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Ben Butler and the Occupation of Norfolk, 1862-1865: A Reappraisal

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BEN BUTLER AND THE OCCUPATION OF NORFOLK: 1862-1865
A REAPPRAISAL

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A thesis presented in partial fulfillment
of the requirements for the degree of

MASTER OF ARTS

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BENJAMIN F. BUTLER AND THE OCCUPATION OF NORFOLK, 1862-1865:

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PREFACE

The historiography of the American Civil War is replete with detailed accounts of battles, analyses of the economic and political causes of the conflict, studies of the personalities who shaped events, consequences of the action or lack of action by these men, and a myriad of other aspects of this American cataclysm. Most of it relates to the dramatic dynamics of the war itself; a much smaller proportion of Civil War historiography is concerned with the less dramatic and absorbing events in the non-combatant and occupied areas during the war.

To this writer's knowledge no full-length study has been made of life in occupied Norfolk, Virginia, during the period April, 1861, to June, 1865, and the cursory treatment of this subject in the available literature is vitiated by a marked Southern bias. Most historians imply that all Norfolkins were ardent Confederates, that there was no dissenting opinion, and that civil liberties were not infringed during Confederate military rule. Concomitantly, Norfolkins were subjected to gross indignities, insults, plunder, and

other social and commercial abuses as a direct result of the savage hatred, ignorance, boorishness, cupidity, and lack of civilized behavior of the "barbarian" occupation forces.

This writer contends that the complaints of Norfolk's citizens were greatly exaggerated, that the policies followed by the Federal occupation commanders were, within the parameters of war and occupation, lenient and conducive to Norfolk's benefit, and that, compared with the privations suffered by the citizens in unoccupied Confederate territory, Norfolkkians suffered little. This paper, therefore, is an attempt to re-examine this period and determine whether a reappraisal of its historiography is justified, whether the Federal occupation was as harsh as many writers of this period claim, and whether the orders of General Benjamin F. Butler, commanding from November, 1863, to January, 1865, and blamed for most of Norfolk's misery, warranted the epithets so freely bestowed or merited the praise this writer believes they deserve.

For the invaluable help in the preparation of this paper, the author wishes to express his gratitude to Dr. Peter Stewart and Dr. Heinz Meier of the History Department at Old Dominion University.

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CHAPTER I

FROM SECESSION TO SURRENDER

The Ordinance of Secession, passed by the Virginia legislature on April 17, 1861, brought Norfolk out of the torpor of nineteenth century doldrums into the harsh and demanding theater of a great and bitterly-fought war.

Only sixteen years earlier the Borough of Norfolk had been officially granted the title "city" by the State legislature.¹ On one of the largest harbors of the Atlantic seaboard, this small² community existed by means of its trade with other port cities and its rural environs, extending into northeastern North Carolina. The Gosport Naval Shipyard and the Portsmouth Naval Hospital contributed to its importance. Cut off from the rest of the state by poor railway and highway systems, Norfolk remained demographically

¹Virginia, General Assembly, Session December 2, 1844-February 22, 1845, Journal of the House of Delegates of Virginia (Richmond, 1845), p. 151.

²Norfolk's population was 14,620 in 1860, of which 10,290 were whites, 1,046 free colored, and 3,284 slaves. Portsmouth had 9,496 persons. U. S., Department of Interior, Eighth United States Census, 1860 (Washington, D. C. : Government Printing Office.

static³ while the ports of Baltimore, Boston, and New York grew rapidly during the first half of the nineteenth century. According to one of Norfolk's newspapers its population showed no increase between 1853 and 1860. While the city showed growth in mercantile activity (cereals and cotton) there was a pressing need for more "manufactories" to attract more laborers. Only with these factories--cotton mills, iron mills, saw mills, flour mills, distilleries, wool-knitting mills--, argued the editor, could Norfolk grow. At the same time increasing antipathy to the North would make domestic manufactures more appealing to the Southern market.⁴

Norfolk in 1860 was not an attractive city although its location, surrounded by water, endowed it with natural beauty. Many of its streets were paved but filthy⁵, and it was to wait five years before the construction of a public water-works system.⁶ Hygienic conditions were bad because

³The Norfolk Day Book, August 14, 1860. A journal published by John R. Hathaway at "15 Roanoke Square midway between Main and Wide Water Streets, Norfolk, Virginia."

⁴Ibid., August 15, 1860.

⁵Norfolk, Virginia, Record of Select Council Minutes, II (June 28, 1855 and November 12, 1867).

⁶Thomas Wertenbaker, Norfolk: Historic Southern Port (2nd ed.; Durham: Duke University Press, 1962), p. 134.

of the lack of water, the poor street sanitation, and the common practice of using private wells, which were frequently near privies, to supplement the inadequate rain-water cisterns in many homes.⁷ Street lighting, begun in 1849⁸, included most of the city streets by the time of the Federal occupation.

When war came to this small somnolent city in April, 1861, the populace welcomed it with enthusiasm.⁹ The Norfolk and Portsmouth Militia were mobilized and activated even before news of secession was confirmed,¹⁰ but with its confirmation Confederate troops entered and organized the defenses of both cities.

These militia troops, under General Taliaferro, immediately threatened the Gosport Naval Yard across the Elizabeth River from Norfolk. Its commander, Commodore C. S. McCauley, left with a skeleton staff after most of his

⁷Virginia, General Assembly, Session December 2, 1844-February 22, 1845, Journal of the House of Delegates of Virginia (Richmond, 1845), p. 151.

⁸Wertenbaker, Norfolk, p. 133.

⁹John Sergeant Wise, The End of an Era (Boston: Houghton Mifflin, Co., 1899), p. 160.

¹⁰Ibid.

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officers joined the Confederates, ordered the Yard destroyed and the ships scuttled. This was done in a slovenly fashion. Many guns, stores, and munitions were salvaged by the Confederates when they took the Yard and put to immediate use in fortifying Norfolk and Portsmouth.¹¹

The Rebels used Negro slave labor, mostly from the Norfolk area, to emplace the heavy cannon guarding the Elizabeth River. In addition, "at least three hundred and fifty free Negroes . . . were recruited from areas as far as Petersburg."¹²

The new military commander, Major General Benjamin Huger,¹³ began a system of defense works which eventually encircled Norfolk and made the river approaches secure. Soon after his arrival Virginia citizens voted on whether to approved the Ordinance of Secession.¹⁴ Although the total vote on May 23, 1861. ratified the Ordinance conclusively,

¹¹Benson J. Lossing, A History of the Civil War (New York: The War Memorial Association, 1895), p. 144.

¹²James H. Brewer, The Confederate Negro (Durham: Duke University Press, 1969), p. 134.

¹³General William Booth Taliaferro commanded in Norfolk April 18-23, 1861; General Gwynn, April 23-May 23, 1861; General Huger, May 28, 1861-May 10, 1862.

¹⁴Since the Virginia Convention (April 24, 1861) had promised the Confederate States that it would place all of

it can not be judged without taking into account reports of repression of free speech and suffrage. One account of this event is unequivocal:

When the vote was taken on the 23d of May, it was in the face of bayonets. Terror reigned all over Eastern Virginia. Unionists were compelled to fly for their lives before the instruments of the civil and military powers of Richmond; for the Confederate Government was then seated there. By these means the enemies of the Union were enabled to report a majority of over a hundred thousand votes of Virginians in favor of secession, the vote being given by voice and not by secret ballot.¹⁵

Another account supports this view. When the Marion Rifles, a company raised in Portsmouth and stationed at the Naval Hospital, prepared to vote:

the first fifteen as their names came on the roll were allowed to go to the Court House to vote. These men were opposed to the State seceding from the Union and fourteen of the fifteen voted against ratificationBefore their return to camp the new had arrived there to show how they had voted, and Colonel Pryor who was then commander of the Third Regiment and of the post at the Hospital, became furiously angry and would not allow any more men of the company to go to town to vote, and, upon return of those who had voted, had

Virginia's military forces at the disposal of the President of the Confederacy, ratification was inevitable and was approved by a large vote. J. G. Randall and David Donald, The Civil War and Reconstruction (Boston: D. C. Heath and Co., 1961), pp. 182-83.

¹⁵Lossing, Civil War, p. 142.

them put in confinement in the lower room of the hospital building.¹⁶

Colonel Pryor informed Governor Letcher of his action against the miscreants and asked what he should do with them. The governor ordered the immediate release of the men, stating that "the election was intended to be a free one and every citizen had a right to vote as he chose." Pryor released the men and, the next day, disbanded the company on the charge of "disloyal conduct"; he then turned its guns over to a Petersburg company which, until then, had been armed with boarding pikes.¹⁷

According to a resident of Portsmouth, C. W. Bryan, who was arrested and jailed when one of his letters was intercepted by the Confederates, "free speech was restricted and treasonable statements were sufficient grounds for arrest." In correspondence seized at the same time other Portsmouth Unionists revealed the names of the "immortal seventy-five who voted against the Ordinance of Secession and urged an immediate attack on Norfolk."¹⁸

¹⁶Richmond C. Holcomb, A Century With Norfolk Naval Hospital (Portsmouth, Virginia: Printcraft Publishing Co., 1930), pp. 277-78. The account quotes John L. Porter, a member of the Marion Rifles.

¹⁷Ibid.

¹⁸Richmond Dispatch, July 2, 1861.

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During the remainder of 1861, as Huger strengthened Norfolk's¹⁹ defenses, the news of Confederate successes at Bull Run and Big Bethel enhanced the general feeling of "confidences and enthusiasm,"²⁰ in spite of the increasing effectiveness of the blockade. Before the year was out prices of food and other necessities had risen sharply²¹ as trade with foreign countries and other Southern ports dwindled. A resident complained that "provisions are enormously high and prices still advancing. Butter is selling for 75 cents and brown sugar which usually sold for 8 to 10 cents, for 30 cents per lb. Bleached cottons for 75 cents per yard."²²

To add to the difficulties, Norfolk was "disgustingly full" of the personal "shinplasters" issued by private in-

¹⁹For the purposes of this paper the city of Portsmouth is included when references to Norfolk are made, unless the context omits it.

²⁰Wertenbaker, Norfolk, p. 210.

²¹Ibid. "Flour sold for \$8.50/bbl., coffee at .50, sugar at .15, potatoes at \$1.00/bushel. Fish were plentiful, and, together with corn bread, formed the mainstay of every table." Harrison W. Burton, History of Norfolk, Virginia (Norfolk, Virginia: Norfolk, Virginia Job Print, 1877), pp. 46-67.

²²George Neville to Nellie Newman, March 28, 1862. Neville Papers, University of Virginia Library.

dividuals and businesses. Such pieces of paper, bearing legends such as "good for one copy of the daily Dispatch," or good for one cigar," signed by the issuing merchant and circulated as legal tender, shared with postage stamps the function of currency. Most of these "shinplasters" were worthless; however, they were passed and accepted as legal tender with little regard for their depreciatory effect on legal currency.

As the currency depreciated so did the quality of the services the city rendered to its citizens. In addition to the filthiness of the streets and the lack of adequate and safe water supply the citizens had to contend with packs of dogs and stray animals which roved through the city at will. This problem was not solved until the Federal occupation. In the meantime, the war caused such disruption of daily life that parents were reluctant to send their children to school at any distance from their home.²³ Two of the four public schools were closed--those in the First and Fourth Wards--and did not reopen until September 23, 1861.²⁴ This was as

²³Henry S. Rorer, "History of Norfolk Public Schools" (unpublished typescript, Kirn Memorial Library, Norfolk, Virginia), p. 50.

²⁴Minutes, September 4, 1861, p. 239.

much the result of parental anxiety for the safety of their children as from the lack of funds available from the city fathers.²⁵

The poor financial condition of Norfolk a year before secession is clearly shown by Superintendent of Public Schools Thomas C. Tabb's report to the Common Council in May, 1860. It revealed that the teachers' and janitors' salaries were in arrears by \$2,500, that the city treasury had no funds to pay them, and it requested an appropriation for the purpose.²⁶

By December, 1861, city tax collections were \$12,000 lower than those of former years, according to the Council's Finance Committee Report, and to add to the Council's woes, the same Committee reported that the Collector of Taxes had failed to report the items of collection.²⁷ The question of whether the tax receipts were embezzled and an attempt made to cover the defalcation by not reporting the collectible tax items is not resolvable from the available records.

Buried in the society news of a ball held in Norfolk,

²⁵ Rorer, "Public Schools," p. 50.

²⁶ Southern Argus, May 8, 1860. A journal published in Norfolk, Virginia.

²⁷ Minutes, December 13, 1861, p. 244.

and reported by "Bohemian" in the Richmond Dispatch of January 16, 1862, was detailed information concerning Federal troop movements (the Burnside expedition to Roanoke Island). Although offered as private opinion, the reporter estimated the number of troops as 12,000.²⁸ The expedition left Hampton Roads January 11, 1862, and succeeded in capturing Roanoke Island, situated between Albemarle and Pamlico Sounds, on February 8. This proved to be a disaster for the citizens of Norfolk; with the command of the great Eastern sounds and the coast as far south as Wilmington, North Carolina, Federal forces controlled the southern approaches to Norfolk and the region on which that city depended for "four-fifths of its supplies."²⁹ This loss became more important as the war continued and the blockade, begun in the early weeks of the war, tightened.

As necessary supplies dwindled daily life became more trying, the euphoria of the war's early days waned, and a more somber mien was now the rule. The casualty lists

²⁸Bohemian [Dr. W. O. Shepherdson], Norfolk correspondent for the Richmond Dispatch, gave the number of Burnside's command as about 12,000 men. Luna was the pseudonym of the correspondent who replaced Dr. Shepherdson.

²⁹Wertebaker, Norfolk, p. 211.

frequently included Norfolkkians lost in battle and victims of measles, mumps, typhoid fever, and dysentery in the camps. The citizenry was "learning the ghastly truth that, for every man who dies in actual battle, a dozen pass away ingloriously by disease."³⁰

The military control in Norfolk now became more stringent as that city's position became more perilous. General Huger not only enforced a ban on street and bar-room brawling but, on February 24, 1862, closed all bars and liquor stores. This caused quite a commotion among the whiskey sellers and drinkers who at once set their wits to work to circumvent the edict.

As Union control tightened around Norfolk, newspaper reports of fugitive slaves became more frequent. Certainly the news of Roanoke Island was not lost on the Negroes and the proximity of freedom, as represented by Union forces at Fortress Monroe, must have been a strong motive for the dangerous risks many undertook. "Luna", the Special Correspondent from Norfolk, sent the following to the Richmond Dispatch where it appeared January 29, 1862:

About twenty negroes made their escape Monday night

³⁰Wise, The End of an Era, p. 172.

(January 27) from their owners living on Tanner's Creek road, near this city. They stole a large fishing boat and no doubt escaped to Fortress Monroe Some of these negroes are very valuable and the loss falls heavily on their owners, who are known to have been remarkably kind to them. They have gone to their worst enemies, and will soon sorely regret their course in leaving comfortable homes and kind masters to be enslaved and compelled to work hard for a miserable pittance, even if they should not die of the small-pox, which is said to be prevailing at Fort Monroe.

That fort, one of the strongest in the country, provided an impregnable base for Federal troops at the tip of the Lower Peninsula and was an ever-present threat to Norfolk. Its guns protected the fleet, stationed a few hundred yards off-shore, which controlled the entrances to Chesapeake Bay and the James River.

McClellan's expanding force at Fortress Monroe increased the danger to Norfolk and made martial law inevitable there. On March 5, 1862, President Davis established it by Proclamation. The writ of habeas corpus was suspended and measures deemed necessary for mobilizing the resources of the city were taken. Provost marshals were authorized for Norfolk and Portsmouth; the entire male population was to be enrolled for military service and forced to drill; all arms were to be surrendered to the military for use by the citizens; all stores and shops were to close at

12 or 1 o'clock and all merchandise, cotton, tobacco, etc., not needed for military use, was to be sent out of the city or destroyed; all women and children were to be evacuated "without exciting panic" and all persons against whom there was a well-founded suspicion of disloyalty were to be imprisoned; the purchase of all necessary supplies for the army was authorized and none needed for the defense of the city was allowed to leave.³¹

Signs of impending trouble were clearly multiplying in Norfolk and the populace reacted accordingly: "throughout March and April we saw and heard enough", wrote John Sargeant Wise, "to make us realize that there was a grave prospect that Norfolk might at any time be evacuated, and our home left within the Union Lines."³² So sure of this necessity was Wise's father that he stopped farming operations at his plantation at Rolleston, a few miles east of Norfolk's city

³¹James D. Richardson, ed., pub., A Compilation of the Messages and Papers of the Confederacy (Nashville: U. S. Publishing Co., 1906), Vol. I, p. 219. The orders cited were an addendum (to General Huger) of a Proclamation by President Davis. At various other dates martial law was instituted in different parts of Virginia, e.g. Richmond on March 1; Petersburg on March 8; Counties of York, Elizabeth City, Warwick, Gloucester and Mathews on March 14; Counties of Greenbrier, Pocahontas, Bath, Alleghany, Monroe, Mercer, Raleigh, Fayette, Nicholas and Randolph on March 29; pp. 219, 220, 222, 223, 226.

³²Wise, The End of an Era, p. 206.

limits, sold his surplus stock to the Confederate commissary, "ordered that all the hogs should be killed and cured, and that all the corn upon the place should be ground and sold." Leaving his home in the temporary custody of an employee and "a few old trusted slaves," he left for Richmond to resume his military duties.³³

His sons, Richard and John, went to Norfolk to dispose of the remaining stock and ship their movable possessions to safety. When they reached Norfolk the "crowded conditions of the railroads and the immense shipments of government stores and munitions" confirmed their suspicions that evacuation was imminent, despite the efforts by the military to conceal plans to abandon the city.³⁴

Many accounts of this period describe similar experience and emphasize the seeming unanimity of patriotic response to the threat of occupation by the enemy. Evidences to the contrary are ignored in most cases. Yet there were many Federal sympathizers in Norfolk and its environs who found it dangerous to express their views prior to the occupation.

³³Ibid., p. 207.

³⁴Ibid., p. 207.

