maintained. But the slaves were coming in large numbers to the Union lines, slaves of loyal and disloyal masters alike. Those whom he could use, General Butler put to work, the rest were sent out side the lines. But this was merely a temporary expedient. General Butler realized well enough that there must be some settled policy of action toward the

20. War Records, Serial No. 20, pp. 363-364.

21. *ibid.*, Serial No. 123, p. 292.

T. W. Higginson, *Army Life in a Black Regiment*, 273.

22. War Records, Serial No. 123, p. 346.

negroes, that all or none should be allowed within the lines. Unfortunately, too, it was not the best class of negroes who came first, but the vicious and unmanageable sort who were most frequently under punishment from their masters. It was utterly impossible to take all. Lack of sufficient supplies made that absolutely out of the question, yet it seemed inhumane to accept the poorer class who made the first applications to the exclusion of their more honest and thrifty companions.²³

General Hunter's intent to arm a black regiment was already known to General Butler, who had little sympathy with the plan, and who felt that in the Department of the Gulf it would be worse than useless. For one thing, it was not necessary there, as General Hunter had claimed it to be in South Carolina, to arm negroes for the sake of having an acclimated force. At that time, the latter part of May, 1862, General Butler felt that there were still plenty of white citizens who could be put into army when the need came, and who had spent their lives within the state, and he had greater faith in the resisting power of northern troops to diseases peculiar to the South. Further more, the possibility of developing efficient troops from negro slaves, seemed to him very small. He agreed with John Brown in the theory that the negro should be armed with a pike or spear instead of a musket if he was to be armed at all. He was quite satisfied to continue the Government policy of non-interference, but was uncertain as to the best method of putting it into practise in the case of the hordes of slaves who came to the lines.²⁴

23. War Records, Serial No. 21, pp. 439-444.

24. *ibid.*

The attitude of some of his subordinates was not wholly in harmony with this policy. Brigadier General Phelps, who commanded the forces at Camp Parapet, some six miles above the city of New Orleans, was in particular inclined toward more radical measures. He advocated immediate emancipation and arming as a military measure, and in spite of orders from headquarters to the effect that all unemployed persons should be excluded from the lines, he persisted in admitting runaway slaves, and even in allowing his men to entice negroes to escape²⁵. His insubordination did not stop here. In July, he began the organization of these negroes into companies, and by the thirtieth of the month reported more than three hundred men in organization. General Phelps took the stand that the southern loyalists were under obligation to furnish their quota of men as well as of money and supplies. The most practical way of accomplishing that end, and at the same time the best means of preventing any tendencies toward a general servile insurrection was to arm and train the contrabands. The fact that the white troops were not standing out as well as General Butler had expected in the face of swampy location and malarial air also helped bring him to such a decision. At Camp Parapet white soldiers were dying at the rate of two or three a day.²⁶

The first news General Butler had of this organization was a requisition for arms and equipment. He met the situation with an attempt at compromise. He did not answer the requisition, but sent an order to General Phelps to employ the contrabands in and around

25. ibid., pp. 486-490, 443, 446-447.

26. ibid., pp. 534. 535.

the camp in cutting down trees. This order was received as an insult. In reply General Phelps said, "I must state that while I am willing to prepare African regiments for the defense of the Government against its assailants. I am not willing to become the mere slave-driver which you propose, having no qualifications in that way. I am therefore under the necessity of tendering the resignation of my commission as an officer of the Army of the United States, and respectfully request a leave of absence until it is accepted." This was no part of General Butler's plan. He wrote a very temperate answer, pointing out that if the work asked of the negro companies was not done by them, white soldiers would be obliged to do it as they had done it earlier. He refused to accept General Phelps resignation while still insisting on the carrying out of this order.²⁷

But the same circumstance which had forced General Hunter to the arming of negro troops forced General Butler to conquer his prejudice against their use. He was faced by a stringent need of re-enforcements. On the fourteenth of August he wrote to Secretary Stanton,

"We are now threatened by the whole western division of the southern Army, under Generals VanDorn, Breckenridge, and Jeff. Thompson, together with whatever troops can be gathered from Texas or on the western bank of the river.

The withdrawal of the troops at Vicksburg and the apparent inactivity or withdrawal of troops from Corinth has allowed the concentration of all their troops upon us.

Vicksburg is essentially bare of troops. We are considerably weakened by disease and discharges of those whom nine months' service have shown unfit for duty.....

I need re-enforcements very much; without them I cannot cooperate with the Navy against Mobile. Indeed we are threatened with an attack on the city of New Orleans. I am not specially disturbed at that. If it becomes at all imminent I shall call on Africa to intervene, and I do not think I shall call in vain."²⁸

²⁷: War Records, Serial No. 21, pp. 534-537.
²⁸: War Records, Serial No. 21, pp. 548-549.

But General Butler was more conservative than General Phelps in his manner of calling negro troops to service. There was in the city of New Orleans a brigade of free colored men, organized in the latter part of April, 1861, and enrolled as part of the militia of the state. In March, 1862, the organization was ordered by Governor Moore to continue during the war, and to hold itself subject to the orders of the Major-General commanding state militia. They remained in the city after its capture, and their officers called upon General Butler to discover what provisions could be made for their continuance as an organization.²⁹

It was to these men, and all other free negroes that General Butler made his appeal for recruits, August twenty second, 1862. The members of the colored brigade were of a superior type, intelligent, energetic and industrious. General Butler humorously remarked of them that the darkest would be "about the complexion of the late Mr. Webster."³⁰ It was a clever move, this taking over of the Colored Brigade. The question of slavery was avoided, the Confederates should have been silenced by the fact that these men had been organized first by Southerners, and they were of such a class of men as to lessen the opposition from white troops. In deference to the rather uncertain policy of the Federal Government, General Butler inserted the clause in his call for recruits that they should be "accepted, paid, equipped, armed and rationed as are other volunteer

29. ibid., Serial No. 123, pp. 436-438.
p. 442.

30. ibid., Serial No. 21, p. 559.

30. ibid., Dennison-Chase Correspondence, Am. Hist. Assoc. Rept., 1902, II, 311.

troops of the United States, subject to the approval of the President of the United States." One is obliged to believe that the insistence on the freedom of all recruits was rather more a matter of form than a practical demand. All those who had received freedom through some legal channel were received, and that included most of the negroes most likely to desire enlistment, that is; those already freed by their masters, those freed by any military court, and all who came from the enemy lines.

There seems to have been none of the difficulty in securing recruits which had operated against the success of General Hunter's plan. On the twenty seventh of September, 1862, the first regiment was mustered into the United States service,³¹ although not formally recognized by the War Department, and a second regiment was begun. The men were put on railroad guard duty and were continued in service until the beginning of the next year when at last formal recognition of negro troops came from Washington. It is true that there was here as in South Carolina a certain amount of opposition from the white troops.³² but General Butler was heart and soul behind the project and proceeded with the organization as long as he had arms for them. General Butler received no communications of disapproval either from the War Department or from the Commander-in-chief, at that time Major-General H. W. Halleck.³³

31. War Records, Serial No. 126, p. 660.

32. ibid., Serial no. 21, pp. 164-166.

C. Norton, Colored Troops in the War of the Rebellion,
Glimpse of the Nation's Struggle, Fifth Series, 60.

33. War Records, Serial No. 21, p. 162.

The third attempt at arming negroes, that of General Lane, is chiefly interesting as a Northern movement, unaccompanied by the plea of military necessity, and comparatively free from the perplexities of the contraband problem. In the latter part of July, 1862, General Lane was notified of his appointment as commissioner of recruiting in the Department of Kansas.³⁴ It was soon rumored that no loyal citizen of the state would be rejected on account of color, and that inquiries as to free papers might not be unduly exacting. That the rumor was at least partially correct was promptly disclosed. August fifth, in a dispatch to Secretary Stanton, General Lane said:

"Recruiting opens up beautifully. Good for four regiments of whites and two of blacks."³⁵ August sixth a general order was issued explaining the terms upon which negroes would be received, but General Lane was evidently not wholly satisfied as to his authority for such a move, and he telegraphed to Washington for definite assurance.³⁶ In the interval before a reply, advertisements were inserted in the Kansas papers calling for negro volunteers.³⁷ The response was eager. Negroes flocked into Lawrence, and within a week some hundred were enrolled there, and drill begun. Two companies were organized and commissions were applied for from Governor Robinson.³⁸ But General Lane's appeal to Washington was no more successful than those of Generals Hunter and Butler, and in a letter of August twenty third, Secretary Stanton, while congratulating him upon the general success of his recruiting, informed him that negro regiments

34. War Records, Serial No. 123, p. 959.

35. *ibid.*, p. 294.

36. *ibid.*, Special Correspondent, pp. 311, 312-373.

37. *New York Times*, August 18, 1862.

38. War Records, Serial No. 123, p. 417.

could not be accepted into the United States service.³⁹ The men were not however dismissed, but kept in camp, perfecting themselves in drill. The order was effective in checking enlistment, and the regiment remained in its incomplete and unrecognized state until the general organization of colored troops was begun the next year.

It was not possible that those men who served in the United States, ibid., could attempt p. 445. nothing so familiar to the general practice of the nation, and so radical in its treatment of the problem which lay at the root of the entire civil struggle, without bringing the matter sharply to an issue throughout the country. During all the summer and autumn of 1862, the subject was the topic of much controversy, before the people North and South, in Congress, and between the President and his Cabinet.

Opinion as to the wisdom of arming negroes and especially the slaves, was divided along much the same lines Union separated those who desired and those who feared emancipation. Argument raged for and against, while one man said that the certain result of this arming would be servile insurrection and a reign of barbarity, another said that the only safe means of preventing insurrection was a general slaughter of slave owning states, by putting the negroes into arms, and subjecting them to military control. By the warning that fifty thousand white troops from the Border States would throw down their arms or even join the Confederate forces rather than die side by side with colored troops, over six hundred and two hundred and fifty thousand loyal men would be gained up that the South would lose the force which planted the crops and harvested them, while the white men went smugly to join the slaves. If none did

II

CHANGING OPINION AND THE AUTHORIZATION OF NEGRO TROOPS

It was not possible that three high officials of the United States Army could attempt an innovation so foreign to the general practise of the Nation, and so radical in its treatment of the problem which lay at the root of the entire civil struggle, without bringing the matter sharply to an issue throughout the country. During all the summer and autumn of 1862, the subject was the theme of much controversy, before the people North and South, in Congress, and between the President and his Cabinet.

Opinion as to the advisability of arming negroes and especially the slaves, was divided along much the same lines which separated those who desired and those who feared emancipation. Argument raged for and against. Where one man said that the certain result of their arming would be servile insurrection and a reign of barbarity, another said that the only sure means of preventing insurrection and a general slaughter of slave owning whites was by putting the negroes into arms, and subjecting them to military control. So the warning that fifty thousand white troops from the Border States would throw down their arms or even join the Confederate forces rather than fight side by side with colored troops, came the answer that two hundred and fifty thousand loyal men would be gained and that the South would lose the force which planted the crops and harvested them, while the white men went enmasse to join the colors. If some one

argued that the twenty millions of the North would show themselves pitifully weak by calling in negroes to help them conquer the eleven millions of the South, it was replied that only criminal disregard of the cost of the war could prevent the use of every means calculated to shorten it. Not all arguments were so easily met. A large proportion of those who hoped to see the negro freed, were dubious as to his qualifications for a soldier. Nothing but actual experience could quash the general theory that the race had no military qualities, and obviously there was little opportunity for that experience.

But as the war dragged on far past the three months period so optimistically prophesied as its limit in the earlier days, the question began to receive more serious consideration, and in the North at least the body of Public Opinion in its favor grew. There were two reasons for this. First, the reports from the commanders who were trying out the matter were highly enthusiastic. The negroes belied the uncomplimentary predictions of their stupidity, laziness, and untrustworthiness, and General Hunter with his slave regiment in South Carolina, and General Butler with his highly educated brigade of free men, and General Lane with his combination of contrabands and northern free negroes, were unanimous as to the ability of these men to quickly and accurately master new duties. So the negro himself was looked upon with more respect.¹

In the second place, the war was beginning to come more closely home to the North. The solicitude for the protection of the proper-

1. War Records, Serial No. 123, p. 198.

Am. Hist. Assoc. Rep't., 1902, II,
New York Times, June 6, 1862. General Lane's Address before
the Emancipation League.

ty rights of Southern families, the fear lest some South Carolina or Louisiana planter might be ill treated by armed men who had been his slaves, was pushed into the background when the report came back that Northern troops were dying from the fevers of the coast and swamps. People began to speak of "acclimated troops", and the possibility of using negroes seemed less remote. So too, the failure of the Richmond campaign, the call for three hundred thousand fresh troops, the slow response to the call and prospect of a draft changed more than one person's ideas as to the propriety of establishing this new arm of the service.² Instead of talking of the indignity of subjecting whitesoldiers to a humiliating contact with black ones, people began to say that since the war was all on account of the negro, he should pay his share of the price. More and more too, the economic importance of the negro to the military successes of the South was seen in its real significance. Once the desirability of taking this advantage from the South was recognized, the question arose as to what the North could do with the men. The most promising answer was the plan so strongly advocated by General Hunter.

