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The military occupation of Richmond, 1865-1870

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THE MILITARY OCCUPATION OF RICHMOND, 1865-1870

A Thesis

Presented to

the Faculty of the Department of Political Science

University of Richmond

In Partial Fulfillment

of the Requirement for the Degree

Master of Arts

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by

Richard M. Duggan

August, 1965

DEDICATION

**To my wife, Bettye,
without whose assistance this thesis
would have been impossible**

ACKNOWLEDGEMENT

The staffs of several institutions greatly aided me in obtaining necessary material for my research. The National Archives in Washington, the State Library in Richmond, the U.S. Army Quartermaster Library at Fort Lee, Virginia, and the University of Richmond Library provided me with an almost endless number of primary as well as secondary sources.

To Mr. William Rachal, editor of the Virginia Magazine of History and Biography, I extend my appreciation. The several interviews we had over the past months greatly aided me in writing and organizing my paper.

Finally, to my wife, who did the tedious and important work of typing and correcting, I give a special thanks.

PREFACE

It has been my hope to present this paper as a part of the historical portrayal of the U.S. Army's experience with "military government and civil affairs." With this view in mind, I have devoted the first chapter to a brief history of the army's occupation experiences, especially through the Civil War. Additionally, I have attempted to define and clarify several terms used to differentiate the use of military authority.

More specifically, the purpose of this thesis is to determine the extent of military control affecting the government of Richmond during the 1865-1870 period following the Civil War. I have not attempted to evaluate the motives of Congress or the Presidents for their actions which established and continued military occupation in Richmond for almost five years. Nor have I sought to justify or defend Congressional Reconstruction, but only to explain it so far as it affected Richmond. I have been primarily concerned with the orders, letters, and actions of military commanders which dealt with the operation and management of the city's government.

One significant research problem encountered was that of the Freedmen's Bureau. Although scattered Bureau records have been used, I have made no attempt to assess the local Bureau records deposited in the National Archives in Washington. Any total evaluation of the federal government's activity in Richmond for this period would necessitate extensive research in these records.

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CHAPTER I

MILITARY GOVERNMENT AND ITS HISTORICAL MEANING

In United States history and jurisprudence, there are three traditional forms of military control. These are military law, martial law, and military government. Supreme Court Justice Samuel P. Chase defined these terms in a separate concurring opinion of the celebrated Ex parte Milligan case after the Civil War. His distinctions understandably have¹ been termed vague, because rather fine distinctions are necessary. However, we may briefly dispense with the term military law, since it bears little relevancy to the subject of military government. Military law is simply that which is only applicable to military personnel. It is the law and regulations embodied at present in the "Uniform Code of Military Justice", which has always existed in one form or another pro-

1. Theodore Grivas, Military Governments in California 1846-1850 (Glendale, California, 1963), footnote, p. 13; David Yancey Thomas, History of Military Government in Newly Acquired Territory (New York, 1904), p. 16. Justice Chase did however provide the essence of the three types of military jurisdiction mentioned above, 4 Wallace 141, 1866:

There are under the Constitution three kinds of military jurisdiction: one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law,... the second may be distinguished as military government,...while the third may be denominated martial law proper,...

viding a system of enforcing discipline and control over the armed forces, whether in time of peace or war. It is with the concepts of martial law and military government that we must deal, for much confusion concerning the two terms is evident in works on military government. Referring to Justice Chase's distinctions between military government and martial law, one observer has written, "...it can be shown that what the learned judge has endeavored to set off into two distinct classes are but different manifestations of one and the same thing."² After making the same statement, another writer concludes, "...therefore, military government is an extension of martial law into enemy territory."³ Although both concepts have similarities, there are some real and substantial distinctions and they are of much importance to any discussion of military occupation of the South during the Reconstruction Period. Court decisions, law dictionaries, and textbooks provide ample definitions of these two military and legal terms. In essence, those found in an official army publication prepared in 1956 and still in force today embody the most important ideas of military government. First, defining military government:

2. Thomas, History of Military Government, p. 16.

3. Grivas, Military Governments in California, p. 16. Both Grivas and Thomas do however make distinctions between military government and martial law. Also see George B. Davis, A Treatise on the Military Law of the United States (New York, 1899), pp. 300-301. Although Davis recognized the institution of military government he regarded it as a part of martial law. According to his definition martial law applies in three ways: 1) to occupied territory of an enemy in time of war, 2) to territory of the United States in a state of insurrection or rebellion, and 3) to domestic territory in case of civil disorder. Thus he assigns a special place to martial law established in the South incident to the Civil War.

Military government is the form of administration by which an occupying power exercises governmental authority over occupied territory. The necessity for such government arises from the failure or inability of the legitimate government to exercise its function on account of the military occupation, or the undesirability of allowing it to do so.⁴

Then, distinguishing between the above and martial law:

...martial law is the temporary government of the civil population of domestic territory through the military forces, without the authority of written law, as necessity may require. The most prominent distinction between military government,...and martial law is that the former is generally exercised in the territory formerly occupied by, a hostile belligerent and is subject to restraints imposed by the international law of belligerent occupation, while the latter is invoked only in domestic territory, the local government and inhabitants of which are not treated or recognized as belligerents, and is governed solely by the domestic law of the United States.⁵

From this distinction is realized the main difference, i.e.,

The occasion of military government is the exclusion of the sovereignty theretofore existing, which is usually accomplished by a successful military invasion. The occasion of martial rule [more properly martial law] is simply public exigency which may arise in time of war or peace.⁶

Another significant distinction is the cessation of each. Military government, since actually replacing but not transferring sovereignty, continues until a permanent authority is again established in the area of occupation.⁷ Whereas, 'Martial law ceases when the district is

4. Department of the Army, Field Manual 27-10, The Law of Land Warfare (Washington, D. C., 1956), Par. 362, hereafter cited as FM 27-10.

5. Ibid., Par. 12.

6. Charles E. Magoon, Report on the Law of Civil Government in Territory Subject to Military Occupation by the Military Forces of the United States (Washington, D. C., 1902), p. 13, hereafter cited as Magoon's Reports.

7. Magoon, Magoon's Reports, pp. 12-13; FM 27-10, Par. 358.

sufficiently tranquil to permit the ordinary agencies of government to cope with existing conditions." ⁸ The terms martial law and martial rule have been sometimes used to describe what is more properly termed military government. ⁹ In reviewing military governments in the South during the war, one historian writes:

...this institution [military government] was first established in the border states - Maryland, Kentucky, and Missouri - which still supported the Constitution and were still members of the Union. Nevertheless they were put under a form of military government which differed but little from that which was established in the South as parts of its territory were reconquered. The southern parts of Ohio, Indiana, and Illinois were also touched by it in the form of military commissions which superseded to a certain extent the civil courts.¹⁰

What was established in the border states during the Civil War was very evidently martial law and not military government. For these areas as stated in the quote cited above "still supported the Constitution" and furthermore military authority was exercised not because of any belligerent rights, but because domestic territory necessitated the status of martial law as necessity required. The Civil War is commonly regarded as a public war and was fought according to the rules of land warfare, and those in

8. Magoon, Magoon's Reports, p. 13.

9. Martial rule appears to be a more all encompassing term than martial law and simply means the authority of government by the military, whether under military government or martial law. William E. Birkhimer, Military Government and Martial Law (Kansas City, Missouri, 1914), p. 32. "All military is in one sense martial rule for in essence it is the law of arms."

10. A. H. Carpenter, "Military Government of Southern Territory, 1861-1865", Annual Report of the American Historical Association for the Year 1900 (Washington, D. C., 1901), Vol. 1, p. 470, hereafter referred to as Annual Report.

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rebellion were recognized as belligerents. Therefore, military governments were established in the South upon occupation even though the term martial law was sometimes employed by the commanding officer of the territory occupied.

This raises the question of whether military government could be established over domestic, as opposed to foreign, territory. As a practical matter, areas of the Confederacy coming under occupation of federal forces were treated as foreign territory, at least in regard to the establishment of military government.¹² In the Department of the Army's manual on The Law of Land Warfare are listed four types of territory over which military government has been applied by the United States, one of which is "Domestic territory recovered from rebels treated as belligerents."¹³ In reply to the argument that military government could only be established in foreign territory, it has been answered, "this limitation is obviously absurd,...Civil war confers the same rights as a foreign conflict, so at least it was held by the Supreme Court in the 'prize cases'."¹⁴ It would

11. Doris Appel Graber, The Development of the Law of Belligerent Occupation 1863-1914 (New York, 1949), pp. 18-19. Even though the United States Supreme Court attributed to the Confederacy all the privileges of a belligerent in the "Prize Cases" (2 Black 636, 1862) one must keep in mind this observation by Graber, pp. 257-258:

...the American Civil War, though conducted in many respects like an international war, still retained some of the features of a civil conflict and many of its occupation practices must be viewed in that light.

12. Birkhimer, Military Government and Martial Law, p. 21.

13. FM 27-10, Par. 12.

14. Carpenter, Annual Report, p. 468.

be extremely difficult for anyone to argue counter to this statement. There was no alternative to the establishment of military government in the South upon occupation by federal troops. During hostilities military government was both legal and necessary pending the re-establishment of civil governments loyal to the United States.