One of the Monitor's crew, Acting Paymaster William Frederick Keeler, met one such "strong Union man," who managed to remain in Norfolk with his family, at his house a few miles out of the city. This Mr. Patterson, "with other good Union men," kept General Wool and Commodore Goldsborough (in command of the Union Navy in Hampton Roads) informed of local opinion during the hectic days of the Monitor-Merrimack (Virginia) duel. He kept "urging them to send up forces to take possession of the place--offering, upon preconcerted signal, to take possession of the ferry boats that run between Norfolk and Portsmouth. . . ." ³⁵ Other Norfolk residents told Members of the Monitor's crew that "there was a very strong Union feeling prevailing which would manifest itself as soon as the citizens felt assured of our [Federal forces] ability to hold possession of the place." ³⁶ Keeler also mentioned repeated instances of deserters coming to the

³⁵Robert W. Daly, ed., Aboard the U.S.S. Monitor: 1862. The Letters of Acting Paymaster William Frederick Keeler, U.S. Navy, to his wife Anna (Annapolis: U.S. Naval Institute, 1964), p. 240. Cited hereafter as Monitor.

³⁶Keeler, of the Monitor, and his shipmates were told that "there was a very strong Union feeling prevailing which should manifest itself as soon as the citizens felt assured of our ability to hold possession of the place," Monitor, p. 121.

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Monitor before the city's surrender,³⁷ and one instance of a tug's being voluntarily surrendered to the Monitor.³⁸

In addition to the nucleus of Union sympathizers it is quite probable that there were other Norfolkians who, although not pro-Union, were certainly not enthusiastic Confederates because of the property destruction incident to the Confederate military rule. Those who lived along the shores of the Elizabeth River approaches to Norfolk felt the exigencies of war particularly and Keeler described the ravaged farms he saw: "they had been levied on by the recent occupants of the batteries--fields without fences, houses minus doors and windows and pastures without cattle."³⁹

When McClellan began his Peninsular Campaign in March, 1862, Lee warned Huger to be ready to evacuate Norfolk should Union forces gain control of the James. When this occurred in early May as McClellan pushed slowly up the Peninsula Lee ordered Huger to abandon Norfolk.⁴⁰

³⁷Monitor, pp. 49, 76.

³⁸Ibid., p. 109.

³⁹A description by Keeler of the shores of the Elizabeth River as the Monitor, the first Union ship to enter Norfolk waters, approached the Navy Yard, Monitor, p. 120.

⁴⁰Ibid., p. 165. Lee to Huger, May 8, 1862. Clifford Dowdy, The Wartime Papers of R. E. Lee (Boston: Little, Brown and Co., 1961), p. 165.

On May 10 Union troops under Brigadier General John Wool landed at Willoughby Spit, marched on Norfolk and, after token resistance, reached the city limits by the same evening. There they were met by Mayor Lamb and Council members who formally surrendered the city.⁴¹

This city, last conquered and occupied by the British during the Revolutionary War, now entered another occupation period which was to last more than three years and subject its citizens to many of the hardships suffered by their compatriots, though to a lesser degree.

⁴¹From General Wool's report to Secretary Stanton, War of Rebellion, Official Records of the Union and Confederate Armies (130 vols., Washington, D. C.: Government Printing Office, 1880-1901), Ser. I, Vol. 6, pt. 1, p. 634.

CHAPTER II

VIELE'S REGIME

When General Wool accepted the surrender of Norfolk he appointed Brigadier General Egbert L. Viele Military Governor.¹ Viele, although anathematized by the Southern press of this period and by later writers with Southern sympathies, was not the martinet he was painted. General Wool was anxious to preserve the civil government of Norfolk and exercise his military power only when necessary. This would result in mutual benefits to the military and civil authorities of the city. But when he asked the city fathers whether they intended to cooperate with him they refused, preferring to be considered a "conquered people."² This quixotic response resulted in Wool's request that the city fathers take the oath of allegiance.³ When the demurred Wool

¹Stanton's account, Ibid, pt. 3, p. 162.

²New Regime, March 11, 1864. This daily newspaper was the official organ of the Federal commander in Norfolk during the occupation.

³There was no prescribed form for the oath. Each military commander improvised an oath to fit the occasion. Harold Melvin Hyman, To Try Men's Souls (Berkeley: University of California Press, 1959), p. 168.

suppressed civil government and instituted martial law.

Thus, Viele had to enforce Wool's decree. To do this he had to assume the functions of civil as well as military administrator, a role he did not relish.

Viele's position was difficult. He was faced with many problems, among which the most important were: the scarcities and inflation caused by the blockade, the large numbers of destitute people, the liberated Negro, deterioration of the city's physical and financial condition, civilian resistance to military rule, and the conflict between civil and military authorities.

The blockade, continued after Norfolk's surrender, which became effective as the blockading fleet grew and the number of blockade-runners declined, was not a logical military instrument to use against Norfolk. Since the Federal Navy controlled access to that city by sea there was no need to deny Norfolk food by rigorous enforcement of the blockade. Such military tactics were logical against an enemy-held port, but Norfolk was not such a city and the blockade caused privation and suffering among Norfolk's citizens without gaining compensatory military or economic advantages for the North.

It did encourage corruption among the officers who

decided which cargoes were permitted to pass the blockade. The net result, however, was to reduce the food and necessities available to the city's inhabitants. This, in turn, placed a logistical and administrative burden on the military commander whose office was constantly besieged by the hungry poor for help.

Viele appealed to Major General John A. Dix, who replaced Wool on June 1, 1862,⁴ commanding at Fortress Monroe:

There are two questions connected with the administration of affairs in this city and Portsmouth which have become a source of embarrassment to me. The one is the procurement of supplies for those who have the means, and the other the supplying of those who have not the means.

We are, in point of fact, holding here in custody about 20,000 people; we must either let them feed themselves or we must feed them.

He continued by stating that an open port was a necessity; that "helpless women and children" were "begging daily at my headquarters for food" which could be supplied if food imports were permitted; and "the only point to be attained here was perfect tranquillity. This has been secured so far; in order to continue it the steps I have referred to appear to be necessary."⁵

⁴Official Records, Ser. I, Vol. 2, pt. 3, p. 207.

⁵Ibid., 18, p. 384. Dix to Stanton, September 4, 1862, ibid., pp. 382-84.

Viele, then, was merely a subordinate reluctantly following the orders of his superior. Dix, in turn, was following the policy of the Treasury Department, under Salmon P. Chase, which controlled the licensing of goods brought through the blockade. Only those traders approved by the Treasury Department were permitted to import to or export from blockaded ports.

Norfolkians' privations were not necessary to the prosecution of the war but were the result of unfortunate circumstances. These circumstances--military control, scarcity of necessities, high prices, trade licenses, restricted imports--all were conducive to corruption, a subject under repeated examination at Lincoln's cabinet meetings in 1862 and later.⁶

The issue was not clear to Lincoln and he heard the pros and cons without taking any action until November, 1862, at which time he did relax the blockade. But in the meantime, the arguments for and against continuing the blockade were advanced by War Secretary Stanton, Navy Secretary Welles, and Treasury Secretary Chase as the chief officials concerned.

⁶For a glimpse of the inter-departmental arguments for and against the blockade, see Gideon Welles, Diary of Gideon Welles (Boston: Houghton Mifflin Co., 1911), pp. 165-66, 175-77, 179, passim.

Chase wanted to open the port of Norfolk or relax the blockade out of ostensible sympathy for its citizens. Actually, he wanted the enforcement relaxed but the form kept so that Treasury licensees would continue to enjoy the profits of monopolistic trade. Stanton opposed any change in the blockade, saying that "Norfolk was hot with rebellion" and helping that city would relieve some of the pressure on Richmond. Lincoln was, as usual, sensitive to human suffering and, at first, prone to accept Chase's view. Welles rebutted Chase with the argument that the purpose of the blockade was to cause suffering in the rebellious states and thus make insurrection less popular. Here duty preempted sympathy and Welles refused to ameliorate the suffering of the Norfolkians unless he received express directions by an Executive Order or a new policy was adopted. Welles was not cruel but consistent. His argument was not for rigor per se but for fairness. He wanted the blockade uniformly enforced or eliminated in the proper circumstances. Chase pleaded that Norfolk should be permitted to exchange some of its products such as tar, shingles, and staves, for some of the necessities of daily life. "Then raise the blockade," Welles answered. "Act in good faith with all. Let us have no favoritism. That is my policy. You must not

use the blockade for domestic traffic. . . ." Lincoln, on second thought after Welles' argument for prolonging the blockade, deferred action until he had studied the matter longer.

To Welles, Chase's plan to modify the blockade reeked of corruption. He believed that the Treasury Secretary was courting General Dix who, Chase thought, had great political clout. Welles did not agree with that opinion but felt that Dix's staff and entourage were "bloodsuckers" who were determined to capitalize on their monopoly of trade in occupied and blockaded Norfolk. This monopoly was to be sustained by the blockade which passed only those ships carrying military supplies and commercial cargoes consigned to the favored few who had trade licenses issued by the Treasury Department and General Dix. Welles was against a blockade which benefited "none but Army and Treasury favorites."⁷

On a visit to Welles on October 15, 1862, Dix complained that (Acting Rear-Admiral) S. P. Lee, commanding the Atlantic Blockading Squadron, was too rigid in obeying Welles' orders. Dix stated that half of Norfolk's citizens were loyal and suffering needlessly, that there was no need for the blockade,

⁷The foregoing is an abstract of the Cabinet meeting of October 10, 1862. Welles, Diary, pp. 165-66.

and that General Halleck (Chief of Staff) concurred in the opinion that the blockade was illegal. Welles, not to be intimidated, coolly informed Dix that, while he agreed with him personally, as long as he had no orders to the contrary he would continue to enforce the blockade to comply with the President's order. Lincoln had, by proclamation, opened the ports of Beaufort, Port Royal, and New Orleans--but not Norfolk. Until he did, Welles continued, that port would remain closed. He would be happy to comply with a Presidential Order opening the port and would indeed welcome it. He had expressed these sentiments to the President and others in the administration. However, Secretary Stanton was strongly opposed. If Dix and Halleck could persuade Stanton to change his mind perhaps the suffering of Norfolk's people would be alleviated. As for the political advantages, Welles pointed out, lifting the blockade would promote commerce, commerce promotes friendship, and friendship is contagious. The Union cause could only profit by such action. However, as long as the blockade was in effect he intended to make sure that it was not a sham. There would be no favorites exempt from its stricture.

But this was exactly what Dix did not want. "That won't answer," he replied. When Welles pointed out that he

had just argued for an end to the blockade Dix got to the point of his visit. What he wanted was a continuance of the official blockade with a secret agreement with Welles to permit more than just army supplies to pass into Norfolk. In short, he wanted special agents of his own choosing to have the privilege of bringing into Norfolk merchandise in short supply, great demand, and expensively priced. There was no need to "tell the world the blockade was modified or removed." The incorruptible Welles, of course, refused to be party to such an agreement.⁸

Two days later, at the Cabinet meeting of October 17, 1862, the question of the blockade was raised again. Dix had evidently convinced Stanton who now wished to give Dix full authority for army supplies and trade. Welles argued again for full disclosure of the modification terms of the blockade. No decision was reached at this time, however.⁹ In the meantime Dix went ahead with his stated policy and permitted his staff favorites to sell trade licenses.¹⁰

⁸Ibid., p. 172-74.

⁹Ibid., p. 175.

¹⁰Ibid., p. 177.

On the 24th, a week later, the Cabinet discussed this problem once more. When the topic was introduced Stanton pleaded for a ten-day delay on any action; i.e., until the Congressional elections were over in New York. General Dix, former Collector of the Port of New York and still politically potent there, was not to be offended in any way at this time since Stanton was concerned about Republican prospects in the Empire State.¹¹ Whether because of political motives or other reasons Lincoln did relax the blockade on November 12 to permit domestic produce and other "necessities" to enter Norfolk and to leave it for any port not blockaded by the United States.¹²

Although the blockade was partially lifted Viele still had the problem of financing the purchase of relief supplies. No military funds were appropriated for this critical need and Norfolk's municipal receipts were almost non-existent. When Norfolk's fall seemed imminent many of its citizens left to remain in the Confederacy.¹³ Their property was confiscated

¹¹Ibid., p. 179.

¹²Official Records, Ser. I, Vol. 18, p. 452.

¹³One third of the city's population left with the Confederates on May 10, 1862. New Regime, March 7, 1864.

by the Federal authorities. The tax-base for much of the city's revenues was, therefore, reduced and municipal receipts accordingly diminished. The city's income came only from what little commerce the licensed traders could generate and the small amounts raised by licenses and fines. This was grossly inadequate to purchase the food, fuel and other needs of the homeless and destitute who clamored for help at Viele's office. During Viele's command this problem was never solved and it grew worse as time passed. Not until his successor, Major General Benjamin F. Butler, took command was there any organized program of relief, and not until then were many of the difficulties that Viele found insuperable resolved.

When the city officials chose to be considered a "conquered people" by the occupying troops civil resistance was implied. Thus, it forced the suspension of civil rule and the use of provost-marshal courts to try all civil and criminal offenses (non-military). These courts were begun by Major General Dix who appointed Captain John A. Bolles, his aide-de-camp, provost judge. He tried all cases of disloyalty, misdemeanors of all sorts, and referred all capital cases to military commissions, whose decisions were subject

to review by higher echelons of command.¹⁴ Considering the circumstances and the temper of the times his sentences were remarkably lenient; no culprit served more than sixty days imprisonment.¹⁵

But Norfolkians bitterly resented these courts and the reactions of the citizens to arrest and imprisonment by the provost guards and military courts, the former frequently manned by Negroes and the latter by their superiors, can well be imagined. The war was still new, customs and habits still unchanged, hatreds still pristine; Union troops, therefore, were treated with contempt and disdainful abhorrence, particularly by the women whose behavior was similar to those of New Orleans during Butler's regime.

On July 4, 1862, a little Negro waved a Union flag in the face of a young lady during the Independence Day celebration in Norfolk. She snatched the flag from the "eboshin" (?) and trampled it. The boy circulated the incident and the young lady was arrested and reprimanded. Aware of the ladies' hypersensitivity the Union men in Norfolk, perhaps in retaliation, hung Union flags across the streets, here and there, to provoke the loyal belles.

¹⁴Official Records, Ser. I, Vol. 18, p. 503.

¹⁵Ibid.

Whenever they saw one pass they lowered the flag so the indignant female was forced to walk under it.¹⁶

There were many such incidents and instances of petty resistance and retaliation. They did, however, demonstrate the underlying sentiment of most of the white population.

Keeler, of the Monitor, gives a description of their appearance and demeanor: many ladies in Norfolk were

richly dressed but the late fashions evidently had not reached there for their garments were all of the olden style and it was very apparent that they eschewed hoops. . . . It must have been mortifying to their pride and intensely aggravating to their disloyal sympathies to be compelled to apply to Union officers for permits to purchase Union goods of Union men or to apply to the same source for liberty to leave the city and when obtained to pass through loyal swords and bayonets producing at their order the pass of a military governor . . .¹⁷

Another observer commented:

Military discipline seems to be very lax here. I wonder the guard are not required to report treason on the ferry-boats (between Norfolk and Portsmouth). Miss Smith heard a noisy lady say on the boats, "I wish all the Unionists had one neck, that one blow might sever the neck from

¹⁶Richmond Enquirer, July 15, 1862.

¹⁷Monitor, p. 234. The military reins were tightened after McClellan's defeat in the Seven Day's Battle. No civilians were allowed to leave the city under any pretext. (Letter from a Norfolk lady to her son in Richmond, a member of the 12th Virginia Regiment). Richmond Enquirer, July 26, 1862.

the body." Travelling secessia is obliged to go under the Stars and Stripes in crossing the ferry; and I suppose the forced recognition of protection adds gall to the already envenomed tongue. The ferry flag once waved before the Provost Marshal's office in the Custom House; but, as Norfolk would walk around it, it was hung where Norfolk must, would, and should, go under it.¹⁸

A neighbor of hers, "disgusted at the very thought that anybody could be found so silly as to come out here [Craney Island] to teach the Negroes," said, "I'd poison a Yankee in a moment if I got the chance,"¹⁹

When Lincoln issued the Emancipation Proclamation on September 22, 1862, it lifted the hearts of Negroes everywhere. Many of them felt that their woes were over and, when the Proclamation took effect on January 1, 1863, the colored population of Norfolk celebrated the occasion with a procession even though that city and Portsmouth were excluded from the Proclamation. This must have engendered resentment among some of Norfolk's rebels. In fact, General Dix was concerned lest the parade cause serious civil disorder and took the trouble to warn General Viele about the likelihood of such an occurrence. Viele took proper precautions

¹⁸Henry L. Swint, ed., Dear Ones at Home (Nashville: Vanderbilt University Press, 1966), p. 70.

¹⁹Ibid., p. 68.

and reported that "the procession passed off without any disturbance. There were about 4,000 persons in it."²⁰

No doubt the presence of many Union troops in and on either side of the parade route was responsible for the peacefulness of the event.²¹ However, the smouldering resentment of the citizens did erupt into flames, weak and sputtering as they were, on two later occasions.

The first of these was an abortive attempt to capture Fort Norfolk, on the Elizabeth River opposite the Naval Hospital, and to burn the stores of supplies in the various public warehouses. On the night of March 26, 1863, one of the prisoners at the Fort, a Dr. Green, withdrew his parole and requested that he be confined. This excited the suspicion of General Viele who doubled the pickets. A few hours later they were fired on. At the same time other rebels tried to ignite the contents of the warehouses scattered through the city. Neither attack was successful; the military

²⁰Official Records, Ser. I, Vol. 18, pp. 501-02.

²¹Wertenbaker, Norfolk, quoting the Virginia Gordan Scrap Book, a collection of newspaper clippings of the period in the possession of Mrs. John D. Gordan of Norfolk, describes the parade in mocking and jeering terms, p. 220. However ludicrous some of the participants may have appeared, the importance of the occasion to those affected by the Proclamation should not be dismissed with sneers.

one weak and disorganized, the incendiary one no more effective even though "one of the combustibles" used was "very artistically constructed."²² Viele thought that these feeble attempts were the work of some of the prisoners' friends trying to effect their release.²³

The second event, tragic in the classical Greek sense in that the protagonists were the symbols and victims of their upbringing, occurred on July 11, 1863.