All these arguments, pro and con, were showered upon Congress and the Executive. President Lincoln's attitude was wholly consistent with the stand he had taken toward slavery. In his inaugural address he had pledged himself to non-interference with the institution.³ In March, 1862, in an interview with certain representatives from the Border States, he denied that in his recent plea for com-

2. Belleville Advocate. July 25, 1862.

War Records, Serial No. 123, p.45.

3. Lincoln, Works, Federal Edition, V, 253-266.

pensated emancipation there was any intent to hurt those States, that on the contrary it was an offer of escape from the chaotic condition caused by the pressure of armed Union forces in slaves states, and the consequent flight of slaves to the lines.⁴ General Frémont's order of Emancipation, and General Hunter's later one were promptly revoked.⁵ So long as he pursued this policy of conciliation. President Lincoln could not sanction the arming of slaves. Although Secretaries Stanton, Seward, and Chase were all in favor of granting General Hunter the authority he asked for enlistment of colored as well as white troops, President Lincoln still considered it a measure certain to provoke more evil than good and refused to give it his support.⁶

The spirit in Congress was less conservative. The two measures to which reference has already been made, the Confiscation Bill of 1861, and the Bill of March 13, 1862, freeing slaves held in service against the Federal Government, were indicative of the gradually strengthening anti slavery feeling. On the tenth of April, the joint resolution in favor of compensated emancipation, recommended to Congress by the President in his special message of March sixth, and passed by both Houses, was sent back to him for his final approval. Two days later, he signed a bill emancipating the slaves in the District of Columbia. The next anti slavery measure was the bill prohibiting slavery in the territories. The bill was introduced in the House in the latter part of March, 1862, and after much debate was

4. ibid.,

447.

5. War Records, Serial No. 3, pp. 477, 485.

Lincoln, Works, Federal Edition, VI, 10-13.

6. Chase, Diary, Am. Hist. Assoc. Rept., 1902, II, pt.2, 45-46.

finally passed in an amended form on the seventeenth of June. It was a big triumph for the anti-slavery forces who were so used to seeing the slave holding interests victorious in the struggle over slavery in the territories.⁷

Two more measures were to be passed before the end of the summer by which Congress definitely recorded its approval of the arming of negroes. Mr. Trumbull of Illinois introduced a bill in the Senate in the first week of December, 1862, providing for the freeing of slaves of any persons who should take up arms against the Government, or who should in any way abet the Rebellion. It was the next logical step in the anti-slavery program. In presenting his bill, Mr. Trumbull made the usual justification for the measure, that odd combination of theories of the North and South, that since the South considered the negro as property, the North was justified in using that plea to make him a free man. It was urged also as one of the most rapid means of attaining a successful conclusion to the war.⁸

The bill was violently opposed and as earnestly upheld. It was argued that its passage would consolidate the South more effectively than any circumstances had been able to do up to that time, that it was equivalent to a dissolution of the Union and would leave the blame upon the North. On the other hand, it was supported as just and right that the Government should so protect itself. As a practical argument against the bill, it was pointed out that it would be almost impossible to free the immense number of slaves, simply because there was no place open to them once freed. The North did not

7. Wilson, Anti Slavery Measures in Congress, Chapters I-V.

8. Cong. Globe, 2 Sess., 37 Cong., 18-19.

want them, and reenslavement or extermination was inevitable.⁹ The debate continued day after day. Various substitutes were proposed, all of which were finally referred to a select committee, "with instructions to bring in a bill for the confiscation of all the property of the leading insurgents, and the emancipation of the slaves of all persons who have taken up arms against the United States during the present insurrection."¹⁰ The bill reported differed in many respects from the original, and there was an additional clause which provided fresh material for debate. This bill provided that at any time after the passage of the bill, the President might issue a proclamation, proclaiming the freedom of slaves of persons found in arms against the Government thirty days after the issuing of the paper. No slave escaping from his master was to be given up unless his master could prove his loyalty, and finally, the President was authorized to employ persons of African descent for the suppression of the Rebellion. The debate began again with renewed vigor.¹¹

The House of Representatives was in the meantime struggling with the same problem. December second, 1861, Mr. Eliot of Massachusetts, introduced a joint resolution recommending that the President exercise his right as commander-in-chief of the Army to emancipate persons held as slaves in any military district in a state of insurrection against the National Government.¹² After a debate covering several days, it was referred to the Judiciary Committee,¹³ and on the twelfth of March reported back with the recommendation that it should not pass. It was referred a month later to a select com-

9. Cong. Globe, 2 Sess., 37., Cong., 942-945, 1049-1054.

10. ibid., 1965.

11. ibid., 2165-2173.

12. Cong., Globe, 2 Sess., 37 Cong., 5-7.

13. ibid., 78-87, 115-117.

mittee.¹⁴

April thirtieth, Mr. Eliot introduced two new bills, a confiscation bill, and another emancipating slaves of rebels.¹⁵ May twentieth, they were brought up for discussion.¹⁶ The speeches on both sides were delivered with all the earnestness which intense feeling could produce. Mr. Sedgwick of New York introduced an amendment¹⁷ denouncing the eleven states which, combined under the title of the Confederate States of America, had "made war upon" the Government of the United States, and continued in such war and rebellion. Upon this he proposed to base an enactment making it the duty of the commanding officer of every military or naval department within those states, to invite all loyal persons, including slaves, to come within the lines and be enrolled in the United States service. He stated specifically that he meant this to include any branch of the service for which they were capable, civil or military. He proposed to offer freedom as a reward for such services.

The debate raged on and on. Antislavery men pleaded the rights of humanity, liberty and the inviolability of the Union, Southern sympathizers condemned measures so hostile to the Constitution, and labelled them wicked implements of destruction to the spirit which still held North and Border States together. General Hunter and his black regiment came in for their share of the discussion.¹⁸ Mr. Wickliffe of Kentucky denounced Hunter in the bitterest language, and

14. ibid., 1303, 1820.

15. ibid., 1886.

16. ibid., 2232-2246, 2265-2274.
2292-2305

17. ibid., 2323.

18. Cong. Globe., 2 Sess., 37 Cong., Appendix, 263-264.

his speech did not lack support. "Pass these acts, confiscate under these bills the property of these men, emancipate their negroes, place arms in the hands of these human gorillas to murder their masters and violate their wives and daughters, and you will have a war such as was never witnessed in the worst days of the French Revolution, and horrors never exceeded in St. Domingo, for the balance of the century at least," said one of the opponents of the measures.¹⁹

But the confiscation bill passed upon the final question, and then came the question of the Emancipation bill. Mr. Sedgwick's somewhat highly colored amendment was defeated by a large majority, and the bill itself failed on a vote of seventy four to seventy eight.²⁰ On the fourth of June a motion to reconsider the vote was agreed to, and the bill re-committed to a Special Committee. A substitute bill was reported back, and on the eighteenth of June passed the House in a form which provided for the freeing of slaves of all persons in rebellion sixty days after the President should issue his proclamation.²¹

The confiscation bill came before the Senate a few days later. Here it was amended by the substitution of the Senate bill, and sent back to the House. The amendment was not concurred in, and a conference committee was appointed. The bill reported by the committee combined emancipation and confiscation.²² It was in substance the Senate bill, and provided that all slaves of persons who should give aid or comfort to the Rebellion, who should take refuge within the

19. *ibid.*,

271.

20. Cong. Globe., 2 Sess., 37 Cong., 2361.

21. Cong. Globe, 2 Sess., 37 Cong., 2793.

22. *ibid.*

3267,

lines of the Army, all slaves captured by such persons, or deserted by them and coming under the control of the Government, should be considered captives of war and be forever free. Fugitive slaves were not to be surrendered to rebels, and the President was authorized to employ persons of African descent for the suppression of the Rebellion, and to organize and use them in such manner as he might judge best for the public welfare. The report was accepted, in the House by a vote of eighty two to forty two, and in the Senate by a vote of twenty seven to twelve.²³ On the seventeenth of July, the bill received the approval of the President of the United States.

The second bill was more direct in its form. Mr. Wilson, senator from Massachusetts, reported a bill on the eighth of July, 1862, to amend the militia act of 1795. The next day the bill was discussed in the Committee of the Whole. Mr. Grimes of Iowa offered an amendment providing that there should be no exemption from military duty on account of color, and that the President have full power and authority to organize them according to race or color.²⁴ Of course such a proposition met instant opposition. It was characterized as an attempt "to elevate the miserable nigger," to which a second Democrat added that its effect would be not the elevation of the negro, but the degrading of the white man to his level. To this it was replied that if the United States was not prepared to recognize the Southern Confederacy, it must accept every means within its power for the prosecution of the war. The probable attitude of the white troop troops was much argued. Mr. Wilson seized the opportunity to defend both the negro and the democratic spirit of the white soldier. He

23. *ibid.*,

3267, 3276.

24. *Cong. Globe*, 2 Sess. 37 Cong., 3197-3198.

cited the use of negroes in the Revolution and in the War of 1812.

But such an argument was of little effect with Border States men. Said one, "You propose to place arms in the hands of the men and boys, or such of them as are able to bear arms, and to manumit the whole mass, men, women, and children, and leave them among us. Do you expect us to give our sanction and our approval to these things? No! No! We would recognize their authors as our worst enemies, and there is no foreign despotism that could come to our rescue that we would not joyously embrace, before we would submit to any such condition of things as that. But, before we had invoked this foreign despotism, we would arm every man and boy that we have in the land, and we would meet you in a death struggle, to overthrow together such an oppression and our oppressors."²⁵

Mr. Collamer in a continuation of the debate July tenth, supported the measure on the plea of expediency. He said, "I never could understand, and do not now understand, why the Government of the United States has not the right to the use of every man in it, black or white, for its defence; and every horse, every particle of property, every dollar in money, of every man in it. As to the using of colored men, that is entirely a question of expediency, whether you need them, whether you can use them to advantage; and that depends on so many contingencies, that I have always supposed the President, the generals, the men who are managing the war, actually engineering it along, if you please, would lay their hands upon and use all means and appliances to that end which they found necessary."²⁶

A motion to strike out the words "any military or naval" before "service" was lost, and the section in question passed with an amendment providing for compensation of all loyal persons who should under the act lose the services of any persons.²⁷

The second section of the Grimes amendment, granting freedom to the mothers, wives and children of any "man or boy of African descent" who should "render any such service as is provided for in the first section of this act, "come next under discussion. After some debate the section was limited by an amendment to include only those fami-

25. Cong. Globe, 2 Sess., 37 Cong., 3198-3207.

26. *ibid.*, 3228.

27. *ibid.*, 3231, 3233.

lies belonging to disloyal persons. But opposition was still strong and further discussion was postponed.²⁸

A new bill to amend the militia act of 1795 was brought in from the Committee on Military Affairs and the Militia, on the twelfth of July.²⁹ This bill was more explicit in its provision than the former one, authorizing the President "to receive into the service of the United States, for the purpose of constructing entrenchments, or performing camp service, or any other labor, or any military or naval service for which they may be found competent, persons of African descent, and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe." Another section repeated the proposition of the Grimes bill to free the families of slaves who rendered such service to the Union. Provision for payment was made, a provision which allowed to the colored men, ten dollars per month and one ration, three dollars of which monthly was to be in clothing, as against the thirteen dollars a month and one ration, with an allowance of three dollars and a half for clothing, which white troops received.³⁰

By a vote of eighteen to seventeen, an amendment was added limiting the emancipation of such slaves to those belonging to disloyal masters.³¹ The point was bitterly contested, the one side denouncing it as a shameful and humiliating policy which could permit a man to fight for the Union, and then send him back to slavery, while the supporters of the amendment urged the rights of slaveholding

28. *ibid.*, 3237.