To continue the existence of military government after all hostilities had ceased raises another question, i.e., whether the existence of military government in the South after hostilities was constitutional? Both historians and lawyers have doubted their constitutionality after the rebellion had been declared ended.¹⁵ After citing nine Supreme Court cases holding that military government may legally continue after hostilities, Charles E. Magoon of the Department of Insular Affairs in his report to the Secretary of War on military government in 1902 states:

The course pursued by Congress of the United States at the close of the Civil War established the acceptance by Congress and this nation of the doctrine that military government may continue after the cessation of hostilities and until the purposes for which the war was entered upon, or rendered obvious by the war, are accomplished.¹⁶

It is not my purpose to discuss definitively this question or the many related complex issues raised by the official policies taken by Congress and the President toward the defeated South after the war. This does not mean, however, that we should avoid discussion of pertinent actions of the Congress and the Executive branches as they pertain to military control

15. William A. Russ, Jr., "Administrative Activities of the Union Army During and After the Civil War," Mississippi Law Journal, Vol. 17, (May, 1945), p. 88.

16. Magoon, Magoon's Reports, p. 17.

in the South during the Reconstruction Period. Certainly these policies directly affected the military administration as exercised by the military governors and commanding officers. The attitude of treating the South both in and out of the Union during and after the Civil War almost defies constructive analysis. A noted historian and student of constitutional problems during the Civil War makes this observation:

It is hardly worthwhile to attempt to harmonize these diverse policies toward the South, for inconsistency seemed inherent in the situation...Many of the curious anomalies which followed from this double character remained after conquest, and the regions in occupation were at the same time treated as conquered territory subject to belligerent powers and as parts of the United States.¹⁷

However, if we are to regard military occupation as a question of fact,
as it is so regarded today,¹⁸ then we must recognize that it existed in Richmond as well as most of Virginia from April, 1865 until January, 1870, and that during this period sovereignty actually resided not in the regular civil government but in the military authorities who instituted military
government or something strongly resembling military government.¹⁹ Whether or not it was legitimate in the sense of constitutional theory is certainly

17. J. G. Randall, Constitutional Problems Under Lincoln (Urbana, Illinois, 1951), p. 224.

18. FM 27-10, Par. 355.

19. The question of what is the most appropriate term to classify military control or military occupation as exercised in Richmond, Virginia, as elsewhere in the South, presents a special problem. Such a question must be assessed in chronological stages for the entire Reconstruction Period. In general I have referred to the administration of the military occupation forces from April, 1865, until January, 1870, as military government. However, this classification must be qualified throughout the period.

important and should not be glossed over, however, my main concern is in assessing the actual operation of government in one locality of the South, i.e., Richmond, Virginia, according to the standards of military government and military occupation as we presently understand them. Nevertheless, one must bear in mind an historical awareness and judge not solely on the basis of what we know now, but on what was then known, or believed to be true.

Having defined military government, we must ask the question, "Should the military government which existed in the South after the Civil War be judged by the same standards as the military government, say, in the Germany of two decades ago?" Certainly it cannot be so evaluated, just as the Civil War cannot be judged solely on the basis of international law. About this problem, a constitutional historian has written:

During the period of confusion that was called "reconstruction" military government was continued; but in a legal sense this was hardly the same thing as belligerent occupation. It was justified on the basis of a variety of "theories of reconstruction" such as "state suicide", "reversion to territorial status", and the like.²⁰

But there are two general facts to remember in regard to this military government. First, it existed for the most part after hostilities had ceased, and secondly, there were peculiar historical circumstances affecting it. Concerning the difference in military government during and after hostilities, Magoon writes:

But when the war is ended and the military government ceases to be an instrument to promote actual warfare and devotes it-

20. Randall, Constitutional Problems Under Lincoln, p. 239.

self simply to civil affairs instead of military affairs, limitations at once attach. The reason for this rule is derived from the established doctrine that military government or martial rule is the creature of necessity, and its acts must be justified by necessity - real or apparent.²¹

The peculiar circumstances that military governors in the South faced and the historical facts affecting their position, over which they as heads of military government had little control, were:

- (a) The almost complete impoverishment of the territory it was to govern.
- (b) The presence of suddenly freed slaves who were without resources or employment and who were ripe for economic and political exploitation by men in positions to manipulate the political control of the Army.
- (c) The violent disagreement on aims and methods of reconstruction that developed between President Johnson and the majority in Congress.
- (d) The character and personalities of the officers who had risen to high command under the peculiar demands of battle and who by virtue of their rank became the military governors.²²

It seems, therefore, that military occupation in the post war South must be assessed in a relative manner and not merely according to a precise definition.

Another term which has come into use since World War II, but which has been recently applied to situations previous to it, is civil affairs. In one of the latest army manuals on civil affairs, its definition is given as:

21. Magoon, Magoon's Reports, p. 15.

22. William E. Daugherty, Marshall Andrews, A Review of U.S. Historical Experience with Civil Affairs, 1776-1954 (Baltimore, 1961), p. 111.

Those phases of the activities of a commander which embrace the relationship between the military forces and the civil authorities and people in a friendly [including US home territory] occupied area where military forces are present. In an occupied country or area this may include the exercise of executive, legislative, and judicial authority by the occupying power.²³

By this definition, civil affairs as now defined would embrace the concept of military government. Military government has been referred to as the "classic and traditional component of that activity which is today officially termed civil affairs."²⁴ The fact that "civil affairs embraces all military-civil relationships, whatever the locale status of peace or war"²⁵ is amply indicated from official sources. The current official dictionary of United States Army Terms under military government states only "See civil affairs."²⁶ Under "civil affairs", after a definition similar to the one above, it states, "Civil affairs include inter alia...Military government."²⁷ The essence of civil affairs' administration is government established pursuant to an agreement between the military and representatives of the civilian population representing the lawful local government. If a civil affairs agreement cannot be obtained,

23. Department of the Army, Field Manual 41-10, Civil Affairs Operations (Washington, D. C., 1962), p. 3, hereafter cited as FM 41-10.

24. Murray Dyer, Alfred H. Hausrath, Gerald J. Higgins, The Developing Role of the Army in Civil Affairs (Baltimore, 1961), p. 23.

25. FM 41-10, p. 10.

26. Department of the Army, Dictionary of United States Army Terms, Army Regulations 320-51 (Washington, D. C., 1963), p. 236.

27. Ibid., p. 84.

then realistically military government would have to be established in
the area as a temporary expedient until such agreement could be obtained. 28
Therefore, military government and civil affairs administration do embrace
different concepts. But the role of military government has been now
delegated to a secondary role for any future armed conflict. Its function
through World War II was the assumption of sovereignty as a result of war
and subsequent occupation. 29 The international status of the world today
or the "cold war" has necessitated a more flexible and less rigid system
of dealing with the relations between foreign civilian populations and
United States military forces. It is now thought that, with but two
exceptions, military government will not be used in the future. Since
consent and common goals characterize civil affairs administration, it is
improbable that a civil affairs agreement cannot be obtained except in
the most unusual cases where military occupation would be threatened
because of such conditions as civilian hostility or guerrilla warfare.
Therefore, these two exceptions are China and the USSR. "It is difficult
to think of any other area in the world in which a military government
capability seems likely to be required." 30 It is likely, therefore, that
military government will be of most importance in the future as an
historical concept, rather than as an active device which will be employed
in the future. Although of recent origin, civil affairs has been used to

28. FM 27-10, Par. 354.

29. Dyer, Hausrath, Higgins, The Developing Role, pp. 11-12.

30. Ibid., p. 82.

describe some activities usually included under military government, such as:

One of the civil affairs problems encountered by Union troops involved the freed slaves, a problem not too unlike the refugee and displaced persons problems faced by American, Allied, and UN forces in World War II and Korea.³¹

Again referring to Civil War history, but also applicable to the Reconstruction Era when military government existed:

The pages of Civil War history are rich with accounts of relations between the army in the field and local inhabitants that would today be termed "civil affairs". These often have little if any direct connection with more restrictive aspects of military government.³²

Although different, the distinction between military government and civil affairs is a fine one. Civil affairs has often been used to indicate the relation between the military authorities and the civilian population without implying the concept of sovereignty exercised by the occupying military. This term might then be a better reference to the type of military control or occupation exercised in the South during some phases of the Reconstruction Period.

Prior to World War II, the United States had varied military government experiences, in the Mexican War, in the Southern States, in Puerto Rico, in Cuba, in the Philippines, in Haiti, and in Germany. The most important experience in military government before the Civil War was in

31. Daugherty, Andrews, U.S. Historical Experience, p. 118.

32. Ibid.

33. Dyer, Hausrath, Higgins, The Developing Role, p. 27.

connection with the war with Mexico. However, in what is perhaps the most definitive historical study of military government and civil affairs in the United States, the authors cite several instances of our experiences with "civil affairs and military government prior to 1846."³⁴ Stating that most historians have incorrectly begun military government experiences with General Winfield Scott's activities in Mexico, it argues "...the development of civil affairs and military government in the American armed forces may be traced all the way from George Washington at Valley Forge to the twentieth century."³⁵ Washington established military governments in areas taken from the British such as Philadelphia in June 1778, to which he ordered Benedict Arnold as military governor.³⁶ On taking control of the Louisiana territory in 1803, the federal government had to turn to the Army to supply the tools for governing this vast area. Rather than military government, this example can more appropriately be termed a civil affairs administration.³⁷ The War of 1812 brought on the first and only instance of a foreign power establishing military government on American soil. At Castine, Maine in 1814, a British General and 4,000 troops occupied that part of Maine east of the Penobscot River.³⁸ Andrew Jackson in December,

34. Daugherty, Andrews, U.S. Historical Experience, p. 14.

35. Ibid.

36. Ibid., p. 24.

37. Ibid., pp. 26-29.

38. Ibid., p. 33.

1814, proclaimed martial law in New Orleans. Although it was not military government, since it was domestic territory, he did exercise final control over all activities which might affect the defense of the city against the British offensive.³⁹ Therefore, if we include civil affairs with military government, there were many examples before the Mexican War. Nevertheless the Mexican War is of prime importance in examples of military government before the Civil War.