According to one account,²⁴ Dr. David Minton Wright, a Norfolk physician who had gained the love and respect of his fellow citizens for his work during the Yellow Fever epidemic of 1855, was forced off the sidewalk by a column of Negro soldiers led by a white officer, 2nd Lieutenant A. L. Sanborn, 1st Regiment Colored Volunteers. When Wright protested the arrogance of the troops in forcing men,

²²Official Records, Ser. I, Vol. 18, p. 568.

²³Ibid. A more convincing reason was the proximity of rebel forces which posed a threat to Norfolk. On March 23rd they were within four miles of the city. Francis H. Pierpont, Letters to His Excellency The President and the Honorable Congress of the United States (Washington, D. C.: McGill and Witherow, 1864). It is probable, therefore, that many rebels expected their "deliverance" momentarily and began their sabotage prematurely.

²⁴William Henry Tappey Squires, "Norfolk in By-Gone Days," Ledger-Dispatch (Norfolk), April 13, 1939.

women, and children off the sidewalk into the street Sanborn advanced on Wright with drawn sword. Wright then drew a pistol and killed Sanborn. As related by another narrator,²⁵ Dr. Wright was a spectator as "a company of Negroes under the command of a white officer named Sanborn was marching down Main Street." Dr. Wright, apparently revolted by the sight of Negroes in uniform, approached "Lieutenant Sanborn with clenched hands (and) exclaimed, 'Oh! you coward!'" Immediately Sanborn arrested Wright. According to Wertenbaker, whose account is reconstructed from the Virginia Gordan Scrap-book, Wright could not tolerate the thought of being seized and imprisoned by Negro soldiers. "Maddened" by such public degradation, he drew his pistol and shot Sanborn twice. The officer was carried to a nearby store where he expired.

Although Norfolk was under civil rule at the time, Wright was tried by a military commission especially empanelled for this case and found guilty. The inevitable death sentence aroused immediate public sympathy and protest. Dr. Wright was a medical hero and the embodiment of the selfless servant of man; after Sanborn's death he became the

²⁵Wertenbaker, Norfolk, p. 221.

personification of the Southern patriot "martyred" by the enemy.

Appeals to Lincoln for amnesty brought only a week's stay of execution. Lincoln had studied the record of the trial²⁶ and had asked for medical consultation about Wright's sanity.²⁷ When he found no extenuating reason for changing the sentence he closed the case sadly.²⁸

The Virginia General Assembly at Richmond passed a resolution honoring Wright for his "courage, zeal, and devotion."²⁹ Burton described Wright as "a brave and chivalrous citizen of Norfolk" who was "outrageously 'executed' simply because he dared to shoot down an insolent officer of a negro company who had grossly insulted him."³⁰ The Portsmouth City Council, a body elected by those citizens who had taken the oath of allegiance, two days after the event, denounced "the brutal murder of a Union officer by a

²⁶Official Records, Ser. 2, Vol. 6, p. 170.

²⁷Ibid., pp. 603-04.

²⁸Ibid., p. 426.

²⁹Squires, Ledger-Dispatch, April 13, 1939.

³⁰Burton, Norfolk, pp. 86-87.

rabid secessionist" and called for "speedy and condign punishment" ³¹ Much later on May 8, 1901, the Portsmouth City Council "formally and forever expunged from the records of that city" the aforementioned resolution passed by its predecessors. ³²

The overt manifestations of civilian resistance exemplified by the attack on Fort Norfolk, attempts to burn the warehouses, and the Wright-Sanborn affair, were the more obvious and least dangerous ones. Viele was able to nullify these threats to his authority, but he was not capable of suppressing the strong undercurrent of sympathy and active support Norfolkins extended to the Confederate cause. This support took the form of espionage, open resistance to Federal authorities, and concealment of Confederate soldiers in mufti visiting their relatives. A Union officer, exasperated by the success of the espionage in thwarting Federal military plans, complained to Major General Butler: Norfolk was "one city of spies" and communications were maintained "day and night by land and water with the rebel army." ³³ The townspeople harbored Confederate soldiers home

³¹ Ibid., p. 87.

³² Squires, Ledger-Dispatch, April 13, 1939.

³³ Official Records, Ser. I, Vol. 29, p. 397.

on leave, openly defied and cursed the United States, and smuggled letters through the lines to friends and relatives.³⁴

The Norfolkins who continued to help their warriors were unable to help themselves, however. While they did what they could to bring ruin to their enemies they lived in a city which was slowly sinking into ruins itself. A description of its physical appearance was given by a new arrival in 1864 who saw the culmination of the slow process of deterioration the Norfolkins were either unwilling to or incapable of preventing:

The streets were not lighted at night, filth abounded everywhere in the squares as well as the allies [sic], the pavements were broken and rough, the sidewalks no better, and whatever Norfolk might once have been, its corporate lamentation visible at every turn and corner was nobody cares for me now.³⁵

Another description of Norfolk's dilapidation comes from the New Regime of March 7, 1864: the Norfolk Gas Company's plant was shut down by

the disloyal stockholders; the streets were not cleaned; there was no Fire Department; and the poor, usually the obligation of the civil administration, were neglected and forced into the care of the United States Commissary. The fire engines remained out of repair, the bridges and wharves in ruins, and the schools unopened.

³⁴Richard S. West, Jr., Lincoln's Scapegoat General (Boston: Houghton Mifflin Co., 1965), p. 263.

³⁵New Regime, March 7, 1864.

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This sorry state was the result of the lack of funds available for civic administration and the obdurate resistance of the populace and their leaders to cooperate with the military in trying to keep the city in repair.

The only sources of revenue to pay for city maintenance were real estate taxes, licenses and fees, and fines. In both Norfolk and Portsmouth receipts from real estate taxes were almost non-existent because the United States government held so much confiscated property. Since trade was stifled by the blockade and the courts were in military hands, the revenues were minimal and far less than what was needed to furnish vital services.

When Norfolk fell the directors of the Norfolk Gas Company resorted to passive sabotage. They refused to make the necessary repairs to the plant, refused to take the oath of allegiance which would have permitted them to import the coal needed to make the gas, and were obdurate in their forwardness even after the last coal was consumed and the city was without light. Conditions remained the same until 1864 when General Butler, who succeeded General Viele, took steps to give the city illumination.

But Viele did not have the energy or imagination to devise ways around such obstructions, nor did he have the

originality to devise unorthodox techniques of taxation which would have generated the revenues necessary to stop the city's slow drift into decay.

In the meantime the poor whites and Negroes kept arriving in Norfolk and Portsmouth in ever-increasing numbers from the surrounding depleted countryside. The problem of the poor was never absent during the Occupation. Viele relied on the limited resources of the United States' Commissary to feed the hungry but his efforts were ineffectual. For the poor whites alone, in the last six months of 1863, the government spent \$20,000³⁶ but this amount was a small fraction of the sum needed to house and feed the numbers of both races who were unemployed and homeless. This problem too Viele found insoluble.

In addition to his local troubles Viele was subjected to external political pressure from Francis H. Pierpont, the newly elected Governor of the Restored Virginia Government. When this political entity was formed on July 4, 1861, by the loyal Virginians its jurisdiction extended only over those portions of the state under Federal control. When Norfolk and Portsmouth were included in this area they were,

³⁶New Regime, March 7, 1864.

therefore, considered by Pierpont to be subject to his civil government. The exigencies of the situation immediately after the occupation of Norfolk tended to prolong military rule, but Pierpont was acutely aware that the robes of office were not enough; the title was meaningless unless its proper functions could be exercised within its jurisdiction. Pierpont insisted that civil government should be restored in Norfolk as soon as order was secured.

When General Wool captured Norfolk he wished to have as little trouble as possible with the civil authorities. Pierpont at this time was eager to have the jurisdiction of his government extended to include Norfolk and Portsmouth and attempted to exercise his newly won prerogatives in the election which was due to be held soon after the occupation. Pierpont assumed the right to appoint commissioners to conduct the municipal election but the Mayor, William W. Lamb, and the City Council disputed his authority, refused to allow any such interference in their municipal rights and duties, and, as mentioned above, preferred to be considered a "conquered people." They refused to take the oath of allegiance, the election was suspended "by the powers that be,"³⁷ and civil government reverted to the military temporarily

³⁷Richmond Enquirer, July 26, 1862.

Pierpont's second attempt to restore civil authority was more successful. In June, 1863, elections for the Select and Common Councils were held, judges appointed to civil courts, and the machinery of civil government restarted. Suffrage was restricted to those voters who had taken the oath of allegiance and candidates for office were selected from those whose Union sympathies were proven.³⁸ This government, under Mayor William H. Brooks, continued until June, 1864.

During this period frequent conflicts of authority arose between civil and military officers. Those that occurred under Viele's command were not treated as cavalierly as those under his successor's, General Benjamin F. Butler. Viele did not have the arrogance, the messianic conviction, the self-assurance, nor the political clout of the latter. He understood that if there was to be civil government there must be a climate of respect, however little, for civil authority.

A case in point occurred on July 2, 1863, and sputtered along until nearly the end of the month. A Mr. Tyler was arrested by a Federal officer and physically assaulted by

³⁸New Regime, June 25, 1864.

the provost guard. Mayor Brooks sent constable Cornelius Murden to "command place" where he was brusquely told not to interfere: when Mayor Brooks, affronted by such contempt, interceded, he was told to "shut up." Fifteen minutes after this insult a detachment of soldiers appeared in the Mayor's courtroom to arrest constable Murden. The officer in charge, Lieutenant Colonel Bozer, 173rd Pennsylvania Volunteers, then entered the Mayor's office and excitedly told him that he had no right to interfere in military affairs.

Mayor Brooks coolly held up the Code of Virginia as his authority, whereupon the officer snatched the volume from Brook's hand, threw it violently on the desk, and told the Mayor that he was a military officer whose law was the Military Code. He then said that if he had his sword by his side he would have been justified in running it through Murden's body; or if he had his pistol by his side he would have put a ball through his heart. Again he repeated that he would arrest Murden.

The Mayor was not in the least intimidated and put on a bold front. Witnesses to the event told essentially the same story when questioned by the joint Select and Common Councils. One, Alonzo Sanborn of the city guard, stated that

Mayor Brooks did not believe that Bozer would arrest Murden, saying, "no, I am not much afraid of that." Colonel Bozer replied, "Now I will show," and ordered a detail to carry Murden to jail where he remained for a lengthy term--two hours.³⁹

The findings of the Council were: Bozer's actions were "unbecoming an officer and a gentleman . . .;" the Mayor should charge Bozer with contempt of civil authority and assault and hale him before a civil court; if the Military Governor refused to comply with the Council's requests the Mayor was directed to employ legal counsel and petition the President, the Secretary of War, and the Commander in Chief; and that \$500 be appropriated to defray the expenses of such a petition.

The above findings, in the form of resolutions, were unanimously adopted by the Council July 30, 1863.⁴⁰ Viele, however, refused to permit this tempest to outgrow the teapot. His hand was undoubtedly guiding his subordinate's when Bozer wrote a letter of apology to Mayor Brooks the same day, ending the entire imbroglio.⁴¹

³⁹Minutes, July 2 and 3, 1863. Testimony of Mayor Brooks, Lt. Col. Bozer, Frank Tyler, Constable Murden, Alonzo Sanborn before the Select and Common Councils in joint session.

⁴⁰Minutes, July 30, 1863.

⁴¹Ibid.

The reaffirmation of the supremacy of civil authority in matters concerning civil peace and order bolstered the authority of the Mayor and Council. They now passed ordinances designed to improve the financial condition of the city.

New taxes were imposed, August 12, 1863, on houses of public entertainment (6% of the annual rent), and on places where liquor was sold. The latter were now subject to an additional tax of \$30.00 to sell beer, and a license costing \$150.00 per annum was required for the sale of whiskey.⁴² Also, the scrip authorized by the city on April 23, 1861, and which was accepted for tax payments, was now demonitized.⁴³ The anti-slavery and civil liberty principles of the Pierpont Government in Alexandria were clearly discernible in the two additional ordinances passed by the Council on the same day. The first repealed an ordinance passed on January 1, 1861, prohibiting Negroes from smoking tobacco on the streets and public places of the city of

⁴² Ibid., August 12, 1863.

⁴³ Ibid., \$50,000 in scrip was authorized in denominations of \$.50, \$1.00, and \$2.00, with interest payable at 5% per annum at the due date (1866), the scrip to be receivable for city taxes and other obligations due the city.

Norfolk. The second repealed the ordinance authorizing the flogging of Negroes.⁴⁴

On October 9, 1863, the Council authorized compensation for the Collector of Taxes in the amount of 5 per cent of collections up to \$30,000.00 and two and one-half per cent of the excess above that sum; a month later, on November 16, the Council appointed a committee to suggest the best means of collecting tax bills now in the Collector's hands, and to suggest what amount was necessary for the support of the "Municiple" [sic] government. At its next meeting, on November 19, the Council ruled that 30 per cent of the tax assessments were to be paid in United States currency. However, this ordinance was not to have the effect of reducing the compensation of the Collector who was to receive no less than \$1,500.00.⁴⁵

These measures were ineffectual. The revenues raised were barely sufficient to pay the salaries of the elected officials, with almost nothing left for vital services such as police and fire protection, education, poor-relief, health

⁴⁴Ibid.

⁴⁵Ibid., pp. 282, 284, 285.

care, courts, and sanitation.⁴⁶ Mayor Brook's administration had managed to survive by means of Pierpont's and Viele's support. When the latter was relieved from his command on August 1, 1863, Brook's position became precarious. Pierpont was now his sole support and the former proved to be no match for the new military commander.

The first phase of military occupation was now over. Norfolk had entered the war with high spirits and confidence in Confederate arms. The sudden change in the military picture during the spring months of 1862, which caused the abandonment of Norfolk, was a shock to the citizens. Nevertheless they continued to resist. They could only offer weak but spirited resistance to the occupation authorities. However, by so doing they salvaged only their pride; the result of their opposition served only to make their life more difficult. In the early days of the occupation the mild authority exercised by Viele was considered by most Norfolkins to be the acme of tyranny, and they behaved accordingly. They showed open contempt for Union soldiers and officers with little consequence to themselves. By refusing to cooperate with the occupation authorities in making

⁴⁶New Regime, March 7, 1864.

their city more habitable they did damage to their own city even though, by so doing, they did succeed in harassing the commandant, General Viele.

Viele, unfortunately, was not the right man for the job. Too easygoing to be effective, too stodgy to adapt to the unusual conditions, he could not cope with the horde of problems he faced. The poor-relief, the absence of revenue, the sullen populace, the rampant inflation--all were beyond his ability to improvise, and improvisation was the sine qua non without which no commander could stop the process of rapid decay facing Norfolk during 1862-1863.

CHAPTER III

BUTLER'S REGIME: I--REFORM

On October 28, 1863, the War Department recalled Major General (U, S. Volunteers) Benjamin F. Butler to active duty and ordered him to the command of the Department of Virginia and North Carolina, headquartered at Fortress Monroe.¹ He assumed command on November 11, 1863, and immediately began to change Norfolk's civil administration, commercial procedures, court system, schools, poor-relief program, police protection, sanitation, health care, fire protection, street lighting, and treatment of Negroes. His actions were vilified by rebels in Norfolk and throughout the Confederacy. In the Union he had much support for his reforms and also some opposition.

The dilapidated conditions he found on his arrival in Norfolk have been described above. The New Regime, always the public expression of Butler's views, blamed the "morose and obstinate" civil government for the sorry state. These derelict rulers, said the paper in a long editorial

¹Official Records, Ser.I, Vol. 29, p. 447.

headed "Plain Talk," in the nine months before Butler took command, permitted conditions to deteriorate. While admitting that "the disturbed state of society" made it difficult for the civil authorities to enforce their ordinances and that the receipts from real estate taxes were minimal because the United States government held so much confiscated property, nevertheless the New Regime held the civil administration culpable. Since the civil administration was one in name only, it argued, being unable to raise sufficient revenue to operate, it followed that such a government had best be superseded by a military one. The military had already put the Gas Works back in operation so that the streets and sidewalks were lit. City prisoners were working to repair the streets and sidewalks and collecting refuse. The editorial continued by conceding that the citizens had the right to grumble about the military to a "liberal degree" if they wished; on the other hand, they, in turn, had done little to alleviate the abominable conditions in Norfolk and Portsmouth.²

Butler found such conditions an affront to his sense of order and propriety. All the qualities of personality--

²New Regime, March 7, 1864.

his flair for dramatic action, his talent in analyzing evidence, his sympathy for the underdog, which were important factors in his remarkable success as a criminal lawyer and politician in Massachusetts--were mustered again to effect prompt changes.

To correct these "extremes of dilapidation" Butler issued General Order Number 40 which imposed a tax of one per cent on merchandise brought into the military department. This was expected to raise sufficient revenue, when added to receipts from licenses, to defray the expenses of the municipal government. The protests of the traders, mostly non-residents, were summarily dismissed by the New Regime which pointed out that they came to Norfolk to "take their chances" and should not complain of a small tax while they asked the United States to protect their trade.³

Butler's actions soon provoked cries of "outrage" from the Southern press. When the general, to assure a viable municipal government, insisted that those holding public office or needing public assistance take the oath of allegiance to the United States, the South reacted in typical fashion. It equated the oath to a gun pointed at them by a

³Ibid.

tyrant and called all those who took the oath "scalawags" and "army bummers."⁴ The realities of war were never taken into account by the vociferous rebels who acted as if they, and not the United States, were in control of Norfolk and Portsmouth.

Butler had little respect and less admiration for the Restored Government of Virginia.⁵ The municipal government, nurtured by Pierpont as a visible symbol of the state government's viability, was ineffectual and, to Butler, only a nuisance. Pierpont, the soi disant Governor,⁶ was mocked and ridiculed by Butler who proceeded to administer his Department as if Pierpont did not exist. Civil rule in the two cities was gradually and inexorably reduced in importance and effectiveness between November, 1863, and June, 1864.

One of Butler's first steps was the arrogation of judicial functions. The courts, established by authority of the Alexandria government, were the sine qua non of civil government and were the first and most vulnerable target of Butler's offensive against Pierpont. The provost marshal and provost

⁴Burton, Norfolk, p. 86.

⁵New Regime, May 6, 1864.