29. *Cong. Globe*, 2 Sess., 37 Cong., 3289.

30. *ibid.*, 3320-3321

31. *ibid.*, 3339.

loyalists. Even the addition of the amendment did not quite assuage the fears of all the members as to the effect of the bill. It was stigmatized as "the most disastrous measure for the integrity of this union that has been or can be before Congress", but the final vote twenty eight to nine in its favor indicated clearly the general feeling of the Senate.³²

The bill went immediately before the House, where it was passed on the sixteenth of July without amendment, and on July seventeenth it too received the President's signature and so became law.

But the effectiveness of these two bills depended upon the willingness of the President to issue the proclamations recommended, and he could not yet bring himself to that step. On the twenty second of the month, April, a Presidential order was issued authorizing commanders in rebelling states to confiscate "any property, real or personal," "necessary or convenient" for supplies to other military purposes and providing that naval and military commanders should use "as laborers" as many persons of African descent as might prove advantageous.³³ But this did not permit arming for use as soldiers.

President Lincoln expressed his fears for the efficacy of such a measure in his reply to a committee from Chicago religious organiza-

tion, who asked a proclamation of emancipation.³⁴ He said, "unquestionably, it would weaken the rebels by drawing off their laborers, which is of great importance, but I am not so sure we could do much with the blacks. If we were to arm them, I fear that in a few weeks the arms would be in the hands of the rebels; and, indeed, thus far we have not had arms enough to equip our white troops. I will mention another thing, though it meet only your scorn and contempt. There are fifth thousand bayonets in the Union armies from the border slave States. It would be a serious matter, if in consequence of a

32. *ibid.*,

3348, 3351.

33. War Records, Serial No. 126, p. 656.

34. Lincoln, *Works*, Federal Edition, VI, 139.

proclamation such as you desire, they should go over to the rebels. I do not think they all would--not so many, indeed as a year ago or as six months ago--not so many today as yesterday. Every day increases their Union feeling. They are also getting their pride enlisted, and want to beat the rebels."

There was protest of course, and denunciation of this inaggressive policy of the President, but the effect upon the Border States was undoubtedly quieting. Even those who most earnestly advocated the arming of the negroes were obliged to admit that the President's compromise was effective in the purpose of drawing the slaves away from their rebel masters, which was quite as important as making them a part of the Federal forces, and though there was grumbling, it was often followed by a grudging admission that the President was perhaps right after all.

There was already some evidence to the effect that the policy might eventually change. Although the President refused to receive two colored regiments offered as late as August sixth by a Western delegation,³⁵ within the month orders went South from the War Department to General Rufus Saxton, who had been given charge of the contraband problem in the Department of the South,³⁶ that he might organize and arm five thousand colored men. General Saxton had asked authority to enroll a force of about five thousand contrabands as laborers in the Quarter Master's Department. The negroes along the coast occupied by Union forces were fearful of attack from their rebel master. Such guarantee of protection as would be given by their enrollment as laborers in the United States service, would be most effective in hastening the withdrawal of great numbers of slaves from their masters. Another advantage of such an arrangement was the correction of the injustice which had been done those contrabands who

35. New York Times, Aug. 6, 1862, Washington Correspondence.

36. War Records, Serial No. 123, p. 27.

had for several months served the Government with no pay beyond ration. The condition of the negroes would be improved, friction between them and the white troops lessened, and an emergency force provided.³⁷ The authority asked for was promptly granted, and General Saxton was instructed to muster the force into the United States Service. In addition, because of the small force under his command, and the inability of the Government to increase it, he was authorized to "arm, uniform, equip and receive into the service of the United States, such number of Volunteers of African descent as "he might deem expedient not exceeding 5000." The order included provision for the appointment of officers, and the statement that the troops were "to be entitled to and receive the same pay and rations as "were allowed by law to Volunteers in the service."³⁸

With this encouragement the enlistment of negroes began at once in South Carolina. The one remaining company of General Hunter's unfortunate black regiment was a part of this first regiment of South Carolina Volunteers, and its commander, C. T. Trowbridge was made senior captain in the new regiment. This first company was mustered in November fifteenth, 1862.³⁹ There were still difficulties in the way of rapid organization. The rebels moved their slaves inland, as far as possible out of temptation's way, and until inland posts could be established, recruiting was not rapid. The Quarter Master's Department took many of the negroes who did escape, and General Saxton made no attempt to divert any men from that department to his regiment. Finally, the unpaid and unsupported condition of General Hunter's regiment was still vividly in the minds of many colored men.

37. War Records, Serial No. 20, p. 374.

38. *ibid.*, p. 377.

39. T. W. Higginson, *Army Life in a Black Regiment*, 276.

The members of the regiment had suffered, and had seen their children suffer, while the negroes in the Quarter Master's Department received regular pay. This made them slow to venture again. Confidence was not yet restored. The regiment was not completed until the following January,⁴⁰ but General Saxton was well satisfied with the beginning made, and had every confidence in its success. The opposition in the department was less than had been expected, and General Saxton had numerous applications for positions as officers in the new regiment.⁴¹

After so much of a concession from Government headquarters, it was no surprise that the President should include in his emancipation proclamation of January first, 1863, the following paragraph.

"And I further declare and make known that such persons" (slaves emancipated under the proclamation) "of suitable condition, will be received into the armed service of the United States to garrison fort forts, stations, and other places, and to man vessels of all sorts in said service."⁴² From that day on the problem was not whether or not negroes should be armed, but how they might be organized for most effective service.

What the South thought of such a policy can easily enough be imagined. It was received with bitter scorn and bitter hatred. It was "monstrous barbarity"; it was "diabolical malignity." To quote the Richmond Dispatch of July eighteenth, 1862, in its criticism of the use of negroes even on Northern fortifications; "This is the sort of freedom the deluded slaves enjoy where they get into the clutches of the abolitionists. They are worked to death, in order to save the lives of a proportionate number of miserable Yankees, not one half of whom can lay as much claim to respectability as the blackest corn-field negro in Virginia. We hope our authorities, in negotiating for an exchange of prisoners, will make the invaders account for at least a portion of the 'contrabands' they have stolen, though in making up their relative value it should appear that the negro was equal to two Yankees."⁴³

40. War Records. Serial No. 124, p. 20.

41. ibid., Serial No. 123, pp. 663, 695.

42. Lincoln, Works, Federal Edition, VI, 229.

43. Moore, Rebellion Records, V, 42.

They were not to be disappointed in the attitude the "authorities" should take. That was expressed with precision and force in General Orders Number 60, issued from the War Department August twenty first, 1862.⁴⁴

"1. Whereas Major-General Hunter, recently in command of the enemies forces on the coast of South Carolina, and Brigadier-General Phelps, a military commander of the enemy in the State of Louisiana, have organized and armed negro slaves for military service against their masters, citizens of the Confederacy; and whereas the Government of the United States has refused to answer an inquiry whether said conduct of its officers meets its sanction, and has then left this Government no other means of repressing such crimes and outrages than the adoption of such measures of retaliation as shall serve to prevent their repetition:

Ordered, That Major-General Hunter and Brigadier-General Phelps be no longer held and treated as public enemies of the Confederate States, but as out-laws; and that in the event of the capture of either of them, or that of any other commissioned officer employed in drilling, organizing, or instruction slaves, with a view to their armed service in this war, he shall not be regarded as a prisoner of war, but held in close confinement for execution as a felon at such time and place as the President shall order."

Lincoln, Wards, War Records, Serial No. 20, p. 599.

44. War Records, Serial No. 20, p. 599.

III

for the duration of the war. The plan had proposed that they should be sent to North Carolina as a nucleus for the formation of a black brigade under General Foster. He anticipated that unless fatigued operations of a brilliant organization conducted in the State, the
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After the issuance of the emancipation proclamation, the recruiting of colored troops began in earnest. The plan once promulgated as a Government measure, President Lincoln proposed to get the greatest possible advantage from it. Not only was the recruiting of negro troops sanctioned, but early in January President Lincoln was suggesting to one of his Generals that the latter might find it practicable to garrison certain forts under his command with colored troops, so that the white forces might be used elsewhere.¹

Naturally enough, Governor Andrews of Massachusetts was one of the first to begin the recruiting of blacks, as he had been one of the first to urge such a measure upon the Government. He had stood firmly behind General Hunter in his struggle for the recognition of colored troops,² and now that the Government had taken a favorable stand, he began the work without delay. Two regiments were organized, the Fifty-fourth and Fifty-fifth Massachusetts. These were the only colored regiments to be raised and officered as state troops and to serve as such.³ Governor Andrew spared no pains to make these first northern negro regiments proof against the criticism they were certain to be subjected to. He was justly proud of them and had no intention that they should be assigned to inglorious fatigue duty.

1. Lincoln, Works, Nicolay and Hay, II, 298.

2. War Records, Serial No. 123, p. 45.

3. ibid., Serial No. 126, p. 661.

for the duration of the war. Though he had proposed that they be sent to North Carolina as a nucleus for the formation of a black brigade under General Foster, he stipulated that unless "active operations of a brilliant sort" were contemplated in that State, they be sent to South Carolina, where "under General Hunter negro troops will be appreciated and allowed a place in onward and honorable movements of active war."⁴ As General Foster could make no promise of "brilliant" service, and General Hunter was anxious to have the Massachusetts regiments in his Department, they were assigned to his command.⁵ May twenty-eighth, under the command of Colonel Robert Gould Shaw, the Fifty-fourth embarked, the first colored regiment to be sent South. Great was the excitement in Boston as they marched down State Street, cheers and groans, reproaches and applause following them in one confused roar.⁶

On arrival at Port Royal they found two colored regiments under process of recruiting, one under the command of Colonel T. W. Higginson, the other under Colonel Montgomery of Kansas. To the latter's brigade the Massachusetts regiment was assigned,⁷ They remained in the Department for the few short weeks before their famous assault upon Fort Wagner. General Hunter was completely satisfied with the results of the organization of colored troops in his Department. Three regiments had been recruited under General Saxton's supervision and two more were planned for, to be enrolled from the surplus laborers of the Quarter Master's, Commissary, Ordnance and Medical De-

4. War Records, Serial No. 124, p. 109.

5. *ibid.*, pp. 190, 192, 210.

6. G. W. James, *Assault on Ft. Wagner, Glimpses of a Nation's Struggle*, First Series, 13-14.

7. *ibid.*,

partments.⁸ The men showed in themselves the making of good soldiers and the opposition among the white troops was gradually dying out. Recruiting within the Department never exceeded the limits of the first authorization for five thousand men however. The demand for laborers was so great that comparatively few able bodied men remained for enlistment. A later attempt at a wholesale impressment within the district proved most unsatisfactory.⁹

In North Carolina, the recruiting of one regiment was begun under Brigadier-General Wild. General Foster, commanding in the Department, while quite willing to carry out the wishes of the Government, was dubious as to the possibility of enlisting a larger number of volunteers. The negroes had no enthusiasm for military service, and although anxious to work for the Government, much preferred some sort of labor which would permit them to remain with their families.¹⁰

Under the direction of Brigadier-General Thomas, recruiting was begun in the Mississippi Valley. He was ordered by Secretary Stanton to make an extensive inspection trip along the river, studying the situation of the contrabands, their treatment by military authorities, food and clothing supplies and general welfare. He was to confer with General Grant and other commanders on the subject of negro troops, urging the importance of their immediate incorporation into the military forces of the United States.¹¹ In accordance with these instruction, General Thomas proceeded down the river, stopping at such large posts as Cairo and Memphis. At the latter place he authorized the recruiting of six companies of colored troops by General

8. War Records, Serial No. 124, p. 177.

9. ibid., pp. 1027, 621.

10. War Records, Serial No. 124, pp. 122, 192.

11. ibid., p. 100.

Hurlbut, who assured him that the white troops, especially those who had been under fire, would support the movement.¹² At Helena, Arkansas, his project received the heartiest support both from the commanders there and the seven thousand white troops whom he addressed. The prospect of a vigorous and aggressive policy gave the men a new confidence in the success of their cause.¹³

These enthusiastic reports continued from Lake Providence, Louisiana, he wrote of having addressed two divisions of McPherson's army corps on the subject. The men listened to the proposition with approval, and his request for officers for two black regiments was met with applications enough to furnish twice the number. There were indications that ten regiments could be obtained without difficulty.¹⁴ The interview with General Grant proved satisfactory also. The latter with his commanding officers was willing to push the policy of arming the blacks, and took immediate steps to secure the aid of all corps, division, and post commanders. The west bank of the river was under Federal control, and it was thought that by sending foraging parties across the river to collect the negroes some twenty thousand could be recruited.¹⁵

May first saw the mustering in of the first regiment recruited as a result of General Thaoms' expedition. It bore the somewhat lengthy title of the "First Arkansas Volunteers of African Descent."¹⁶ By May eighteen, recruiting was under way in Louisiana, Mississippi, and Tennessee, and prior to June thirtieth, five more regiments were

12. *ibid.*, p. 126.