Several areas of occupation during and after the War with Mexico resulted in the establishment of military government; General Zachary Taylor in northern Mexico, General Steven Kearney in New Mexico, Commodores John Sloat and Robert Stockton, and John C. Frémont in California, and General Winfield Scott in various Mexican cities including Mexico City.⁴⁰ The most significant of these as far as military government is concerned was that exercised by General Scott and his issuance of General Order 20 at Tampico on February 19, 1847. This order indicated the inadequacies of the Articles of War in dealing with the civilian population and the punishment of crimes that would ordinarily be dealt with by the regular civil courts in time of peace; but which now did not exist due to the general collapse of civil government in areas occupied by U. S. forces.⁴¹ To

39. Ibid., pp. 37-40.

40. Ibid., pp. 45-85.

41. General Order 20, Article 1 through 5 Headquarters of the Army as reproduced in U.S. Historical Experience, Appendix A6, pp. 469-471, and hereafter referred to as G.O. 20; Ralph H. Gabriel, "American Experience with Military Government," American Historical Review, Vol. 49, (July, 1944), p. 635.

remedy the situation "...a supplemental code was absolutely needed!"⁴² This supplemental code embodied the concept of military government being established even though the term used was martial law:

...martial law [really military government] is hereby declared, as a supplemental code in, and about, all camps, posts and hospitals which may be occupied by any part of the forces of the United States, in Mexico, and in, and about all columns, escorts, convoys, guards and detachments, of the said forces, while engaged in prosecuting the existing war in, and against the said republic.⁴³

The most important aspect of implementing this military government was the military commission. For the purpose of trying and punishing enumerated offenses "...it is ordered, that all offenders,...shall be promptly seized and confined, and reported, for trial, before Military Commissions."⁴⁴ This was the first instance of the term military commission being used for the purpose of trying civilians. Military commission generally means a board of officers with the power to try and sentence civilians as well as military personnel. Decisions were subject to review by the commanding general of the convening authority,⁴⁵ only. These military commissions and those established under military government in the South during hostilities were invoked as agencies administering international law. In General Order 20, as in subsequent orders, they were to be "appointed,

42. G.O. 20, Article 6.

43. G.O. 20, Article 8.

44. G.O. 20, Article 10.

45. Daugherty, Andrews, U.S. Historical Experience, p. 106.

governed and limited" in accordance with the articles of war. The term military commission was also used in areas of the United States during the Civil War where martial law had been declared. Many historians have made no distinction between the military commissions used under these two types of military jurisdiction. According to one legal writer, the term military commission should be reserved for the situation where martial law and not

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military government prevails. "The indiscriminate appellate of military commission to both situations by the courts, as well as legal writers and military commanders, has resulted in tremendous confusion in the cases and

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texts." From this idea it would appear that it is incorrect to use the term military commission in connection with military government. However, I have done so realizing the valid arguments as stated above and acknowledging that military commissions under martial law and military commissions under military government are governed by different bodies of law; i.e., for martial law it is municipal law and for military government it is international law.

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46. G.O. 20, Article 11.

47. Theodore Miller, "Relation of Military to Civil and Administrative Tribunals in Time of War," Ohio State University Law Journal, Vol. 7 (March, 1941), 193-198.

48. Ibid., see footnote 10 on page 193.

49. Department of the Army, Dictionary of United States Army Terms, p. 235. The current Army dictionary designates military commissions as operating under both military government and martial law without distinguishing the differences:

Military Commission - A court convened by military authority for the trial of persons not usually subject to military law who are charged with violations of the laws of war; and in places subject to military government or martial law for the trial of such persons when charged with violations of proclamations, ordinances, and valid domestic civil and criminal law of the territory concerned.

The military commissions were an innovation to American history. The present provost courts and military commission widely used during and after the Civil War stem from General Order 20.⁵⁰

Scott's order led to a system leaving actual rule in the hands of Mexicans, but making them responsible to military commanders. Lack of personnel was the reason for this, but it worked well. Military government was involved in matters such as "...public safety, public health, public finance, economic rehabilitation, and the establishment of economic controls to alleviate suffering and prevent unnecessary hardship."⁵¹ These activities today would be associated with civil affairs administration. General Scott successfully obtained public order and cooperation from the local populace.⁵²

At the outbreak of hostilities in 1861, the lessons learned and experiences gained from the Mexican War had not been fully appreciated.⁵³ Policies, doctrines, guidelines, and even regulations on military occupation could have been formulated but were not. It is not surprising, therefore, that much confusion existed in regard to what military government was and the role it was to play in the seceded states. Since so little had been done since General Order 20 at Tampico, the federal commanders were

50. Gabriel, "American Experience with Military Government," American Historical Review, p. 635.

51. Daugherty, Andrews, U.S. Historical Experience, p. 85.

52. Ibid.

53. Daugherty, Andrews, U.S. Historical Experience, p. 94.

their own bosses upon occupation with only their experiences as field commanders to draw upon. As such, there were wide-ranging manifestations of actions taken in governing conquered areas of the Confederacy. A more liberal view was exemplified by Major General George B. McClellan, commanding the Army of the Potomac, writing to President Lincoln in July, 1862. In the letter he said that property taken for military use should be paid for, pillage should be considered as a high crime, offensive behavior toward citizens promptly rebuked, military arrest not tolerated except in areas of active hostilities, and oaths not demanded. He concluded, "Military government should be confined to the preservation of public order and the protection of political rights."⁵⁴ In contrast to these views were those of Major General John C. Frémont in Missouri and Major General Benjamin F. Butler in Louisiana. Butler and Fremont favored treating all Confederates as criminals and not belligerents, and also confiscating their property and freeing their slaves without compensation.⁵⁵ President Lincoln in September, 1861, promptly revoked an order of General Fremont, commanding the Western Department with headquarters at St. Louis. The order threatened summary execution of rebels and the emancipation of their slaves.⁵⁶

A more pertinent case of military government and how a commander

54. Ibid., pp. 94-95, quoting from letter of George B. McClellan to President Lincoln.

55. Ibid., p. 95.

56. Ibid., p. 97.

should not act is typified in General Butler in New Orleans. Butler was established as military governor of Louisiana on May 1, 1862. He reserved for himself the right to make decisions in all criminal cases and in any civil case involving a political question. Often decisions would be made without the formality of a trial. The most notorious case involved a citizen who pulled down a Union flag that had been hoisted over City Hall by Admiral Farragut who occupied the city, but two days before legal occupation of the city began under Butler. He was tried by a military commission for "treason" and two days later executed, after the proceedings were reviewed and approved by Butler. ⁵⁷ Another extreme action which finally resulted in Butler's removal was the famous General Order 28, issued in reply to the fact that New Orleans women would often insult Union soldiers on the street:

...it is now ordered that hereafter when any female shall, by word, gesture, or movement, insult or show contempt for any officer or soldier of the United States, she shall be regarded and held liable to be treated as a woman of the town plying her avocation.⁵⁸

This order, implying prostitution to the die-hard southern women of New Orleans, raised a protest heard all the way to London. Out of necessity, Secretary of War Stanton in June, 1862 appointed Colonel George F. Shepley, a subordinate of Butler to be military governor of Louisiana; however,

57. Ibid., pp. 102-103.

58. G.O. 28, Headquarters Department of the Gulf, as cited in U.S. Historical Experience, p. 102; U.S. War Department, The War of the Rebellion, Official Records of the Union and Confederate Armies (Washington, D. C., 1880-1901), Series 1, Vol. 15, p. 426, hereafter cited as Official Records.

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Butler was not demoted, but only transferred. This does not mean that Butler's tenure did not have some good features. He cleaned up the city

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physically and fiscally. One historian has not one unkind word for Butler in New Orleans, and presents of him a picture as one embodying the best example of a military governor during the war.

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There remains much controversy surrounding Butler's actions. Another more recent assessment of Butler's action reaching a more proper conclusion states, "...The

Butler regime in New Orleans, in spite of some excellent features, has remained notorious for the evils which finally caused the general to be

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relieved." After Butler's military government in New Orleans was challenged, the Supreme Court in supporting the military affirmed:

In such cases the conquering power has a right to displace the pre-existing authority and to assume to such an extent as it may deem proper the exercise by itself of all the powers and functions of government....There is no limit to the powers that may be exercised in such cases, save those which are found in the laws and usages of war.⁶³

An example of extremely harsh and unwise action taken by a commanding officer in the field was that of Major General John Pope, then commanding the Union Army of Virginia in July, 1862. He issued proclamations effecting

59. U.S. Historical Experience, p. 103.

60. Ibid., p. 104; Carpenter, Annual Report, pp. 492-494.

61. Carpenter, Annual Report, pp. 492-497.

62. Gabriel, "American Experience with Military Government," American Historical Review, p. 637.

63. Magoon, Magoon's Reports, p. 15, citing New Orleans v. Steamship Company, 20 Wall., pp. 387-394.

the following: making civilians behind the Union lines responsible for damage done by guerrillas, giving citizens an opportunity to take an oath of allegiance which, if taken and later violated, meant death to the individual concerned. If they refused to take the oath, they were to be sent into Confederate held areas, and if they returned they were to be regarded as spies.⁶⁴ The main objection to his orders was not their severity, but the fact that a military commander may set himself up as a judge and jury in matters involving treason.⁶⁵ He argued military necessity justified his actions. Historians, however, have declined to support his contention.⁶⁶

From the above examples, one may deduce that there were many questions facing military commanders as they occupied a newly taken area of the Confederacy. How should military government function and how much authority, if any, should be delegated to the civilian authorities? How should the Army deal with slaves, private property, and the citizens, some of whom were loyal and others disloyal? What could the commanding officer do to re-establish public facilities that had been damaged or destroyed by the ravages of war? Every occupying commander or military governor had to formulate his policy and give it practicable form. This form, dependent upon the personality and training of the officer, might reflect mild con-

64. Daugherty, Andrews, U.S. Historical Experience, pp. 97-98.

65. Ibid., p. 98.

66. Ibid., citing John Codman Roper, The Army under Pope (New York, 1881), pp. 10-11.

cillation, rigid justice, or brutal subjugation. Since Army regulations and the Articles of War still were inadequate, as indicated in General Order 20, officers were obliged by ignorance to ignore international law or were forced to obtain deep commentaries on the subject which they were frequently unable to digest.⁶⁷ From this situation, arose such actions as that in New Orleans.

