The Evolution of Confederate Policy Regarding Interbelligerent Commerce in the Civil War

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THE EVOLUTION OF CONFEDERATE
POLICY REGARDING INTERBELLIGERENT
COMMERCES IN THE CIVIL WAR

A Thesis
Presented to
The Faculty of the Department of History
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In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

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Judith Baker Rutherford
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This thesis is submitted in partial fulfillment of the requirements for the degree of Master of Arts

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TABLE OF CONTENTS

ACKNOWLEDGMENTS ........................................ iii
ABSTRACT .................................................. v
INTRODUCTION ............................................... 2

CHAPTER I. THE PROBLEM TAKES SHAPE
(April 12, 1861 - April 19, 1862) .......... 4

CHAPTER II. GROPING FOR A SOLUTION
(April 19, 1862 - February 6, 1864) .... 15

CHAPTER III. A POLICY EMERGES
(February 6, 1864 - February 18, 1865) ... 39

CHAPTER IV. EPILOGUE
(February 18, 1865 - End of the War) ... 65

BIBLIOGRAPHY ............................................. 75

iv
The purpose of this study is to trace the evolution of Confederate policy regarding contraband trade during the Civil War. Trade policy was studied from three aspects: (1) official policy as manifested in Confederate statutes, (2) attitudes of high officials which affected trade policy and practices, and (3) actual trade practices.

Stringent anti-contraband trade laws were in effect in the Confederacy until February 1864. At that time the Confederate Congress passed two liberalizing trade laws, one allowing the President to authorize trade with the enemy and the other permitting the President or the department heads to authorize trading in Northern paper currency. Then in February 1865, all restrictions on the exportation of governmental produce were removed, and the Secretary of the Treasury - subject to Presidential approval - was placed in complete command of governmental trade. The following month, the Secretary of the Treasury was empowered to trade tobacco and cotton for coin with which to purchase supplies.

While the Confederate Congress was slow in relaxing restrictions against trade with the North, high Confederate officials quickly came to favor trade with the enemy. Jefferson Davis never exerted effective leadership in this important area. Instead, beginning with Commissary General Lucius B. Northrop in 1861, the various department heads began recommending reliance on contraband trade as the best source of supplies. These men not only recommended, but actually engaged in, trade with the North.

The volume of trade with the enemy increased as the Southern military effort deteriorated and as the Union blockade became increasingly effective. Seemingly, the Bureau of Subsistence and the War Department conducted the bulk of trade with the North during the first three years of the war. Transactions were usually completed through departmental agents. Then in August 1864 the President placed the responsibility for trading cotton for military supplies in the hands of the Secretary of the Treasury. Although the other departments never completely ceased their trade activities, the Treasury Department's control over governmental trade increased after the liberal congressional delegation of authority to it in February 1865.
THE EVOLUTION OF CONFEDERATE POLICY

REGARDING

INTERBELLICERENT COMMERCE IN THE CIVIL WAR
The Confederate economy was unable to support a protracted war, thus necessitating partial reliance on foreign sources for food and matériel. As the effectiveness of the Union blockade increased and as the needs of the South became more urgent, the North came to be regarded not only as an enemy but also as a source of supplies. When it is remembered that during the colonial wars, the American Revolution, and the War of 1812 Americans had proven themselves to be adroit smugglers, then it does not seem too strange that fellow countrymen, though at war, should trade with each other. After all, the outbreak of hostilities did not erase fraternal memories, nor did war suddenly physically separate the two sections. Then, too, Confederate cotton was important enough to the North to cause Mr. Lincoln to condone and even encourage the traffic between the lines. Cotton was not only needed for Northern manufacturing concerns but for a diplomatic weapon as well. European textile interests were dependent upon the South for cotton. Therefore, if the North could keep Confederate cotton flowing to Europe, there would be little likelihood of European intervention on behalf of the South.
This thesis is a study of the evolution of Confederate policy regarding interbelligerent commerce. As will be seen, until 1864 there was a marked discrepancy between avowed Confederate policy and actual trade practices. Not until 1864 did the Confederate legislators legitimatize and attempt to centralize a traffic with the enemy that had grown as the Southern war effort deteriorated. Had this action come earlier, contraband trade might have affected the outcome of the war. As it was, trade between the lines merely delayed Union victory.
CHAPTER I

THE PROBLEM TAKES SHAPE
(April 12, 1861 - April 19, 1862)

During the first year of the war, loyal Confederates tried desperately to keep cotton, which later became the Confederacy's chief medium of exchange in contraband trade, out of the hands of the enemy. It was thought that cotton was the "king" which would bring European aid. It was reasonable to assume that if the Union blockade kept cotton from European ports, there would surely be an economic crisis which would pressure European nations into breaking the blockade. When "King Cotton" failed to bring foreign intervention, the Confederates continued to keep cotton away from the North. Cotton in danger of falling into enemy hands was often burned. Efforts were also made to withhold cotton from port cities, especially New Orleans. Just how successful these efforts were is not known; yet, it is evident that there was little trade between the lines prior to the passage of the first trade regulations by the Confederate Congress.

On May 21, 1861, the Confederate Congress passed its first major law regulating foreign trade. This law prohibited the exportation of raw cotton or cotton yarn during the
duration of the blockade except through Confederate ports.
Violation of the act, which took effect June 1, 1861, would result in forfeiture of the cotton to the government, a fine not exceeding $5,000, or imprisonment for a period not exceeding six months. Transportation facilities used in an illegal shipment of cotton were also to be forfeited. Informants were to receive one-half the proceeds of the articles forfeited. The exportation of cotton to Mexico was exempted from these restrictions.\(^1\) On August 2, 1861, the provisions of the May 21 act were extended to cover tobacco, sugar, rice, molasses, syrup, and naval stores as well as cotton.\(^2\)

Since trade with the enemy had not yet developed to a considerable extent, the 1861 correspondence of Confederate officials contain few references to the subject. However, Christopher G. Memminger, Confederate Secretary of the Treasury, Judah P. Benjamin, Acting Secretary of War, Lucius B. Northrop, Confederate Commissary General, and Governors A. B. Moore of Alabama and Isham G. Harris of Tennessee did record their views at this early date.

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\(^1\) James M. Matthews, editor, *The Statutes at Large of the Provisional Government of the Confederate States of America, from the Institution of the Government, February 8, 1861, to Its Termination, February 18, 1862, Inclusive* (Richmond, 1864), 152-153.

\(^2\) Ibid., 170.
In October 1861, a private citizen, Blanton Duncan by name, informed the Secretary of the Treasury that a smuggler engaged to get bank note paper through the lines had been caught in Indiana. After promising to continue to secure the needed paper, Duncan went on to say that he had arranged with a Mr. Wolf to deliver 20,000 sheets to Nashville, upon which he would be paid forty dollars per thousand.³ Later, on November 1, 1861, Duncan informed Memminger that he had arranged to get "anything you can possibly wish to have from the North, not exceeding 1000 pounds in weight at a time. A Federal officer has been bribed up the Ohio River... He is now bringing through important machinery for making your bank-note paper..."⁴

The Memminger side of the correspondence with Blanton Duncan has not been found; hence, it is impossible to say that Secretary Memminger either sponsored or encouraged Duncan's activities. However, in a letter to Governor Francis W. Pickens of South Carolina dated April 15, Memminger did advocate the exportation of cotton to neutral

³Raphael P. Thian, compiler, Correspondence with the Treasury Department of the Confederate States of America, 1861-’65, Appendix, Part V, 1861-’62 (Washington, 1880), 373-374.

⁴Ibid., 418.
ports, despite the chance of such shipments falling into Union hands. Thus he explained his position:

If it should be said that part of the Cotton exported to neutral ports may find its way to the enemy, I would reply that the quantity so supplied must necessarily be very small, and that full compensation for any benefit to the enemy will be made to us in the payment to our citizens of the price of the cotton, and the means thereby furnished to them to assist our Government, and also in the inducement which the free exportation of cotton holds out to all the world to break the blockade of our ports.5

Yet, Memminger did not advocate open trade with the enemy.