⁶Ibid.

judge ignored the police and civil courts. As early as January 11, 1864, two months after Butler took command, Pierpont complained to him about the usurpations of the functions of civil government by the provost marshal and judge: "I found . . . officers . . . were intermeddling with the civil authorities . . . in a most licentious manner." They were, said Pierpont,

placing civilians in jail for non-payment of debts to out-of-state creditors, releasing prisoners charged with felonies and misdemeanors before trial by civil courts, ordering tax collectors not to sell personal property levied on for taxes, trying cases called "ejectment", rendering judgement for possession in five and ten days, and were sending to the clerk of the court for copies of abstracts of deeds, with the view of selling real estate for debts.⁷

Butler continued to undermine civil rule in this manner, to Pierpont's utter despair and disgust. The civil and military clashed again and again on jurisdictional matters until, by the summer of 1864, the climax of the struggle was reached and settled in Butler's favor.

During this period of conflict between Butler and Pierpont, Butler also attacked the authority, dignity, and reputation of Mayor William H. Brooks, Pierpont's protege.

⁷Official Records, Ser. III, Vol. 3, p. 1139.

Brooks, who had maintained his dignity and respect during the contretemps with Lt. Col. Bozer during Viele's command became an easy target for Butler.

The mayor, reportedly "in his cups," was arrested on May 1, 1864 for beating his wife and escorted to jail by four soldiers. The editor of the New Regime, who detested Brooks, took pains to give readers a detailed account of the mayor's humiliation. Expressing mock indignation at the treatment accorded the mayor by the military, and, while professing to refrain from judgement before adjudication of the case by the provost judge, the editor nevertheless made sure that his readers knew that the mayor had beaten his wife because she had complained to the authorities that he had not given her the necessary clothing expenses that were her due.

During the trial, attended by what the New Regime chose to call "mostly colored and shabby white friends of the mayor," the defense asked for a dismissal, claiming the matter to be a family quarrel. Mrs. Brooks declined to prosecute but asked the court for protection from further injury. The judge ruled that Mayor Brooks post bond of \$1000 against keeping the peace for a year. Mrs. Brooks felt sure that the incident would not be repeated since her husband had moved

himself and some of his furniture out of the house. Thus ended the case. But the editor printed the court proceedings in extenso under the questionable heading of "official news" since the case was tried in the provost judge's court.⁸ Mayor Brooks continued to be the butt of the New Regime's obloquy for the remainder of his term, which lasted until the last week of June, 1864, when Butler ended civil rule in Norfolk.

When Butler took command he imposed a schedule of license fees and taxes to defray the expenses of civil administration and poor-relief. General Orders Number 40, November 26, 1863, stated:

Already large expenses are thrown upon the military in this department by the numerous requests for permits for imports and exports, and for passports and other permits, for the payment of which no appropriate means has been provided; and whereas there is no good reason existing why such expenses should not be borne by the persons and property benefited thereby, it is ordered: that all persons hereafter applying for a request for a permit to import into or export from this department shall pay at the rate of 1 per cent upon the invoice value; that for every passport issued there shall be paid the sum of \$1; that for every permit granted to any vessel to enter or trade in the department there shall be paid the sum of \$3; that all the foregoing fees are to be paid to and

⁸New Regime, May 2, 1864.

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received by the provost-marshals to constitute a provost fund to meet expenses.⁹

General Orders Number 39, issued the same day, voided all permits issued previously unless revalidated by the commanding officer of either the District of Virginia or the District of North Carolina.¹⁰

Butler's new taxes were in addition to the taxes previously imposed by the Pierpont government. Neither the civil nor the military taxes were high but the merchants protested this double taxation and knew, from reading the New Regime,¹¹ that they would have the support of the military. In confidence of such support several merchants openly defied civil authority by refusing to pay state license fees. Most of these merchants were whiskey traders whose monopolies depended upon Butler's favor. When indictments were issued against these violators they, and other merchants whose businesses were licensed by the military, took united action.

⁹Official Records, Ser.I, Vol 29, Part II, p. 494.

¹⁰Ibid. On August 21, 1863 the Departments of Virginia and North Carolina, previously combined, were separated into two entities.

¹¹New Regime, June 14, 1864.

On May 16, 1864, one hundred and fifty merchants and dealers petitioned the Council for relief from the city-imposed "exorbitant license fees" and the inefficient municipal government. Alleging that they derived their protection only from the military, they proposed that they pay taxes and licenses only to the latter in the same amounts imposed by the former. The merchants sent the petition first to General George F. Shepley,¹² Butler's deputy commander in Norfolk, most probably for his imprimatur, and he submitted it to the Council. Five days later Shepley sent the Council a covering letter urging that the petition be denied.

He stated that the petitioners who asked to be relieved from all city license assessments were the very ones who profited most from their lucrative privileges and who now wanted to be exempt from their fair share of city expenses. They hoped, he said, that the city would levy increased taxes on real estate to raise the necessary revenues and thus eliminate the need for business license revenue.

¹²Brigadier General George F. Shepley was Butler's second-in-command at New Orleans. Butler assigned him to command of the District of Eastern Virginia (Fortress Monroe, Yorktown, Williamsburg, Norfolk, Portsmouth, and the Eastern Shore of Virginia) on May 27, 1864. Official Records, Ser. I, Vol. 36, Part III, p. 266. At Norfolk he performed the same duties.

He felt that it was their duty to "contribute their just and legal taxes for the benefit of the unfortunate inmates of the Alms House, as other citizens." If they complained, "what should those persons say who have no business facilities."

Shepley had his doubts that the petition expressed the true sentiments of Norfolk's citizens and also pointed out that not more than half of those signing the petition had paid their Government licenses. He averred that

the signs of the times indicate a more full and complete civil administration. But were we satisfied that the interests of our fellow citizens would be promoted by the suspension of civil government, and they so desired, we would cheerfully acquiesce: as we have no private interests to subserve by its continuance.¹³

This was the first public intimation that the military was considering the suspension of civil rule.

At this time too the conflict between Pierpont and Butler approached its climax. Pierpont, outraged and almost helpless against Butler's confident disregard of his authority, wrote a long letter to Lincoln on April 18, 1864. This fifty-five page plea for presidential intervention, addressed to "His Excellency the President and the Honorable Congress of

¹³Shepley to Councils, May 21, 1864. Minutes, pp. 299-300.

the United States on the subject of the abuse of military power in the command of General Butler in Virginia and North Carolina," was a case-by-case detailed indictment of Butler's administration. He accused Butler of speculation in the collection of taxes, fines, and licenses for the provost-marshal's fund which he estimated to be somewhere between two and three hundred thousand dollars. To justify his argument for the supremacy of his own authority he resorted to theories of political philosophy, the rights of men, and discussions of optimum forms of government in a dissertation à la Rousseau. Saying that

the natural condition of men is under civil government, the military is therefore an organized artificial force to aid the civil law to assert its power when resisted by force. . . . War is expensive, both in money and life, hence it should be short. I think there can be no controversy about these propositions being right in theory; and their practical application is this. If the military will drive all the rebel army out of the State, I will reorganize every county in the State in less than six months with loyal officers to execute the civil laws.

To this he added a note of moral indignation: "the city of Norfolk, for instance, with fifteen hundred women congregated there 'who are no better than they ought to be' is not the place for soldiers and officers, who are expected to do efficient work in the field."¹⁴

¹⁴Pierpont, Letter to His Excellency, p. 48.

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Whatever Lincoln may have thought about Pierpont's protest is not known. He sent a copy of the letter to Butler without comment. The letter was published later and its presentation of the facts concerning the arrest of two Norfolk merchants for smuggling were so biased and condemnatory that Butler could not ignore the challenge. He began a thorough investigation and discovered, to Pierpont's subsequent dismay and embarrassment, the damning details.

Two Norfolk merchants, Francis Zantzinger and J. T. Daniels, the owners of one of the largest whiskey importing¹⁵ and retailing firms in the city, were arrested and charged with smuggling. Zantzinger was a member of the Alexandria legislature and a strong Pierpont supporter. He had complained to the governor about his constant "persecution" by Butler, and Pierpont had given Lincoln the details at second hand. However the details were not accurate. Butler's investigation showed that Zantzinger and his partner had bought seventy-five barrels of whiskey from a New York City firm,

¹⁵Permits to import liquor into Norfolk were issued by the military under Regulation 8, U. S. Department of Treasury (Washington, D. C., August 28, 1862), which stated; "No permits for liquors shall be issued into territory occupied by the military forces of the United States except upon the written request of the commander of the department in which such territory is embraced. . . ." These permits were issued in controlled numbers and for restricted amounts of liquor.

Jonathan Scrymser and Company, on October 28, 1863. They labeled the whiskey "cider vinegar" because their permit was for vinegar only. They also, at the same time bought a thousand sacks of salt, although they had a permit for only five hundred. All these were sent to Norfolk where they arrived November 7, 1863, on the schooner "L. B. Cowperthwaite," commanded by Captain Henry Rogers. The captain was paid a bribe of \$1,000 and \$750 went to Lieutenant Hartley S. Sewell of the United States Revenue Service. During routine checks on liquor inventories in the business establishments in the city the military inspectors discovered the undeclared barrels of whiskey in a shed behind the store and labeled "cider vinegar." When tried in the Provost Court, Zantzinger and Daniels could not offer a logical explanation for the presence of the smuggled whiskey, nor would they open their books. The whiskey was therefore confiscated and sold.

When this evidence was disclosed in the Provost Court and reported verbatim in the New Regime¹⁶ there was little that the culprits could do, and there was little that Pierpont could reply in rebuttal. Rogers was fined \$2,000 and jailed for sixteen months; Sewell was cashiered and received a ten-

¹⁶New Regime, June 24, 1864.

year prison term; Zantzinger and his partner were haled before Butler at his field headquarters at Bermuda Hundred and confessed their part in the scheme. Butler put them to work in the trenches and digging the Dutch Gap canal for a few days but released them when they admitted their guilt in a letter to Pierpont, dated June 10, 1864.¹⁷ This letter also expressed their regret at the publication of Pierpont's complaint to Lincoln, their acknowledgement that their conviction was "just and proper," the accusation that Pierpont cast "unjust aspersions on General Butler's decisions," the admission that an injustice had been done Butler, and the confession that the purpose of the Pierpont letter against Butler was to effect the latter's removal and an end to his interference with the whiskey trade.

Before the Zantzinger and Daniels affair ended so successfully for Butler he had decided to terminate civil rule in Norfolk. To make it seem as if he had wide public support for his decision he announced that a plebiscite would be held in Norfolk on June 24, 1864, as part of the election scheduled for that date. Only the loyal oath-taking citizens were to be polled to decide whether civil government would be

¹⁷Ibid.

continued during the military occupation. The merchants of Norfolk were against the Pierpont government as represented by Mayor Brooks and the Council and had, as mentioned above, previously protested against the system of double taxation.

On June 18, during the excitement of the Zantzinger case, thirty-nine business men held an anti-tax protest meeting in Mechanics Hall. After "several determined speeches" they adopted resolutions committing them to a common course of action, i.e., non-payment of taxes imposed by the civil government. Claiming that they owed no taxes to a government which, they said, was not recognized by the United States authorities, they resolved that they "cannot and will not, without compulsion, give aid and support to any such Government."¹⁸

The New Regime gave its support to the merchants with an editorial on June 13, 1864, headed "High Life Below Stairs":

Half the business men of this town have been indicted because they will not pay a tax for the support of a score of useless office-holders in this State and City. These gentlemen have already paid heavy taxes to the military government and they justly complain that it is a great hardship to be obliged to pay for the support of

¹⁸Ibid., June 21, 1864.

"Governor" Pierpont and "Mayor" Brooks and their seedy followers. We think so too. . . . Why not make Pierpont a light-house keeper somewhere on the Southern coast; and let Brooks be sent where women are to be whipped?

On June 23 the paper further fanned the flames of rebellion against civil authority with an appeal to the citizens, headed "A Word to the People," to "crush out" at the ballot box the "puny abortion of puny nondescripts." With a warning, entitled "One Word to the Wise," the same issue cautioned anyone against causing a disturbance at the polls--that they would be hastily punished by being put to work on the street-paving gang.

General Shepley ordered special ballot-boxes for the election to record the votes for or against continuing the "present form of municipal government during the existence of military occupation."¹⁹ By now New Regime editorials had made it apparent that Butler meant to do away with civil rule and the merchants knew that they had won. When the New Regime of June 24, 1864, printed the details of the Zantzinger case on election day the timing could not have been better for Butler's purposes.

Pierpont was angered by Butler's tactics and exhorted

¹⁹Ibid., June 22, 1864.

his followers to boycott the election. He said he "knew of no authority in the State or Federal laws authorizing the people to abrogate the civil laws of the State in any city or county, and such an act can only be considered revolutionary, therefore no loyal citizen will be expected to vote on the proposed question."²⁰ But his pleas were useless. The results of the election proved Butler the victor. Only sixteen "loyal" citizens voted for a continuance of civil government while three hundred and thirty voted for suspension. Although the number of enfranchised voters is not known, most reports of the election emphasize that the results reflected the opinions of a small proportion of the populace.

A week after the election Butler took the next step to extinguish the last glimmer of civil authority in Norfolk and Portsmouth. In a long General Order, dated June 20, 1864, and published in the New Regime²¹ of July 2, Butler decreed that

all attempts to exercise civil office and power under any supposed City Election . . . must cease, and the persons pretending to be elected to civil

²⁰Ibid., June 25, 1864.

²¹The New Regime was the official publication for all orders. These orders can also be found in the Official Records.

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office at the late election . . . must no longer attempt so to do, the Military Command at Norfolk will see to it, that the persons so acting are stayed and quieted.

Everyone did remain "stayed and quieted" until Judge Edward K. Snead, of the First Judicial District, which included Norfolk, issued a call for a term of court to begin early in August.²² This action was not a reckless defy of Butler out of sheer bravado. Pierpont, defeated in his last tilt with Butler by the results of the election, proposed that Snead instigate a test case to define the legal limits of Butler's authority. Attorney-General Bates approved and promised his help.²³

Judge Snead, before whom the indicted merchants who had appealed to the military for relief were to be tried, had, rather injudiciously, discussed the pending trial beforehand. In the bar of the St. Charles Hotel he said, "over a glass of toddy," that the defendants "would carry or win their case before him." Even if they did, he said, the Supreme Court in Washington would "sustain the action of

²²Jessie Ames Marshall, ed., Correspondence of Gen. Benjamin F. Butler (Norwood, Massachusetts: The Plimpton Press, 1917), IV, 545.

²³J. E. Mears, "Virginia Eastern Shore in War of Secession and Reconstruction Period", typescript, Norfolk, Public Library, p. 312.

the civil authorities in Virginia; namely Norfolk, Portsmouth, and Alexandria." The New Regime, reporting the conversation, remarked:

inasmuch as the Baltimore Convention²⁴ did not recognize the Virginia politicians, it was fair to presume that the Supreme Court would not recognize three small towns as the State of Virginia . . .; but his decision . . . is important and interesting to the parties indicted. It is a virtual admission that the indictment will fall through in his court, coupled with the opinion that they will "stand fire" in Washington. How are they going to get to Washington? Are successful defendants going to retry a case they have won? Their heads are too level for that sort of business.²⁵

When Judge Snead issued his call for a court term Butler reacted immediately to this challenge of his authority. He ordered Snead to appear before him at Bermuda Hundred.²⁶ Snead appeared the next day and was interrogated at length with respect to his intention of obeying Butler's orders on the subordination of the civil to the military authority. When Snead repeated his intention of maintaining civil law Butler "stayed" him until he promised to obey. He did not treat Snead harshly. He suspected that the judge was only

²⁴The Republican Convention of June 7, 1864.

²⁵New Regime, June 14, 1864.

²⁶West, Scapegoat, p. 271.

a pawn in the game whose moves were directed from Washington. He placed Snead in the guardhouse where he was "to be treated with tenderness and care,"²⁷ to avoid any accusations of brutality, and wrote to his wife: "They have laid a trap for me at Washington, to see if I cannot be caught on the Civil Government at Norfolk . . . I have arrested him, and shall hold him in spite of the Government's Attorney General . . . I will go home on the question before I yield."²⁸

With his usual flair for pungent sarcasm Butler defended his actions in a letter to Lincoln:

It is not for the Commanding General to use words of epithet upon the conduct of the Attorney General. If the learned Attorney General has a fancy for intermeddling with the affairs of a disloyal people in a state, it might be suggested that Missouri opens a fine field for the exercise of his talents in that direction.²⁹

Lincoln was vexed enough by the dismal squabbles in Norfolk to draft a reply to the latest Butler missive, but he never sent it. He began by admitting that "the subject

²⁷Marshall, Correspondence of Gen. Benjamin F. Butler, III, 574.

²⁸Ibid., pp. 575-76.

²⁹Butler to Lincoln, August 1, 1864, Marshall, Correspondence of Gen. Benjamin F. Butler, IV, 585.

had caused considerable trouble," and assured Butler that he had "no doubt of your loyalty and devoted patriotism." He extended the same confidence to Pierpont and Bates and added that the "insignificance" of Pierpont's domain "lends a somewhat farcical air to his dominion" He continued:

Coming to the question itself, the military occupation of Norfolk is a necessity with us. If you, as a department commander, find the cleansing of the city necessary to prevent incendiarism among your men and stores; wharfage necessary to land and ship men and supplies; a large pauperism, badly conducted, at needlessly large expense to the Government, and find also that these things, or any of them, are not reasonably well attended to by the civil Government, you rightfully may and must take them into your own hands. But you should do this on your own avowed judgement of military necessity, and not seem to admit that there is no such necessity, by taking a vote of the people on the question. Nothing justifies the suspending of the civil by the military authority but military necessity, and the existence of that necessity the military commander and not a popular vote is to decide. And whatever is not within such necessity should be left undisturbed³⁰

Although Lincoln did not send the letter he did send Butler a telegram on August 20, 1864: "Please allow Judge Snead to go to his family on the Eastern Shore or give me a good reason why not."³¹ Such gentle firmness was enough.

³⁰Lincoln to Butler, August 9, 1864, John George Nicolay and John Hay, Abraham Lincoln (New York: The Century Co., 1890), IX, 443.

³¹Marshall, Correspondence of Gen. Benjamin F. Butler, V., 87.

Butler released Snead after a short term in the guardhouse and after he had received his word not to hold court.