Growing directly out of this confusion was General Order 100, Instruction for the Government of Armies of the United States in the Field. President Lincoln appointed a commission in 1862 to prepare a code for the Army which resulted in General Order 100. It was largely the work of Dr. Franz Lieber, Professor of History and Political Science at Columbia. Lieber's work was revised by a board of officers in the Army under the chairmanship of Major General E. S. Hitchcock before taking its final form.⁶⁸ It became influential in shaping the rules for occupational forces in later treaties on the subject.⁶⁹ The code was mild and humanitarian in spirit. It is interesting to note that Lieber had a son killed fighting for the Confederacy and another wounded fighting for the Union.⁷⁰ Besides the rules on belligerent occupation, the code contains provisions on such subjects as the

67. Frank Friedel, "General Orders 100 and Military Government," Mississippi Valley Historical Review, Vol. 32, (March, 1946), p. 541.

68. Ibid.; Daugherty, Andrews, U.S. Historical Experience, pp. 95-96.

69. Birkhimer, Martial Law and Military Government, p. 27.

70. Daugherty, Andrews, U.S. Historical Experience, see note on page 95.

treatment of wounded and prisoners, the conduct of fighting, and the status of guerrilla fighting.⁷¹ Article I refers to military occupation in belligerent territory as resulting in martial law and not military government.

A place, district or country occupied by an enemy stands, in consequence of the occupation, under the martial law of the invading or occupying army, whether any proclamation declaring martial law, or any public warning to the inhabitants, has been issued or not. Martial law is the immediate and direct effect and consequence of occupation or conquest. The presence of a hostile army proclaims its martial law.⁷²

The above article established military government through belligerent right and was not martial law, in the meaning we now assign to it. It would be more proper to substitute the term martial rule in the above article. Upon occupation, the commanding officer must, before appointing a military governor or setting up any machinery for a temporary government, deal with situations that need immediate attention. Such a situation existed in New Orleans when Admiral Farragut took the city and ruled two days before Butler arrived and instituted military government. Certainly during these two days the city was under martial rule. Therefore, any area of occupation immediately comes under martial rule (Martial law in General Order 100), with military government quickly to follow. These instructions were published for "information of all concerned" rather than as orders and their interpretation varied greatly from one commander to another.⁷³ Lieber's code did not, therefore,

71. Graber, The Development of Law of Belligerent Occupation, p. 15, for an evaluation of the Lieber code see above pp. 14-19.

72. G.O. 100, Article 1, War Department Adj. General's Office, as reproduced in Historical Experience, Appendix A9, pp. 475-498. Also found in Official Records, Series III, Vol. 13, pp. 148-164.

73. Ibid.

end the confusion and divergence. The famous General Butler, commanding in Norfolk after issuance of G.O. 100, functioned wholly within the letter of its provisions. Yet his enemies charged that his dictatorial regime enriched the pockets of his Massachusetts cohorts.

During hostilities, there were some examples of both mild and effective military government. Such was the case of Andrew Johnson in Tennessee. In March, 1862, he had been appointed as military governor of his native state, and his policies, even upon the threat of invasion by Confederate forces in their offensive of November, 1862 against Nashville, did not change for the worse. He had proved to be a wise and able military governor.

As a general observation, military government during hostilities in the Civil War was "absolute, paternalistic, and in substantial measure effective in meeting, through trial and error, the needs of the time."

This is certainly a compliment to the American military commanders given this job with so little tangible instructions. After the war was over, military commanders and military governors in the South faced a new challenge, and whether military control was as effective and proper as during the war must be judged with different criteria.

74. Frank Freidel, "General Order 100 and Military Government," Mississippi Valley Historical Review, p. 553.

75. Daugherty, Andrews, U.S. Historical Experience, pp. 100-101.

76. Ibid., p. 110.

CHAPTER II
MILITARY OCCUPATION OF RICHMOND
APRIL, 1865 TO MARCH, 1867

Initial Establishment of Military Government

April and May, 1865

On Monday, April 3, 1865, at approximately 8:15 A.M. Union forces entered the burning city of Richmond.¹ A fire was started intentionally on orders of the fleeing Confederate commander to prevent cotton and tobacco from falling into the hands of the federal government. However, the fire raged out of control, and leaping from building to building quickly consumed the business district surrounding Main Street. The first order of business was evident to Major General Weitzel, commanding troops occupying Richmond. He issued orders to Major General Charles Devins to extinguish the fire. Brigadier General Edward H. Ripley, of Devin's command, commanded troops and civilians pressed into service to accomplish this end. Ripley reported the fire checked by midnight of April 3.² The remnants of civil government in the city of Richmond had by this time completely disintegrated. One of the last official acts of

1. Official Records, Series I, Vol. 46, Part 3, p. 509, quoting a telegram of Major General Weitzel.

2. Edward H. Ripley, Capture and Occupation of Richmond (New York, 1907), p. 11.

the city government was the order directing the destruction of all liquor
 in the city to prevent drunkenness of mobs after evacuation.³ A brief
 entry in the City Council minute book of April 3 indicates the reality
 of military occupation, "The city was on this day occupied by the United
 States forces and the council did not, therefore, meet."⁴ Although facts
 surrounding the surrender of Richmond are none too clear from contemporary
 accounts, the formal surrender had been authorized by the City Council on
 April 2 when the fall of Richmond was imminent. It is certain that Mayor
 Joseph Mayo tendered the surrender of the city on the 3rd. The exact
 location of the ceremony is unsettled, but there were probably two occa-
 sions of the surrender; one occurring on the outskirts of the city before
 federal forces entered, and the other occurring at the foot of Capitol
 Square after occupation had taken effect.⁵ With military occupation of
 Richmond came the proclamation of martial law, the appointment of
 Brigadier General G. F. Shepley as Military Governor, and a provost guard

3. Minutes of the Richmond City Council, Virginia State Library, April 2, 1865.

4. Ibid., April 3, 1865.

5. Ripley, Capture and Occupation of Richmond, p. 9; Godfrey Weitzel, "Entry of the United States Forces Into Richmond, Virginia, April 3, 1865, [and the] Calling Together of the Virginia Legislature and Restoration of the Same," Richmond Civil War Centennial Committee, n.p. Both Ripley's and Weitzel's accounts place the surrender in the city. Among other accounts portraying the surrender as occurring outside the city is the one of the Daily Whig, April 6, 1865.

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 to police the city. By these actions, military government in Richmond was established. Other steps were taken to restore order to the riot torn city. Citizens were warned to stay off the streets, no person was allowed to leave the city without a pass, and soldiers were commanded to abstain from "any offensive or insulting words or gestures towards the citizens."⁷ Plundering and unwarranted search of homes by soldiers was⁸ also forbidden.

The immediate problems facing the military authorities were enormous. Much of the city was a smoldering ruin. Supply of gas and water had been completely disrupted due to the disorganization and damage caused by the fire. Much of the population, which upon occupation on the 3rd numbered approximately 20,000 equally divided between white and colored, were without food or money. There were no fire or police departments. The Alms House had been severely damaged by an explosion during the fire. Drunken mobs, which had pillaged the city before the first federal forces came up Main Street, were still loitering about the city. Many of these were convicts freed from the state penitentiary in the confusion. Five thousand Confederate wounded and an additional 1,000

6. Order issued from Headquarters Detachment Army of the James April 3, 1865 by command of Major General Weitzel, appearing in the Daily Whig, April 4, 1865.

7. Ibid.; Also order issued from Headquarters Military Governor of Richmond, April 3, 1865, Daily Whig, April 4, 1865.

8. Headquarters Military Governor of Richmond, April 3, 1865, Daily Whig, April 4, 1865.

able bodied prisoners were taken into custody. Describing the confused sight, General Weitzel later wrote:

...when we entered Richmond we found ourselves in a perfect pandemonium....fire and explosions in all directions; whites and blacks, either drunk or in the highest state of excitement, running to and fro on the streets, apparently engaged in pillage or in saving some of their scanty effects from the fire, it was a yelling, howling mob.¹⁰

On April 5, by command of Major General Weitzel and Brigadier General Shepley, an elaborated governmental structure was established for the city. General Weitzel delegated authority to General Shepley to deal with "...every-¹¹ thing relating to civil administration in Richmond...." A Provost Marshal system was organized with the city divided into four districts, each with a commander whose duty it was to preserve order, register residents, and administer oaths of allegiance to those desiring it. The Quartermaster Corps was ordered to furnish labor and material necessary to provide gas and water. The fire department was organized under the direction of General Ripley. A Relief Commission was named under a military president, but with two local citizens assigned to it to provide relief for the city's destitute. "Loyal persons" were allowed to open hotels and restaurants under licenses

9. Official Records, Series I, Vol. 46, Part 3, pp. 574-575, Communication of Assistant Secretary of War Dana to Secretary of War Stanton, April 5, 1865.