On September 5, 1861, he wrote to G. B. Lamar, a Confederate blockade runner and intelligence agent, that "the general law forbids any intercourse with the enemy, and therefore, all trade with the United States is unlawful."6

Like Secretary Memminger, Judah P. Benjamin discouraged his fellow citizens from trading with the enemy in the first year of the war. When prohibition of trade except through Confederate seaports proved a handicap to General Albert

5Raphael P. Thian, compiler, Correspondence of the Treasury Department of the Confederate States of America, 1861-'65, Appendix, Part IV (Washington, 1879), 288.
6Ibid., 185.
Sidney Johnston at Bowling Green, Kentucky, the general complained to Benjamin of his embarrassment in trying to buy provisions for his troops from Kentuckians. The farmers were unwilling to sell their produce other than for gold or Kentucky currency. Having only Confederate currency or Tennessee paper, General Johnston urged that the restrictions of the May 21 law's clause "except through the seaports" be removed to allow the introduction of necessities into areas occupied by Confederate forces.7

In an exceedingly cautious reply, Benjamin wrote on November 3, 1861:

In regard to your suggestions about some relaxation of the commercial restrictions on the interchange of products with Kentucky, I beg to say that the subject has already engaged the attention of the administration, but it is one on which there exists so much diversity of opinion and doubt in relation to the views of Congress, that we prefer to wait a few weeks and receive our instructions from the wisdom of our lawgivers.8

Yet, just one week later Benjamin again wrote to General Johnston that the prohibition of the enumerated articles


8Ibid., Vol. I, 504.
was not applicable to portions of Kentucky held by Confederate troops. He further stated that:

We therefore suggest, as the best plan, that you will issue licenses to loyal Kentuckians within your lines for the introduction of such Southern products as sugar, molasses, rice, etc. (but not cotton or naval stores), as shall suffice for the consumption of the inhabitants, taking care not to allow any to cross your lines into the section of the country occupied by the enemy. ⁹

Actually, Kentucky, by virtue of her geographical location, occupied a unique position in contraband trade early in the war. Through Kentucky, commerce between the lower and upper Mississippi Valley had flowed for years, thereby economically tying the state to both the North and the South. That Kentucky was divided in her loyalties early in the war can be seen by the fact that she declared a policy of armed neutrality which lasted from May to September 1861. Despite the fact that Ohio, Illinois, and Indiana screened goods shipped to Louisville to keep contraband from reaching the South, an enormous amount of contraband was shipped into the Confederacy during this period. ¹⁰

⁹Ibid., Vol. IV, 532.

¹⁰E. Merton Coulter, "Effects of Secession upon the Commerce of the Mississippi Valley," *Mississippi Valley Historical Review*, III (December, 1916), 275-300.
The treatment which Kentucky received from both the Federal and the Confederate governments was instrumental in her continuing to trade with both sides. In August, President Lincoln declared that all commerce with seceded states must end; this regulation did not apply to Kentucky.\(^{11}\) The Confederacy presumably welcomed goods coming from the North through Kentucky but prohibited transportation of Southern products to loyal states. Before the war began, the Confederate Congress on February 25, 1861 had passed a law to insure free navigation of the Mississippi River.\(^{12}\) Later, the laws of May 21 and August 2 were designed to keep Southern products from the North by allowing them to be shipped only from Confederate seaports.

After the states north of Kentucky began restricting their trade with Louisville, the Louisville and Nashville Railroad took the place of the Mississippi River in Kentucky's trade with the South. At times the traffic on this railroad was so heavy that notices were posted that no additional freight would be taken for awhile. Finally, the Federal

\(^{11}\text{Ibid.}, 289.\)

\(^{12}\text{Matthews, The Statutes at Large of the Provisional Government of the Confederate States of America} . . . , 36-37.\)
government tried to curb the notorious traffic by tightening up on the permits issued and by appointing a new customs collector at Louisville. The customs collector was easily avoided. Traders simply transported goods from Louisville by wagon to inland towns on the railroad where there were no customs collectors. Further Federal measures in June—i.e., searching wagons along the railroad, assigning a customs inspector to Bowling Green to intercept inland traffic over the railroad, proved largely ineffective. Not until military campaigns set in was the trade substantially curbed. Even then, it was not completely stopped.13

Like many other Confederate officials, Judah P. Benjamin felt that merchandise leaving the seaports of the Confederacy often went to Northern ports. To check this circuitous smuggling, principally of cotton, Benjamin directed Governor Thomas O. Moore of Louisiana in December 1861 to intercept and destroy such contraband.14 Earlier Governor Moore had been urged to arrest smugglers trafficking between the enemy fleet and Louisiana's numerous bays and inlets.15

13Coulter, Mississippi Valley Historical Review, III (December, 1916), 293-300.
15Ibid., 752.
In contrast to Benjamin and Memminger, Lucis B. Northrop had clearly indicated by early 1862 that he was willing to trade with the enemy for military necessities. As Commissary General, Northrop found himself hard pressed early in the war to provide the army with food, especially salt meat. On January 18, 1862, Northrop enclosed a report by Frank G. Ruffin of the Commissary Department in a letter to Judah P. Benjamin. Major Ruffin's report indicated that "the product of about 1,200,000 hogs was imported in the early part of the last year from beyond our present lines ... accomplished ... by the action of State authorities in some cases, by the enterprise of private parties, and by this department through agencies of its own. ..."16

In elaborating upon Major Ruffin's report, Northrop informed Benjamin that the stores of bacon and pork thus obtained were still being issued in January 1862 at a cost less than one-half the current rates. The arrangements were begun in July, the War Department concurring with the view that military purchasing rules were inapplicable.17 Thus, Northrop at an early date had declared himself in favor of government-sponsored trade with the enemy.

16 Ibid., 873.
17 Ibid., 870-871.
Of the Confederate governors, Governors A. B. Moore of Alabama and Isham G. Harris of Tennessee both early went on record as disliking trade with the enemy. In yielding command of the Tennessee River to Major-General Leonidas Polk, Governor Harris stated that he had prohibited shipment of specified goods north of the Confederate lines. Governor Moore expressed his hatred of clandestine trade in a February 3, 1862, letter to President Jefferson Davis. He felt that the practice of receiving Yankee arms and munitions in exchange for Confederate cotton was self-defeating. As proof, Governor Moore cited the sinking of the Calhoun, which — he felt — was purposely fired by her commander in order for the Yankees to repossess the south-bound arms and munitions bought with Confederate cotton.

In retrospect, it seems that during the first year of the conflagration, contraband trade was recognized as a problem to be dealt with by the new nation. Accordingly, the Confederate Congress early acted to prevent trade with the enemy by prohibiting the exportation of major products except through Southern seaports. And with the exception

18Ibid., Series I, Vol. IV, 384.
of Lucius B. Northrop, Confederate officials apparently
discouraged interbelligerent commerce during this period.
Morale was high in the new-born nation, and the necessities
of life had not yet become too scarce or expensive. More­
over, the Confederacy was confident of a speedy victory over
the North. With more difficult times, however, trade with
the enemy would be viewed as a matter of expediency by some
while others would continue to combat its growth as a moral
evil.
CHAPTER II

GROPING FOR A SOLUTION
(April 19, 1862 - February 6, 1864)

The trade law passed by the Confederate Congress on April 19, 1862 was in full accord with the temper of the times. Entitled "An Act to prohibit the transportation and sale of certain articles in any port or place within the Confederate States, in the possession of the enemy, and to prohibit the sale, barter, or exchange of certain articles therein named, to alien or domestic enemies," this act more explicitly expressed anti-contraband trade sentiment than had the laws of the previous year. By this act, it was decreed unlawful for anyone to "transport to any port or place in the Confederate States, which may be at the time in the possession of the enemy, or to sell therein, any cotton, tobacco, sugar, rice, molasses, syrup or naval stores." Penalties for violations were those set forth in the act of May 21, 1861, except that offenders were also to forfeit and pay the value of contraband articles to the government.¹

¹James M. Matthews, editor, Public Laws of the Confederate States of America, Passed at the First Session of the First Congress; 1862 (Richmond, 1862), 46.
As during the first year of the war, the Southern governors voiced their concern over trade occurring within their respective states. Governor John Milton of Florida, for example, expressed his belief that mercantile partnerships operating from New York, Havana, New Orleans, and numerous other Southern cities were trading cotton for Northern manufactures for which they charged exorbitant prices. As he saw it, "Partners in New York send merchandise to Havana where, or in transitu the merchandise is exchanged for cotton sent by partners from Southern ports, and the exchange is made by the management of partners at Havana or Nassau, and this traffic is not unknown to those in command of blockading vessels."2

Not all governors were quite as unequivocal as was Governor Milton. For example, Governor John Gill Shorter of Alabama in July 1862 asked permission from Secretary of War George W. Randolph to allow certain Confederates to ship cotton from Mobile in exchange for salt being imported under authority of Commodore David G. Farragut and Major-General Benjamin F. Butler. Salt was indispensable as a preservative for the pork and beef relied upon for subsistence by the

army and many civilians. While asking permission to trade cotton for the salt, Governor Shorter hastily explained that he personally did not approve of contraband trade.\textsuperscript{3}

Also interested in procuring salt was Governor John J. Pettus of Mississippi. His desire for the commodity prodded him into seeking permission to exchange cotton for salt from the highest authority of all, Jefferson Davis. The French firm of C. A. Barriere and Brother proposed to exchange cotton for salt directly through French ports and Confederate ports not held by the enemy. President Davis gave Governor Pettus the authority to launch the trade with the Barrieres but specified that the cotton and salt were not to touch enemy ports. The President elaborated:

\textit{The objection to this is the proposed shipment to a port in the possession of the enemy. If the supplies can be obtained free from this objection it should be done. The letter of the Governor of Mississippi, referred some days since, would indicate that supplies might be obtained through a channel not subject to the above objection. As a last resort, we might be justified in departing from the declared policy in regard to exports, but the necessity should be absolute.}\textsuperscript{4}

\textsuperscript{3}\textit{Ibid.}, Vol. II, 21-22.

\textsuperscript{4}\textit{Ibid.}, 175.
Notice this last statement. President Davis would adamantly continue to refuse his support for trade with the enemy until "the necessity should be absolute!"