It may be noted that Lincoln made no mention of the issue at test; while he gave Snead his liberty he did not restore his authority nor curtail Butler's. Bates fumed at Lincoln's reluctance to handle Butler roughly.³² Later, at the end of the year, when Butler planned another plebiscite, Lincoln took a firmer line:

On the 9th of August last I began to write you a letter, the enclosed being a copy of so much as I then wrote. So far as it goes, it embraces the views I then entertained, and still entertain. A little relaxation of complaints made to me on the subject, occurring about that time, the letter was not finished and sent. I now learn, correctly I suppose, that you have ordered an election similar to the one mentioned, to take place on the Eastern Shore of Virginia. Let this be suspended, at least, until conference with me, and obtaining approval.³³

Lincoln's decision to halt Butler's proposed plebiscite may have been influenced by the political realities corresponding to the dates of the letters. The unsent letter was written when Republican hopes for success in the election of 1864 were low. Lincoln was convinced that the Democrats would win in November and was not at all confident that he

³²Carl Sandburg, Abraham Lincoln: The War Years (New York: Harcourt, Brace and Co., 1939), III, 208.

³³Nicolay and Hay, Abraham Lincoln, IX, 444.

would be renominated.³⁴ Butler was still politically potent enough to be considered as Lincoln's running-mate and Lincoln was too sagacious a politician to risk the loss of the Massachusetts abolitionist vote Butler represented.³⁵ By the end of the year, however, Lincoln's position in his party was secure. He no longer had to handle Butler "with tongs"³⁶ and, although he never would have been curt or rude, he was firm in "staying" his troublesome General.

As mentioned previously, Butler imposed a system of taxes, licenses, and permits which gave him knowledge and control of all trade in his command. He extended this policy, so successful in Norfolk and Portsmouth, to the rural areas of his command in Virginia and North Carolina by establishing a network of stores given the exclusive privilege of trade. This network extended up the Eastern Shore and down into northeastern North Carolina. In one small area of the latter state alone there were stores in Coinjock, Ballyhack, South Mills, Hamburg, Washington Ditch, Elizabeth City, Gatesville, and Edenton. These stores traded with Norfolk and the surrounding countryside with permits issued by the Norfolk

³⁴Sandburg, The War Years, III, 208.

³⁵Ibid., p. 209.

³⁶Ibid., IV, 25.

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military. Those who received these permits were, for the most part, either friends or relatives of Butler, or headquarters personnel.³⁷

The authority for this commerce was an act of Congress, approved July 13, 1861, empowering the President to grant special licenses for restricted trade with the insurrectionary states. Lincoln assigned the licensing duties to Treasury Secretary Chase who allowed customs officers to issue permits for the shipment of non-contraband goods southward. Northern traders, paying gold for their purchases, aided the Confederates. Therefore, on September 28, 1862, Chase forbade the purchase of cotton with gold, but by 1863 such payment, originally permitted in exceptional circumstances, had become so common that it no longer was the exception but the rule.

In February, 1863, Congress authorized Chase to take charge of all confiscated, captured, and abandoned Confederate property. His special agents were empowered to negotiate the purchase and sale of confiscated cotton and other property, but the expected cotton bounty did not

³⁷Robert S. Holzman, Stormy Ben Butler (New York: The Macmillan Co., 1954), p. 145.

materialize. The military protested that the Treasury agents interfered with their authority, which prompted the Administration to alter its trade policy. Department commanders were authorized, in January, 1864, to allow Confederate cotton to enter their lines in exchange for immediate payment of twenty-five per cent of its value in Treasury notes and the balance at the end of the war.³⁸

During this period of ambiguous and conflicting jurisdiction the military frequently disputed the authority of the Treasury agents within their department. Butler was no exception. He dealt with one instance of this conflict of jurisdiction on the Eastern Shore in a typical manner. C. S. Henry, a special agent of the Treasury for Drummondtown appointed by Butler, appealed to him for clarification of his status and advice as to his course of action. Butler order him to

Stop all trade stores and permits to purchase. All special agencies save your own are, I believe, revoked in your district by the Treasury, and you will take care of captured and abandoned property. The system established in Norfolk is a simple one: everybody can buy what they wish--everybody must have a permit to sell; no goods can be brought in or taken out of the district without a permit and one

³⁸Harold Melvin Hyman, Era of the Oath (Philadelphia: University of Pennsylvania Press, 1954), p. 41.

per cent tax. Indorsement of Mr. Chase is not necessary; if he does not approve he will cancel

To this the apprehensive and confused Henry replied:

I communicated your order to stop all permit agencies at two or three places. But . . . I can to apprehend that your arrangements with the Treasury Department were not yet so fully completed as to make it advisable to carry out your order immediately. Was I wrong?

Butler unequivocally clarified his intention:

You are mistaken about the Treasury agents over there. Stop them all. They have no right to issue any permits to trade. Have no hesitation upon the subject. Anything that we, the military, permit to go into Eastville can be bought and sold as free as water can be drunk, for all the Treasury.³⁹

Although this controlled trade was lucrative to the chosen few who were granted permits and licenses, it also proved beneficial to the residents of Norfolk and Portsmouth who, though denied the comforts and amenities of pre-war life, did not lack the necessities denied their Confederate compatriots in beleaguered cities and towns. Although prices were higher than in ante bellum days they did not reflect the runaway inflation common throughout the Confederacy. The military issued a list of official prices for wood and coal, to be effective February 11, 1864. These

³⁹Marshall, Correspondence of Gen. Benjamin F. Butler, III, 424, 483, 509.

were stated to be ten per cent above those current in Baltimore and were the upper limits above which the commodities could not be sold without suffering punishment set by the provost marshal. That officer altered the prices according to the season and the state of the market. Steak was to sell for .15/lb., bacon for .16, ham for .17, eggs at .20/dozen, Lynnhaven oysters at .75/bushel, hardwood at \$4.50/cord, and coal at \$11.00/ton.⁴⁰

A Miss Moore of Norfolk, although complaining bitterly about the shortages and inflation, nevertheless revealed that her family had a "good supply of meat sugar and tea-- I hope enough for the year" and admitted that "if we continue to be supplied as we have been, I shall not grumble."⁴¹

Undoubtedly the very poor had less, and of these there were no less than 3,500 families in the Military District.⁴² To relieve their privation Butler organized the Office of Commissioners For the Poor to dispense alms. Its monthly report for June 1864 showed that 3,100 persons were given rations and wood in Norfolk and Portsmouth, with a value of

⁴⁰New Regime, March 18, 1864.

⁴¹New Regime, April 26, 1864.

⁴²Ibid., May 8, 1864.

\$6,097.55.⁴³ The April report showed similar disbursements: 2,807 persons were given food and fuel worth \$4,980.51.⁴⁴ Since the United States Government made no provision for these expenditures the only source of revenue for this poor-relief program was Butler's tax schedule.

Butler made sincere efforts to insure that graft in the administration of this program was kept to a minimum. He ordered an investigation into the abuses of the Poor Relief Office and made his intentions clear in an Order, dated March 2, 1864:

some unprincipled persons, while they have accepted these favors, have gone forth to denounce their real and only benefactor and all its supporters. Some are known to have taken rations and sold them that they might obtain luxuries. This must not be. Others have obtained support who do not need it while many honest and loyal citizens have suffered because they do not wish to ask the government for help out of pride . . . All the well disposed shall be cared for and others will be educated in a manner which will be effectual, if they fail to do right.⁴⁵

One week later, to relieve the burden on the Government,

⁴³Ibid., August 10, 1864.

⁴⁴Ibid., May 31, 1864.

⁴⁵Ibid., March 4, 1864. The citizens of Portsmouth frequently obtained rations under false pretenses. When caught, they were fined and their property was subject to

Butler organized the "Humane and Employment Society." This voluntary and free organization divided the city into twelve wards, each under a director, in which special efforts were to be made to find employment for those who were "the beneficiaries of the Government."⁴⁶ In Butler's words, this Society and the Commissioners For the Poor supplied

the needs of the poor white people in Norfolk, Elizabeth City and Princess Ann counties who are a charge upon the United States. The employment of all will have a two-fold benefit--the laborer will receive his just hire . . . and the cities and towns will be relieved of the large side-walk committees which now disgrace them.⁴⁷

The New Regime of May 8, 1864, estimated that approximately 16,000 of the 25,000 people in the Military District lived on farms abandoned by their former owners, seized by the Federal Government, and now operated by these tenants for the Government. Of these, 3,500 were families of United States soldiers and another 3,500 were previously unemployed Negroes.

confiscation. John C. Emmerson, Jr., "Some Aspects and Incidents of Military Rule in Portsmouth, Virginia, 1863-1864" (From the Letterbook and original documents of Captain Daniel Messenger, Provost Marshal of Portsmouth, Virginia), typescript, Norfolk Public Library, Letter 57, p. 25.

⁴⁶New Regime, March 11, 1864.

⁴⁷Emmerson, "Military Rule," p. 93.

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This last group, the Negroes, was distributed on thirty-five farms under the supervision of approximately thirty men, all experienced farmers detailed for this duty from the regiments in the vicinity of each farm. One of these farms was the erstwhile home of former Governor Henry A. Wise, at Onley near Onancock, Accomac County, on the Eastern Shore. About 100 Negroes whose main crop was corn also raised meat and vegetables to feed the tenants whose children were taught in the main house which was converted into a school. About a hundred pupils, adults and children, attended morning and afternoon sessions.

The Wise Farm adjoined the Roberts and Baxter Farms--all essentially the same and designed to afford asylum to the homeless and those who could get no work elsewhere. To discourage parasitism on the military the Provost Marshal, on April 15, 1864, ordered that "all colored boys found idling on the streets of Norfolk and Portsmouth during school hours were to be arrested and put to work on the Government Farm. A reasonable number of boot-blacks will be licensed by the Government."⁴⁸

⁴⁸New Regime, April 15, 1864.

The provost marshal guards assumed Norfolk's police duties. These patrolled the streets with explicit orders to enforce regulations governing dress and behavior of military personnel and to maintain civil order. The watch, paid by the city before Butler abrogated civil authority, was eliminated. But the provost guard did not have an easy time. Some of their difficulties may be inferred from the New Regime on September 14, 1864. An article described the streets as swarming with sailors on liberty, in "unusual numbers" because of the many ships undergoing repairs at the Navy Yard. The sailors, frequently drunk, often fought with the provost guard when arrested because many of the guard were colored. On the 13th of September the sailors' drunken truculence caused a riot at the corner of Main and Commerce Streets. The paper lectured the sailors and the guard--the former for their drunkenness and disorderly conduct, and the latter for their swaggering demeanor and swearing. The next day the New Regime reported: "Norfolk yesterday, was as quiet and orderly as Hatteras in calm weather. The cursing sargeant was invisible and the sailors were out of view."

The Fire Department, in a state of decrepitude, was slowly rejuvenated. The Fire Chief Engineer reported to Butler that he had one large and one small engine in good order,

six other engines not serviceable, and most of the hose in need of replacement.

In Portsmouth the Provost Marshal, Captain Daniel Messenger, reported that "there is not a fire engine in the place that can be used."⁴⁹ He began his renovations in Portsmouth with the city jail and simultaneously started repairs of the fire engines, the city reservoir, and the foot and sewer bridges. The bridges, he said, ". . . have so long been neglected by the city authorities that they are now [June 11, 1864] almost impassable. . . ." ⁵⁰ These repairs were to be paid for by the Provost Fund "for which the receipts of this office will hardly be adequate."⁵¹

In Norfolk, not only were buildings without fire protection, they were also without illumination. The directors of Norfolk's Gas Company shut down the works in July, 1863, and refused to take the oath of allegiance; coal supplies were exhausted very soon and no coal could be imported without their taking the oath. In December, 1863, Butler ordered that all who wished their rights protected must swear allegiance. Pierpont stated in his letter to Lincoln that the

⁴⁹Emmerson, Military Rule, p. 17.

⁵⁰Ibid., p. 78.

⁵¹Ibid., p. 32.

officers of the Gas Company had finally agreed to take the oath and made plans to put the gas works back in operating order, but Butler stopped them. The Governor admitted that "all these people were disloyal" but claimed that it would be better to have them operate the works, since it would conduce to better relations between the rebellious citizens and the occupying authorities.⁵² Butler, probably fed up with the constant frowardness of these officials, whose sabotage had deprived the city of public lighting for six months, sent for a Lowell, Massachusetts, engineer and soon the city had lights again.

In 1864, after four years of military occupation by troops of both sides, Norfolk, in Butler's opinion, "was the filthiest place I ever saw,"⁵³ During his tenure in New Orleans he had ignored the citizens' protests and execrations and forced them to help themselves by making them clean their own city.⁵⁴ He used the same technique in Norfolk. At that time the insect-vector theory of yellow fever etiology was

⁵²Pierpont, Letter to His Excellency, pp. 23-24.

⁵³Benjamin F. Butler, Butler's Book: Autobiography and Personal Reminiscences (Boston: A. M. Thayer and Co., 1892, p. 410. New Regime, April 26 and May 23, 1864.

⁵⁴Butler, Autobiography, pp. 395-410.

unknown and most people thought that the disease was caused by filth per se. Butler was determined to prevent a recurrence of the tragic yellow fever epidemic which had decimated Norfolk's population in 1855. He therefore began a sanitation war which, à la New Orleans, was ridiculed and resisted by those who benefited most from its results.

He began by assaulting the filth in the streets. Taking "two hundred and fifty odd deserters, thieves, and vagabonds condemned by the military court to hard labor for a great many months at Fort Norfolk," Butler

set them to work in the streets of Norfolk, in the Massachusetts House of Correction uniform with scarlet cap, so that they could not desert, and gave orders that they should be required to clean the city after the manner of New Orleans, and that they should thus work off ten days in every thirty of their sentences.

"A cleaner performance," said Butler after checking on them twice, "was never seen."⁵⁵

When he noticed that the work gang was heckled-- "chaffing" was his word--by sneering citizens he ordered the commander of the detail to impress into uniform any man who interfered with the laborers. The heckling stopped promptly.

In similarly direct manner Butler ordered a reduction

⁵⁵Ibid., pp. 410-11.

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of the hordes of animals roaming the streets. It was a common occurrence for cattle, horses, and swine to wander through the streets, alleys, and yards at will.⁵⁶ To curtail their meanderings and also those of the packs of dogs whose uncontrolled forays into yards and houses provoked frequent protests to the New Regime,⁵⁷ Brigadier General Wild⁵⁸ issued General Order Number 6 on March 7, 1864. The unfortunate phraseology of part of this Order made it an easy subject of ridicule when taken out of context. Wild, meaning a reduction in the number of unlicensed curs, ordered that "every fourth dog" be destroyed. He obviously desired a reduction of these pests by a fourth, but almost every one who writes, or wrote, of this period in a manner critical of the North, unfailingly seizes on these words of Wild's Order and derides it as a typical example of Northern military stupidity.

If the critics of this order had reported it in toto the sneers would have sounded hollow. Wild's intention was clearly defined in an adjunctive directive issued the same day

⁵⁶New Regime, March 11, 1864.

⁵⁷Portsmouth's Mayor Collins referred to Norfolk as "the city of dogs." New Regime, March 6, 1864.

⁵⁸Commander of the African Brigade to which most of the Provost Guard belonged.

by the Provost Marshal, Lieutenant-Colonel Wheldon, ordering all residents of Norfolk to report to his office to register, number, and license their dogs if they wished to preserve them. All dogs running at large after March 14, 1864, not tagged with owner's name would be destroyed. Also, all licensed dogs were to be muzzled from May 1. to October 1, 1864--an obvious precaution against the so-called "dog days," thought to be the cause of rabies. On August 4 General Shepley, apparently dissatisfied with the results of the previous injunctions, ordered all dogs found at large without muzzles within the cities of Norfolk and Portsmouth destroyed from and after that date.

The authors who singled out this Order as another example of Yankee cruelty to the long-suffering inhabitants of Norfolk were not too concerned with consistency, else they would also have protested the policy followed by the city of Portsmouth which destroyed unlicensed dogs in large numbers before the occupation.

As part of the general effort to control animals at large General Wild ordered, on April 15, 1864, that all cattle, horses, and swine found on the streets without a keeper were

to be impounded. Owners could claim them by paying a \$2.00 fine and costs.⁵⁹

Butler did not merely concern himself with animals at large: he was convinced that he could eradicate small-pox and yellow fever by enforcing strict sanitary regulation. He had been successful in reducing the incidence of these diseases in New Orleans, and he was certain that he could do the same in Norfolk. His campaign began with the following order in the New Regime of April 14, 1864:

All owners or occupants of buildings in the city of Norfolk are hereby required to clean their yards and all places connected with their premises, putting the dirt taken therefrom in a convenient place for removal. Hereafter they are forbidden to put any dirt, filth and sweepings of stores, ashes or any animal or vegetable matter of any kind into any street, lane, yard, or court; all such matter must be placed in a proper vessel that shall be easy to handle and empty, and put in a convenient place (not obstructing the public travel), to be taken away when called for. All persons having vaults upon their premises will be required to cleanse them forthwith, and hereafter to keep them thoroughly clean

He next began to pave the streets, thus adding to the cleanliness in general. The work had made visible progress by the summer of 1864; by then Bank Street had been paved, except for the sidewalk leveling, and Main Street was paved

⁵⁹New Regime, August 10, 1864.

from the water (at the west end) to the National Hotel at the corner of Main and Church Streets.⁶⁰

To prevent the concealment of contagious cases by physicians and undertakers who were reluctant to reveal the cause of morbidity and mortality lest their businesses suffer, Butler issued General Orders Number 20, August 11, 1864,⁶¹ directing all surgeons and physicians to make weekly reports to the District Surgeon-in-Chief, listing "the name, residence, sex, age, color, as well as the disease or other cause of death, as far as known, of all persons who may de- cease under their care during the week"; the sexton or other person in charge of interment had to have a death certifi- cate before burial, these certificates to be reported weekly to the Surgeon-in-Chief. That officer was also to have a death certificate and give permission before a corpse could be brought into or removed from the cities of Norfolk or Portsmouth for interment or transportation.

While these measures to control communicable diseases were undoubtedly helpful, they were insufficient to eradicate such scourges as small-pox and yellow fever. The former was

⁶⁰Ibid.