10. Weitzel, "Entry of the United States Forces Into Richmond," n.p.

11. Ibid.

granted by the Provost Marshal General of the Department of Virginia. However, no place "of any description" was allowed to sell intoxicating beverages, and any person found selling or giving such to a Union soldier was to be summarily punished. There being no criminal courts, a military commission was convened for the "trial of aggravated offenses." Also, the commanders "respectfully invoked" the aid of the citizens of Richmond to restore to the city "its peace and prosperity."¹² General Shepley authorized details of colored troops supplementing the civilian fire brigade to clear away ruins and debris in the burnt district.¹³

During the early days of occupation in Richmond, and throughout April, military government in Richmond was rather extensive. Lee surrendered on April 9 and the last Confederate Army to surrender was that of General Kirby Smith at Galveston, Texas, June 2. Therefore, military government was initially established in Richmond during hostilities and, at least theoretically, was governed by the rules of belligerent occupation according to Lieber's famous General Order 100 issued two years previous. Among other methods of control, the device of issuing permits and passes to the citizens was extensively used in April. "Permits for operation and carrying on business in Richmond" were issued from April 7 to April 20. "Miscellaneous permits" were issued from April 6 to April 16 granting permission to do

12. Official Records, Series I, Vol. 51, Part 1, pp. 1210-1211, Headquarters U.S. Forces, April 5, 1865.

13. Daily Whig, April 6, 1865.

such things as "to fish in the James River" and "to Sell a Case of Fruit Lemonade." "Marketing Passes" were issued from April 8 to April 16 and "Passes to Travel" from April 8 to April 15. After the middle of the month, the restrictions imposed by permits and passes were generally¹⁴ abandoned.

Immediately following the 3rd, Richmond's population began to increase rapidly. The report of the President of the Relief Commission on April 21 gives some idea of the magnitude of the crisis faced by the authorities through these first weeks of occupation:

The great difficulties existing in regard to furnishing employment in a captured and half burnt city, the danger of fostering a spirit of idle vagabondism, the throngs of negroes recently freed, who have come from their homes in the country to add to the starving mouths in town, and the large number of disbanded soldiers, paroled prisoners of war, who have also flocked to Richmond, all have complicated, in some degree its [the Commission's] operations. It is believed, however, that the pressing wants of this varied population have been relieved, though, of course, only temporarily.¹⁵

The Commission reported that 128,132 issues of rations had been made from April 3 to April 21, distributed to "probably" 15,000 persons.¹⁶ Coal and wood seized as property of the Confederacy were likewise distributed. Two

14. Accounts and Oaths 1865, Provost Marshal District of Henrico, National Archives, Washington, D. C., Record Group 98, Vol. 240. All volumes hereafter cited from the National Archives will be from Record Group 98 (State of Virginia).

15. Official Records, Series I, Vol. 46, Part 3, p. 884.

16. Ibid., 882-883.

Confederate operated hospitals were put at the disposal of the Relief Commission for the poor. The Quartermaster Department provided employment for 300 women in the way of sewing. Because of the scarcity of food, particularly among the refugees and freedmen arriving each day, the military encouraged fishing in the James River. A local paper commented, "Fishing is now the employment and pastime of hundreds of persons who have been thrown out of employment or deprived of a subsistence by the fire."¹⁷ The U.S. Army Commissaries in the city began on April 24 to issue to all citizens eighteen ounce loaves of bread at "six and a quarter cents."¹⁸ In addition to the official Relief Commission sponsored directly by the military authorities, there were private Commissions working closely with the army, the chief among these being the U.S. Christian Commission which entered with the occupying forces on April 3. They worked closely with the local Y.M.C.A. as well as church leaders of the city.¹⁹ Another active commission sent 500 barrels of flour to be distributed to the hungry.²⁰ In addition to rations supplied by the U.S. Army, captured rations were also distributed during the first weeks of

17. Daily Whig, April 22, 1865.

18. Official Records, Series I, Vol. 46, Part 3, pp. 882-883, Report of Relief Commission.

19. Ibid., p. 740, Communication from Agent of U.S. Christian Commission to Weitzel, April 13, 1865.

20. Daily Whig, April 18, 1865.

occupation by the private commissions.

Immediately upon occupation, Military Governor Shepley ordered all movable property of the Confederacy to be turned over to the Provost Marshal's Office.²² The large number of Confederate hospitals in Richmond were put to use by the occupation army. The most important hospitals that were so used were Chimborazo, Howard's Grove, Jackson, Louisiana, Stuart, and Winder. Stuart General (renamed Camp Winthrop) was used as a post hospital through 1865 and Howard's Grove was designated as a Union Smallpox Hospital. Winder and adjacent Jackson hospitals were used as an encampment area.²³ A neighborhood resident after the war reminisced, "When the Yankees came to Richmond in large numbers,...they were housed at Camp Winder, but they played a dirty trick on the denizens of the neighborhood by changing the name of Winder to Camp Grant."²⁴ The famous prisons of Richmond, including Libby and Castle Thunder as well as the state penitentiary, also came under the administration of the U.S. Army. Likewise the Governor's Mansion, the State Capitol, the White House of the Confederacy, City Hall, the City

21. Weitzel, "Entry of the United States Forces Into Richmond," n.p.

22. General Order 2, Headquarters Military Governor of Richmond, April 3, 1865, appearing in the Daily Whig, April 4, 1865.

23. Robert W. Waite, Jr., Confederate Military Hospitals in Richmond (Richmond, 1964), pp. 19-24.

24. E. L. Ryan, "Camp Winder and Camp Grant," typewritten reminiscences from the Valentine Museum in Richmond, n.p., n.d.

Alms House, the city police stations, the city jail, and other state and city real estate were temporarily placed under direct military control.²⁵ These properties were used as residences for General Officers, headquarters, storehouses, dispensaries, Provost Marshal's offices, and billets, as well as for other purposes. Private property, which had been captured, was ordered to be turned in to the Quartermaster or Provost Marshal's Office so that it could be forwarded to the owners.²⁶

The immediate problem of providing employment, feeding and controlling the freedmen was squarely faced by the military authorities. A newspaper announcement to "the unemployed poor of Richmond" in the Daily Whig stated that assistance to the poor was not permanent and that all colored men could "...find work, shelter and food on application to the Assistant Quartermaster at the steamboat wharf...."²⁷ Brigadier General M. R. Patrick, Provost Marshal for the Department of Virginia called attention to Richmond's 4th District Provost Marshal Commander, Major Charles Warren, in the instructions on the same day:

Any colored man who refuses to labor either for his civil employer or for the Quartermaster Department will be sent to Lt. Col. Ordway [commanding the city prisons] and labor in the street gang.... [You are also instructed to] secure a suitable building in your District to keep under guard the colored women and children now without employment feed-

25. "Official Directory," Daily Whig, April 17, 1865.

26. General Order 39, Headquarters Department of Virginia, April 13, 1865, National Archives, Vol. 983.

27. Daily Whig, April 19, 1865.

ing them...[on rations]...and giving notice that you have women to hire out as servants. Those who are willing to work in families for at least...three months, will be released and registered, with their employers....²⁸

The difficulty of feeding the destitute of Richmond was made acute by certain actions of the Treasury Department. Treasury agents by the end of April were already at work gaining privileged positions. The military authorities in Richmond complained to Washington that because of the special permits required by the Treasury Department on merchants selling food, wood and coal, the people were not being supplied with the necessaries even though in some cases they had the money. Major General H. W. Halleck, commanding the Military Division of the James,²⁹ wrote to Secretary of War Stanton:

It is now perfectly evident that these agents are resolved that no one should buy or sell even the necessaries of life except through themselves or their favorites. This is increasing the price of provisions. Cornmeal, the only food of most of the colored population, bears a higher price today than under rebel rule. I know of no better system of robbing the people and driving them to utter desperation.³⁰

Treasury agents were not an innovation to the South in connection with

28. Passes District Eastern Virginia, April 19, 1865, National Archives, Vol. 236, Book 587.

29. Raphael P. Thain, Comp., Military Geography of the United States (Washington, 1881), p. 21. The Military Division of the James included parts of Maryland, Virginia and North Carolina and existed from April 19, 1865 to June 27, 1865 under the command of Major General H. W. Halleck.

30. Official Records, Series I, Vol. 46, Part 3, p. 1072, May 3, 1865.

military government. They had caused much havoc in Memphis in 1862 by their speculation activities in cotton.³¹ The protest of Halleck was in vain. Secretary Stanton wrote back, "My efforts to relieve the people from the oppression of the Treasury agents...are exhausted."³² The activities of the Treasury agents in Richmond in April and May were, therefore, outside of the jurisdiction of the Department of Virginia commander. As in the rest of the South, the regulation of trade by Treasury agents was "...the economic side of the military government and was exercised from Washington, thus superseding the commanders."³³

Administration of military government was made difficult by the sudden attraction to Richmond of several war-wearied groups. Statistics from contemporary sources on the influx of peoples into the city are scattered and often contradictory. Major General E. O. C. Ord, commanding the Department of Virginia, estimated on April 19 between two and three hundred Confederates arriving in Richmond every day to give themselves up. Ord was paroling these men and sending them home. He was also encouraging the destitute to leave the city, and in some cases, supplying transportation out of Richmond by rail and ambulances.³⁴ Although the Provost Marshal was

31. Ralph H. Gabriel, "American Experience with Military Government," American Political Science Review, Vol. 37 (June, 1943), pp. 430-432.