The President perhaps truly believed that the Barrières would not permit the cotton, symbol of Confederate prowess and hope, to fall into enemy hands. At any rate, he gave Governor Pettus permission to put the Barrière contract into operation and on November 28 directed the Confederate generals to expedite the exchange.⁵

That Davis' determination to withhold cotton from the North was steadfast can be seen from his dealings with Secretary of War Randolph and Commissary-General Northrop. The October reports of Major F. G. Ruffin of the Bureau of Subsistence to L. B. Northrop had been exceedingly discouraging. There simply was not enough food within the bounds of the Confederacy to feed the army. Ruffin estimated that there was only enough food on hand to feed 300,000 men for twenty-five days.⁶ Therefore, he urged the government to trade cotton for meat through Federal lines, one pound of bacon for one pound of cotton. He was certain he could obtain

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⁶Major Frank G. Ruffin to Lucius B. Northrop, October 18, 1862, Papers Relating to the Subsistence Department, Confederate States of America. In the Virginia Historical Society Collections at Richmond.
from ten to twenty thousand hogsheads of bacon from within
enemy lines on these terms. In a later report submitted to
Randolph on November 8, 1862, Major Ruffin reported that the
approaching year's hog supply would be about "100,000 short
of last year's supply, and that the supply of beef is well
nigh exhausted."

In early October, one Jeptha Foulkes had approached
Northrop with a proposal to procure the needed meat and
bread for the army from within enemy lines. Cotton, of course,
was to be the Confederate medium of exchange. The Commissary-
General thereupon wrote to the Secretary of War, urging the
acceptance of the proposition. On October 30, Secretary
Randolph asked President Davis to approve the Foulkes' contract and suggested it be expanded to embrace shoes and
blankets as well as food stores. Considering present supply
sources, Randolph wrote:

The alternative is thus presented
of . . . withholding cotton from the
enemy or of risking the starvation
of our armies. Regarding the former

7Jeremy B. Felt, "Lucius B. Northrop and the Confederacy's Subsistence Department," Virginia Magazine of History and Biography, LXIX (April, 1961), 186.

8Endorsement by Secretary of War George W. Randolph on a letter received November 8, 1862 from Major Frank G. Ruffin, Subsistence Department Papers.
as the less evil, I advise that the Commissary-General be authorized to contract for bacon and salt, and that the general commanding on the Mississippi be instructed to permit the cotton delivered under these contracts to pass our lines. The amount of purchases should be limited to what is absolutely necessary to feed the Army and supply it with blankets and shoes. I have examined the statutes prohibiting trade with Confederate ports in the possession of the enemy and I am of opinion that they do not apply to the Government. . . .

Indeed, it would seem that as the war progressed, more officials began to interpret the trade laws as pertaining only to private citizens. At any rate, government trade contracts endorsing trade with the enemy came to be accepted while private transactions were not. Secretary Randolph's statement of this belief was the first to be made by a high Confederate official.

In reply, the President suggested waiting until January before undertaking such procedures. He further stated that he hoped it would not be necessary then to depart from the established governmental policies of withholding cotton from the Yankees.

10Jones, War Clerk's Diary, I, 180.
In November Randolph again approached Davis with the proposition to trade across the lines. In support of his arguments, he submitted Major Ruffin's November 8 report on supply conditions. Again Davis dissented, stating that:

"The papers enclosed particularly the statement of bacon on hand does not sustain the conclusion presented. . . . The resources of every portion of the Confederacy must be considered to reach a just estimate." 11

Robert Garlick Hill Kean, head of the Bureau of War, observed that Major Ruffin's opinion of Jefferson Davis changed about this time. Ruffin had apparently thought Davis "a mule, but a good mule," but he now considered him a jackass. 12 It was Kean's personal opinion that "the question is simply whether they suffer more for the comparatively small quantity of cotton, say 100,000 bales, or we for the indispensable articles of salt, meat, clothing, medicines." 13

11 Endorsement by Jefferson Davis on November 9, 1862, letter from Major Frank G. Ruffin to Secretary of War G. W. Randolph, Subsistence Department Papers.


13 Ibid., 32.
Two other minor Confederate officials went on record at this time to advocate trading with the enemy. Both men being close to the situation clearly realized how dearly the Confederacy did and would need supplies from the North. John J. Walker, Major and Chief of Subsistence for the Army of Tennessee, predicted that by the first of June 1863 there would be no meat for the Southern armies. As he saw it, the Confederacy would either have to drive out Rosecrans, thereby securing Kentucky meat supply sources, or would have to obtain meat from the North.\textsuperscript{14} F. H. Hatch, a customs collector in Mississippi, pointed out that the contraband trade then in existence should be regulated by the government to the benefit of the Southern cause.\textsuperscript{15} Proposals such as these made by Walker and Hatch were very common but probably had little influence on the trend the trade was to take. Minor officials do not make major policies.

For the time being, Secretary of the Treasury Memminger, complied with the determination and purpose of President Davis and the law to withhold cotton from the North. In answer to E. C. Cabell's request to permit the Memphis


firm of Z. P. Bowles to trade cotton to Europe via Memphis, New York, and Liverpool, Memminger replied in November 1862 that "the arrangement proposed is forbidden by act of Congress, and cannot be carried out." However, to G. B. Lamar, Memminger wrote just two months later that while the Confederate government's cotton could be sold to any neutral, the Confederacy could not recognize or be concerned with any understanding between the neutral purchaser and the North. Moreover, the Secretary claimed that the Treasury Department, which eventually would play the major role in contraband trade, had no jurisdiction over the matter other than to seize goods imported without payment of duties.

Since his predecessor had openly advocated trading with the enemy, what would James A. Seddon, who became Secretary of War in November 1862, do? It would seem that Secretary Seddon supported enforcement of Confederate trade policies

16 Thian, Correspondence with the Treasury Department . . ., 1861-'62, 674-675.
17 Thian, Correspondence of the Treasury Department of the Confederate States of America, 1861-'65, 185.
18 Raphael P. Thian, compiler, Correspondence with the Treasury Department of the Confederate States of America, 1861-'65, Appendix, Part V, 1863-'65 (Washington, 1880), 32-33.
at first. However, he realized that citizens severed from
the protection of the Confederacy were bound to trade with
the enemy and felt inclined to be lenient with them. As
long as this trade did not become a formalized intercourse
dealing in the Confederate articles enumerated in the trade
laws, Seddon did not rigorously enforce the letter of the
law. When goods were confiscated from the trader, unless
he were considered a dangerous character, the materials
suitable for the army were bought "at a moderate valuation
not exceeding an allowance of 75 percent profit on cost to
the owner," the rest being left to the owner's disposition.¹⁹

Actually, Secretary Seddon was at this time involved
in several transactions for supplies. Afraid that the
citizens of Louisiana would be angry at seeing Governor
Pettus' salt shipped through their state, Seddon made arrange-
ments for cotton to be traded for enough salt to meet their
needs.²⁰ When necessary for military purposes, he made con-
tracts with parties living in New Orleans. To make certain
that the Confederacy received the supplies, Seddon insisted
that the cotton not be delivered to the contractors until

²⁰Ibid., 306.
the articles were first received and that the cotton not be shipped from New Orleans.  It would seem that Seddon had no qualms about trade with the enemy when necessity demanded it. To General Joseph E. Johnston's panic-stricken inquiry about supplies, Seddon answered: "We are ransacking every portion of the Confederacy, and, in addition, I have authorized enterprises and contracts of even an extraordinary character to procure supplies from abroad, even from the United States. I do not despair of these means proving successful, . . ." One such contract made by Seddon was for cattle to be delivered to General Samuel Jones in Virginia in exchange for tobacco.

All trade contracts ran into trouble with General Pemberton in 1863. On his western visit to Pemberton's department, President Davis must have discussed the subject of trade contracts with the general. The latter sent the following message to the President in January 1863: "I propose to withdraw all authority to trade for salt or other

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21Ibid.


23Kean, Inside the Confederate Government . . ., 41.
articles with New Orleans or Memphis, if it meets your ap­probation. I consider that it is producing a bad effect."²⁴

In his reply, the President stated that he had given no one authority to trade with Memphis or New Orleans with the exception of Governor Pettus of Mississippi. He then instructed Pemberton to report the matter to Secretary Seddon, which he did on January 22, 1863, and to stop the trade, except in the case of goods already delivered.²⁵ Accordingly, General Pemberton set aside all contracts except those of Hiriart, Collector Hatch, and Governor Pettus.²⁶

After directing General Pemberton to halt contraband trade in the West, President Davis slighted altered his position in March 1863.²⁷ Northrop submitted an alarming report on supply conditions in which he listed three reasons why it was mandatory to trade with the enemy: (1) Confederate sources were either exhausted or were rapidly approaching exhaustion; (2) the total number of rations, listed as 22,516,194, were insecure because of transportation difficulties, the currency was unstable, and salt was scarce;


²⁵Ibid.

²⁶Ibid., 421.