13. *ibid.*, p. 117.

14. War Records, Serial No. 124, p. 121.

15. *ibid.*, pp. 121, 147.

16. *ibid.*, Serial No. 126, p. 661.

mustered into the United States service. These military organizations of colored men were mustered directly into the United States service, and their organization was carried on by officers acting under Federal authority, and not from any particular state. The officers of the regiments organized by Adjutant General Thomas in the Mississippi Valley received their appointments from him, in the name of the Secretary of War, and Department Commanders were authorized to make appointments subject to the approval of the President for those formed under their direction.¹⁷

In the Department of the Gulf, General Butler had been succeeded by Major-General Banks. He found three negro regiments in existence, but due to inefficient officers and the opposition of white troops, they were in a state of demoralization which forbade their active service. In spite of criticism of his "timorous and hesitating" policy, he proceeded to the reorganization of these regiments before enlisting more negro troops. They had been officered by colored men, whom white soldiers could not bring themselves to salute. These colored officers were replaced by white men, as the only means of counteracting the hostility of northern troops. Two regiments of infantry and one of engineers were begun, but there was not at the time material within Government control for the formation of further regiments.¹⁸

Early in January, Brigadier-General Daniel Ullmann was authorized by Secretary Stanton to raise four regiments of Louisiana Volunteer Infantry within that state.¹⁹ General Banks was notified of the

17. *ibid.*, December 20, 1862, p. 16.

18. War Records, Serial No. 41, p. 689.

Dennison Chase Correspondence, Am. Hist. Assoc. Rept., 1902,
II, 351-352, 361.

19. War Records, Serial No. 124, p. 14.

commission by Secretary Stanton and General-in-Chief Halleck, and instructed to give him every aid in the project.²⁰ President Lincoln also wrote to General Banks, urging that he not only aid Ullmann as much as possible but carry the project beyond the limits of the latter's instructions if possible.²¹ This was near the end of March. With the opening of new territory to the Federal forces in April, the recruiting of negroes was begun with renewed vigor. All new recruits were appropriated to General Ullmann's Brigade.²²

In the first week of May, General Banks expressed his intention to organize a corps of colored troops to be called "The Corps d'Afrique". According to the plan, the corps was to consist of eighteen regiments, representing all arms of the service, infantry, artillery and cavalry, with an engineer corps and hospital unit for each division. The undertaking was less ambitious than the numbers might indicate, for regiments were limited to five hundred men each.²³

Two causes made this necessary. In order that instruction and discipline might be effected as quickly as possible, the regiments were decreased in size, so strengthening the control of the officers and insuring thorough drill. The second cause was due to the peculiar fashion in which recruits were obtained. There was no regularity about their coming. As new land was opened to northern troops, they came straggling in, by twos and threes, or sometimes in tens and dozens. The skeleton organization of five hundred well trained men permitted additions whenever recruits offered, and shortened the

20. *ibid.*, pp. 101-102.

21. Lincoln, Works, Nicolay and Hay, II, 318-319.

22. War Records, Serial No. 41, p. 689.

23. War Records, Serial No. 21, pp. 716-717.

time of their training perceptibly. Failure to realize this necessity of getting possession of a negro district before colored troops could be organized, furnished material for much of the criticism of the slowness of their organization.²⁴ It was not in accordance with military regulations to thus begin a new regiment before an old one was complete, but upon the explanation of his reasons for so doing, General Bank's action was approved.²⁵

As was to be the case only too frequently, there was a tendency among some of General Bank's subordinates to try impressment as a means of hastening recruiting. It had the opposite effect of course. The negroes themselves objected, and made less efficient soldiers. The inhabitants of the districts from which they were taken objected, and in Louisiana that was a more serious matter than it had been in South Carolina where most of the population was bitterly hostile. There were in the Gulf State large districts occupied by small farmers who owned only a few slaves each. They were for the most part well disposed toward the Government, and in the habit of furnishing information fully. Impressment of their negroes meant a reversal of this policy. Finally, the Treasury agents, establishing plantations here as in South Carolina, made the same objection. Impressment of their laborers meant serious loss to the Government, with very disproportionate military gain.²⁶

General Banks met the numerous complaints by issuing certain strict instructions concerning the black population of the Department. A commission was appointed to regulate the enrollment, recruitment,

24. *ibid.*, Serial No. 41, p. 689.

25. *ibid.*, Serial No. 125, pp. 158, 205, 231.

26. War Records, Serial No. 41, pp. 497, 649-650, 736-737.

employment, and education of negroes. No enlistments were to be made except under the authority of this commission. All able bodied colored men were to be enrolled by the provost-marshall general, and enlisted as they were necessary for public defense. All unemployed negroes were subject to arrest and forced labor upon the public works. For the peace of mind of the habitants a section was included which prohibited the use of colored troops for arrests or seizure of property, and limited their use as guards except when accompanied by duly authorized white officers.²⁷

By the middle of August, General Banks could report the organization of some ten or twelve thousand men. General Ullmann had five regiments nearly completed, while General Banks could report the addition of twenty one more regiments, three of which contained a thousand men each. These regiments included practically all of the material then available.²⁸ Since there was little or no distinction between the troops recruited under the two generals, Brigadier-General Ullmann's special powers for organization of black regiments was revoked, and he was ordered to report in his capacity as brigadier-general of volunteers to Major-General Banks.²⁹

In September these troops were inspected by Generals Grant and Thomas. The latter directed the filling up of the regiments, if sufficient recruits could be brought in from Texas. It was hoped that twenty five thousand men might be enrolled in all.³⁰

27. *ibid.*, p. 704.

28. War Records, Serial No. 41, p. 688.

29. *ibid.*, Serial No. 124, p. 766.

30. *ibid.*, p. 769.

Along the Mississippi organization was proceeding in somewhat irregular fashion. General Thomas had authorized the enlistment of negroes for some twenty regiments, and at various points along the river were to be found the nuclei of these organizations. Some were growing steadily, some were practically at a standstill. The work needed systematizing. It had begun well enough but there was no coordination between different officials who were carrying out General Thomas' orders, and the success or failure of each regiment depended to a large degree upon the character of the officer directly in command.³¹

In the late summer and fall of 1863, after the fall of Vicksburg and Port Hudson, and the consequent opening of the river, a fresh attempt was made to raise colored troops. General Thomas proceeded to Vicksburg, and announced his purpose of enlisting all able bodied male negroes who came under the protection of the Federal Government. But the negroes had been driven back for many miles on both sides of the river, and could be got only as expeditions were sent out. Consequently his work was limited chiefly to the reorganization and filling up of old regiments.³²

In Kentucky new problems were faced. Under the militia act of July 1862, and the enrollment act of March 3, 1863, free colored men were not exempt from enrollment, and they became subject to the draft laws.³³ So strong was the opposition in Kentucky to the proposition of Provost Marshal General Fry to include free negroes in the enroll-

31. H. G. Pearson, James S. Wadsworth of Geneseo, 242.

32. War Records, Serial No. 124, 686, 739.

33. Supra. Chapter II.

War Records, Serial No. 124, p. 1191.

ment of June 1863, that General Burnside, commanding in the department, and others of his generals sent protests and warnings to headquarters. The people of the State were quite willing to make up the entire number of the draft from the white population: they had no objection to the use of slaves as laborers, but did rebel at the idea of their enlistment as soldiers. In spite of the protests the enrollment was carried out, but in the year 1863 no negro troops were recruited in the State.³⁴

In January, 1864, General Thomas attempted to induce Governor Bramlette to support him in the recruiting of negroes. After some investigation, he satisfied himself that Kentucky negroes, free and slave, were being enticed in large numbers to neighboring states, and that many were enlisting. He urged their organization within the state as infinitely preferable; but the Governor was fearful of the evil effects of such a measure. The State was much agitated over the slavery question, and he hesitated to undertake any steps certain to provoke more dissatisfaction. Successful operations were so improbable that General Thomas withdrew from the State for a time.³⁵

In other sections of the country, the organization of colored troops was being carried on under the direction of a Bureau for the Organization of Colored Troops. The Bureau was established in the Adjutant-General's office, May twenty-second, 1863. Under the supervision of this board all matters concerning negro troops were to be regulated. Recruiting was restricted to persons especially examined and approved by a special board, and arrangements were made for the

34. War Records, Serial No. 124, pp. 416, 418-419, 420.

35. ibid., Serial No. 126, pp. 121-122.

examination of all applicants for positions as officers in colored regiments.³⁶

In view of General Thomas' activities in the West and South, the attention of the Bureau was turned to the Eastern and Middle States. The first regiment to be recruited under their direction was within the District of Columbia. Colonel William Birney received his instructions to organize the regiment on June thirteenth, 1863, and by the thirtieth of the month the regiment was complete and mustered into service. A second was at once begun.³⁷

June seventeenth, Major George S. Stearns was appointed recruiting commissioner for United States Colored Troops. He made his headquarters at Philadelphia, where recruiting was at once begun under the supervision of a committee of patriotic citizens. Two full regiments and part of a third were completed by the end of October.³⁸ Major Stearns was an aggressive worker. He succeeded in raising by subscription \$50,000 for the organization of colored troops. Convinced by a trip through the South that Maryland would prove a suitable field for recruiting, he urged the appointment of officers for that State.³⁹ August thirteenth, he received instructions to go to the Department of the Cumberland to aid in recruiting colored troops there, under the general supervision of General Thomas. After his departure from Pennsylvania, enlistments then were carried on under the Provost-M arshall General.⁴⁰

Almost simultaneously with the commencement of operations in Pennsylvania, Governor Todd of Ohio was granted the authority he

36. War Records, Serial No. 124, p. 215.

37. ibid., pp. 374, 1111.

38. ibid., pp. 376, 1112, 381,

39. War Records, Serial No. 124, pp. 682-683.

40. ibid., p. 676.

asked for the organization of a colored regiment, and to Governor Smith of Rhode Island was given authority to raise first a company and then a battalion of colored artillery. Delaware, Iowa, Illinois, Wisconsin and Michigan officials received similar authority, and late in the year or early in 1864, recruiting was begun in New Hampshire, Connecticut and New York. Governor Andrews of Massachusetts received special permission for the organization of a battalion or regiment of cavalry. In the Virginias, and Carolinas, Major-General Foster of the Department of Virginia, General Gillmore of the Department of the South, and Provost-Marshal-General Fry shared the responsibility of the organization of colored troops.⁴¹

Meantime, in the Border States the problem was being worked out in some confusion and unrest. In Maryland the recruiting was being carried on under Major-General Schenk, in Tennessee by Major Stearns, and in Kentucky and Missouri by General Thomas. The three faced much the same problems, and the most important of these was the question as to the position of slaves of loyal owners.

Slaves of loyal as well as of disloyal masters flocked to the Union lines. It was long an undecided question as to the legality of enlisting them as volunteers, or subjecting them to the draft. Either policy caused resentment on the part of their masters. The opinion of Judge Advocate General Holt was asked on the matter, and in a letter of August twentieth, 1863, he made his reply to Secretary Stanton.⁴²

41. *ibid.*, pp. 229, 372, 380, 383, 678, 838, 563, 572, 1096, 1117, 887, 1183.

Serial No. 45, p. 732.

42. War Records, Serial No. 124, pp. 695-696.

He based the right of the Government to employ, for the suppression of the rebellion, persons of African descent, on two grounds, the right to use them as property, the right to use them as persons anxious to serve their Government. As to the first he said, "Both our organic law and the usages of our institutions under it recognize fully the authority of the Government to seize and apply to public use private property on making compensation therefore. What the use may be to which it is applied does not enter into the question of the right of make the seizure, which is untrammeled in its exercise save by the single condition mentioned." He continued, "Secondly, as persons, while those of African descent held to service or labor in several of the States occupy under the laws of such State the status of property, they occupy also under the Federal Government the status of persons. They are referred to as nomine in the Constitution of the United States, and it is not as property but as persons that they are represented on the floor of Congress, and thus form a prominent constituent element alike in the organization and in the practical administration of the Government." Under the law of July seventeen, 1862, and the enrollment act of March three, 1863, Judge Advocate Holt felt that the Government had every right to use slaves of loyal masters. He stipulated that a compensation, sufficient to entirely exhaust the interests of the claimants should be made for every slave taken into the service.