32. Official Records, Series I, Vol. 46, Part 3, p. 1131, May 11, 1865.

33. Carpenter, Annual Report, p. 479.

34. Official Records, Series I, Vol. 46, Part 3, pp. 835, 961.

ordered to grant no passes to citizens from the North to come to the city except on orders from the President, the Secretary of War, Lieutenant ³⁵ General Grant, or the Department Commander, this order was ineffective. Six days later from the Provost Marshal's Office came a request to the War Department to limit passes for Richmond because, "...every boat brings from the North persons on business... [who are] often very indiscreet in their conduct." ³⁶ Thus, Treasury agents, sutlers, and sightseers flocked to Richmond, as well as did freedmen, ex-Confederates, white refugees, and the federal forces, including not only the regular occupation forces, but also thousands of troops passing through the burnt city to be mustered out of service further north. A conservative estimate of negroes in the city by the summer of 1865 is 30,000, of which at least half were complete ³⁷ strangers to the city. There were at least an equal number of white citizens. A likewise conservative estimate of rebel soldiers "mingling in the streets" ³⁸ could be set at 10,000. An estimated total of at least

35. General Order 37, Headquarters Department of Virginia, April 13, 1865, National Archives, Vol. 983.

36. Official Records, Series I, Vol. 46, Part 3, pp. 836-837.

37. John Preston McComell, Negroes and Their Treatment in Virginia From 1865 to 1867 (Pulaski, Virginia, 1910), p. 19. Halleck estimated on May 3 that the negro population in Richmond was over 20,000, "mostly idle and destitute," Official Records, Series I, Vol. 46, Part 3, p. 1073. By June 22 his estimate was between 30,000 and 35,000, Official Records, Series I, Vol. 46, Part 3, p. 1291.

38. Official Records, Series I, Vol. 46, Part 3, p. 1295, Halleck to Stanton, June 26, 1865.

70,000 by July, exclusive of federal troops, can thereby be made. Regular occupation forces in Richmond at the end of April, 1865, were reported at 2,355,³⁹ but in addition to this there were many thousands temporarily encamped in the vicinity of the city during April and May.

Opposition to the military government was not tangibly evident in April, except in regard to a dispute over prayers. General Weitzel closed the Episcopal churches in the city on orders from Washington because the rectors refused to pray for the President of the United States. During the course of the war, it became a practice to include the President of the Confederacy in the prayers of the Episcopal churches of the city. When the Union Army occupied the city, it was ordered that the President of the United States deserves, "no less respect than they [the Episcopalians]⁴⁰ proclaimed toward the rebel chief, Jefferson Davis." After much confusion and protest, the ministers finally acquiesced, but only after the Bishop of Virginia authorized the change in the prayer book.⁴¹ Exercising control and intervening in ecclesiastical matters did not begin in Richmond. In Norfolk, General Butler had removed a Presbyterian clergyman⁴² confining him at Fort Hatteras, North Carolina.

39. Post Returns for Richmond, Virginia, for month ending April, 1865, National Archives, Box 516.

40. Official Records, Series I, Vol. 46, Part 3, pp. 696-697, 711, 736-737; Vol. 51, Part I, pp. 1212-1215.

41. Ibid., Series I, Vol. 46, Part 3, p. 1010.

42. Daugherty, Andrews, U.S. Historical Experience, pp. 107-108.

During April, there was much progress toward resumption of business, reopening of stores, and the restoration of private property. Individuals licensed to do business had to take an oath of allegiance before resuming their business. ⁴³ Between April 7 and April 20, over 500 permits were issued for opening and carrying on business in the city. ⁴⁴ Although hard liquor was no longer legally obtainable in the city, the Daily Whig on April 17 did advertise the opening of an "Ice Cream Saloon" on Broad Street. ⁴⁵ On April 13, the Department of Virginia commander, Major General E. O. C. Ord, arrived in Richmond and assumed the command of General Weitzel. ⁴⁶

43. General Order 4, Headquarters Military Division of the James, April 28, 1865, National Archives, Vol. 131½.

44. Accounts and Oaths 1865 Provost Marshal District of Henrico, National Archives, Vol. 240.

45. Daily Whig, April 17, 1865.

46. Weitzel, "Entry of the United States Forces Into Richmond," n.p. The Department of Virginia took form in January, 1865. It was attached to the Division of the James under Halleck's command on April 19, 1865 (see footnote 29). After the Division of the James was discontinued, the Department was attached to the Division of the Atlantic on June 27, 1865. The Department continued under this command until it merged with the Department of the Potomac in August, 1866. Major General E. O. C. Ord commanded the Department of Virginia from January 22, 1865 until June 14, 1865 when he was succeeded by Major General Alfred H. Terry, see Thian, Military Geography of the United States, pp. 101-102. Although Weitzel refers to Ord as his successor in command of Richmond on April 13, Brigadier General Charles Devins was placed in command of all U.S. forces in and around the city on April 17 with the exception of the 24th Massachusetts Volunteers which remained under the direct control of the Department Provost Marshal within the city, see General Order 42, Headquarters Department of Virginia, April 17, 1865, National Archives, Vol. 983. On April 21, Brigadier General F. T. Dent was assigned the title Military Commander of the City of Richmond and given command of all troops within the city, see General Order 45, Headquarters Department of Virginia, April 21, 1865, Vol. 983.

In commenting on the rather extensive military government of Richmond during his command, Weitzel later observed:

I do not believe that the unfortunate people of Richmond ever were aware how near they came to being governed to death, after they were rescued from destruction by the fire.⁴⁷

Military government in Richmond was instituted and guided during this period by military necessity. Throughout April and May, there was little thought or concern for the regular state or local government. Although in fact there existed no local government, the military authorities did make use of certain civilian officials in a limited capacity. The Superintendent of the Gas Works throughout the war, John J. Fry, was authorized to begin immediate repair and operation of the badly damaged works with the aid of a military detail of troops.⁴⁸ The Provost Marshal appointed regular clerks for two city markets to enable resumption of food distribution.⁴⁹ The extent of the activity of the few remaining officials was clearly at the discretion of the military command. Mayor Joseph Mayo still had an office at City Hall on April 22, but his activities were confined to the issuance of permits for admission to the Alms House. The perfunctory duty of issuing marriage licenses was also allowed the Clerk of the Hustings Court.⁵⁰

47. Weitzel, "Entry of the United States Forces Into Richmond," n.p.

48. Daily Whig, April 6, 1865.

49. Ibid., April 26, 1865.

50. Ibid., April 22, 1865.

Military Organization and Executive Control

Governor Francis Harrison Pierpont arrived in Richmond on May 25, with his "Restored Government of Virginia" which had existed since June, 1861. This so called Virginia government first existed at Wheeling and in 1863, moved to Alexandria. During the war, it had partial representation in the U.S. Congress and had acted as a legitimate state government considered competent to consent to the creation of another state from its territory, i. e., West Virginia. Pierpont's government was, however, ignored by Congress when deemed expedient in order to implement Congressional policies toward the South.⁵¹ Upon Pierpont's establishing residence at the Governor's Mansion, sentiments were expressed in Richmond that the military would now share rather extensively their powers with the civil authorities and that the complete restoration of the state was not far off.⁵² Pierpont offered the final hope of civil rather than military rule. Already Richmonders and Virginians had been disappointed. Lincoln had visited the city on April 4 after its occupation. He conferred with Judge John A. Campbell, who had been a Supreme Court Justice before the war and a member of the Confederate cabinet. During their

51. J. G. Randall, David Donald, The Civil War and Reconstruction (Second Ed., Boston, 1961), pp. 236-242, 555.

52. Charles H. Ambler, Francis H. Pierpont (Chapel Hill, North Carolina, 1937), pp. 266-267.

conversations, Lincoln had agreed to issue orders to allow the regular state legislature, not the Pierpont government, to convene in Richmond. However, the only purpose of this action was apparently to end hostilities, since Appomattox at that time had not yet occurred. When Lincoln got back to Washington, he had second thoughts and his order was revoked. With Lincoln's assassination, the chances of self-government being restored in the immediate future grew smaller. Johnson named Pierpont the Provisional Governor of Virginia on May 9, and hence his arrival in Richmond was welcomed as the beginning of the end to military government. Implementing Johnson's proclamation, General Halleck ordered:

As soon as the proper civil officers in any county, city or town are duly elected or appointed and qualified under the restored government, those appointed or retained by military authority will cease to exercise the functions of their office.⁵⁴

Before an election could be organized, however, Governor Pierpont appointed D. J. Saunders as Provisional Manager of the City Gas Works, the City Water Works and the City Markets. He was instructed to operate these facilities based on the city ordinances of 1860. Saunders was given power to make appointments in these divisions, which he did. Mayor Mayo was also reinstated.

53. Official Records, Series I, Vol. 46, Part 1, pp. 656-657, 725, 735.

54. General Order 7, Headquarters Military Division of the James, May 18, 1865, National Archives, Vol. 131½.

55. Minutes of the Richmond City Council, Virginia State Library, June 7, 1865.

On June 9, military government over the entire state was effected by dividing the state into seven military commands. The city of Richmond and Henrico constituted the District of Henrico with Major General John W. Turner assigned as its commander. ⁵⁶ In July, the town of Manchester was included in the District. ⁵⁷ By this action, there now existed a chain of command from Washington to Richmond through which directives and orders flowed. From the War Department, the Division of the Atlantic and the Department of Virginia, the Henrico District Commander received his authority to govern the city.