²⁷Kean, Inside the Confederate Government . . . , 41.
(3) the army expected to consume about 500,000 hogs in the near future, but only one-third that number could be gotten within the Confederacy. Davis was alarmed to the extent of his giving Seddon permission to trade with enemy sources if absolutely necessary. He indicated, at the same time, that he did not believe it then necessary.28

Between March 1863 and February 1864, the tempo of contraband trade increased, especially in the West. Inspection tours of western military departments produced poignant findings. J. F. Cummings, Major and Commissary of Subsistence, reported to Colonel William P. Johnston, Aide-de-Camp to President Davis, that most of the subsistence collected by the commissaries of the Army of Tennessee was gleaned from near and within enemy lines. Explaining that some of his agents were "operating in the rear of the Federal lines, and with much success," Major Cummings opined that "the necessity is upon us."29 General Joseph E. Johnston, on the other hand, deprecated the dependence of citizens in his

28 Felt, Virginia Magazine of History and Biography, LXIX (April, 1961), 187.
department on contraband trade but found it imperative to
trade sugar for bacon to feed his men.30

On an inspection tour of Southwest Mississippi,
J. D. Bradford, Major and Assistant Inspector-General,
discovered illicit trade all along his route. Significantly,
the traffic was confined largely to the procurement of family
necessities. For this reason, he recommended that restric­
tions against contraband trade be rescinded on clothing and
the essential foodstuffs.31

Trade with the enemy through New Orleans continued to
be a problem. Large numbers of vessels left Mobile bound
for New Orleans. Upon inquiry, it was learned that the
traffic had been authorized from Richmond, possibly by
Mr. Seddon.32 During the course of the war, the following
amounts of cotton were exported from New Orleans:

1860-61: 1,915,852 bales; 1861-62: 27,670 bales;
1862-63: 23,750 bales; 1863-64: 128,130 bales;

30Jones, War Clerk's Diary, I, 309.
32Jones, War Clerk's Diary, II, 51-52.
1864-65: 192,351 bales, showing that trade through the lines steadily increased.  

Baton Rouge, as well as the New Orleans area, was the scene of traffic in cotton. In December 1863, Mr. Hatch estimated that some 10,000 bales of cotton had reached the enemy via the lower Mississippi River and Baton Rouge.  

Several other isolated examples of the nature and extent of trade in the West at this time should be noted. First of all, in St. Helena Parish, Arkansas, it was reported that trade with the enemy was unrestrained. Approximately 1500 bales of cotton per week left the region bound for the North, supposedly either authorized by the Confederate government or by commanding generals.

The manner in which cotton was being exchanged for supplies in Louisiana was described by Daniel A. Dwight to General N. P. Banks in January 1864:

The rebel General Scurry I am informed has notified the inhabitants that he will seize all food and clothing, and anything that may be needful to him, and pay for it in cotton. [Mr. McCall


34Thian, Correspondence with the Treasury Department... 1863-'65, 260-261. 

35Jones, War Clerk's Diary, II, 87.
"Cotton can be sold now on the banks of the Mississippi river for forty cents in gold and all that goes out goes for supplies." 36

Proposals and personal requests to trade with enemy sources continued to pour in from the West. Jeptha Foulkes again had appeared on the scene in October 1863 with an offer to supply the army with "200,000 suits of clothing, 50,000 pairs of shoes, etc. . . ." in exchange for cotton. 37 Lieutenant-Colonel Frank Ruffin was again proposing to exchange cotton for supplies and meat, the exchange to be transacted through New Orleans. 38 A Mr. J. J. Pollard of St. Louis had proposed to barter in these items for the South, but Colonel Ruffin seemed to discourage his participation. 39 Pollard, interestingly, will appear again on the scene as a holder of a War Department contract. From Nashville came a personal plea from Mrs. James K. Polk in

36D. A. Dwight to W. P. Banks, January 23, 1864, Miscellaneous Letters Received, K 1864, A-F, 404-407, Record Group 56, National Archives.

37Jones, War Clerk's Diary, II, 63.

38Ibid., 116.

39Ibid.
January 1864. She asked for remuneration for her cotton burned by the military authorities and requested permission to ship the rest of it to Memphis.40

Evidence of contraband trade activities in the eastern section of the Confederacy between March 1863 and February 1864 was not so plentiful. It was during this time, however, that General George G. Meade adopted a new policy in the Northern Neck of Virginia. He ordered that if Southerners took an oath of allegiance to the Union, they could buy clothes, food and other supplies from Union traders.41 This open sanction by Union forces encouraged private Southern citizens to trade with the enemy, a practice which many Southerners dreaded for its demoralizing tendencies. From Wilmington, North Carolina, General Whiting wrote in the summer of 1863 that the harbor was so full of blockade runners, loaded largely with Yankee goods, that the defense of the harbor was impeded.42

Had the opinions concerning contraband trade of Confederate officials changed from March of 1863 to February 1864?

40Ibid., 131.
41Ibid.
42Ibid., I, 358.
It would seem that the views of Lucius B. Northrop, C. G. Memminger, and Jefferson Davis were the same.

John J. Walker, Major and Chief Commissary of Subsistence for the Army of Tennessee, wrote Mr. Northrop asking permission to trade one pound of cotton for three pounds of bacon with sources behind enemy lines in Kentucky. Major Walker estimated that he could secure from 500,000 to 1,000,000 pounds of bacon in this way. Northrop's endorsement on Walker's letter read: "This is in accordance with the policy long advocated by this bureau, . . ."43

In keeping with his views on the matter of trade, Secretary Memminger wrote to the President in August 1863:

It is unlawful to trade with the enemy, and every article so imported is liable to condemnation. Upon proper information I would instruct the collector to seize any goods brought from the enemy, and libel the same for condemnation in the Confederate court.44

Jefferson Davis, meanwhile, continued to despair of the traffic between the lines. To General E. Kirby Smith, the President wrote: "The little benefit which is derived

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Confederate States of America, 1861-'65, 502.

44Thian, Correspondence of the Treasury Department of the Confederate States of America, 1861-'65, 502.
from such traffic is so greatly overbalanced by the injuries which it inflicts, that, as far as may be, it should be prevented."  

The views of Secretary of War Seddon, likewise, remained substantially the same; he continued to advocate enforcement of the laws while personally feeling that the government should and could profit from regulating the traffic. Feeling thus, Seddon wrote to Lieutenant-General Pemberton that:

The trade with the enemy is illicit and an express act of Congress prohibits it. . . . I cannot, therefore, authorize the trade although my private judgment is that in the exceptional condition of the States of the Confederacy, and under the privations which their people endure from the war and the blockade, the introduction of real necessities, even in exchange for cotton and from the enemy, is judicious and almost essential. To license it and keep it in safe hands under due regulation of law or of the Department, I believe would be the wiser course. As the law is, however, the only relation of the Department to the trade or those engaged in it is that the military police of our lines shall not be violated.

45 Dunbar Rowland, Jefferson Davis, Constitutionalist, His Letters, Papers and Speeches (Jackson, 1923), V, 554.

It will be noted that there was a discrepancy between Seddon's avowed policy and his practical application of the policy. Remember, for instance, that he had told General Joseph E. Johnston that he had "authorized enterprises and contracts of even an extraordinary character to procure supplies from abroad, even from the United States."47 Also, several of the contracts to trade with the enemy in the western theater had been attributed to Mr. Seddon.48 He also authorized Mr. Boute, President of the Chattham Railroad, to exchange cotton with the enemy for bacon and approved similar exchanges in the West.49 Even more significantly, in December 1863, Seddon had rescinded his order confiscating goods brought from behind enemy lines.50

At this time some Confederate citizens voiced their approbation of trade with the enemy. F. D. Conrad, for example, asked his congressman why, when people in Louisiana were starving, they should not be permitted to trade with

48Jones, War Clerk's Diary, II, 51-52.
49Ibid., 133.
50Ibid., 116.
the enemy. Mr. Conrad stated that the trade with the enemy had grown despite regulations, so why not simply regulate and permit it? W. Goodman, President of the Southern Division of the Mississippi Railroad, also advocated trading with the enemy. As was the case with all Southern railroads by January 1864, the Mississippi Railroad was deteriorating for lack of materials. Specifically, Mr. Goodman mentioned needing shovels, files, and steel axes, which he could readily secure from Union sources if he were permitted to either sell cotton to the enemy or purchase Union currency at the rate of ten dollars of Confederate money for one Federal dollar. Lieutenant-General Leonidas Polk, to whom Goodman had addressed his inquiry, agreed that supplies not available within the Confederacy should be gotten from the enemy by using cotton exchange. He elaborated: "We have reached a point, in my opinion, at which the hazard of greater evils than any which may follow from selling cotton are threatening us." When the matter was brought to the attention of Seddon, he vaguely answered that the matter "may be considered when law regulating exports is to be adjusted."

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52 Ibid., Vol. III, 9.
53 Ibid., 10.
54 Ibid.
By late 1863, military officials had become even more concerned about supplying their troops; therefore, their correspondence began to deal more heavily with the topic of trade. It is known that General Pemberton had made some trade arrangements on his own authority and that Lieutenant-General Polk advocated securing necessities from enemy territory.

Three other military officials had expressed their opinions on trade with the enemy by late 1863 and early 1864. By a general order issued in his department on November 29, 1863, General Joseph E. Johnston had prohibited trade with Union sources and had ordered goods involved to be confiscated. Accordingly, Brigadier-General James R. Chalmers, contrary to his personal feelings, had been confiscating and burning contraband articles. However, General Chalmers felt that since the war was to be one of endurance and since "King Cotton" had failed to bring European aid, a supervised trade with the enemy should be undertaken.