⁶¹Ibid., August 13, 1864.

still "very bad and fatal" according to a Norfolk inhabitant.⁶² Victims did not call on physicians for treatment because all cases had to be reported to the authorities who sequestered them in the pest house where "white persons and negroes occupy the same bed, which has increased the aversion to the place."⁶³ However this informant wrote in typical fashion about "niggers" and "miscegenation" with appropriate hands and eyebrows figuratively lifted in despair.

Butler, of course, was never able to eliminate these dangers. His efforts did improve the living conditions, thus indirectly reducing the morbidity and mortality. But in every other phase of his program to improve the physical well-being of the inhabitants he was remarkably successful in spite of the resistance raised by the citizens and the adherents of Pierpont's government. His next efforts were bent towards improving the lot of the Negro, restoring public education to Norfolk, opening the churches to all who wished to worship, and laying the foundations for what later became known as "reconstruction," both in the political and economic definitions of the term.

⁶²Ibid., April 26, 1864. Swint, Dear Ones at Home, p. 102.

⁶³New Regime, April 26, 1864.

CHAPTER IV

BUTLER'S REGIME: II--REHEARSAL FOR RECONSTRUCTION

When Butler was stationed at Fortress Monroe in 1861 his impromptu decision to declare liberated and abandoned Negroes "contraband of war" freed more slaves than the Emancipation Proclamation of 1863. Although he was told by Secretary of War Simon Cameron that his actions until then met with approval, he was also told that the final disposition of slaves would be reserved to the Administration for future determination.¹ But the question of whether the slaves were private property and thus subject to the laws of war contraband was not answered and Butler was a sufficiently astute lawyer to grasp this omission. Perhaps this lack of official direction encouraged Butler to resort to his imagination and ingenuity in solving the problems he was to meet later during his command of the Department of Virginia and North Carolina.

Whether he intended his policies anent civil rights,

¹Marshall, Correspondence of Gen. Benjamin, F. Butler, I, p. 19.

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¹Marshall, Correspondence of Gen. Benjamin, F. Butler, I, p. 19.

education, and equal treatment for the Negro to be emulated by the Federal Government after the war is moot. The Freedmen's Bureau Bills of 1865 and 1866, the Civil Rights Act of 1866, and the three Reconstruction Acts of 1867 all contain elements of the policies Butler followed during his command in Norfolk. Although he was a Democrat he seemed to know the consensus of radical Republican Opinion regarding treatment of the Negro and rebel inhabitants of Norfolk and Portsmouth, during and after the war.

When Norfolk surrendered, public and private education was disrupted. The Norfolk Academy closed in May, 1862, and was used as a hospital for Federal troops until October, 1865.² Only one public school remained open for white pupils. Two of the public school buildings (on Queen Street and Holt Street) were used for colored pupils in November, 1863, and in December of that year, General Barnes (commanding in Norfolk from October 1, 1863 to January 8, 1864), told the city fathers that he would not turn these schools back to the city unless they were used for free, i.e., integrated education.³

Butler closed all public schools and, in their place,

²Norfolk Post, September 8, 1865.

³Rorer, "Public Schools," p. 51.

opened free schools for Negroes staffed by Northern teachers who volunteered for the trying, and sometimes frustrating, task.⁴ To an Accomac teacher who protested that her school was closed because she had refused to take the oath of allegiance, Butler replied: "I am glad to learn from your letter that your school has been closed, and with my consent until you change your sentiments, and are a loyal woman in heart, it shall never be opened."⁵

His Order of November 20, 1864, organizing public instruction in his Department, provided for the appointment of a Superintendent of Public Education, renovation of the schools, compulsory school attendance between the ages of five and sixteen, and a future "equal and direct tax" to reimburse the Government.⁶ When informed of Butler's Order for public education, one "gentleman", quoted by the local historian of the New Regime of November 30, 1864, remarked with satisfaction--"that's Butler all over."

The schools for the colored pupils, manned by Northern charitable societies, enrolled over three thousand pupils

⁴One such school, at Craney Island, is described in Dear Ones at Home.

⁵New Regime, March 20, 1864.

⁶Ibid., November 30, 1864.

apportioned as follows: 1,500 in Norfolk with thirty teachers; 1,000 in Portsmouth with twenty teachers; plus those in the rest of the Military District south of the James which numbered 798 pupils and sixteen teachers. The Superintendent of the Committee for Colored Schools asked for a thousand more pupils and stated that some of the teachers could be used to teach evening school for "the large number of adults desirous of attending school, who are unable to leave their occupation during the day."⁷

It was these schools, whose teachers were volunteers from the North and recruited by such organizations as the New England Freedmen's Aid Society, which aroused the bitter resentment of the white former masters. A Portsmouth slaveholder said, when schools were begun there, "The schools will destroy fifty thousand dollars worth of my property,"⁸ and he did not mean real estate. Lucy Chase, a teacher in one of these schools on Craney Island, reported that a woman, "disgusted at the very thought that anybody could be found so silly as to come out here (Craney Island) to teach negroes," remarked, "I'd poison a Yankee in a moment, if I could get a chance."⁹

⁷Ibid., December 13, 1864.

⁸Swint, Dear Ones at Home, p. 68.

⁹Ibid.

Butler had a genuine concern for the Negroes' welfare. His experience at Fortress Monroe, which prompted the famous "contraband order," impressed on him the magnitude and complexity of the problem posed by the liberated Negro.¹⁰ By the time he returned to Hampton Roads in November, 1863, the Government's policy concerning the treatment of Negroes had crystallized into recognizable form. Where previously each commanding officer set his own policy which was tacitly endorsed by Washington unless it exceeded the bounds of current political expediency, in late 1863 the Federal Government had set official policy by ordering Negro recruitment.

Butler, happy to comply, issued General Order Number 46, dated December 5, 1863.¹¹ Stating that "the recruitment of colored troops has become the settled policy of the government . . . so that as few of the negroes as possible shall become chargeable either upon the bounty of Government or the charities of the benevolent" he authorized a \$10 bounty for a three-year enlistment, equal rations, arms and equipment,

¹⁰The humane and intelligent approach to the problem of the future role of the colored man in society displayed by Butler's school program is almost entirely ignored by most historians of this period. Yet of all the reforms credited to Butler it should have been the one most emphasized by those to whom his name was not anathema.

¹¹New Regime, May 8, 1864.

and subsistence for his family. Pay was to be \$10/month, a sum Butler admitted to be inequitable and which he hoped would be changed to parity with the white troops. With a succinctness that is characteristic he made his views clear: "He (the Commanding General) can see no reason why a colored soldier should be asked to fight upon less pay than any other. The colored man fills an equal space in the ranks while he lives, and an equal grave when he falls."

He also forbade the insidious practice by which some white officers and men impressed Negroes for personal service and warned that anyone hindering the passage of Negroes through Union lines, or insulting, abusing, or ridiculing them, would be punished for obstructing recruitment. If there was a question of a Negro's status he was presumed to be free. Courts martial, to improve justice for colored soldiers, were to be composed of a majority of officers from colored troops and offenses of citizens against Negroes were to be tried in the Provost Court.

This Order, a precursor in miniature of the Civil Rights Act of 1866, was warmly welcomed in the North and hotly protested in the South. The Southerner could see nothing more in it than further proof of Butler's "beastliness", if he needed more to add to his hot hatred.

At this time northern recruiting agents were scouring the city for Negro recruits. The Confiscation Act of 1862 empowered the President "to employ as many persons of African descent as he may deem necessary and proper for the suppression of this rebellion . . ." and to "receive into service of the United States . . . persons of African descent . . . who under this law . . . shall receive ten dollars per month and one ration, three dollars of which monthly pay may be in clothing,"¹² This was the authorization needed for Federal officers to hire and pay "contrabands" for work in and around military bases.

The Conscription Act of 1863, needed when short-term enlistees returned home and battle losses depleted the ranks of the Union army, enrolled every able-bodied male citizen, between the ages of twenty and forty-five, unless exempted for certain specific reasons, into a national reserve; as need arose the Government called into service, or drafted, "by lot, the required number. Each military district had a quota. If this quota was filled by voluntary enlistments no draft would be made. A drafted man could supply a substitute or purchase his own discharge for three hundred dollars--his "commutation."

¹²Nicolay and Hay, Abraham Lincoln, IX, 441-42.

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This legal and respectable evasion of the draft soon engendered myriad schemes by grafters, tricksters, and sharp dealers to find substitutes and exemptions for those willing to pay. These "exemption agents" sent recruiters into the South to find gullible poor Negroes, of which there was no dearth, to fill the draft quotas of their Northern district, thus exempting the residents of that district. When a bounty for enlistment was offered later by the Government, the price of substitutes rose proportionately.

These recruiting agents found Norfolk a rich field for their work. The recruit was often persuaded to enlist into the Army or the Navy for a few hundred dollars. The recruit sometimes received most of the bounty, but the agents were paid as much as \$850 for a recruit by northerners, and the bulk of that amount rarely went to the recruit.

Although this practice was illegal it was common at the time. In Norfolk, Butler's agents caught two of these recruiters, J.M. Couch and William Cooley, who were tried and sentenced to remain in jail until they remitted the sums withheld from the recruits they swindled to the victims.¹³

These were only two of the many who were caught in

¹³New Regime, September 14, 1864.

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¹³ New Regime, September 14, 1864.

Norfolk. The extent of this practice may be judged by the total number of draft exemptions and substitutes recorded. The Official Records of the Union and Confederate Armies show that 86,724 draftees bought their commutation and 118,010 furnished substitutes, a total of 204,724.¹⁴ Of course, all the exemptions and commutations were not obtained the way they were in the two cases cited above; however, the large number of recruiting agents in the territory under Federal control in the South testifies to the success of their efforts and to the manner in which many colored troops were enlisted. Butler's punishment was lenient; in matters of violations of the military code by soldiers and officers he was much more severe, as the pages of the New Regime testify.

In matters of violation of Negroes' civil rights Butler showed his sense of social justice as well as his logic.

A Norfolk teacher, hearing of the indignities colored passengers had suffered at the hands of a packet boat officer on the way to Norfolk, wrote a letter to the New York Anglo-African, which published it on April 6, 1864. The New Regime reprinted it, under the somewhat pompous heading "Butler the Just," on April 14. In the preface to the letter the writer,

¹⁴Courtland Canby, ed., Lincoln and the Civil War (New York: George Braziller, Inc., 1960), p. 186.

Blanche V. Harris, recounted the cruel treatment accorded colored passengers on the Baltimore-Norfolk boat. Some had been forced to remain in their staterooms for the entire voyage. The letter is a detailed account of the harassment suffered by a young colored woman on her way to Norfolk and of her vindication after her arrival.

The young girl, Clara Duncan, sent by the American Missionary Association to teach the freedmen, traveled in the company of two white missionary teachers, a Mr. Walker and a Miss Bassett. The three volunteers had journeyed from New York to Baltimore by boat without difficulty or incident. At Baltimore they transferred to the Norfolk boat. En route the three missionaries entered the dining saloon together. After tea the mail agent, a Mr. Rollins, called Mr. Walker aside and told him that the "boat regulations" forbade " . . . niggers to eat at first table." He also said that Mr. Walker "was no gentleman to travel with a nigger wench." Miss Duncan was forced to return to her stateroom and remain there for the remainder of the voyage in spite of the remonstrations of her companions.

On arrival at Norfolk the teachers lodged a complaint with General Wild who asked that it be forwarded to General Butler by Professor Woodbury, Superintendent of Schools in

Norfolk. Some of Woodbury's teachers had suffered similar insults previously and he was happy to act.

Butler held a hearing and grilled Rollins, the mail agent, and his superior, Wilson, the boat clerk. By interrogation Butler led them from one guilty admission to the next until he had wrung from the helpless and fumbling culprits the admission that, since slaves were permitted to travel with their masters in the same sleeping and eating quarters, and that since free men were a "higher state of civilization," it followed that free men should enjoy the same rights that slaves once enjoyed; viz., they shall sit in the saloons, occupy staterooms, and go to the first table if they desire. After that bit of syllogistic reasoning, Butler fired Rollins, gave Wilson a warning, and closed the proceedings.

When the New York Anglo-African published the Harris letter the editor prefaced it thusly:

Words are inadequate to express our thanks to and our admiration of, Major General Benjamin F. Butler. There are many sayings and doings of this noble man recorded, especially while he was in command at New Orleans, but nothing that we have seen goes down so deep, or strikes such a terrible blow at the social proscriptions under which we have been suffering as this last act.

In the name of a continually outraged people we offer him a thousand thanks, and at the same time tell him that here are other steamboat employees in his department who need looking after.

This radical departure from the accepted norm in the treatment of Negroes was not without effect on the public at large. The same Miss L. Shepherd Moore of Norfolk, whose letter was cited above (Chapter 3, p. 74) also mentioned, in the same correspondence, the change that the Baltimore packet incident had on the behavior of Negroes.

She related that her cousin told her that "two fine dressed negro women" refused to leave the ladies cabin on the Portsmouth ferry when asked to by the engineer. They quoted Butler's order as an authority for their refusal and threatened to report him. Miss Moore, obviously not reconstructed, expressed the desire to take them by the nape of the neck and drop them overboard for their presumption. In the next sentence, however, she admits that "the negroes have been behaving remarkably well, I think, and deserve great credit."¹⁵ She may have meant by this, though, that they were still behaving in the accepted Southern manner for she continued: "this new decree may make fools of a few." Perhaps she felt that only those who insisted on their newly-won and cherished civil rights were the "fools."

Part of the difficulty Butler experienced in changing

¹⁵New Regime, April 26, 1864.

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the attitudes of most Norfolkkians towards Negroes and the occupation authorities was the disloyalty practiced by the leaders of the Christian ministry and preached openly by them in their pulpits. Two of the most blatant examples of this contempt for the Federal Government and its representatives in Norfolk and Portsmouth resulted in the removal of the ministers from their churches.

Reverend George D. Armstrong, pastor of the Presbyterian Church in Norfolk, had taken the oath of allegiance required of all ministers.¹⁶ The Reverend's sympathy to the Confederate cause and his views on slavery¹⁷ were well known. He and his father-in-law, Charles Reid, had taken the oath together at the Custom House office of the Provost Marshal; Reid was heard to remark, while descending the steps afterward, that "he would like to spit upon the Northern Yankee." Armstrong boasted of this behavior to his parishioners and indicated that it was the proper way to take the oath.

When Butler heard of this contemptuous behavior he

¹⁶Also required of all professional and business men. The oath specified by the Restored Government was used during civil rule in Norfolk. Butler used a different one stressing loyalty to the Constitution and the Federal government.

¹⁷He had written a defense of slavery before the war, based on biblical exegesis, and titled, The Christian Doctrine of Slavery.

summoned Armstrong for interrogation. After a few pointed questions from Butler the minister admitted that he had taken the oath to enjoy amnesty but without the obligation "to support, protect, and defend the Constitution of the United States and the Union of the States thereunder" demanded by the oath. With a parable in which a putative suppliant, who believed in the Prince of Darkness, applied for admission to communion in Armstrong's church, Butler clearly showed how false and illogical the Reverend's position was. If the suppliant should be denied communion, as Armstrong would be compelled to do since God was denied, then it followed that Armstrong should be denied amnesty. "I would be just as wrong in receiving you, Sir, as a loyal man as you would be in receiving such a man as I have described into your church."¹⁸ Here Butler was clearly the better logician and even, perhaps, theologian. He ended the lesson by sentencing Dr. Armstrong to solitary confinement at Fort Hatteras¹⁹ and assigning Reverend Mr. Woodworth, Chaplain of the 27th Massachusetts Volunteers, to his pulpit.²⁰

¹⁸West, Scapegoat, pp. 266-67.

¹⁹Ibid., p. 268.

²⁰New Regime, March 8, 1864.

However, Armstrong was not confined to Fort Hatteras; instead he was put to work with the street-repair gang for a short time, after which he spent another short period confined at Fortress Monroe.

In Portsmouth a similar example of clerical intransigence occurred. The Reverend J. H. D. Wingfield of Portsmouth's Trinity Church, at High and Court Streets, refused to take the required oath of allegiance, stating that he was obeying the wish of his parishioners. In addition, the cleric had objected to the reading of a prayer for the President of the United States. On February 11, 1864, Butler placed all houses of public worship under military control to insure that the sermons were no longer the vehicles for secessionist propaganda. The churches were to be "open freely to all officers and soldiers, white and colored . . . and that no insult or indignity be offered them, either by word, look, or gesture, on the part of the congregation."²¹ The necessity for this injunction on behavior is clear, not only by Mr. Wingfield's conduct but also by that of a Mrs. Williams who, during the reading of the prayer in the morning service for the President of the United States, "behaved

²¹Wertenbaker, Norfolk, p. 227.

in a very improper and disrespectful manner" in Portsmouth's Court Street Baptist Church. She was arrested and then released upon writing an apology which was read from the pulpit.²²

Reverend Wingfield was arrested and also sent to Fortress Monroe for custody after working on the streets of Norfolk and Portsmouth for a few days. Butler remitted his sentence, he said, not "from respect for the man, or for his acts, or because it was unjust, but because its nature may be supposed to reflect upon the Christian Church, which by his connection with it has been much disgraced."²³

It may seem, from a superficial examination of Butler's actions vis-à-vis loyalty oaths, that he was motivated by a naïve belief in the efficacy of the oaths to win sympathy and allegiance to the Union cause. It is more likely, in the light of his unquestioned intelligence and proven political acumen, that he had no illusions in this matter and that he used the oaths as the most suitable device to curb the power

²²Emmerson, "Military Rule," p. 37.

²³New Regime, March 4, 1864. This remission of sentence followed a letter from Wingfield's parishioners to Butler pleading for clemency, ibid., March 6, 1864. On March 11, a letter in the same paper, signed "E Pluribus Unum," argued against such action towards the ministers, stating that honesty of purpose was no excuse for their treasonable conduct.

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of ministers, teachers, and others in positions of influence. Where these individuals proved to be obstreperous and boldly contemptuous of Federal authority and able to affect public opinion, he bridled them. When they proved to be criminals, he punished them harshly; when merely noisy, he silenced them; when foolishly insolent and abusive, he banished them. The ministers were the bellwethers of public opinion; Butler could hardly have permitted them to incite resistance from their pulpits without running the risk of having such propaganda result in civil disorder.