Unfortunately the Government did not immediately announce its intention of adopting such a policy, and meanwhile recruiting officers were causing much complaint by accepting such persons, and even by impressing them. Governor Bradford of Maryland took the matter

up with President Lincoln and Secretary Stanton early in September. They were at the time unwilling to say that it had been decided to enlist slaves of loyal owners, but the practice continued nevertheless.⁴³ Conditions in Tennessee were worse if anything. When Major Stearns arrived early in September, he found the recruiting going on in an irresponsible way, any officer who wanted them, impressing the negroes on his own responsibility.⁴⁴ Two regiments had been raised. Major Stearns stationed the recruiting agents whom he had brought with him at various promising points and directed recruits to be sent to Nashville. It was part of his plan to have the officer who was to command a regiment appointed first, that he might shape and tone the regiment from the beginning.⁴⁵

By October first it was decided that the best results would be obtained in the organization of colored troops if it was made a definite part of the plan to take slaves of loyal masters. Accordingly General Orders Number 329, issued from the War Department October third, contained the following provisions.⁴⁶

"Free persons and slaves with the written consent of their owners, and slaves belonging to those who have been engaged in or given aid and comfort to the rebellion, may be now enlisted, the owners who have not been engaged in or given aid to the rebellion being entitled to receive compensation, as hereafter provided.

If within thirty days from the date of opening enlistment, notice thereof and of the recruiting officers being published, a sufficient number of the description of persons aforesaid to meet the exigencies of the service should not be enlisted, then enlistment may be made of slaves without requiring consent of their owners; but they may receive compensation as herein provided for owners offering their slaves for enlistment.

Any citizen of said States who shall offer his or her slave for enlistment into the military service shall, if such slave be accepted,

43. War Records, Serial No. 124, p. 787.

44. ibid., p. 840.

45. ibid., Serial No. 125, p. 764.

46. War Records, Serial No. 124, pp. 860-861.

receive from the recruiting officer a certificate thereof and become entitled to compensation for the service or labor of said slave, not exceeding the sum of \$300, upon filing a valid deed of manumission and of release, and making satisfactory proof of the title."

There were further provisions to obviate the possibility of any loyal master being deprived of his slave without compensation, and to make it equally impossible for any disloyal master to receive compensation. Under this order, which was subsequently extended to other Slave States, recruiting was carried on until the end of the War.

In Missouri, affairs had followed much the same course. In July of 1863, General Thomas gave instructions for the formation of the first colored regiment within the State. The first regiment was promptly recruited and a second begun. So far there had been little trouble, since every effort had been made to respect the State laws. But someone, whose identity remained unknown, appointed recruiting commissioners and sent them into Missouri with copies of the orders held by the officers of the first regiment. These men made no attempt to discriminate between the slaves of loyal and disloyal masters, enlisting any negro then could induce to follow them. With their departure it became apparent that most of the slaves who remained belonged to masters whose loyalty was not certain. It was advised that a general enrollment be made, with compensation to loyal owners.⁴⁷ General Orders Number 329 was extended to Missouri, and with slight modifications it became the basis for enlistment of colored troops within the State, until the summer of 1864 when the supply was exhausted.⁴⁸

47. War Records, Serial No. 124, p. 847.

48. ibid., pp. 1009, 1021-1022, 1034.
Serial No. 125, p. 577.

Kentucky was the last of these Border States to submit to the recruitment of negro soldiers. General Thomas' attempt of the summer of 1863 has been mentioned. In April of the next year Brigadier-General Burbridge, then in command of the department assumed the superintendence of the raising of troops in Kentucky. Negroes were to be enlisted by persons specially authorized and sent to Louisville or the nearest instruction camp. The plan of organization was practically that established by General Order Number 329.

General Thomas was still at the head of the recruiting in the West however, and it was to him that complaints were made of cruel practices upon the slaves either by their masters or recruiting officers. It was reported that the owners of slaves who offered themselves for enlistment and were rejected because of physical disabilities, often treated the unfortunate servants almost savagely, and to remedy this, no slave who was fit for any form of military service in the Quarter Master's Commissary's Department was afterward rejected. Such men were assigned to so called "invalid" regiments, which were utilized for garrison and fatigue duty.⁴⁹

General Thomas somewhat brusquely superseded General Burbridge's orders by a system of his own, but by orders from the War Department he was obliged to recall them, and leave matters in General Burbridge's hands. It was evident that two systems could not be in operation at the same time without leaving openings for abuse of authority, irregularities in enlistment and similar undesirable practices. Enrollment continued with comparative success. Most of the

49. War Records, Serial No. 125, p. 233.

50. ibid., pp. 422, 429, 764.

negroes from towns and adjacent country were recruited, but interior districts still abounded in lukewarm loyalists who exerted themselves to retain their slaves.⁵¹

It must not be thought that the problems of organizing negro troops were all settled once the men were enrolled. At least two more questions remained to be fought out, one the problem of their families, the other the problem of payment.

The importance of the first of these was early recognized, and in March 1863, a Freedman's Inquiry Commission was appointed to investigate the conditions of the colored population emancipated by the President's proclamation of January first, and to report what measures would best contribute to their protection and improvement. The great colored population thrown on the War Department for protection and disposal made necessary the procuring of accurate information as to their condition, and the establishing of practical measures to make them self supporting and to prevent industrial disturbance.⁵²

The Committee made its report in June after extensive investigation especially in the East and South.⁵³ They reported that the refugees should not necessarily be a burden upon the Government for more than a brief period. There was on the other hand every reason to believe that they might become with wise supervision efficient auxilliaries in prosecuting the war. The commission recommended two things to remedy the situation, first, regular work and wages for older men and women and children. For the able bodied males they

51. *ibid.*, pp. 429, 468, 1017-1018.

52. War Records, Serial No. 124, p. 73.

53. *ibid.*, pp. 430-454.

advocated military training as the most effective scheme for improving them and at the same time making them useful to the Government. They laid much stress on the necessity for humane and just treatment of the refugees. It was proposed that "contraband camps" be mere places of reception and distribution. The working of the abandoned plantations was recognized as a suitable employment, but it was urged that they be put to work where they might receive regular wages, and where if possible they might buy small lots. It was advised that these organizations be kept entirely apart from the military camps.

These recommendations were generally followed. It was soon evident that the recruiting of negro troops could never be a success until the men were assured of the welfare of their families. Camps were established along the Mississippi, in the South and the East. In Virginia and North Carolina "suitable sustenance" was assured to the family of every colored soldier so long as he behaved well in the service. Should he desert, the support of his family was stopped. Lest laziness should be encouraged, it was further provided that where a family was able to work and failed to do so, it should receive no Government aid.⁵⁴

The rules adopted in the Department of the Gulf have already been cited. The most elaborate scheme was put into practise along the Mississippi. Planters were required to keep a roll of the persons employed upon their estates, and to record the same with the provost-marshall of the district. If possible, they were to secure unity of families among their employes. All questions between em-

54. War Records, Serial No. 124, pp. 1139-1144.

ployer and employee were to be settled by the provost-marshals of the district, and flogging and other cruel punishments were forbidden. Soldiers were allowed to visit the camps only with special permission and never with firearms. For the further protection of the contraband unauthorized purchase of clothing and other property from the laborers was forbidden. So too was the sale of whisky and drugs. There was provision for medical care, and what is especially noteworthy, at least one school for colored children under twelve years of age was to be established in each provost-marshals district.⁵⁵

In conjunction with this determination to better the social status of the negro, to put his family on a sound economic basis, Congress in March of 1865, passed a law freeing the wife and children of any colored man who had been mustered into service. This supplemented the law of 1862 which gave freedom to the families of colored soldiers, provided they belonged to rebel masters.⁵⁶

In the matter of payment the negro soldier was discriminated against until near the end of the war. According to the provisions of the act of July seventeenth, 1862, he was to receive only ten dollars a month and one ration, and three of the ten dollars were to be devoted to the purchase of clothing.

This discrimination was more unfortunate in its effects upon the earlier recruits than upon later ones. The earlier recruits expected to receive the same amount as white soldiers. General Saxton's instructions specifically stated that his negro troops should "be entitled to, and receive, the same pay and rations as are allowed, by

55. *ibid.*, Serial No. 125, pp. 166-168.

56. War Records, Serial No. 125, p. 1228.

law, to volunteers in the service."⁵⁷ When instead they received only seven, mutiny threatened. One non-commissioned officer was shot by order of courtmartial for leading his comrades to stock arms before their captain's tent, on the grounds that the Government's refusal to meet its obligations, relieved them of their contract. Desertions were frequent, and the morale of the troops was lowered.⁵⁸

The effect of the discrimination was always bad, though in later days it was fully counted upon by the negroes. It led to a feeling of inferiority on their part which operated against their improvement. It destroyed much enthusiasm for recruiting, and the result was that many more negroes desired positions in the Quarter Master's Department where pay was regular and high. Realization of these facts slowly forced itself upon the minds of Congress and in June 1864, a law was passed which equalized the pay of white and colored troops. It was retroactive as far as January of 1864.

Even in the matter of bounty the colored troops had been at a disadvantage. No bounties had been paid, to either slave or free colored persons. In the case of slaves, the master received the bounty, one hundred dollars, if the man was drafted, three hundred if he went as a volunteer. The act of June fifteenth provided for the payment of a bounty not to exceed one hundred dollars to be mustered into the service, and to all those drafted under the call of October seventeenth 1863. A final provision authorized the Attorney General to examine into the laws with the purpose of ascertaining whether or not free colored men were entitled to enter the military service of

57. Supra.

58. T. W. Higginson, Army Life in a Black Regiment, 280.
War Records, Serial No. 125, p. 227.

the United States on April nineteenth, 1861, on an equal footing with white troops. Should the point be settled in the affirmative, all back sums were to be paid over to any authorized claimant.⁵⁹ Attorney General Bates promptly gave his opinion in favor of the refunding of money to all colored men who had been free April nineteenth, 1861, and the order was immediately issued by Secretary Stanton.⁶⁰

It remained for Congress to justify one more claim, that of the men of General Hunter's and General Saxton's regiments, and somewhat belatedly they did so in an act of March eighth, 1865, which provided that they should "from the date of their enlistment, receive the same pay and allowances as are allowed by law to other volunteers in the military service."⁶¹

Less than two months later, April twenty-ninth, 1865, the recruiting of negro troops was ordered to cease, and did at once stop except in the State of Kentucky where it was prolonged a few weeks in the hope of favorably influencing the Legislature toward the acceptance of an emancipatory amendment to the Constitution.⁶²

In all, one hundred eighty-six thousand, seventeen colored men were mustered into the service. Louisiana had the highest number to her credit, a little more than twenty-four thousand, but Tennessee and Kentucky with twenty and twenty-three thousand respectively followed her closely. Mississippi came next in the scale with more than seventeen thousand. Maryland, Pennsylvania and Missouri with between eight and nine thousand each formed the next class. and be-

59. War Records, Serial No. 125, p. 448.

60. *ibid.*, pp. 490-493, 565.

61. *ibid.*, p. 1223.

62. War Records, Serial No. 125, p. 1271.

low them the state rosters showed from forty-seven in Texas to five thousand, seven hundred fifty-three in Virginia. A little consideration of these facts makes clear two points, one, the difficulty of recruiting, and second the disastrous effect upon the South by this extensive withdrawal of her laboring population.⁶³

Would the slaves have been willing to serve? Most of their best friends would scarcely have given an unanimously affirmative answer, and many who felt the possibility of victory for the cause of the North, had little confidence in the capacity of an ex-slave to acquire the high degree of discipline necessary to the successful soldier. It did not seem probable that men who had been for years, and whose ancestors had been for several generations in the悲哀 position of slaves, with all that meant of dependence, submissiveness and absence of personal initiative, should in a few weeks or months develop the fortitude, stoutness and settled purpose without which the soldier becomes not so bad but a regular criminal class.

63. War Records, Serial No. 126, p. 662.

Number of Colored Troops by States.