55 Jones, War Clerk's Diary, I, 320.
58 Ibid.
Feeling much the same as did General Chalmers, Adjutant and Inspector-General Samuel Cooper had earlier instructed him to "discriminate in the matter of seizing the cotton and wagons of persons carrying the cotton into the enemy's lines, the discriminations being in favor of those persons known to be perfectly loyal, and who are carrying it in to procure the necessities of life."59

In sharp contrast to Cooper and Chalmers, Colonel Edward Dillon thought the traffic in his area (southwest Mississippi and eastern Louisiana) so demoralizing that he had ordered that no one should go or come through the lines. Indeed, according to Colonel Dillon, the people of his department were so corrupted by trade "that scarcely a man or woman within ten miles of the enemy has not gone to Baton Rouge to trade and take the oath."60

As with civil officials, there was little agreement among Confederate military commanders on the question of trade with the enemy. Confederate legislators had specifically outlawed commercial intercourse with the North, yet

59Ibid., Vol. XXX, Part 4, 654.
60Ibid., Vol. XXXIV, 923-925.
the evidence indicates that both civil and military officials were involved in contraband trade. Although the war was almost three years old, the Confederacy had not yet evolved a coherent policy on this vital subject. However, in the spring of 1864, a policy began to emerge.
CHAPTER III

A POLICY EMERGES
(February 6, 1864 - February 18, 1865)

On February 6, 1864, the Confederate Congress passed a law entitled "A Bill to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense." The main article of the bill read:

The Congress of the Confederate States of America do enact, That the exportation of cotton, tobacco, military and naval stores, sugar, molasses, and rice from the Confederate States, and from all places in the occupation of their troops, is prohibited, except under such uniform regulations as shall be made by the President of the Confederate States.¹

Notice the last phrase which assigns all responsibility for trade to the President of the Confederacy. This phrase was later to be broadly interpreted, and it would seem that it was, indeed, the purpose of the Confederate Congress to relax the prohibition against trade with the enemy.

¹James M. Matthews, editor, Public Laws of the Confederate States of America, Passed at the Fourth Session of the First Congress; 1863-1864 (Richmond, 1864), 181.
Secretary Seddon, for one, interpreted the purpose of the Congress in this way. The object of the law, Seddon wrote, was:

to place the commerce in these articles [cotton, tobacco, military and naval stores, sugar, molasses, and rice] entirely under the control of the Government, that it might secure necessary supplies. . . . When these supplies can be secured by the exportation of these articles by land into the country occupied by the enemy the Department supposes that it would be prudent and lawful to do so. . . .

To Secretary Memminger, however, the new law had an entirely different meaning. He thought that as a result of the new act, "the policy of the Government on this subject is changed, and that no new contracts should be made for the delivery of cotton in payment of contracts."3

The law of February 6, 1864, also contained penalties for its violation. All articles of trade, together with the vehicles, slaves and animals employed, were to be subject to forfeiture, the people involved to fines and/or imprison-


3Thian, Correspondence of the Treasury Department of the Confederate States of America, 1861-'65, 644-645.
ment. However, the act was not to be interpreted as prohibiting the Confederate States, or any one of them, from exporting any of the enumerated goods on their own account.\textsuperscript{4}

A second law enacted on February 6, 1864 was designed to permit the government to trade in an area prohibited to private citizens. Entitled "An Act to prohibit dealing in the paper currency of the enemy," the first section of the act read:

That no broker, banker, or dealer in exchange, or person connected in trade as a merchant, or vender of merchandise of any description, or any other person, except within the lines of the enemy, shall buy, sell, take, circulate, or in any manner trade in any paper currency of the United States: Provided, That the purchase of postage stamps shall not be considered a violation of this act.\textsuperscript{5}

Section two enumerated penalties which were much more stringent than those concerning violations of trade in cotton, tobacco, etc. Violators were to forfeit the amount of currency obtained, circulated, or used — or the equivalent amount — were to pay a fine not exceeding $20,000 and not


\textsuperscript{5}Ibid., 183.
less than $500, and were to be imprisoned not more than three years nor less than three months.  

For present purposes, the third section of the law was most significant. It read: "That this act shall not be construed to apply to any person acting in behalf of the Government of the Confederate States, by special authority from the President, or any of the heads of Departments."  

Clearly this act, in conjunction with the other act of the same date, reveals a resignation to the inevitable on the part of the legislators. Expediency dictated that the laws be brought into tune with reality and with common practices.  

Accordingly, Secretary Seddon became more open in his advocacy of trade with the enemy. The Seddon-Lee correspondence of the early months of 1864 clearly reveals what each man thought of the trade and the trend it was to take. To General Robert E. Lee, Seddon wrote in February 1864:  

I am happy to concur with you entirely in thinking it advisable to obtain supplies of provisions in exchange for cotton and tobacco, even if portions of the latter are received by the enemy in such transactions. Indeed, I had anticipated your

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6 Ibid.
7 Ibid.
views by instructions to the commissaries to pay for all meat brought to them from the border counties, whether from within the enemy's lines or not. . . . Nor . . . have I hesitated to make contracts, some of them of large amount, with parties believed to be loyal and yet capable of carrying them out, for the delivery of provisions and other necessary stores to be brought from within the enemy's lines. Some provisions have already been obtained in this way. . . . Full confidence is felt in your own discretion with regard to such arrangements, and you are authorized to make them, if opportunity offers, within your command. 8

Having thus been granted permission to make his own arrangements for Northern supplies, General Lee learned the following month that Secretary Seddon had delegated further responsibility to Major B. P. Noland. Explaining that the War Department found it imperative to obtain stores from the border counties, Maryland, and northern Virginia, Secretary Seddon wrote Lee that: "the Department has placed the subject, so far as regards subsistence and other supplies, except ordnance stores, under the charge of Major B. P. Noland. He contracts for articles, takes the bond, and receives those that may be imported in return . . . ." 9 In order for the trade to be pressed "to the fullest extent that it may be found practicable," Seddon urged Lee to make certain that his

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pickets provided no obstacles to people engaged in the trade.\textsuperscript{10}

During 1864, the War Department issued several trade contracts in the Mississippi area. A. M. Paxton, Major and Chief Inspector of Field Transportation, was authorized by Secretary Seddon to exchange cotton with the enemy for horses and mules. Consequently, Paxton appointed four agents of his own and secured military passes for their operations.\textsuperscript{11}

Another contractor of the War Department, J. J. Pollard, was given permission to trade with the enemy for medicine, clothing, etc., in the lower Mississippi River Valley.\textsuperscript{12}

He, too, had his own agents, but unluckily for him, his contract was revoked in September when certain officials claimed that Pollard alone was reaping benefits from his contract.\textsuperscript{13}

In January 1864, Beverley Tucker, a descendant of a prominent Virginia family, came to Richmond in search of a governmental position. With the approval of Secretary Seddon,

\begin{itemize}
\item \textsuperscript{10}Ibid., 261.
\item \textsuperscript{11}Ibid., Vol. XXXIX, Part 2, 778.
\item \textsuperscript{12}Ibid., Series I, Vol. XXXIX, Part 2, 684-685.
\item \textsuperscript{13}Jones, War Clerk's Diary, II, 285.
\end{itemize}
Frank G. Ruffin drew up a contract which made Tucker a special agent of the government. Authorized to proceed to Canada and contact certain Northern parties interested in trading supplies for Southern cotton, Tucker was restricted by the lack of funds and by having only a limited amount of cotton at his disposal. At any rate, Mr. Tucker reached Canada in April and negotiated with interested Union parties. Despite his contacts with Northern businessmen, Tucker's efforts may have come to naught. However, Clement C. Clay, Jr. and Jacob Thompson, also Confederate agents in Canada, were successful in having at least one cargo of meat sent to Mobile late in 1864.

In March 1864, the Treasury Department sent letters to the department commanders empowering them to make contracts. Commanders were given limited control over trade in that they could allow contracts to be made under the supervision of trusted officers. Permits had to be countersigned by the commanders themselves.

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15 D. H. Maury to James A. Seddon, November 21, 1864, War Department, Telegrams Received, #3758, War Department Collection of Confederate Records, Record Group 109, National Archives.

On July 29, 1864, George A. Trenholm, who became Confederate Secretary of the Treasury in June 1864 and served for the duration of the war, received a communique from J. B. D. DeBow, head of the Produce Loan Bureau. Generals Nathan B. Forrest, Stephen D. Lee, and Wirt Adams had applied to the Produce Loan Bureau for cotton with which to trade with the enemy for military supplies, chiefly medicines. General Lee requested fifty bales, and the other two generals wanted approximately the same amount. Mr. DeBow asked Trenholm for instructions, principally regarding the basis of exchange for the contracts.17

Trenholm's reply to DeBow's inquiry is especially significant since it reveals much of what his attitude and policy toward the trade would be. He instructed Mr. DeBow to:

deliver cotton in payment of supplies for the War Department at 12 dollars per pound, and would respectfully ask for such authority and instructions in the premises as may confine these transactions to such officers as may have been empowered by the War Department to make purchases on these terms, and the payment to whom will be covered afterwards by proper requisitions.18

17Thian, Correspondence with the Treasury Department . . . ., 1863-'65, 446-447.