On July 13, Governor Pierpont ordered an election on July 25 in the city of Richmond, after declaring all city offices vacant. He appointed ⁵⁸ commissioners to govern the election according to state law. Before this, however, General Turner re-appointed D. J. Saunders as Provisional ⁵⁹ Manager of the city. Saunders did not assume all the powers of a mayor but was mainly restricted to supervision of the gas and water works. Also, Turner ordered that all further appointments would come from the Henrico District Headquarters on nomination of Saunders. Nominations were thereby

56. General Order 69, Headquarters Department of Virginia, June 9, 1865, National Archives, Vol. 983.

57. General Order 89, Headquarters Department of Virginia, July 13, 1865, National Archives, Vol. 983.

58. Minutes of Richmond City Council, Virginia State Library, July 27, 1865.

59. Special Order 50, Headquarters District of Henrico, July 5, 1865, National Archives, Vol. 76.

made by Saunders with Turner giving an endorsement of approval. Mayor Joseph Mayo had been holding his Mayor's Court since resuming office on June 7. Turner, however, did not recognize the Mayor's authority, and in a letter to the 4th District Provost Marshal on June 12, stated, "You will...obey no order of Mr. Mayo, or any coming from any of his subordinates, nor allow any of his appointees to exercise any function whatever in the affairs of the city."⁶¹ It is evident by these two actions that

General Turner regarded the Pierpont government as a sham. Pierpont's appointment of D. J. Saunders gave way to his re-appointment by the Henrico District Commander. Mayor Mayo's resumption of his Mayor's Court was in line with Pierpont's liberal policy of the immediate restoration of local Virginia government. Turner's action evidenced the fact that military government was as real in June as it had been in April. When Richmond city ordinances and the Virginia Code were used in implementing governmental affairs in Richmond, it was only because they did not conflict with military necessity as determined by the Henrico Commander.

Appointments by General Turner continued. On June 26, a Board of Health was appointed for the city "with the power to order any person or business firm to police their private grounds, or street...and to give

60. For example, see the nomination and endorsement of persons to the position of City Assessor and City Collector, Minutes of Richmond City Council, Virginia State Library, July 8, 1865.

61. Passes District Eastern Virginia, June 12, 1865, National Archives, Vol. 236, Book 587.

other instructions or orders" as necessary for the health of the city. 62
 The board was responsible to the Medical Director of the Henrico District.
 One of the most important appointments made by Turner was that of J. N.
 Croft as Chief of Police. ⁶³ Up to this time, police duty had been done
 by details of troops under the District Provost Commanders. On June 27,
 sixty-three soldiers were ordered to report to Major Croft at the corner
 of 6th and Cary for police duty. They were paid fifty cents extra per
 day. ⁶⁴ There is no mention of further organization of the fire department
 from the Henrico Headquarters. Newspapers through the summer of 1865
 indicate that the regular fire brigades were organized. However, the
 military retained control over the department as indicated in August when
 Turner wrote to Manager Saunders, "I think it would be a wise precaution
 to let the Chief of the Fire Department overhaul all the engines...." ⁶⁵
 Turner also used his military authority to keep the city clean. He
 directed the four Provost Marshal Commanders to advertise for twenty-five
 laborers to be divided into labor gangs for clearing the streets in each
 district, and with a noncommissioned officer in charge of each gang. These

62. General Order 9, Headquarters District of Henrico, June 26, 1865, National Archives, Vol. 77.

63. General Order 11, Headquarters District of Henrico, June 27, 1865, National Archives, Vol. 77.

64. Special Order 44, Headquarters District of Henrico, June 27, 1865, National Archives, Vol. 76.

65. Letters Sent, Headquarters District of Henrico, August 2, 1865, National Archives, Vol. 72.

workers were to be paid \$15.00 per month, and were to be given rations and
66
lodging.

It was obvious to the military authorities as well as to the civilian
leaders of the city that a temporary source of revenue was necessary to
put the city back on its feet, especially for the gas and water works. A
tax on merchants and manufacturers was agreed upon and Richmond citizens
were appointed as assessors and collectors, all with the endorsement and
encouragement of Turner.⁶⁷ Turner supported the tax and enforced payment
by threat of arrests evidenced by the following communication to Saunders:

You will please instruct the City Assessor that if any person
refuses to pay the tax on his city license, to report such
person and his place of business to this Headquarters with the
view of having him brought to trial before a Provost Marshal,
and his place of business closed.⁶⁸

From July through October, \$29,288 was collected and expended for bills,
69
mainly to put the gas works in operation. Another economic activity of
the military government in Richmond was the rebuilding of Mayo's Bridge,
destroyed in the fire. The bridge was a logistical necessity to the occu-
pation forces. Although the Tredegar Iron Works came under control of the

66. Letters and Orders, Headquarters District of Henrico, June 12,
1865, National Archives, Vol. 115, Book 251.

67. Minutes of Richmond City Council, Virginia State Library, July 8,
1865.

68. Ibid., August 2, 1865.

69. Ibid., "Statement of Receipts and Disbursements from June to
October, 1865," October 21, 1868.

Treasury Department in June, use was made of materials and machinery at
 the works to build the bridge in May.⁷⁰ After the bridge had been re-
 built, a lieutenant was assigned to the bridge to superintend the collecting
 of tolls and to keep it in repair.⁷¹

Ex-Confederate prisoners from the North continued to arrive in the
 city and Turner was anxious not to have them congregate in the already
 over-crowded city. He instructed the military patrols not to molest them,
 but to the 2nd District Commander, he ordered:

...have a guard on wharf when the Confederate Prisoners from
 the North are landed to direct them to Chimborazo Hospital-
 where they will get their ration and transportation tickets-
 see that none are allowed to come up into town unless they
 reside here.⁷²

As had been ordered by Pierpont, the municipal election was held on
 July 25. There were elected fifty-one certified officials. Turner, however,
 had reservations about the election. In a letter to the state commander,
 Major General Terry, he asserted that the election was not conducted fairly,
 since some residents were turned away from the polls. The reason was loss
 of residency, when because of Union sentiments, certain citizens had left

70. Special Order 2, Headquarters Military Division of the James,
 May 2, 1865; Special Order 30, Headquarters Military Division of the James,
 June 24, 1865, National Archives, Vol. 131½.

71. General Order 85, Headquarters Department of Virginia, July 8,
 1865, National Archives, Vol. 983; Special Order 55, Headquarters District
 of Henrico, July 10, 1865, National Archives, Vol. 76.

72. Letters and Orders, Headquarters District of Henrico, June 15,
 1865 and June 17, 1865, National Archives, Vol. 115, Book 251.

Richmond during the war. Turner argued that, furthermore, the election became a test of who had aided and abetted the rebellion the most. According to Turner, the election results manifested "a re-assertion [of] the cause for which they had been fighting." Turner also suggested that there were several persons elected that were satisfactory for holding public office, but that generally the election was unacceptable.⁷³ Accordingly, Turner issued an order declaring the election "null and void excepting only the election of the clerk of the Hustings Court."⁷⁴ To implement this order, the 1st District Provost Commander was ordered to be present at 5:00 P.M. on the 28th at the Council Chamber and notify the Councilmen that the proposed organization of the city government was prohibited,⁷⁵ which he did. Since there was no city government or city council, Saunders was vested with full powers of the city council under the old city's charter with the right of review by Turner.⁷⁶ Among those elected on July 25 were Marmaduke Johnson as Commonwealth's Attorney for the Circuit Court, N. A. Sturdivant for Mayor, and Charles P. Bigger for Superintendent of the Alms House, all ex-Confederates. In a meeting of

73. Letters Sent, Headquarters District of Henrico, July 28, 1865, National Archives, Vol. 72.

74. Special Order 72, Headquarters District of Henrico, July 28, 1865, National Archives, Vol. 76.

75. Minutes of Richmond City Council, Virginia State Library, July 28, 1865.

76. Special Order 99, Headquarters District of Henrico, August 25, 1865, National Archives, Vol. 76.

prominent citizens, including Judge William H. Lyons (of the Hustings Court), and General Turner, it was agreed that if these three ex-Confederates filed a declension to qualify for the office to which they were elected, then all other officers would be allowed to assume their duties and the city would be handed over to them. ⁷⁷ On October 21, the city

government officially was restored in its first Council meeting since occupation began with D. J. Saunders serving as President of the Council ⁷⁸ until December 1, when he became Mayor. ⁷⁹

On November 25, General Turner informed the City Council that he would be unable to continue his military police on duty beyond the 15th of December. The following day, he stated that due to the scarcity of medical officers it would be necessary for the civil authorities to resume administration and supervision of the Alms House. ⁸⁰ The city, not being prepared to assume these responsibilities on the 15th, appointed a committee to confer with General Turner and arrange for an extension of ⁸¹ time. General Turner partially acquiesced and agreed to extend the

77. New Republic, October 18 and 23, 1865.

78. General Order 48, Headquarters District of Henrico, October 21, 1865, National Archives, Vol. 77.

79. Minutes of Richmond City Council, Virginia State Library, December 1, 1865.

80. Ibid., November 27, 1865.

81. Ibid., December 1, 1865.

military police five more days. However, the Alms House remained scheduled to be taken over by the civil authorities by the 15th. In the first week of December, a Superintendent for the Alms House was elected by Council, and Police Chief Clairborne, a Richmond citizen, was chosen to succeed Major Croft, the military appointee. On Decem-⁸²ber 20, the military police were withdrawn.⁸³ Three days later, Henrico citizens were authorized by General Turner to organize a civilian patrol for the purpose of protecting property between Brook Turnpike and Hermitage Road, adjacent to Richmond, with the power of arresting offenders. Whites were turned over to the civil authorities and negroes to the Provost⁸⁴ Judge in Richmond.