Maine.....	104	N. C.....	5,039	Ill.....	1,537
N. H.....	125	W. Va.....	196	Ind.....	1,811
Vt.....	120	S. C.....	5, 462	Mo.....	8,344
R. I.....	1,837	Ga.....	3,462	Minn.....	104
Mass.	3,966	Fla.....	1,044	Iowa.....	440
Conn.....	1,764	Ala.....	4,969	Wis.....	165
N. Y.....	4,125	Miss.....	17,869	Kans.....	2,080
N. J.....	1,185	La.....	24,052	Tex.....	47
Pa.....	8,718	Ky.....	23,703	Col. Terr.....	95
Del.....	954	Tenn.....	20,133	At large.....	733
Md.....	8,718	Ark.....	5,526	Not acc't for	5,083
D. C....	3,269	Mich.....	1,387	Officers....	7,122
Va.....	5,723	Ohio.....	5, 392		186,017

IV

NEGRO TROOPS IN ACTION.

Would the negroes make good soldiers? Even their most steadfast friends would scarcely have given an unanimously affirmative answer, and many who felt the possibility of training free negroes of the North, had little confidence in the capacity of an ex-slave to acquire the high degree of discipline necessary to the successful soldier. It did not seem probable that men who had been for years, and whose ancestors had been for several generations in the degrading position of slaves, with all that meant of dependence, submission, absence of personal initiative, should in a few weeks or months develop the fearlessness, steadiness and settled purpose without which the soldier becomes not an aid but a menace to his cause.

But slavery had instilled some lessons of value to the prospective soldier. The negro knew the meaning of obedience to authority, and much waiting upon the will of others had taught him patience. There were inherent in the race certain characteristics which made him quickly responsive to military life, and more than one young officer who felt his spirit sink at first sight of his motley horde of would-be-soldiers, was surprised into honest admiration by the rapidity of their transformation. One officer describes the first meeting of his company as follows:¹ "I reported for duty and was assigned to my company. I well remember the sight that greeted my eyes the next morning when I went out to roll call. The Company had been recruited almost entirely from Fort Negley at Nashville, Tennessee, where they had been working on the fortifications; and were in charge of a colored man who had been a sort of overseer there. Drawn up in

1. Norton, Colored Troops in the War of the Rebellion, Glimpses of the Nations Struggle, Fifth Series, 67.

two ranks, without regard to size, dressed in all sorts of illfitting garments, they waited with curiosity the appearance of their Captain. Although the roll call developed the part that I had such illustrious men as George Washington, Thomas Jefferson, William Henry Harrison, and others of equal note, yet, I confess that my ardor was a little dampened, and I thought to myself, here is the raw material with a vengeance. Judge, then, of my surprise, when I found that in the school of the soldier without arms, they were already quite proficient, for they had been marching to and from their work, and with their natural aptness to imitate, they had learned various movements of the company, which they were able to execute very creditably. I found them eager to learn, very attentive and enthusiastic."

This "aptness to imitate", this eagerness to learn, combined to make the colored recruits master the drill very rapidly. Colonel

Thomas Wentworth Higginson, who commanded the first South Carolina regiment remarked the same thing. "To learn the drill," he said,

"one does not want a set of college professors, one wants a squad of eager, active, pliant school boys; and the more childlike these pupils are the better. There is no trouble about the drill; they will surpass whites in that."² Another trait which helped in their adaptation to camp life was the inborn love of show and glitter.

They delighted in the ceremony of military regulations, and they kept their arms and accoutrements in an irreproachable state of cleanliness and brightness. Their very names were evidence of this delight in ostentation and provided a very acceptable touch of humor in camp life. "'Dwelling in tents, with Abraham, Isaac, and Jacob.' This condition is certainly mine,--and with a multitude of patriarchs beside, not to mention Caesar and Pompey, Hercules and Bacchus," says Colonel Higginson in his diary.³

The pride which made the men so careful of their appearance had another good effect. It tended to do away with many of the planta-

2. T. W. Higginson, Army Life in a Black Regiment, 10.
3. ibid., 19.

tion trickeries common among the race. The new sense of importance and responsibility made the men exact in the fulfillment of their duties. There was less tendency among them to connive at small offenses than among white troops. Quarreling and drunkenness were less common among them than with other troops also.

Another element of importance in the negro make-up, was their emotionalism. They were easily stirred to great fervor, quickly moved by the example of their officers. Their capacity for religious enthusiasm is generally recognized. Something of the same sort of fiery zeal was stirred in them in this struggle for freedom. It was a powerful stimulus to the negro troops to know that they were having a part in the establishing of their race on a new plane. Certainly no section of troops had greater reasons for a desire to serve faithfully and well.⁴ The importance of this factor did not receive its proper valuation in the minds of many of the opponents of the plan for arming colored men.

But although it was soon beyond question that the colored troops were capable of performing successfully the ordinary routine duties of camp life, it still remained to be proved that they could fight. Possibly the first encounter between the rebels and their former slaves, certainly one of the earliest, was on St. Simon's Island off the coast of Georgia, in August of 1862. The island was occupied by some five hundred colored persons, abandoned and runaway slaves. To this island for garrison purposes was sent the one remaining company of the ill-starred Hunter regiment. Before their arrival they dis-

4. Sutherland, The Negro in the Late War, War Papers read before the Commandery of Wisconsin, I, 179-187.

C. Saxton, Moore's Rebellion Records, VI, Diary, 38. and G. W. Williams, History Negro Troops in the Civil War, 346-7.

covered that a body of rebel guerillas were on the island and the naval commander at the station offered Captain Trowbridge the opportunity to lead his colored soldiers in their pursuit, if he felt that they could be trusted to maintain a steady front against the rebels. Trowbridge was glad of the chance to try his men. They went ashore, only to discover that the black men of the island had already undertaken the project. A party of about twenty five negroes led by one of their own number, John Brown, had armed themselves and begun the pursuit of the rebels. During the ensuing skirmish, John Brown was shot, very probably the first colored man who fell under arms in the war. Trowbridge immediately threw his soldiers into the aid of the negro band. After a pursuit of more than a week the rebels made their escape. But Trowbridge was satisfied that negro troops could fight as well as drill, and some such notion had been introduced into the minds of the escaping rebels, to judge from a letter of their leader in which he suggested to a friend that "If you wish to go to hell before your time, go to St. Simon's and be hunted ten days by niggers."⁵

The South Carolina regiment, or rather Captain Trowbridge's company, was sent on another expedition along the Georgia and Florida coast in the first week of November. The purpose of this expedition, as General Saxton himself admitted, was as much to test the fighting qualities of the negroes as it was to break up the rebel stations along the shore. It was a highly successful experiment. The men showed courage and coolness. Perfect familiarity with the region fitted them particularly for such a form of fighting as the location made necessary; sudden landings, short raids on the rebel posts, and

5. T. W. Higginson, Army Life in a Black Regiment, 274-275.

return to their vessels.⁶ November twentyfifth he reported the successful conclusion of a third expedition, this time composed of three companies of the First South Carolina Regiment, Concerning their behavior he said:

"They fought with the most determined bravery. Although scarcely one month since the organization of this regiment was commenced, in that short period these untrained soldiers have captured from the enemy an amount of property equal in value to the cost of the regiment for the year. They have driven back an equal number of rebel troops, and have destroyed salt works along the whole line of this coast."⁷

During this trip the men loaded two steamers with lumber under galling fire from the concealed enemy. It was a two days job, and during that time the men worked almost without intermission. They were short of provisions, but made no complaint. Troops who could stand without flinching in the face of such conditions were not to be dismissed as of small military value. They kept up this record of efficient service in subsequent expeditions of one sort or another. The most noteworthy of these took place in March, 1863, when Colonel Higginson and his men occupied Jacksonville, Florida.

Although these events seem very small in comparison with the great movements of the war, they were actually of no small importance in determining the future policy of the Government with regard to colored troops. The men had displayed ability to oppose an enemy without flinching. In the occupation of Jacksonville, their self-control toward their former masters was put to the test, and they met it well. They were thoroughly imbued with pride in their character as soldiers, and maintained their good behavior almost without exception. For the first time too, white and black soldiers served

6. War Records, Serial No. 20, pp. 189, 191.

7. War Records, Serial No. 20, pp. 192-193.

70
13

together on regular duty, and the possibility of unprejudiced cooperation was made evident.⁸

The colored brigade organized under Generals Butler and Banks took part in the siege of Port Hudson in the early summer of 1863. The men had long desired some such opportunity to prove their courage. When after months of drudgery, guarding railroads, building forts, and other fatigue work, they received the order to leave Baton Rouge and march to Port Hudson, they were overjoyed, General Banks says in his account of the siege:

"On the 27th of May a desperate attack upon the works was made. The attack upon the right commenced with vigor early in the morning. Had the movement on the left been executed at the same time, it is possible the assault might have been successful..... On the 14th of June a second general assault was made..... During the siege, the colored troops held the extreme right of our line on the river, and shared in all the honors of the 27th of May and the 14th of June, sustaining at other times several desperate sorties of the enemy, particularly directed against them, with bravery and success."

Speaking at another time of the colored troops he said:

"I think it may be said with truth that our victory at Port Hudson could not have been accomplished at the time it was but for their assistance."

One of the regiments lost heavily. Of its five hundred members, thirty one were killed, one hundred fifty wounded and ninety reported missing.⁹ In almost every battle in which they took part the negro losses were proportionately heavier than those of the white, due to the reluctance of the South to take colored prisoner. Thirty or forty percent was not an unusually high rate of loss. The negroes well understood what capture meant and fought with a ferocity that lengthened their casualty lists correspondingly.

8. T. W. Higginson, Army Life in a Black Regiment, 94, 109, 118.
9. War Records, Serial No. 41, p. 689,
Moore, Rebellion Records. VII Incidents, 88.

At almost the same time the negro troops at Millikens Bend, just above Vicksburg on the Mississippi, were making a gallant defense against a much superior Confederate force. The entire Union force amounted to about fourteen hundred. Of these the greater number, more than twelve hundred, were raw, half trained colored troops. Yet in spite of this double disadvantage in numbers and training the Confederate forces were beaten back. It was a long hard struggle. The negroes fought with extreme bitterness and their losses were proportionately heavy. Hand to hand fighting of the fiercest sort marked the battle and proved the audacity and reckless daring of the negro soldiers. It was the more remarkable in view of the fact that they had been armed for the emergency within the week, and from General Grant on down through the roster of army officers, they received the heartiest sympathy and admiration for the exploit. This battle was instrumental in revolutionizing whatever spirit of antagonism toward colored troops still existed in the army.¹⁰

The assault upon Fort Wagner is probably as famous as any of the battles in which colored soldiers played a prominent part. The fifty fourth Massachusetts figured in the assault under the leadership of its gallant young colonel Robert Gould Shaw. The regiment left its post on James Island on the evening of July eighteenth. From that time until the assault of Fort Wagner¹¹ two days later, they had practically no time for rest, and their rations were restricted simply to the amount they had with them. General Strong put them in the

10. Moore, Rebellion Records, VII, Documents, 12-13.
ibid., 14-15.

Furness, The Negro as a Soldier, Military Essays and Recollections, II, 474-477.

Grant, Memoirs, I, 544.

place of greatest honor and greatest danger, the head of the assaulting column. They made a brilliant charge in the face of a concentrated fire, and scaled the walls, Colonel Shaw at the head of his men. As he stood erect to urge the men on, he was shot and fell within the fort. The colorguard was almost wiped out, and the losses among non-commissioned officers was great. With the loss of their colonel the regiment was obliged to fall back. The extreme bitterness of the South toward the North in its use of colored troops was given significant expression at Fort Wagner. According to the statement of a Union soldier who was captured the morning after the assault, Brigadier-General Hapgood, commanding the Rebel forces, said, "I knew Colonel Shaw before the war and then esteemed him. Had he been in command of white troops, I should have given him an honorable burial. As it is I shall bury him in the common trench, with the negroes that fell with him". He doubtless would have asked no better resting place than among the men who had followed him so enthusiastically, and who had shown their mettle in many incidents of individual daring.¹¹

In May of the next year General Wild's black regiments, two of infantry and a battery of artillery, defended Fort Powhatan against an attacking rebel force, in what is known as the battle of Wilson's Wharf. Two assaults were steadily thrust back, and the Confederate forces finally drew off. General Wild pays a special tribute to the work of his pickets and skirmishers, and had no complaint to make of any of his colored troops who "stood up to their work like veterans."

11. Shaw, Robert Gould Shaw, Harvard Memorial Biographies, II,
205-210.

Moore, Rebellion Record, VIII, Documents, 216.
ibid., VII, Incidents, 63.