18Ibid., 447.
By September 1864, Trenholm was interpreting the laws of February 1864 precisely as Seddon had done earlier. To J. W. Clapp of the Produce Loan Bureau, Trenholm wrote:

While prohibiting the trade in cotton in every way by private persons, it was clearly the intention of Congress to confer upon the Government for the public benefit, all the resources to be derived from the purchase and exportation of that article. Cotton, therefore, in exposed districts, and where danger furnishes a plea for the sale of it, derives at the same time a value from its position, the benefit of which is positively denied by the law to the citizen and conferred upon the Government for the public defense.19

In the last few months of the war, Trenholm directed his attention to trade conditions in the eastern theater. Trade with the enemy had become very pronounced in that area. Perhaps the most notorious trade was along the Richmond-Petersburg front with its center at Norfolk, Virginia. This trade, which was conducted under the auspices of the Union General Benjamin F. Butler, provided military supplies for the Department of Virginia and North Carolina and undoubtedly prolonged the war. During the last few months of the war, the Seaboard and Weldon Railroad carried a daily average of fifty bales of cotton to Murfree's Depot and returned to

19Thian, Correspondence of the Treasury Department of the Confederate States of America, 1861-'65, 770-772.
Weldon, North Carolina, with 10,000 pounds of bacon and other supplies. From Weldon this food and material was shipped to Lee's army along the Richmond-Petersburg front.²⁰

General Robert E. Lee was desperate to keep this trade with the enemy open. Accordingly, he requested that Richmond officials prevent bureaucrats and speculators from disrupting the commerce.²¹ Further, he went so far as to request that the newspapers print nothing on the subject of the flourishing contraband trade in his department.²²

Secretary Trenholm exercised his powers to keep the smuggling along the Virginia-North Carolina front a going concern. In January 1865 the Secretary of the Treasury appointed Mr. Wagner, a South Carolinian, as an agent to buy up Confederate cotton for $1.00 - $1.25 per pound and to exchange it for sterling bills of exchange. Parties involved in the purchase of cotton were to be allowed to either ship it into enemy lines or to ship it abroad. To at least one

²⁰Ludwell H. Johnson, "Contraband Trade during the Last Year of the Civil War," The Mississippi Valley Historical Review, XLIX (March, 1963), 635-652.

²¹Jones, War Clerk's Diary, II, 407.

²²Ibid., 383.
individual, this sort of transaction represented "a purpose to die 'full-handed,' if the government must die, and to defeat the plans of the enemy to get the cotton."23

In early February 1865, Secretary Trenholm further liberalized his definition of right and wrong contraband trade. When Governor Thomas H. Watts of Alabama requested permission to ship 1,000 bales of cotton to buy soldiers' clothing, etc., Trenholm did not deny him his request. Explaining that the exportation of cotton by a single state did not encompass the common good of the Confederacy as did exportation by the government, Trenholm allowed the governor to export the cotton anyway since only a moderate amount was to be shipped and because its object was to purchase military supplies.24

The Commissary Bureau also received and acted upon requests to trade with the enemy during the last year of the war. Lucius B. Northrop recommended making use of every opportunity to trade with the enemy. As he saw it:

The Bureau still looks forward to the importation of supplies . . . from beyond our lines, as the cheapest and safest reliance

23Ibid., 382-383.

24Thian, Correspondence of the Treasury Department of the Confederate States of America, 1861-'65, 545.
for feeding the Army. True commercial principles, not less than sound policy, would seem to recommend that whenever and wherever cotton, worth abroad six times as much as gold and about one hundred and twenty times as much as Confederate currency, can be exchanged for any article the Government needs, that the occasion for exchange should be embraced with alacrity, . . . This has been the uniform view of this Bureau.25

The Commissary-General did not despair of Confederate cotton buying Southern supplies from behind enemy lines. Indeed, he was jubilant about it. To Seddon, Northrop wrote: "The getting in of supplies from our own country occupied by the enemy, beyond our military lines, has been boldly conducted by our agents with success beyond our expectations."26

Lieutenant-Colonel Frank G. Ruffin was in complete accord with Mr. Northrop on the subject of trading cotton and other goods for supplies. In fact, Ruffin made so many recommendations for granting contracts, that he grew somewhat weary of it. In February 1864, Ruffin said to Seddon: "I would never hesitate to make such contracts whenever they can be arranged so as not to conflict with the others of the


26Lucius B. Northrop to James A. Seddon, December 20, 1864, Subsistence Department Papers.
same sort, or with a different policy." If some contracts previously granted had failed, Ruffin thought it attributable to their having been too limited in scope and distributed among too many individuals.

Apparently, the Commissary Bureau issued a number of trade contracts in 1864. For example, Mr. William J. Stoddard of Alabama received a confidential contract from the Bureau of Subsistence. It was his responsibility to get meat from the west side of the Tennessee River. At one time, he had a permit for 20,000 pounds of bacon.

After John C. Breckinridge became Secretary of War in February 1865, Lieutenant-Colonel Thomas L. Bayne wrote him regarding the trade policies in the Mississippi Department and went on to add that:

The Honorable Secretary of the Treasury is selling [cotton] for coin, and there is entire accord and co-operation between the War and Treasury Departments in these transactions. . . . unless the trade across the enemy's lines is prohibited I think all general supplies, such as meat, shoes, blankets, etc., can be obtained. Articles specifically contraband under Federal Treasury Regulations

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28Ibid., 84.
29Ibid., 86.
will have either to be smuggled in through this trade or introduced by extraordinary inducements along the Atlantic and Gulf Coasts. Arrangements are already in process to secure lead, saltpeter, sheet copper, leather, etc., along the Florida coast.\textsuperscript{30}

The new Secretary of War was also informed by Samuel P. Moore, the Surgeon-General of the Confederacy, of the medical importance of the contraband trade in the area of the Mississippi Department. Cotton had been exchanged for medical supplies by Surgeon Richard Potts until the War Department issued the order on December 32, 1864, putting Mr. John S. Wallie in control of all trade in the department. The Surgeon-General requested that Surgeon Potts be permitted to resume his trade for medical supplies.\textsuperscript{31}

As earlier, one receives the impression that President Davis was not exerting effective leadership in trade activities. In August the President placed the whole subject of trading cotton and procuring supplies in return under the charge of the Treasury Department.\textsuperscript{32}

\textsuperscript{30}Ibid., 1072-1073.

\textsuperscript{31}Ibid., 1073-1076.

\textsuperscript{32}Ibid., Series I, Vol. LIII, 1017 and 1023.
Military personnel, as well as civilian officials, were very much concerned with interbelligerent trade from the spring of 1864 to the spring of 1865. Generally, military leaders were trying to halt trade involving private citizens while permitting persons with legitimate contracts to pass through the lines to trade with the enemy.

In the period under discussion, contraband trade was again particularly brisk in the West. In a report to General Braxton Bragg, Captain and Assistant Adjutant-General Samuel S. Harris reported the condition of affairs in Mississippi, where he had made an inspection tour late in the summer of 1864. Captain Harris' report was supplemented by the findings of other military personnel in Mississippi. To his consternation, Captain Harris found Mississippi in a deplorable moral condition, which he attributed solely to the unauthorized cotton trade in the state. Brigadier-General Wirt Adams, the district commander, was found to be involved in trade contracts, only one of which was a contract to procure supplies for General Adams' command.33

Parties in General Adams' area engaging in the trade were called "Adams' pets."34 In one instance, a wagonload

34Ibid., 649.
of cotton heading for Vicksburg on May 20 was seized. The people involved produced written permission from General Adams, and the general ordered them released.\textsuperscript{35} In another incident, this one near Jacksonville, Mr. R. L. Boone was apprehended heading for the lines with sixteen bales of cotton. When seized, Mr. Boone produced a permit from General Adams, granted under authority of the Secretary of War, to trade cotton for rope, bagging, and stationery. He was allowed to cross the lines into enemy territory.\textsuperscript{36} Activities of this nature reportedly had demoralized the troops in the area to such an extent that the independent scouts could be bribed with as little as "a pair of boots and a bottle of whiskey . . ."\textsuperscript{37}

Unknown to Captain Harris, Adams had received confidential instructions dated May 6, 1864 from General Leonidas Polk. In this communique, General Polk advised Adams that:

\begin{quote}
The Government has made a contract with certain parties, of whom the bearer, Mr. Thomas, is one, to sell them [an] amount of its cotton. That cotton may lie around Vicksburg. I have given him a pass to go into that city to negotiate
\end{quote}

\begin{flushleft}
\textsuperscript{35}\textit{Ibid.}, 650. \\
\textsuperscript{36}\textit{Ibid.}, 649. \\
\textsuperscript{37}\textit{Ibid.}, 650. 
\end{flushleft}
with the Yankee authorities for allowing it to pass out. . . . I suggest that you use these cotton purchasers for the purpose of controlling the enemy's movements and keeping him quiet. . . . See that the Yankees get cotton now and then, but not faster than suits our purposes.\textsuperscript{38}

In his department, General Leonidas Polk tried to break up the contraband trade that was not licensed by officials at Richmond. It was not the military contracts for trading with the enemy that perplexed General Polk. He clearly was concerned about private speculators fattening themselves off the trade. The remedy for the situation, he felt, was for the Confederate government to impress and purchase all cotton between the Mississippi River and the Central Railroad, a line so long that the cotton along it could not be kept out of enemy hands.\textsuperscript{39}

Much of the trade in his department was centered in Memphis. Indeed, it was said that about 2,000 bales of cotton were traded with the enemy through Memphis immediately after General Forrest withdrew from the line of the Tallahatchie.\textsuperscript{40}

\textsuperscript{38}Ibid., Series I, Vol. XXXIX, Part 2, 584.