When opposition took criminal form, such as embezzlement, Butler did not treat the culprits gently. W. H. W. Hodges, cashier of the Merchants and Mechanics Savings Bank of Portsmouth, removed and sent the bank's assets to Richmond. When he refused to answer questions put to him by the Bank Commission and the Commanding General, he was confined to Fort Hatteras at hard labor, "upon bread and water, with a twenty-four pound ball attached to his leg by a chain not more than six feet long, until he answers questions" by Special Order Number 491.²⁴ George M. Bain, "late cashier of the Portsmouth Savings Fund Society, and formerly a Minister of

²⁴Ibid., February 18, 1864.

the Gospel," was also arrested on charges of embezzlement. He had taken \$43,000 of the Society's funds and also sent the money to Richmond. He refused "to disclose his accomplices in the fraud," saying "he proposed to suffer for them, and would not answer for fear of implicating" the others who aided him. He likewise was confined at hard labor at Fort Hatteras.²⁵

The severity of these sentences may be contrasted with that of one

Charles W. Butz, attorney-at-law, so called, having applied contemptuous and abusive language to me, and an officer of my staff, the Provost Marshall of Portsmouth, and having used this means of undermining our authority, and to obstruct the Military Government of this District, can no longer remain within the limits of this Command. Let him not be seen here later than 11 o'clock at noon on Sunday, April 2, 1864.²⁶

When opposition was passive, such as refusal to take the required oath, Butler was even more lenient. On March 10, 1864, Mary R. Graves, a school teacher at Locustville, Accomac County, on the Eastern Shore, wrote to Butler pleading for annulment of his order closing her school because of her refusal to take the oath. She asked, in extenuation, whether it was true that the oath of allegiance

²⁵Ibid.

²⁶Ibid., March 31, 1864.

demanded only "passive obedience" as interpreted by the local Union Officer. If it implied only "passive obedience," she said, she could take the oath; but if it implied more than that she must continue to refuse because "her sympathies are with the South."²⁷

Butler replied on March 14, that the oath meant much more than "passive obedience." It comprised all that patriotism implies "in its highest and truest sense, which every American feels for his or her Government." He reminded her that if she were "loyal at heart" she would not find it difficult to "support, protect, and defend the Union" as did the Southern women who supported the Confederacy by all means at their command. Many served, he said, as spies, smugglers, nurses, and fund-raisers for the Confederate cause. If she were loyal to the Union she could teach her students to love and protect it. But since she could not understand that herself she could not teach it to her pupils, and therefore Butler was glad to learn that her school had been closed. It would remain so until she had changed her sympathies. "I would advise you madam," he closed, "forthwith, to go where your sympathies are. I am only doubtful whether it is not my duty to send you."²⁸

²⁷Ibid., March 20, 1864.

²⁸Ibid.

It is clear that Butler did not expect allegiance to change by fiat and that he had honest admiration for those who acted according to their beliefs. One of Butler's subordinates, Colonel H. C. Warmouth, testifying before a military commission, epitomized Butler's basic motivation for enforcing loyalty oaths and licensing regulations:

General Butler knew that the hatred of the old Government could not be quelled simply by military occupation. He knew that loyalty to the Union was to be fostered by other means than the bayonet. . . . The policy of Major General Butler therefore, was to interest every man in business, so that he might come to have a pecuniary regard in the stability and success of the Government of the United States . . . and by taking the oath of allegiance required . . . and by depending on the protection of our flag, they must more and more become interested in our cause.²⁹

Butler, then, merely refused to allow those who protested the oaths the protection and advantages accorded those who took them. While he could not force changes in people's sympathies he could prohibit the continuing dissemination of those opinions by ministers and schoolteachers. It was purely quid pro quo; a promise of obedience in return for the amenities of daily life. For Butler to require more would have been naïve; for him to demand less, foolhardy.

²⁹Harold Melvin Hyman, To Try Men's Souls (University of California Press, 1959), p. 175, citing A. W. Bishop, Loyalty on the Frontier (St. Louis, 1863), p. 174.

This policy was consistently followed, even when a Protestant sect raised the issue of religious freedom. A group of Jehovah's Witnesses in Norfolk refused to take the oath of allegiance to the United States or to any "earthly government." They argued, that "all governments were evils, though necessary ones," that "government for a time is permitted to exist only by the wisdom of the Jehovah," and "that the time set for the termination of its existence was at hand but not yet come."

On the basis of these arguments Butler told them that they ought

to swear allegiance to the Government of the United States: First. Because, although an evil, you admit it to be necessary. Second. Although an evil, you admit that it is permitted by the wisdom of the Jehovah, and it is not for His creatures to question the wisdom of His acts. Third. You only claim to be excused when Jehovah's government is substituted, which period has not yet arrived.³⁰

There has been repeated reference in this account to Butler's insistence that the inhabitants of Norfolk and Portsmouth swear allegiance to the United States before they were given the privilege to trade, to practice a profession, or to enjoy the advantages bestowed upon those who did not

³⁰Fred Albert Shannon, Organization and Administration of the Union Army (Cleveland: The Arthur H. Clark Co., 1928), pp. 251-52. Official Records, Ser. III, Vol. 4, pp. 29-30.

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openly flaunt their Confederate partisanship. Some historians have implied that the oaths were introduced by Butler and were idiosyncratic to him. Perhaps in their eagerness to blame Butler for all of Norfolk's miseries these writers ignored the fact that Butler was following Lincoln's orders in such matters. Lincoln insisted that there must be a core of loyal voters--at least ten per cent of those who voted in 1860--to form a reconstructed state government after the war; and that these voters show their loyalty by taking the oath of allegiance which also granted them amnesty from any punishment which might accrue to any person in rebellion against the United States.

With the extension of military control in Southern states the need for loyal administrators, minor civil functionaries, and a submissive citizenry became pressing. Therefore Lincoln, in February, 1862, transferred the supervision and responsibility of internal security from the State to the War Department. In each Military Department this duty was discharged by the Commander in different ways.

McClellan, for example, was lax in exercising his enforcing power, while Halleck, Pope, Rosecrans, Banks, and

Butler were more rigorous.³¹ The last two were eminently successful in controlling civil disorder during their commands in New Orleans; in fact, more than 60,000 Louisianans had sworn allegiance by late 1863.³² With such experience as his guide it would have been surprising if Butler did not utilize this method of insuring civil obedience. McClellan used loyalty oaths on the Peninsula in 1862,³³ and Pierpont, in 1863, required the Federal oath of August, 1861, for "merchants, tavern keepers, municipal officers, ministers, bank officials, clerks and cashiers, doctors, lawyers, teachers, and all licensed citizens, as well as for loyal Virginia state officers."³⁴ His protesting letter to Lincoln (see above) must have rung hollow to the President when he inveighed against Butler's rigor in enforcing these oaths.

In Norfolk, as in every occupied area, the provost marshal was omnipotent. He was the sheriff, prosecutor, judge and jury to all and was "empowered to arrest deserters, whether regulars, volunteers or militia, and all disloyal

³¹Hyman, Era of the Oath, pp. 35-40.

³²Ibid., p. 38.

³³Ibid., pp. 35-36.

³⁴Ibid., p. 41.

persons; to enquire into and report treasonable practices; to seize stolen or embezzled property belonging to the Government; to detect spies of the enemy. . . ." In addition to these duties he had to take bonds, devise a general pass system, administer oaths of allegiance and issue paroles, make proofs of loyalty, and act, in general, as the "general administration of the law during the suspension of civil process."³⁵

Obviously, it was impossible for anyone residing in Norfolk to escape the blanketing power of the provost marshal. Therefore, the acceptance of the loyalty oath by increasing numbers of Norfolk's citizens was a human and expected consequence of this hard but inescapable fact; it was not lack of patriotism, or cowardice on the part of the inhabitants, as the Richmond Examiner claimed,³⁶ but simply the necessity of adapting and surviving. Butler knew this and his psychological insight was proven in New Orleans and Norfolk.

As the war dragged on and hopes for a Confederate victory slowly faded more and more Norfolkkians swore loyalty. By October, 1864, the New Regime reported, "About three

³⁵Hyman, To Try Men's Souls, pp. 105-06.

³⁶Ibid., p. 189.

thousand persons have already taken the oath of allegiance. The old 'dodgers' are standing off a little; but they will come up before the 15th."³⁷ The fierce hostility of the young to the hated Yankee, displayed openly in the early days of the occupation, undoubtedly waned as they and the war aged, for the same source stated that "the young ladies and gentlemen are marching up to the city hall in fine style, and many persons who thought that they would die first, take the oath as cheerfully as a child would take candy. . . ."³⁸

Almost every adult in Norfolk and Portsmouth took the oath. The Reverend J. H. D. Wingfield, who was ousted from his pulpit in Portsmouth, was much chagrined to observe the alacrity with which citizens applied to the provost marshal's office to take the oath. The citizens' haste to comply with a directive, opposing which cost him his flock, must have been bitter gall to the dominie as he witnessed the scene:

One man in his eagerness to reach the Provost Marshal's office fell and broke his neck on the granite stair case of the Custom House in Norfolk. There was indeed such an unexpected rush that Butler had to protract the period allotted for the administration of the oath. At the end of this time there remained only five male persons in the City of Portsmouth who

³⁷New Regime, October 8, 1864.

³⁸Ibid., October 6, 1864.

failed to call at the office and ask the privilege of having the oath administered to them. . . .³⁹

A Portsmouth resident, writing to his friend still in exile, mentioned: "Every person, young, old and blind are required to take the oath. I have done so as well as every one in Norfolk. . . ."40

After the war President Johnson continued, with modifications, Lincoln's reconstruction policies, and extended pardon and full restoration of civil rights to all rebels, with certain exceptions, who took the oath. To those Norfolkkians who had left before the occupation it meant, in addition, the opportunity to regain their lost homes and property. Those who had remained in the city sent urgent letters. "I have understood that all property will be restored to those who will be home by the first of June,"41 wrote a friend to Arthur Emmerson of Portsmouth, who received another entreaty on the same day from another of his

³⁹John C. Emmerson, Jr., The Emmersons and Portsmouth--1737-1965, reproduced typescript, 1966, Norfolk Public Library, p. 251.

⁴⁰Ibid., T. W. Cooke to Arthur Emmerson, May 23, 1865, p. 270.

⁴¹Ibid., J. H. Myers to Arthur Emmerson, May 23, 1865, p. 270.

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friends: "return [from Lynchburg] to Portsmouth without delay" [if he wished to protect his family interests]. "If you can possibly get back by the 30th, by all means do so."⁴²

The general rush to beat the June 1 deadline resulted in a flood of returning exiles into Portsmouth and Norfolk over roads in such poor condition that "it is risking one's life to pass over them now," and a wind-fall of business for the local lawyers who had "as much on their hands as they possibly could attend to."⁴³

Those who could not be in Norfolk to swear loyalty and reclaim their confiscated property appointed proxies to act for them. In a letter dated May 25, 1865, from Charlotte, North Carolina, J.H. Myers asked Arthur Emmerson to "act in my place, if such be the facts, to pay the taxes or buy the property in, or whatever may be required, and as soon as I can get there, I will make arrangements to settle the same with you."⁴⁴

⁴²Ibid., T. W. Cooke to Arthur Emmerson, May 23, 1865, p. 270.

⁴³Ibid., Louisa Emmerson to Arthur Emmerson, May 29, 1865, pp. 272-73.

⁴⁴Ibid., J. H. Myers to Arthur Emmerson, May 23, 1865, p. 270. Myers did not know that Emmerson was still in Lynchburg.

The Norfolk that these exiles returned to was far different from the city that they had left. Its physical aspects showed the results of the work enforced upon the reluctant citizens by Butler. Many streets were paved which had been rutted thoroughfares before; they were illuminated again and were cleaner; the poor no longer wandered through them seeking food and shelter, nor did the packs of dogs and lost cattle and swine. The fire department's equipment was renewed; the streets were patrolled by the provost guard, replacing an undermanned watch; and signs of repair and renovation were everywhere.

But more significant, and perhaps more surprising to those who had been away for most of the war's duration, were the intangible changes to which these citizens were forced to adjust. The open school system; the increased liberty and less subservient demeanor of the Negro, whose numbers increased in Norfolk during the late years of the war; the burgeoning prosperity; the noticeably Northern influence on business, government, and social intercourse--all added up to a Norfolk no longer in the doldrums of the past.

CHAPTER V

ECONOMIC REJUVENATION

Before the war, Norfolk's small population and remote location attracted few professional entertainers. Norfolkians contented themselves with the infrequent travelling road company which detoured from its itinerary, which almost always included Richmond, to play a night or two in Norfolk. The citizens amused themselves with church affairs, visiting artists, parades, and social functions, and rarely had the opportunity to see and hear the better dramatic and musical performers.

During the occupation, the influx of military, commercial and administrative personnel increased the demand for better and more frequent professional entertainment and the grimness of the times made the pleasures these performances gave all the more appreciated.

The travelling minstrel shows, theater stock companies, musical and dramatic artists, parades, fairs, and social events kept the theaters, halls, and fairgrounds well patronized all during the bleak days of the occupation. The

Norfolk Opera House, Church Street Theater, and Mechanics Hall were the main centers of public entertainment. The first two were owned by a local impresario, S. W. Glenn, who brought the best repertory road companies there to perform such plays as "Rachel the Reaper," "Mazeppa," "School for Scandal," "Soldier's Daughter," "Wives of Ireland," and "Our American Cousin." The last-named play was presented by Laura Keane and her "New York Comedy Combination" at the Norfolk Opera House during the week beginning March 14, 1864.¹ This was the same company seen by Abraham Lincoln in a famous performance of the same play thirteen months later in Washington.

Two weeks later another company presented "Mazeppa," a dramatization of Byron's poem, on the same stage with Miss Addie Anderson "the young and beautiful Equestrienne Artiste."² During the week of March 9-16 the New Regime advertised Dion Boucicault in the "Octaroon," which dramatized the horrors of slavery.

Glenn's Theater enjoyed great patronage during the week preceding September 19, 1864. Attendance exceeded all previous engagements. Although the plays were inferior

¹New Regime, March 17, 1864.

²Ibid., March 31, 1864.

melodramas for the most part, "Romeo and Juliet" and "King Lear" were also in the repertoire of a company starring a "Miss Avonia Jones, the eminent tragedienne,"³ Other companies, including the justly admired Booths, performed "Macbeth," "Richard III," and "Faust and Margarite,"

Famous musical artists also performed in Norfolk. The American piano virtuoso and composer, Louis M. Gottschalk--described as "the greatest living pianist" in the advertisement--performed at the Opera House on April 4, 5, and 6, 1864. He appeared with--joint recitals were the custom then--soprano Henriette Behrens and violinist Carlo Patti, brother of famed soprano Adelina Patti; admission \$1.00, gallery \$.60.⁴ And at the end of December, 1864, Niccolo Paganini, the great violinist, arrived in Norfolk to serve as Musical Director and perform with an orchestra at the Orphans' Fair to open January 5.⁵ Considering the weather and the lack of central heating, his fingers must have been a bit stiff, for New Year's Day, 1865, was very cold with a thin carpet of snow; "there was a fair attendance at the churches in the morning but people did not like to have their noses and

³Ibid., September 18, 1864.

⁴Ibid., March 31, 1864.

⁵Ibid., January 1, 1865.

ears pained twice in one day, and they generally stayed at home in the afternoon. . . . On the whole everything passed off in a sober and devout way, and the citizens seemed more cheerful than they were a year ago."⁶

For the artistically less sophisticated and more numerous citizens Mechanics Hall on Main Street presented entertainment typified by the "Metropolitan Minstrels" whose program offered popular songs, pantomime dances by the troupe, violin imitations of bag-pipes by Professor E. Hamilton, banjo solos, and "a grand dance by the Company finishing with a great explosion."⁷ On March 17, 1865, they were greeted by a large and enthusiastic audience, and the New Regime advised all who wish "to laugh and grow fat" to go and see "their mammoth programme."⁸

Parades, as always, attracted large crowds and when held on St. Patrick's Day, particularly so. In 1864 the parade began at City Hall, led by the Freemason and Odd Fellows contingents and followed by Mayor Brooks in chain and wand of office and the City Council. The post band,

⁶Ibid., January 2, 1865.

⁷Ibid., March 31, 1864.

⁸Ibid., March 18, 1864.

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⁶Ibid., January 2, 1865.

⁷Ibid., March 31, 1864.

⁸Ibid., March 18, 1864.

playing Irish and American airs, led "a portion of General Getty's Brigade and the whole 23rd Massachusetts. . . ."

Next came prominent citizens followed by those less well-known in an almost solid mass extending from Market Square to the Custom House. The streets were filled with spectators who used every vantage point: balconies, windows, and even lamp-posts. The procession marched through the principal streets and "came down Church to Main and down Main to the Atlantic Hotel on the corner of Granby Street."

There the dignitaries were regaled with an eight-course meal, drank numerous toasts, and sang patriotic and sentimental songs until early morning.⁹

On Wednesday the 19th the New Regime commented: "Norfolk has regained her staidness of demeanor. . . . The Mayor . . . looks as if he never heard of Moro-Brunner, or dry Moetz, and Major Haggerty, solemn as Justice, deals out law from the bench in tones that reveal not his ability to interrupt the music of Moore or the strains of Stevenson. Sic Transit Gloria Monday!"

In less mocking tones the editor also called attention to the lack of a standard time in Norfolk, the discrepancies

⁹Ibid.

between the various local timepieces, and the need for a town clock to which all may refer for authority on the "time subject." One of the "uptown churches" had such a clock but it was not "in running order."

Another parade was held on January 2, 1865, staged by the colored populace to celebrate the New Year. Through streets "crammed with colored folks of all ages and sexes" a battery of the 2nd Colored United States Artillery led the way. They were followed by a "company of Colored Cavalry, the Colored Free-Masons, and finally (by) a Colored Charitable Society . . . altogether it was a neat affair. Nearly all of the hacks were filled by colored women, who rode around to see the sights."¹⁰

The sights which greeted a visitor in May of 1864, and prompted a sad letter to the New York Evening Post describing Norfolk's dilapidation and depressing aspect,¹¹ must have had improved considerably by the end of the same year. An editor of the Baltimore American, a Mr. Fulton, also wrote his impressions after a visit on January 1, 1865. Although the houses still looked dilapidated the streets were indicative of

¹⁰Ibid., January 3, 1865.