At the battle of Petersburg June fifteenth, 1864, they won new applause and new respect by their brilliant action. General W. F. Smith's corps was ordered against the town, and the brigade of colored troops under General Hicks made the first advance, clearing a line of rifle pits by a bayonet charge. Unfortunately, the assault so well begun was not immediately pushed to a successful conclusion, and by the next day rebel re-enforcements had arrived. The attack was renewed next day, and the colored troops were again sent in to the attack. They fought with determination, taking the redoubts against which they were sent. During the day they were subjected to that severest of tests of endurance, a long period of inaction under enemy fire, but their response to the signal for advance when it finally came was not less immediate or vigorous because of the wait. The arrival of re-enforcements for the Confederate obliged Grant to settle down to siege operation. It was during this siege that the great Mine disaster took place. By the explosion of a mine a road was opened into the rear of the rebel works. But hesitation and a last minute change of plans by which the negro troops who had been specially trained for the service were held back, and a white division sent in to lead the attack, proved fatal to the execution of the plan. When they were finally sent in, the crater opened by the explosion was filled with a disorganized mass of men, and the rebels had recovered sufficiently to begin a counter attack. They went in with spirit, and seemed to have behaved exceptionally well in spite of the chaos in which they were obliged to fight. Once however the Confederate had rallied and encircled the trench, nothing could make the attempt to force a way into the city anything but a miserable

failure.¹²

In Virginia too, colored troops were fighting their way into favor. At Deep Bottom, in August of 1860, and in the attack on New Market Heights a month later, they fully sustained the reputation which had been made for colored troops at Port Hudson and Milliken's Bend. The latter struggle was particularly bloody--and casualties were heavy. In his report to Secretary Stanton, General Butler said that the colored troops "carried intrenchments at the point of the bayonet that in a former movement across the river stopped double their number. It was most gallantly done with most severe loss. Their praises are in the mouth of every officer in this Army. Treated fairly and disciplined they have fought most heroically." Describes the battle field to his wife he wrote:

"Poor fellows, they seem to have so little to fight for in this contest, with the weight of prejudice loaded upon them, their lives given to a country which has given them not yet justice, not to say fostering care.....I have not been so much moved during the war as I was by this sight. Dead men, and many of them I have seen, alas! but no such touching sight as this. Their valor had just been reported to me, and I rode through the evidences of it and over the strong position which they had cleared for me."¹³

The battle of Nashville on December fifteenth of 1864, furnishes another instance of splendid action on the part of negro troops. Many of them had never before been in actual battle but they faced the new experience with fortitude and daring. In speaking of the casualties resulting from the day's conflict, Major-General Steedman said:

12. G. W. Williams, History of Negro Troops, 336-338, 145.
Dana, Recollections of the Civil War, 220.
War Records, Serial No. 12.p. 723.
Moore, Rebellion Records, II, Documents, 571.
13. Butler, Private and Official Correspondence, V, 215, 191-192.

said:

"The larger portion of these losses, amounting in the aggregate to fully twenty five percent of the men under my command who were taken into action, it will be observed fell upon the colored troops. The severe loss of this part of my troops was in their brilliant charge on the enemy's works.....on Friday afternoon. I was unable to discover that color made any difference in the fighting of my troops. All, white and black, nobly did their duty as soldiers, and evinced cheerfulness and resolution such as I have never seen excelled in any campaign of the war in which I have borne a part."¹⁴

Here is evidence enough that there was true soldier-stuff in the black race. That the negro regiments have left no greater mark than they have in the reports of battles, is due not to inefficiency and cowardice on their part but to the fact that they were so extensively used in purely fatigue operations, where labor was plentiful but glory seldom was. Negro troops guarded railways, repaired bridges, built and rebuilt fortifications and garrisoned posts. To such an exorbitant degree was this sort of demand made upon them, that General Thomas, felt it necessary to take steps against its continuance in the West and South, and June fourteenth, 1864, he sent out orders to the effect that they should be asked to take only a fair share of fatigue duty with white troops. This was a natural enough trend for the question to take. The negroes were already sufficiently trained in such forces of labor. Their ability was not questioned. Furthermore, the opposition to their use in such pursuits was much less than to putting them into actual military operations. General Thomas was not the only champion of the rights. Brigadier-General Ullmann made the same complaint and begged that so unfair a condition might be remedied.¹⁵

14. War Records, Serial No. 93, pp. 508, 519.

15. War Records, Serial No. 125, pp. 431, 764.
Serial No. 124, pp. 1126-1128.

The white troops of course were only too glad of the opportunity to thrust fatigue duty on the black troops. A letter from a colonel in General Rosecran's army gives a fairly clear insight into the transformation which made white troops warm advocates of the use of

negroes.¹⁶ "I want to say a word about darky soldiers. You probably know more about their fighting than I do, but I am satisfied they will fight like tigers when properly managed, but a more useful attachment to a post than a regiment of them was never made. We have a regiment here, First Mississippi, and without them it would have been impossible for us to do all the guarding and fatigue. They relieve us of fatiguing duty entirely, and have built some fine breastworks besides. When soldiers see them hard at work in the hot sun, doing what they would otherwise have to do, the 'opposition' and 'prejudice' to the place disappear."

In the Gulf and Seaboard States there was more excuse for this discrimination against the negroes. The malarial swamps were disastrous to the white troops and it was a practical necessity that they be relieved from fatigue duty so far as possible. According to the report of Medical Inspector Townshend, the proportion of white soldiers affected with malarious diseases such as fevers, dysentery, neuralgia and rheumatism was ten and eight tenths percent, while colored soldiers were effected only to the extent of eight tenths of one percent cent.¹⁷

It is not attempted to claim too much for the colored troops. If they were more subject to discipline, more docile and amenable than the whites, they were infinitely more dependent upon their officers in battle crises. Without the constant example and the directing forces they were helpless. If they could be roused to an extreme pitch of enthusiasm for the length of a charge, they lacked the power to persist in the face of defeat. There was about them a childlike quality, an immaturity of mind which made them more subject to states

17. War Records, Serial No. 124, p. 454.

of depression and weakness. An officer in one of the South Carolina posts, submitted a list of questions to a number of officers who had used negro working parties, in an endeavor to discover just how white and negro troops did compare. To the first question, as to their comparative courage under fire, all replied that the black was more timorous than the white, but more easily controlled by his officers. They agreed too, that the negro was less skillful than his white comrade, but fully competent for most sorts of siege work. As to the amount of work done, the black was superior, because he worked more steadily. Where haste was necessary for the immediate completion of an important bit of labor, white troops were to be preferred, because of their better conception of situation.¹⁸

The point on which the colored troops were least satisfactory, was about the only one concerning which their capacities had not been questioned prior to their arming. They did not have the physical endurance that was expected of them. Although they were less susceptible to malarial diseases, they fell victim much more easily to others, and once ill, they had no skill in caring for themselves. They became despondent and hopeless more quickly, and gave in to disease simply from lack of determination to recover. The dogged resistance and persistance which dominated the Anglo-Saxon had no place in the negro temperament. The undue share of fatigue duty which fell upon them had evil physical effects, and lowered their morale by keeping constantly before them the sense of inferiority.¹⁹

18. War Records, Serial No. 46, p. 328-329.

19. T. W. Higginson, Army Life in a Black Regiment, 55, 250, 262. Sutherland, The Negro in the Late War, War Papers read before the Commandery of Wisconsin, I, 180-182. Armstrong, Samuel Chapman Armstrong, 109.

The cause for which they fought did much to counteract these weaknesses, and the horror which swept over the South at the prospect of meeting colored troops roused a certain odd pride. Where their emotions and affections could be appealed to, the negro proved a highly successful soldier. In the excitement of battle he charged with fiery purpose and certain effect. In camp life he was the most social and lighthearted of companions. The comparative ability of free Northern blacks or Southern plantation negroes was frequently argued. To the credit of both classes, commanders in practically all cases preferred the type with which they had served. The Northern negroes were more independent, more educated for the most part, and showed a quicker intelligence. On the other hand the Southern blacks were fighting to win the freedom which their Northern comrades already enjoyed. To them failure meant relegation into a slavery worse than that which they had known, and from which escape would be forever impossible. It was a stimulus sufficiently strong to bring out the best they had to give. This class of negro soldiers far out numbered the free colored troops, of course, and upon their success or failure, depended the success or failure of the movement.

That it was a success no one would question today. They relieved white troops from service in malarial districts. They performed much of the menial labor for which the most patriotic soldier has no predilection, they garrisoned post after post, thus freeing white soldiers for active warfare, and when the opportunity was given them they fought with a courage which comparison with their Anglo-Saxon comrades does not dim.

When in the North it was proposed to arm the negroes for military service, the entire South was swept by a wave of indignation greater than any since the days of the Revolution. The slaves were assured

NEGRO TROOPS AND THEIR RELATIONS TO THE SOUTH.

Some suggestion has been made of the attitude of the South toward negro troops, but a fuller discussion of the point is necessary to a clear understanding of the problem of negro troops in the Civil War.

It was a common practice for Southerners to take their black servants with them into camp, where they acted not only as body servants, but were put to work in large and semiorganized gangs to build fortifications and do any other sort of heavy labor of which they were capable. It was the most natural thing in the world for the slave holder to transfer to his servants the unpleasant and irksome fatigue duties in which camp life abounded. But if it were occasionally proposed that they be armed as soldiers, it was only with the intent of insulting the Yankee, by suggesting that the negro was his equal on the battlefield, or to irritate the Abolitionists by showing him that the slaves were quite willing to fight for their masters. It must be remembered then, that although as early as June twenty-eighth, 1861, Tennessee passed a law permitting the organization of free colored persons, and even authorizing their impressment, should the number of volunteers be insufficient, they were not to be armed, and the sole purpose of their organization was to relieve white troops from menial duties.¹

1. G. W. Williams, History Negro Troops in the Civil War, II, 182.

When in the North it was proposed to arm the negroes for active military service, the entire South was swept by a wave of indignant protest. It seemed nothing less than a direct invitation for servile insurrection, and probably no words had a more sinister sound in Southern ear than those. The proclamation issued by Jefferson Davis as a result of General Hunter's and General Phelps' activities in raising colored troops² is a clear indication of the anger and detestation which fired the South. The passing of the second Confiscation Bill had been received with bitterness, but the storm it aroused was insignificant in comparison to the one stirred up by the adoption of the policy of arming negroes. There was no intent to submit meekly. If the North employed such means of warfare it should pay as heavily as possible. This passionate resentment was not simply the uncontrolled outburst of the people. The Confederate Government shared it to the last degree, and had no hesitation in pursuing the policies advocated by its constituent.

As early as November fourteenth, 1862, Brigadier-General Mercer of the Confederate Army reported the capture of four negroes in Federal uniform, and asked what measures were to be taken toward them. Through the Secretary of War the question was submitted to President Davis. The latter advocated their execution as an example and warning to all colored troops, and in the hope of deterring negroes from further enlistment. This was the order sent back, with the minor limitation that orders for the execution of slaves found in arms against the South should be given only by the general commanding in locality.³ In accordance with this policy, a proclamation of Presi-

2. Supra, Chapter IV.

3. War Records, Serial No. 117, pp. 945-946, 954.

dent Davis, issued to the Southern armies as an order December twenty-fourth, 1862, besides repeating the provision for the execution of all commissioned officers found leading or organizing colored troops, provided that all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong, to be dealt with according to the laws of said States.⁴ From the Southern point of view this was an admirable measure. It did not commit the Government to the recognition of colored men as soldiers and it insured stern punishment, for by the laws of any seceded State, such negroes were guilty of inciting servile insurrection and subject to the death penalty.

A law published as General Order Number 25 for the Confederate forces, on March sixth, 1863, conflicted to some extent with this earlier enactment.⁵ According to its provisions, all slaves captured from the enemy were to be sent to depots established for that purpose in the various States. From these posts descriptive lists were circulated in the newspapers, and slave owners who had lost any of their negroes were permitted to make inspection for the discovery of their lost property. Upon due proof, slaves were immediately returned to their masters. It is not difficult to understand the feeling which prompted these Acts. The Southerner who put a colored Union soldier back into slavery was only repossessing himself of property which he had lawfully held and which he felt had been unlawfully taken away from him. It is equally clear that the North could not permit such treatment of its forces, and out of this situation grew a new point of controversy between the section.

4. War Records, Serial No. 21, p. 907-908.

5. ibid., Serial No. 118, p. 844.