\textsuperscript{39}Ibid., Vol. LII, Part 2, Supplement, 663.

\textsuperscript{40}Ibid., Vol. XXXII, Part 3, 633-636.
At least one Federal army officer felt that: "Memphis has been of more value to the Southern Confederacy since it fell into Federal hands . . ."41

Perhaps Secretary Memminger felt the same way about several Southern cities. He reported that he had received semi-official assurances from Yankee officials in Vicksburg, New Orleans, and Memphis that they would allow Confederate cotton to pass unimpeded through their lines.42 In one case, Memminger had been approached by B. M. Pond who proposed to secure cotton in eastern Louisiana and Mississippi and to ship it to Europe. Mr. Deynoodt, Belgian Consul in New Orleans, had made the necessary arrangements with Union officials. Indeed, in his letter to Memminger, Mr. Pond enclosed a document which stated that no interference would be made with Mr. Deynoodt's arrangements. This document bore the signature of Cuthbert Bullitt, special agent of the Federal Treasury Department and acting collector of customs, Admiral D. G. Farragut, and W. H. Emory, commander of the defenses at New Orleans.43

41Ibid., Vol. XXXIX, Part 2, 22.

42Raphael P. Thian, compiler, Reports of the Secretary of the Treasury of the Confederate States of America, 1861-'65, Appendix, Part III (Washington, 1878), 341-345.

43Thian, Correspondence with the Treasury Department . . ., 1863-'65, 394-396.
In Alabama, General Richard Taylor had difficulty trying to regulate trade with the enemy. It was said that passes were forged in his department for use by alleged government contractors. Other frauds were perpetrated as well, and supposedly military information was being given to the enemy during the course of the illegal trade.44

Secretary Seddon contacted General Taylor several times about the trade in his department. Taylor was ordered to disabuse his subordinates of the idea that they could grant licenses to trade with the enemy. According to Seddon, the War Department had issued only one or two contracts in Taylor's department, and those contracts had expired by October 1864.45

In his defense, General Taylor admitted that there was a lot of smuggling in his area and that this trade had demoralized his entire department.46 However, Taylor had on September 22, 1864 issued an order annulling all contracts to import supplies from within enemy lines entered into by officers. Oddly enough, the same order permitted civilians

45Ibid.
to import supplies (luxuries excepted) in exchange for cotton. Moreover, the general attributed much of the trade to government contracts, three of which - he reminded Seddon - had been issued by the War Department. One was to Major A. M. Paxton for the purchase of mules and horses, another to Major Jones for the purchase of meat, and a third to Mr. J. J. Pollard for general military supplies.48

It is interesting to see what a sampling of Confederate citizens thought of contraband trade in 1864-1865. Colonel J. S. Scott, who had labelled trade with the enemy as demoralizing and as profitable only for speculators,49 was forced to cancel shipments of cotton into enemy territory from his district of southwest Mississippi and eastern Louisiana. It seems that the community was violently opposed to transactions with the enemy. As Colonel Scott explained it:

The loyal element of the citizens becoming exasperated at what they fancied to be a huge speculation of Government agents, held meetings and threatened to burn every bale of cotton in the district. . . . The very general belief among them that malfeasance in office existed to a remarkable degree.

47 Copy of an order issued by General Richard Taylor on September 22, 1864, Subsistence Department Papers.


49 Ibid., Vol. LII, Part 2, Supplement, 701.
among the agents appointed by Government for shipping and disposing of its cotton, was in some measure an excuse for their indignation assuming such a form.\textsuperscript{50}

Requests from other citizens reveal that they were not particularly averse to trading with the enemy. Again finding himself desperate for supplies, W. Goodman, President of the Southern Division of the Mississippi Railroad, besought Major-General S. D. Lee to allow him to trade cotton for tools and railroad building materials. In his plea for permission, Mr. Goodman said what, undoubtedly, many citizens were thinking: "But why deny the [railroad] what is done by individuals almost daily, and, as is generally believed, by army officers located at this place and north of here?"\textsuperscript{51}

In North Carolina, also, citizens were grumbling about the government's trade privileges. From E. P. George, Captain and Assistant Commissary of Subsistence in the Chowan District, it is learned:

\begin{quote}
The demoralization [from illicit trade] is more the fault of the people than the necessary result of the traffic. They argue that if the Government has a right to trade a contraband article across the
\end{quote}

\textsuperscript{50}\textit{Ibid.}, Vol. XXXIX, Part 2, 726.

lines for indispensable supplies, individuals should not be debarred the privilege of trading on speculation. . . .\textsuperscript{52}

Throughout the eastern theater, trade with the enemy increased greatly in the last year of the war. General Robert E. Lee first made his views on contraband trade known on March 29, 1864 in a general order issued to the Army of Northern Virginia. It forbade passage through the lines of the articles enumerated in the law of April 12, 1862.\textsuperscript{53} To Secretary Seddon, Lee explained that:

\begin{quote}
The order is silent on the subject of imports, as it would be impossible to instruct officers and men what articles are forbidden and what allowed. The attempt to ascertain the character of the importation by military authorities would, I fear, result in loss and injury to the owners, and might be attended with evil consequences in other ways. . . .\textsuperscript{54}
\end{quote}

Shrewdly, General Lee recommended keeping secret the fact that Richmond authorities were authorizing trade with the enemy. He realized that: "If the carriers appear only as persons engaged in private ventures there will be less difficulties."\textsuperscript{55}

\textsuperscript{52}Ibid., Series I, Vol. XLVI, Part 2, 1076-1077.

\textsuperscript{53}Douglas Southall Freeman, editor, \textit{A Calendar of Confederate Papers} (Richmond, 1903), 324-325.

\textsuperscript{54}Official Records, Series I, Vol. LI, Part 2, Supplement, 842.

\textsuperscript{55}Ibid., Series IV, Vol. III, 612.
Lee recommended giving Southern products and permission to transport them to points within Federal lines to anyone who would deliver supplies in return at a price agreed upon earlier. The general, wanting to make the trade "as productive as possible," recommended to Seddon: "I believe that if left in the hands of intelligent and experienced men, who know from personal observation on the spot all its practical difficulties, it can be made much more useful than by any regulations framed without such familiarity with its details."\(^{56}\)

General Lee was not alone in his desire to have contraband trade managed by personnel familiar with its practical problems rather than by directives issued from Richmond. And the belief that the trade should be more centralized was also common. Major-General J. B. Magrudger expressed the thoughts of several commanders when he said, "If it should be the policy of Richmond to trade with the enemy - cotton for supplies, it should be carried on efficiently and with as few people involved as possible."\(^{58}\)

\(^{56}\)Ibid., Series I, Vol. XLVI, Part 2, 1075.

\(^{57}\)Ibid., 1206.

\(^{58}\)Ibid., Vol. XLI, Part 4, 1025-1026.
One scheme to make the trade more centralized and efficient failed, as far as is known. General P. G. T. Beauregard, cut off from communications with and supplies from Richmond, in December requested that Major Livingston Mims, Chief Quartermaster for Mississippi, be allowed to supervise and control trade with the enemy for supplies for his men.\textsuperscript{59} Major Mims was also heartily recommended for the post by Major and Inspecting Quartermaster B. F. Jones.\textsuperscript{60} With Beauregard's approval, Major E. Willis, quartermaster of Beauregard's troops, requested of the Secretary of the Treasury "that 5,000 bales of cotton from that now in the hands of the tithing agent . . . or any other cotton in the State of Mississippi, be turned over to Major L. Mims, . . . who has been ordered by the honorable Secretary of War to superintend the exchange of Government cotton for army supplies. . . ."\textsuperscript{61}

Interestingly, Secretary Seddon and Assistant Secretary of War John A. Campbell were both unaware of Mims's appoint-

\textsuperscript{59}Ibid., Vol. LII, Part 2, Supplement, 795-796.
\textsuperscript{60}Ibid.
\textsuperscript{61}Ibid., Vol. XLV, Part 2, 639.
However, the matter was settled by an agreement by Seddon and Trenholm to appoint one agent to supervise and make contracts for supplies in the Mississippi Department. As was mentioned earlier, John S. Wallis was chosen to supervise trade in the Mississippi Department by a special War Department Order dated December 22, 1864.

To General Richard Taylor, Secretary Seddon sent a copy of the order and expressed his desire for Taylor's full co-operation. Since Taylor had always recommended using one general agent for the trade, he was quite pleased with the arrangement. Accordingly, he promised Seddon he would give Mr. Wallis his complete co-operation.