¹¹Ibid., May 23, 1864.

more stirring times and a more energetic class of inhabitants. The streets were thronged with people and the colored population seemed to have the advantage not only in numbers but excelled the whites in the quality of their cloth as well as the gaiety of their dress . . . the stores also presented a more stirring aspect; the wharves were crowded with steamers and sailing vessels--and altogether there is evidence abundant that Norfolk is commencing to revive from the rebellion stagnation.

He continued with a detailed description of the variety of merchandise offered by a new emporium--Kimberly Brothers--which was "an institution such as Norfolk never possessed before in its palmiest days."

This store extended over "a couple of acres" with its grounds and had

won the favor of even the old residents of Norfolk who were at first disposed to cut those "Baltimore Yankees", as they called them. Norfolk is, however, rapidly improving. There is not a house in the place for rent, and the stores and warehouses are all in full blast. The old dilapidated wharves are being rebuilt, and what is better than all, the "old families" are beginning to open their doors to the loyal, and old friendships are being renewed.¹²

The yearning for the status quo ante bellum is apparent in a letter written by an exile on his return to Norfolk after the surrender. After mentioning his partnership in a wholesale groceries and liquor jobbing firm he describes Norfolk which

¹²Ibid., January 6, 1865.

has altered very much and will take many years to make it socially what it was four years ago. It is flourishing now, trade being active and increasing every day. The Negro soldiers are being sent to Texas as fast as possible. They have mutinied here once and at Fortress Monroe once, for which the white troops had to be called out to force them into measures. They quickly obeyed the musket and the bayonet. Civil law takes effect here the 24th of this mo. and has already been instituted in Portsmouth.¹³

Prosperity continued to increase in Norfolk after Appomattox. Business was "brisker" and improving daily. The stores were crowded with customers; the hotels were full; trade and travel expanded after Lincoln lifted the blockade in December, 1864 (including the ports of Pensacola and Fernandina, Florida);¹⁴ food was plentiful and included luxuries in fruits, vegetables, poultry, fish and meats of all kinds. Schools were well attended and the Norfolk Post called for public education without distinction "regardless of race or condition."¹⁵

The police, who replaced the provost guard at the end of hostilities, were not very numerous but, according to the

¹³John H. Core, of Eastern Shore, to Miss Tee Edmonds (later Amanda Virginia [Edmonds] Chappelear, of "Belle Grove," Fauquier County, Virginia), June 14, 1865. Chappelear Papers, Virginia Historical Society, Richmond, Virginia.

¹⁴New Regime, November 24, 1864.

¹⁵Norfolk Post, June 22, 1865.

Norfolk Post, their duties were light. The environs of the city were once more bucolic and attractive, with few signs of the military presence.

Some well-to-do citizens started the New Exchange National Bank in June and soon had a long list of depositors. "Nixon's Monster New York Circus" arrived for two performances on the 19th and 20th of June and boasted that "the immense canvas will comfortably seat 2,000 persons."¹⁶ All of these were signs of the changed conditions.

The military no longer interfered in civil life and the city was almost without a government in the interregnum between the end of the war and June 24, when the citizens went to the polls to elect a new civil government and vote on a new city charter. This period was a dangerous one during which there was a little restraint on "bitter and violent language" or appeals to violent action by the extremists of both political factions who were fighting for control of City Hall. The election was held however, and the People's Union candidate, Thomas C. Tabb, became the next Mayor.

The prosperity so apparent in Norfolk at this time

¹⁶Ibid., The description of post-war Norfolk comes from this issue of the Norfolk Post, the New Regime having stopped publication on February 15, 1865.

must certainly have been gall and wormwood to those whose loyalties to the Confederacy had induced them to leave in May, 1862. When these weary and dejected natives returned many were in poor physical, as well as financial, condition. Their plight can be inferred from a letter to Arthur Emmerson, still in Lynchburg, from T. W. Cooke of Portsmouth: "Nearly all our refugees and soldiers have returned to Portsmouth and Norfolk and are idle and unable to obtain employment."

When Butler was relieved from command and replaced by Major General E. O. C. Ord on January 7, 1865,¹⁷ the curb on offenses and insults to the Negro population was removed. Ord did not have Butler's benevolence toward Negroes and the relaxation of military controls after Butler's departure, and their almost complete absence after Appomattox, encouraged a return to pre-war standards of conduct.

The resentment of the rebel soldiers to their defeat and the, to them, insufferable sight of free Negroes enjoying their new-found rights, resulted in a race-riot on June 22, 1865. The returned veterans, many threatening to "kill every nigger, or drive 'em all out of town," incited some of the New York 13th Artillery to attack the Negroes of Norfolk and

¹⁷Marshall, Correspondence of Gen. Benjamin F. Butler, V, 473.

Portsmouth. Four days of uncontrolled violence followed. Many Negroes, and some white, were shot; one Negro was hung in Norfolk and two in Suffolk; stores were looted; and, night and day, men, soldiers, and boys cried "Nig!" "Nig!" at the sight of colored men. The mayors of Norfolk and Portsmouth refused to intercede and, since Colonel Howard, the provost marshal, was away, they turned aside the pleas of the colored citizens for protection with impunity.¹⁸

The riot could not have occurred during Butler's regime. It only emphasized the benefits of peace, order, and tolerance Norfolk enjoyed during that period. The riot was also an indication that Butler's reforms in the areas of civil rights, education, and equality for the Negro were short-lived. Although Norfolk accepted the benefits accruing from trade with the hated Yankees, it did not accept the ancillary changes that accompanied it. With the end of the war a period of reconstruction began which did little to change the social customs in the South. In such matters Norfolk reverted to mores which preceded the occupation and were to last for more than a century after it; but in commerce, shipping, and population it could not remain static and grew with the rest of the country.

¹⁸Swint, Dear Ones at Home, pp. 165-69.

CHAPTER VI

CONCLUSION

The historiography of Butler's career is characteristic of that of Norfolk's occupation. Both have been treated tendentiously. Butler has been portrayed as an incompetent, dishonest, and avaricious Yankee tyrant; Norfolk has been similarly distorted by the astigmatic historian as a beautiful, thriving, delightful city brutally crushed and left to decay by insensitive, uncultured, and cruel invaders. A recapitulation of the principal events during the occupation will aid in determining whether a reappraisal of these views is warranted, and if so, in whose favor--the traditionalist's or the revisionist's.

Norfolk in 1861 was a small Southern city in the economic and demographic doldrums with a population of about 15,000, two thirds white, one third Negro. The largest Confederate port on the eastern coast, it was important to both the North and the South; the former needed it to control Chesapeake Bay and the James River and also to make the blockade effective; the latter, to control the James and the water approach to

Richmond, and to maintain a port for as much trade as it managed to slip through the blockade.

During the Confederate occupation (April 18, 1861-May 10, 1862), Norfolk and Portsmouth became fortified military bases, the Navy Yard an arsenal for the Confederate Army and Navy, and the city government subject to partial and then total martial law. As in all cities under that stricture, civil rights were abrogated in varying degrees but at no time did citizens have the freedom they enjoyed in ante bellum days. Nor did they escape from the economic and physical privations that military rule and the inflation of scarcity brought.

The war brought disruption of the schools, martial law, reduced tax receipts, inflation, grief, sickness and hardship to Norfolk's citizens before the occupation. After May 10, 1862 their troubles were more acute because they were under enemy rule; in many instances, however, they compounded their difficulties by their haughty and stiff-necked refusal to recognize the realities of their position.

The first example of this attitude was the city fathers' refusal to take the oath of allegiance as the price of continued civil government, preferring to be treated as a "conquered people." This quixotic gesture forced General Wool to declare martial law.

Martial law, in turn, by its abrasiveness, caused increased civilian resentment leading to sometimes petty, sometimes tragic, conflict between the rulers and the ruled. The acme was the Wright affair, a confrontation which was doomed to a sad end. That Dr. Wright was considered a martyr only emphasizes the different meanings "patriotism" was given in the North and the South. That he should be considered so in modern accounts of this period is a commentary on the need for re-interpretation of the source material.

Pierpont's efforts to restore "loyal" government in Norfolk met with failure because he did not have the power to enforce the needed measures. In time of war he still imagined that the enemy could be persuaded without coercion and protested General Butler's "high-handed" interference in what Pierpont considered purely civil matters.

Butler, an improviser and impatient with adversaries, ignoring Pierpont's protests and also his long letter to Lincoln, proceeded directly to solve the problems which faced him.

He first began a relief program to feed and house the thousands of refugees inundating Norfolk. Then he ordered the Norfolk Gas Company's directors to restore service. When they demurred he imported an expert to put the machinery in

order and light the streets again. The Fire Department was overhauled and the equipment put in repair; the streets were cleaned and paved by labor gangs from the prison who also worked on the bridges and wharves and collected refuse. The city's health care and sanitation were improved despite the resistance of its inhabitants to the necessary measures. To raise the necessary revenue Butler taxed them and ignored their howls of protest as he did those of Pierpont.

Confident that he had some support for his policy, he held a plebiscite whose result was strongly influenced by the Zantzinger and Company scandal. The result of the election was all the excuse Butler needed to tear out the remnants of civil government in Norfolk.

When he encountered resistance in the form of Judge Snead's efforts to hold court, Butler did not resort to legalisms but to the sword. Lincoln's tacit endorsement of Butler's course of action served only as reinforcement of his position. He did not permit civil authority to threaten his power and it was curbed only by Lincoln himself.

The poor were fed, given housing, employment, protection, and even education. The streets were cleared of refuse and stray animals; private premises were kept clean by threats of arrest if neglected; health ordinances regulating the

reporting of contagious diseases and deaths were introduced and enforced.

Butler encouraged the enlistment of Negro troops and, what is more, insisted that they be given the same consideration afforded their white comrades. Extending this policy to civilians, he punished those whites who insulted or abused Negroes.

To the ministers who used their pulpits to encourage rebellion Butler showed sternness but not vindictiveness. Although he removed them from their churches and punished them for their obdurateness, this punishment was soon shortened and remitted. Embezzlers and other heinous criminals received little mercy.

In the matter of loyalty his guide was pragmatism. The accusation that he grew rich by plundering Norfolk was a canard enjoyed by those who hated him at the time and their long line of direct and collateral descendants.

The accounts of this period are predominantly critical of all military rule during the occupation. It is difficult to imagine a military commander, short of a Confederate one, whose reputation at the hands of Norfolk's citizens, and their descendants, would not have suffered. Viele, Barnes (who served as commander in Norfolk for three months in 1863),

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Shepley, Butler, Ord, were all hated and reviled. This is not unusual in war; it is to be expected. But for historians to perpetuate a distorted picture of the times is not excusable.

No matter that Viele attempted to feed and house the thousands who crowded the provost marshal's office; that Butler stopped the rapid decay of a city and restored civic services and trade; that the city's citizens were forced to repair their destroyed economy and improve their malodorous environment--all this was ignored by those who chose to recall nothing but the "cruelty" of punishing a murderer, albeit a respected and admired physician, the "horror" of seeing Negroes on the streets in Federal uniforms, the bitterness of being forced to promise obedience and peaceful behavior in return for a livelihood, the "insult" to their proprieties when their city officials were asked to give this promise, and, of course, the overwhelming sense of despair when the progress of the war promised little but the continuance of these "oppressions."

A description of historiography by a non-historian is, in this case, particularly apt:

To make the preparation of any account a reasonable task he would have to adopt an attitude towards

the available material. The action of such an attitude is rather like that of a sieve. Only what is relevant gets through. The rest gets thrown away. The real relevance and truth of what gets through the mesh then depends on the relevance and truth of the attitude, doesn't it? If one agrees with that one is at once back on the ground of personal preference--even prejudice--which may or may not have anything to do with "truth," so called.¹

To the author of this paper the attitude of most of those who wrote about Norfolk's occupation is wrong.

¹Paul Scott, The Jewel in the Crown (New York: William Morrow and Co., Inc., 1966), p. 341.

BIBLIOGRAPHY

I. Primary Sources

A. Books

Butler, Benjamin F. Butler's Book: Autobiography and Personal Reminiscences. Boston: A. M. Thayer and Company, 1892.

Daly, Robert W., Ed. Aboard the U. S. S. Monitor: 1862. The Letters of Acting Paymaster William Frederick Keeler, U. S. Navy to his wife Anna. Annapolis: U. S. Naval Institute, 1964.

Emmerson, John C., Jr. "Some Aspects and Incidents of Military Rule in Portsmouth, Virginia, 1863-1864. From the Letterbook and Other Original Documents of Captain Daniel Messinger, Provost Marshal of Portsmouth, Virginia." Norfolk: Norfolk Public Library. (Typescript)

Marshall, Jessie Ames, ed. Private and Official Correspondence of Gen. Benjamin F. Butler. 5 vols. Norwood, Massachusetts: The Plimpton Press, 1917.

Miller, Francis Trevelyan, ed. Photographic History of The Civil War. New York: The Review of Reviews Company, 1911.

Richardson, James D. A Compilation of the Messages and Papers of the Confederacy. 2 vols. Nashville: United States Publishing Company, 1906.

Swint, Henry L., ed. Dear Ones at Home. Nashville: Vanderbilt University Press, 1966.

B. Government Documents

Norfolk, Virginia, Record of Select Council Minutes. Vol.II. June 28, 1855 to November 12, 1867.

Virginia, General Assembly. Journal of the House of Delegates of Virginia, Session 1844-1845. Richmond, 1844.

U. S. Department of Interior. Eighth Census of the United States, 1860. Washington: Government Printing Office, 1864.

U. S. Department of War. War of Rebellion, Official Records of the Union and Confederate Armies. Series I, II, III, IV. 130 vols. Washington: Government Printing Office, 1880-1901.

C. Pamphlets, Periodicals and Newspapers

Dispatch (Richmond), January, 1858- December, 1863.

Enquirer (Richmond, 1862.

Pierpont, Francis H. Letter to His Excellency the President and the Honorable Congress of the United States--on the Subject of Abuse of Military Power in the Command of General Butler in Virginia and North Carolina. Washington: McGill and Witherow, 1864.

New Regime (Norfolk), February 29, 1864-February 15, 1865.

Norfolk Day Book, August 14, 1860.

Ledger-Dispatch (Norfolk), April 13, 1939.

Norfolk Post, June 22, 1865-April 5, 1866.

Southern Argus (Norfolk), January, 1856-December, 1860.

D. Manuscripts

Virginia Historical Society. Chapplelear Papers

University of Virginia. Neville Papers.

II. Secondary Sources

A. Books

Annals of America. Chicago: Encyclopaedia Britannica, Inc., 1968.

Boatner, Mark Mayo. The Civil War Dictionary. New York: D. McKay Company, 1959.

Brewer, James H. The Confederate Negro. Durham, North Carolina: Duke University Press, 1969.

Burton, Harrison W. History of Norfolk, Virginia. Norfolk: Norfolk Virginia Job Print, 1877.

Canby, Courtland, ed. Lincoln and the Civil War. New York: George Braziller, Inc., 1960.

Dowdy, Clifford. The Wartime Papers of R. E. Lee. Boston: Little, Brown and Company, 1961.

Emmerson, John C. Jr. The Emmersons and Portsmouth--1737-1965. Norfolk: Norfolk Public Library, 1966. (Re-produced typescript.)

Freeman, Douglas Southall. Lee's Lieutenants. 3 vols. New York: C. Scribner's Sons, 1942-1944.

Holcomb, Richmond C. A Century with Norfolk Naval Hospital. Portsmouth, Virginia: Printcraft Publishing Company, 1930.

Holzman, Robert S. Stormy Ben Butler. New York: The Macmillan Company, 1954.

Hyman, Harold Melvin. Era of the Oath. Philadelphia: University of Pennsylvania Press, 1954.

_____. To Try Men's Souls. Berkeley: University of California Press, 1959.

Korn, Bertram Wallace. American Jewry and the Civil War. Philadelphia: The Jewish Publication Society of America, 1951.

Lossing, Benson J. A History of the Civil War. New York:
The War Memorial Association, 1895.

Mears, James Egbert. "Virginia Eastern Shore in War of
Secession and Reconstruction Period." Norfolk: Norfolk
Public Library. (Typescript)

Nicolay, John George, and Hay, John. Abraham Lincoln: A
History. New York: The Century Company, 1890.

Parton, James. General Butler in New Orleans. Boston:
Houghton, Mifflin and Company, 1864.

Porter, John W. H. Norfolk County, Virginia 1861-65.
Portsmouth: W. A. Fiske, 1892.

Randall, J. G., and Donald, David. The Civil War and
Reconstruction. Boston: D. C. Heath and Company,
1961.

Rorer, Henry S. "History of Norfolk Public Schools."
Norfolk: Norfolk Public Library, 1968. (Typescript)

Sandburg, Carl. Abraham Lincoln: The War Years. 4 vols.
New York: Harcourt, Brace and Company, 1939.

Scott, Paul. The Jewel in the Crown. New York: William
Morrow and Company, Inc., 1966.

Shannon, Fred Albert. Organization and Administration of
the Union Army: 1861-1865. 2 vols. Cleveland: The
Arthur H. Clark Company, 1928.

Stewart, William H., ed. and comp. History of Norfolk County,
Virginia. Chicago: Biographical Publishing Company,
1902.

Trefousse, Hans Louis. Ben Butler, The South called him
Beast. New York: Twayne Publishers, 1957.

Welles, Gideon. Diary of Gideon Welles. 3 vols. Boston:
Houghton Mifflin Company, 1911.

Wertenbaker, Thomas J. Norfolk: Historic Southern Port.
2nd ed. Durham, North Carolina: Duke University
Press, 1931.

West, Richard, Jr. Lincoln's Scapegoat General, A Life of
Benjamin Butler, 1818-1893. Boston: Houghton Mifflin
Company, 1965.

Wise, John Sergeant. The End of an Era. Boston: Houghton
Mifflin Company, 1899.

Yoseloff, Thomas. Personnel of the Civil War. 2 vol.
New York: Thomas Yoseloff, Publisher, 1961.

B. Periodicals

Chambers, Lenoir. "Notes on Life in Occupied Norfolk, 1862-
1865" The Virginia Magazine of History and Biography,
LXXIII (1965), 131-44.

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