April thirtieth the law of March sixth was definitely suspended, except as it covered non-combatant slaves, by a joint resolution of the Confederate Congress, which practically duplicated the President's order of December twenty-fourth, and was therefore extremely harsh in its provisions. It amounted to the authorization of the execution of all colored troops and their officers.⁶ Under these laws no distinction was made between the free negroes of the North and the ex-slaves, nor was there a difference in the treatment actually accorded them during the earlier months of the War.

One instance in particular involving the treatment of free negroes showed the attitude of the South in its most unprepossessing light. Two colored boys, citizens of Massachusetts, and acting as servants to the colonel and staff of a Massachusetts regiment, were taken prisoners and sold into slavery.⁷ The boys were both born free in Boston, and the grandfather of one had served in the Revolution. Nothing could excuse their enslavement, and the effect of such an incident upon the North boded no good to the South.

There was little uniformity in the practice of Southern commanders. Kirby Smith advised his subordinates to avoid complications by taking no colored prisoners.⁸ This brutal policy did not receive the approval of Secretary of War Seddon, who with unconscious irony recommended that they should be received with mercy and returned to their owners.⁹ He steadily advocated this as preferable to turning them over to State courts and the provisions of the joint resolution of

6. ibid., p. 940.

7. War Records, Serial No. 118, p. 455.

8. ibid., Serial No. 119, p. 22

9. p. 115.

April thirtieth, were for the most part quietly disregarded. Wherever possible slaves were returned to their masters. The free negro remained a vexatious problem. On one point only was their unanimity of feeling and action. No colored soldier was to be regarded as a prisoner of war.

In the meantime the Federal Government and its generals were searching for some means to protect negro troops and force the South to recognize their status as soldiers. Two plans suggested themselves. The first was retaliation. May twenty-seventh, General Hunter asked that prisoners taken by the Navy might be held as hostage for the safety of negro troops and their officers. July second, General-in-Chief Halleck announced himself in favor of retaliation,¹⁰ and July thirtieth President Lincoln issued a retaliation order. It was couched in the quietly simple language so customary in his public utterances, and stated the purpose of the Government "to give protection to its citizens of whatever class, color, or condition, and especially to those who are duly organized as soldiers in the public service." There was nothing indefinite about the threat of retaliation.

"The Government of the United States will give the same protection to all its soldiers, and if the enemy shall sell or enslave any one because of his color, the offense shall be punished by retaliation upon the enemy's prisoners in our possession:

It is therefore ordered that for every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed; and for everyone enslaved by the enemy or sold into slavery, a rebel soldier shall be placed at hard labor in the public works, and continued at such labor until the other shall be released and receive the treatment due to a prisoner of war."¹¹

10. *ibid.*, Serial No. 118, p. 712.

11. Lincoln, Works, Federal Edition VI, 330.

The first part of the order was not effective, for the reason that the Federal Government hesitated to put to death innocent men for the misdeeds of others, and without absolute and certain proof that the alleged offenses had been committed. So although the suspicion was often too strong to rest well under that name, that negro soldiers had been unlawfully put to death, it was usually so difficult to establish that fact beyond doubt that retaliation by death penalty was very seldom resorted to.¹² The second part of the order was however promptly put into effect, and proved a fairly powerful instrument to prevent negro soldiers from being put to work on exposed fortifications under the fire of their own guns, and to save them from similar horrors.¹³

The Confederate Government was decidedly embarrassed by the retaliation policy of the North. Their men inevitably paid the penalty of outrages against colored troops, and the South faced the alternative of backing down from the harsh measures they had made law, or seeing their own men face the same sort of treatment. The result was that the Confederate States courts in many cases refused jurisdiction over the negroes handed over to them, and it was almost impossible to obtain criminal trials. In view of this difficulty the War Department was induced to modify the proposed action against such negroes, and distinguish between the free Northern negroes, and those whose former slavery could be established. The former class, instead of being punished under the law of April thirtieth were disposed of

12. War Records, Serial No. 38, pp. 589, 425-426, 444.

ibid., Serial No. 119, pp. 177, 189, 289, 960, 258-259.

13. ibid., pp. 188.

Serial No. 66, pp. 90, 280. Serial No. 88,
p. 459.

Serial No. 120, pp. 967-969, 987, 990-993, Serial No. 89, pp.
216-217, 285.

under the provisions of General Order Number 25. The free negroes were kept in strict confinement. They were not recognized as prisoners of war, but "except in some trivial particulars indicative of inferior consideration" were treated much in the same manner as the other captives.¹⁴ Public Opinion was gradually swerving in favor of their recognition as prisoners of war.

There was a second reason for this change, the way in which the North met the problem of exchange. The South could not of course exchange negroes without recognizing them as soldiers. This it was determined not to do. The North was equally obdurate in demanding their exchange without discrimination. In August, 1863, the matter was argued by the Confederate Commissioner for exchange Robert J. Ould, and General Meredith representing the Federal Commissioner, Major-General E. A. Hitchcock.¹⁵ In his report to General Hitchcock, General Meredith says, "To my demand' that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war, and be exchanged as such,' Mr. Ould declined acceding, remarking that they(the rebels) would 'die in the last ditch'.before giving up the right to send slaves back to slavery as property recaptured, but that they would be willing to make exceptions in the case of free blacks." No agreement was reached. The Confederates were willing to exchange officer for officer and man for man excepting officers and men of colored troops. This exception meant a practical abandonment of colored troops, and was a step quite outside the limits set by Federal honor.

14. War Records, Serial No. 120, pp. 703-704.

15. Serial No. 119, p. 226.

When the intention of the South regarding negro prisoners became known, President Lincoln sent an order to Commanders in the field to make no further exchanges, without orders from the War Department. This policy met objection in the North. The stopping of all exchange meant increased suffering and anxiety in many homes, and protests poured in. But the effect on the North was not to be compared with that in the South. To the Confederacy it was a two edged sword. They were obliged to furnish provisions for all the Union prisoners left on their hands, and it required an embarrassingly large number of men even to guard them. In the poverty stricken state of that section, such a burden seemed appalling. Even worse than this was the fact that the South's man power was becoming low, and it was more than disheartening to have thousands of ablebodied soldiers helpless in Northern prisons.¹⁶ The North with her greater resources could afford to hold obstinately out for her first proposition. The South was further embarrassed by the appointment of General Butler as a commissioner of Exchange. He was still outlawed by President Davis' proclamation of 1862, a fact which interferred with direct communication between him and Confederate officials.¹⁷ The question of exchange remained in this contested state until the Spring of 1865, when the Confederacy was in its last gasp. Until that time no exchanges were made, and by that time it was too late for exchange to be any considerable benefit to the South. February eighth the Confederate Congress passed a resolution so amending the act of April thirtieth 1863, as to remove most of its objectionable features, and

16. War Records, Serial No. 119, p. 609.

Serial No. 120, p. 203.

17. ibid., p. 990-991.

communications on the subject of exchange were successfully revived.¹⁸

The South has been charged with great barbarity in its treatment of colored troops. In just what degree those charges are true or false it is impossible to discover. For almost every assertion of inhumanity there is an indignant denial, and in the majority of cases, those denials come from Confederate Generals whose honor even the North hesitated to question. That there were occasional and even frequent acts of cruelty toward the negroes cannot be denied, but there is reason to believe that such acts were generally performed without orders and by the lowest class of soldiery. There was undoubtedly a tendency to strike hardest at the colored troops. The negroes realized for their part, the dangers which they faced and seldom asked for quarter. It is no excuse for the atrocities which did occur that they were comparatively infrequent.

The Confederates were charged with murdering wounded negroes after engagements, with putting them to hard labor on fortification, where they were half starved and flogged upon the slightest provocation. There were stories of crucifixions, and burnings, and of the burial of still living men.¹⁹ The massacre at Fort Pillow, on the fifteenth of April, 1864, was too big an affair to be absolutely denied, but not too big to be much controverted. According to the testimony of Union soldiers, it was treacherous and barbarous from beginning to end. The Confederate troops after long and unsuccessful assaults were brought into a new and advantageous position which

18. War Records, Serial No. 121, p. 197.

19. War Records, Serial No. 86, p. 745.

Serial No. 119, p. 843.

Serial No. 170, pp. 459-460, 876.

they had not previously been able to attain, under a flag of truce. Upon the refusal of a peremptory demand of surrender, the Confederates made their assault from the treacherously gained positions of vantage, and the Union troops, realizing the impossibility of further defense threw down their arms in surrender. The signs of submission went unheeded. Men were shot and clubbed to death in a passion of hatred, until of the five hundred members of the garrison, three hundred of whom were colored troops, scarcely more than sixty remained. The survivors told tales of unbelievable cruelty practiced by the rebels, tales too horrible for repetition. The Confederate version bears little resemblance to this. According to their accounts General Forrest and his attacking party were guilty of no violations of the rules of war. The garrison by its refusal to surrender and subsequent failure to hand down its colors, making itself liable to just the punishment it received. General Forrest's report of the assault, written about two days after it, rather belies the calm statements made later. He says, "The victory was complete, and the loss of life will never be known from the fact that large numbers ran into the river and were shot and drowned. The force was composed of about 500 negroes and 200 white soldiers (Tennessee Tories). The river was dyed with blood of the slaughtered for two hundred yards.....The approximate loss was upward of 500 killed, but few of the officers escaping.....It is hoped that these facts will demonstrate to the Northern people that negro soldiers cannot cope with Southerners." The only question is as to the degree of brutality exercised, and the evidence is heavily in favor of the Union version of the story.²⁰

20. War Records, Serial No. 57, pp.519-610.

In view of the opposition to negro troops so long maintained by the South, the determination of the Confederate Government to put colored troops into the field during the last months of the war, is incontrovertible evidence of the extremities the Government had reached.

By an act of February seventeenth, 1864, free negroes between the ages of eighteen and fifty were held liable to the performance of certain military duties in the way of work upon fortifications, or preparation for materials of war, or in military hospitals. But by February of the next year there was need for the instant reenforcement of General Lee's pitifully reduced army. But one resource remained, and to that resource the Government turned, although still apprehensive of the evil effects it might have upon the remnant of the rebel forces. March thirteenth, 1865, "An Act to increase the military forces of the Confederate States" was approved. It provided "That if, under the previous sections of this Act, the President shall not be able to raise a sufficient number of troops to prosecute the war successfully and maintain the sovereignty of the States and the independence of the Confederate States, then he is hereby authorized to call on each State, whenever he thinks it expedient, for her quota of 300,000 troops, in addition to those subject to military service under existing laws, or so many thereof as the President may deem necessary for the purposes herein mentioned; to be raised from such of the population irrespective of color, in each State, as the proper authorities thereof may determine."²¹

21. War Redords, Serial No. 126, p. 711-712.

The plan for organization, was the consolidation of the regiments of ten companies as they existed in their weakened state, into six companies, and the addition of four companies of colored troops. Such an arrangement would preserve the identity of the old regiments. How successful such a scheme would be, the South was not given opportunity to prove, for the surrender of the rebel armies in 1865 followed so closely upon the legislation authorizing negro troops, that no colored soldiers were recruited under it.

The Constitution, in expressing equality, yet the statute of the confederate states does not tend to make it appear as equal. Among the blacks added one hundred and fifty thousand men to the National Forces, and reduced the laboring force of the South by one quarter part of that number. They volunteered when misfortune and disease were mounting the Union cause, they fought in the face of probable punishment and cruel punishment. They were cheered under dangerous and laborious fatigue duty. Discrimination in payment and consulting no favor upon their members was done patiently. In battle they fought courageously. They lifted a curse in the extinction of a Nation, and proved to the world that in the Federal Union Democracy still lives.

VII

CONCLUSION.

Abraham Lincoln spoke of the arming of the blacks as a measure "indispensable to the preservation of the Constitution, through the preservation of the nation." "Indispensable to the preservation of the Constitution", a broad expression certainly, yet the study of the problem does not tend to make it appear an exaggeration. Arming the blacks added one hundred and eighty thousand men to the National Forces, and reduced the laboring force of the South by the greater part of that number. They volunteered when misfortune and disaster were haunting the Union cause, they fought in the face of probable reenslavement and cruel punishment. They were cheerful under monotonous and inglorious fatigue duty, Discrimination in payment and insulting aspersions upon their manhood were borne patiently. In battle they fought courageously. They lifted a race in the estimation of a Nation, and proved to the world that in the Federal Union Democracy still lived.

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