Clearly, Confederate policies regarding contraband trade had been relaxed during the period from February 1864 to February 1865. By virtue of the acts of February 1864, the Confederate Congress had recognized that a government-sponsored trade with the enemy was essential to the Southern

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62 Ibid., 638.
63 Ibid.
64 Ibid., Vol. LII, Part 2, Supplement, 801-802.
65 Ibid., 801.
66 Ibid., Vol. XLV, Part 2, 772-773.
war effort. The government was empowered to trade with the enemy while similar trade privileges were denied to private citizens. Accordingly, virtually all high Confederate officials began to promote contraband trade, the volume of which increased markedly in 1864 and 1865. It only remained, then, for the government to try to centralize the trade, thereby rendering it more effective.
CHAPTER IV

EPILOGUE
(February 13, 1865 - End of the War)

In February 1865, Secretary Trenholm was given emergency powers by the dying Confederate government. In an effort to combine a formal prohibition of exports with permission for the Secretary of the Treasury, in concert with the President, to make exceptions to certain responsible exporters, the lawmakers in secret session on February 18 passed "An Act to authorize the exportation of produce and merchandise bought from the Government." This major trade policy read as follows:

The Congress of the Confederate States of America do enact, That the laws prohibiting the exportation of cotton, tobacco, and other produce and merchandise, except through the seaports, and the transportation thereof to ports or places in the Confederate States in the possession of the enemy; and the exportation thereof except under regulations to be made by the President, shall not apply to cotton, tobacco, and other produce and merchandise owned by the Government. And it shall be lawful for the Secretary of the Treasury, by and with the advice and consent of the President, in selling cotton, tobacco and other produce and merchandise, the property of the Confederate States, to give to the purchasers thereof permits or licenses to export the same free from
the prohibitions, limitations, and conditions aforesaid. Provided, that nothing in this act shall be construed to exempt any cotton or other produce, or any merchandise whatsoever, from the payment of export duties imposed by law.¹

Too late to be effective, the Confederate Congress had at last acted to legalize a traffic with the enemy which had been in practice since the early stages of the war. Belatedly, the legislators had tried to centralize and formalize the trade, a need which had long been recognized by persons engaged in the traffic. In thus reconciling practice with theory, the lawgivers had, in fact, cast aside all legal barriers to governmental trade with the North. As a dying measure of an already-lost cause, the act of February 18, 1865 came several years too late to be of true value.

It is evident, however, that Secretary Trenholm did employ the law which, as he realized, afforded "every facility for transactions through the lines."² For instance, Trenholm instructed John Scott, an agent of the Produce Loan Bureau, to facilitate the act in his efforts to secure supplies from


²Thian, Correspondence of the Treasury Department of the Confederate States of America, 1851-'65, 370.
the enemy in exchange for cotton. Clearly, Trehnolm viewed the Northern supply sources as being 'the best which circumstances then afforded.'

Throughout the war, most Confederate agents had found cotton to be the Southern commodity most desired by Northern agents engaging in trade between the lines. However, in the last year of the war, some Confederate purchasing agents were frustrated by the lack of specie.

A. M. Cole, Major and Inspecting General of Field Transportation, and subsequently Robert E. Lee, felt the need for specie to obtain animals for the army. In February 1865, Cole had sought permission to trade with the enemy for animals for General Lee, feeling certain that for gold he could obtain at least 2,000 horses along the Virginia and North Carolina front. Moreover, he was confident he could secure animals "deliverable in Mississippi, payable in cotton, on the following terms, viz: First-class artillery horses for 600 pounds of cotton, second class for 500 pounds, and third class for 400 pounds . . . ."

3 Ibid., 869-870.

Cole was frustrated by lack of funds in his attempt to secure animals for General Lee. After learning of his difficulties, the latter advised the Secretary of War "to convert our cotton and tobacco into money (gold) wherewith to buy supplies of all kinds." Recognizing the need for specie, the Confederate Congress on March 17, 1865 passed "An Act to raise coin for the purpose of furnishing necessary supplies for the Army." By virtue of this act, the Secretary of the Treasury was authorized to trade cotton and tobacco for coin. The buyer was to be permitted to transport the tobacco or cotton beyond the limits of the Confederacy free from any molestation or duty, excepting the one-eighth per cent duty already in effect.

Secretary Trenholm lost no time in exercising his right to obtain gold for cotton. On March 22, 1865 he authorized P. W. Gray, a treasury agent, to sell cotton for specie. The secretary explained that funds were needed for

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5Ibid., Series I, Vol. XLVI, Part 2, 1:42.
6Ibid., 1242-1243.
7Ibid., Series IV, Vol. III, 1155-1156.
Major A. H. Cole's plans for obtaining animals for the army.\(^3\)

Just one day earlier, Trenholm had told Lee that his treasury agents in Mississippi, Alabama, and Texas were trying desperately to convert cotton and tobacco into money in order to supply Major Cole with funds.\(^9\)

While Secretary Trenholm continued his efforts to secure Northern supplies and specie, the last two months of the war produced no changes in trade practices or policies. The Confederate Congress would never again legislate on the subject. Proposals for trade contracts continued to be made. Military personnel still sought to end unauthorized intercourse with the enemy.

In the closing days of conflict, Jefferson Davis answered an inquiry of Governor Joseph E. Brown of Georgia.

To the governor, the President wrote:

> Under the law only cotton belonging to the State or Confederate Government can be used as you suggest. General Cobb has been authorized to grant permits for export of cotton on your certificate that it belongs exclusively to the State and to import salt for the use or on account of the State as proposed by you.\(^{10}\)

\(^8\)Thian, *Correspondence of the Treasury Department of the Confederate States of America, 1861-65*, 800-801.


\(^{10}\)Dunbar Rowland, *Jefferson Davis*, VI, 5-5.
In as clear a statement as he ever made on trade, the President was vaguely granting permission to trade with the enemy.

At least one Confederate commander's attitude toward contraband trade hardened during the last days of the war. General E. Kirby Smith, "embarrassed by the knowledge of our necessities on the one hand, and on the other by the effect upon the market of opening the cotton trade, and the consequent difficulties which by the fall in price of cotton might have been experienced . . .," determined to close his lines to the trade.11

When the war ended, Confederate department heads and military chieftains were still trying to secure supplies from the enemy. It would be worthwhile, at this point, to summarize the measures taken by the Confederate government to control contraband trade. Then, too, it might be interesting to speculate on the probable effects of the trade and its controls on the conduct and the outcome of the war.

As early as May and August of 1861 the Confederate lawgivers had prohibited trading in cotton, tobacco, sugar, rice, molasses, and syrup with the enemy. However, the

practice of giving out private government contracts to trade with the enemy had begun as early as November of the same year when Secretary of War Judah P. Benjamin authorized General Albert Sidney Johnston to issue contracts in his department. The personal issuances of contracts by military and high civilian officials obviously continued unhampered until January 1863 when General Pemberton complained loudly of the system's effect on morale. This complaint resulted in President Davis' order to rescind contracts in the western theater.

Despite this expression of presidential disapproval and the enactment of a more stringent anti-contraband trade law in April 1862, the trade between the lines flourished during 1862 and 1863. In October and November of 1862, President Davis was faced with the prospect of alarming food and supply shortages. Although his subordinates - especially Secretary of War Randolph and Lucius B. Northrop of the Subsistence Department - asked the President to allow government-sponsored trade between the lines, the idealistic leader would not yield. However, the supply situation became so critical in March of 1863, that the President gave Secretary of War James A. Seddon permission to trade with enemy sources if absolutely necessary. Davis then indicated that he did not consider it necessary at the present time.
However, presumably the department chiefs thought that the President had altered his position on the subject of contraband trade. There is plenty of evidence to indicate that the various department heads, as well as military commanders, were granting trade contracts at this time.

In February of 1864, the Confederate Congress passed two liberalizing trade laws. They were the first of a series which attempted to place the letter of the law more in tune with reality. The first provided that any exceptions to the prohibitions on trade with the enemy would be made by the President. By finally admitting that exceptions to previous trade laws were being made and by placing the responsibility for any exceptions with the President, the Confederate government had clearly relaxed its prohibitions against trade with the Union. The second law dealt with the subject of prohibiting trade in paper currency of the enemy. The third section of this second law stated that the regulations did not apply to anyone acting on behalf of the government by authority of the President or of the various department heads. Together, these two laws were interpreted by Confederate officials to mean that contraband trade was prohibited to private citizens but not to the government. Accordingly, the Treasury Department the following month informed the
military commanders that they could grant limited trade contracts under their close, personal supervision.

In the early months of 1865, with stark disaster in sight, the Confederate lawmakers removed all doubt that they then were in favor of trade between the lines for support of the war effort. First, in February the Congress in secret session removed all restrictions from the exportation of government produce and placed the Secretary of the Treasury, subject to the will of the President, in complete charge of the trade. Then in March, Congress authorized the Secretary of the Treasury to trade tobacco and cotton for coin for the purchase of supplies.

Thus, it was not until the spring of 1864 that the Confederate government recognized that trade between the lines did, in fact, exist and tried to benefit from the illicit commerce. Obviously, the traffic had always existed. Earlier governmental action could have made the trade much more beneficial to the Southern cause. Too many people had been involved in the traffic for it to be most profitable to the government.

Not until the final days of the war - specifically, February and March of 1865 - had the government tried to centralize command of the trade into the hands of the
Secretary of the Treasury. This liberal delegation of authority came too late to be of much help. The war was almost over.

One can only speculate on the effects of contraband trade on the Southern war effort. Doubtless the trade did prolong the war. Without the necessities received from the North, the Southern war effort would have collapsed considerably earlier than April of 1865. An earlier and more systematic exploitation of Northern sources of supply would have prolonged the war more appreciably, thereby increasing the Confederacy's chances of preserving its independence. However, in interbelligerent commerce, as in diplomacy, the South did not throw off the tyranny of King Cotton until it was too late to affect the outcome of the war.
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