During 1865 and 1866, the authority of the military government was evidenced by its control of the local press. Upon occupation, newspapers were published only with the sanction of the military authorities. The Daily Whig was seized and held for ten days in July, 1865 for criticizing⁸⁵ President Johnson's Amnesty Proclamation. The Commercial Bulletin was

82. Ibid., December 4, December 8, 1865.

83. Special Order 199, Headquarters District of Henrico, December 20, 1865, National Archives, Vol. 76.

84. Special Order 200, Headquarters District of Henrico, December 23, 1865, National Archives, Vol. 76.

85. General Order 87, Headquarters Department of Virginia, July 11, 1865; General Order 92, Headquarters Department of Virginia, July 21, 1865, National Archives, Vol. 983.

closed for a similar period in October for an "indecent insult to the late President of the United States."⁸⁶ In February, 1866, General Terry seized the Richmond Examiner, but his order was suspended by command of Lt. Gen. Grant, provided the paper did not pursue a course "inimical" to the government.⁸⁷ The Richmond press during 1865-66 was continually under the watchful eye of the military.

It must be acknowledged that General Turner was a prime factor in the operation of military government in Richmond from June, 1865, until he left in April, 1866. The commander of the Department in January, 1866 referred to Turner's command as the "most troublesome place in the Department."⁸⁸ Also, in January, all the districts in the state were discontinued except those of Henrico and Fort Monroe.⁸⁹ General Terry's reference to the Henrico District being the worst in the state was probably prompted by the high rate of crime in the city, the election of several ex-Confederates in July, the suspension of two newspapers, and the difficulty of turning the indigent freedmen over to the city for food and shelter. General Turner

86. General Order 119, Headquarters Department of Virginia, September 30, 1865; General Order 123, Headquarters Department of Virginia, October 10, 1865, National Archives, Vol. 983.

87. Headquarters Armies of United States, Washington, D. C., February 19, 1866 appearing in the Daily Whig, February 22, 1866.

88. Letters Sent, Headquarters Department of Virginia, January 11, 1865, National Archives, Vol. 14.

89. General Order 3, Headquarters Department of Virginia, January 12, 1866, National Archives, Vol. 984.

was questioned by Senator Howard of Michigan in January, 1866 before the Joint Committee on Reconstruction in Washington. Turner gave this assessment of the status of military occupation in the Henrico District under his command, stating it was still under "martial law":

From time to time I have turned over to the regularly constituted civil authorities which have been established all actions in civil cases....The State civil courts all having been established, a mayor having been elected and his police court established, they have taken from me all jurisdiction over matters tending to the peace and quiet of the community. At present, therefore, I take cognizance only of those matters in which freedmen are involved....⁹⁰

General Turner went on to state the attitude of the people of the District toward the federal government, "It is my conviction they hate it."⁹¹

Whether they hated the federal government or military authorities is relatively unimportant. Turner's testimony and facts of his tenure gives no tangible evidence of hostility between the occupying forces and the populace. This point was, of course, not stressed in the committee testimony.

On April 7, 1866, Brigadier General R. Granger assumed command of the Henrico District replacing General Turner.⁹² Major General John M. Schofield succeeded Major General Alfred H. Terry as commander of the state in August, 1866. The Department of Virginia, as well as a part of West Virginia,

90. Report of the Joint Committee on Reconstruction, 39 Cong., 1 sess. (Washington, 1866), Part II, p. 1.

91. Ibid., p. 3.

92. General Order 16, Headquarters District of Henrico, April 7, 1866, National Archives, Vol. 77.

became the Department of the Potomac. Since October, 1865, the City Council had been meeting regularly and in April, 1866, Mayor Joseph Mayo was again elected back into office.

At almost the same time that Turner was succeeded by Granger as commander of the Henrico District, President Johnson issued a proclamation significant to the status of military government in the state:

Whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in...Virginia[and]....Whereas standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of "habeas corpus" are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizens....I, therefore,...declare that the insurrection which heretofore existed in the states of...Virginia...is at an end and is henceforth to be so regarded.⁹⁴

Thus, April 2 officially terminated, at least theoretically, the military government that had been established incident to the Civil War in Richmond. The activities of the military command of the city, as well as the state, sharply dropped from early 1866 and were mainly confined to affairs dealing with the negro and the Freedmen's Bureau until the Reconstruction Acts of March, 1867.

93. General Order 1, Headquarters Department of Potomac, August 16, 1865; General Order 2, August 20, 1865, National Archives, Vol. 955.

94. James D. Richardson, A Compilation of the Messages and Papers of the Presidents 1789-1902 (Washington, D. C., 1907), Vol. 6, pp. 431-432, Presidential Proclamation of April 2, 1866.

The Freedmen's Bureau and Civil Affairs Administration

General Orlando Brown, Assistant Commissioner of the Freedmen's Bureau for the state and the highest official in the state organization, established headquarters in Richmond on May 31, 1865.⁹⁵ On July 4, the Bureau organization of the state took effect and Richmond and Henrico constituted District III with Lieutenant H. S. Merrill designated as its Superintendent. There were eight such districts in the state.⁹⁶

By far the most pressing problem of the military authorities in and around Richmond in 1865-66 was the freedman. Doubtless they were attracted to Richmond, as well as other Southern cities, by the presence

95. William T. Alderson, Jr., "Freedmen's Bureau in Virginia," Masters Thesis, Vanderbilt University, May, 1949, p. 4. Microfilm copy from the Alderman Library, University of Virginia in Charlottesville.

96. Ibid., p. 8. It is difficult to separate the Freedmen's Bureau from the regular military organization. General Oliver Howard, Commissioner of the Bureau in Washington, thought that the state military commander and the Assistant Commissioner of the Bureau in each state should be combined into the same office. Accordingly, in the summer of 1866, he appointed General Terry as Assistant Commissioner of the Bureau. General Orlando Brown was retained in the Bureau. When General Schofield succeeded Terry in August, 1866, as State Commander, he thereby became the Assistant Commissioner of the Bureau. This dual position was held by Schofield until after the Reconstruction Acts of March, 1867. At that time, Schofield recommended that he be released and Brown resumed duties as the Assistant Commissioner on March 21, 1867. See Alderson, "Freedmen's Bureau in Virginia," pp. 25, 34-35. Army officers also staffed a large portion of the Bureau's offices, especially in 1865 and 1866. As organs of military control such as the Provost Marshal's were dropped, the agents of the Bureau took on more authority. In January, 1866, all officers serving as superintendents or assistant superintendents of the Bureau were invested with all the power and authority usually exercised by Provost Marshals. See General Order 5, Headquarters Department of Virginia, January 24, 1866, National Archives, Vol. 984.

of the army and later the Freedmen's Bureau. The activities of the military as well as the Bureau in dealing with the negro would today be termed as "civil affairs administration." From the beginning, officers were instructed:

...[to] use their influence to reconcile all differences between freedmen and their former masters, and...[to] assure the freedmen that they will be required to labor for the support of themselves and families....They must be made to understand that the Government will protect but cannot support them.⁹⁷

Immediately upon occupation, controls were established in an unsuccessful effort to limit refugees, especially negroes, from coming into the city. Employment opportunities were also provided the negroes.⁹⁸ Controls continued into June, 1865, when the Henrico District was established. From June 12 until June 17, negroes were required to have work passes signed by their employer. Men not having passes were sent to Chimborazo and women were sent to the Alms House.⁹⁹ On June 12, the military patrols enforcing this order were directed to no longer interfere with negroes on the streets, except to "disperse idlers or arrest

97. General Order 6, Headquarters Military Division of the James, May 5, 1865, National Archives, Vol. 131½.

98. See pages 33-36 for the military's initial action in controlling refugees. A part of civil affairs administration is the dispensing of justice by military tribunals which, together with the incidence of crime, is considered separately in the following section of this chapter.

99. Passes District Eastern Virginia, June 12, 1865, National Archives, Vol. 236, Book 587.

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 vagrants." Vagrancy was an inevitable and almost insoluble problem as a result of the thousands of newly freed negroes, and the depressed state of the economy caused by the war. Vagrancy was not to be permitted, and yet it was necessary to allow persons without employment to travel from place to place seeking work. 101 The state legislature meeting in December, 1865, attempted to solve the problem by passing a vagrant act which would force "vagrants" as defined by state law to labor at the direction of local civil magistrates. This obnoxious measure was quickly nullified 102 by General Terry in July, 1866.

The thousands of homeless refugees coming into Richmond from the countryside throughout the spring and summer of 1865 brought no money or property, and consequently they sought shelter the only places they could obtain it free, i.e., properties taken over by the occupation forces which had belonged to the Confederacy. By July, there were an estimated 30,000 negroes in the city, most of whom were destitute. 103 One such property to which the government ordered dependent negro families was Chimborazo Hospital. Hundreds of negroes had gathered in Chimborazo by early 1866;

100. Ibid., June 17, 1865.

101. General Order 77, Headquarters Department of Virginia, June 23, 1865, National Archives, Vol. 983.

102. General Order 4, Headquarters Department of Virginia, January 24, 1866, National Archives, Vol. 984.

103. Official Records, Series I, Vol. 46, Part 3, p. 291. Estimate by General Halleck.

most were not employed, and there was little resembling law and order there. On March 3, 1866, General Turner wrote to Major Clairborne, Chief of Police, informing him that a detail of twenty-three men had been appointed under Lieutenant H. R. Merrill of the Freedmen's Bureau for the purpose of preserving peace at Chimborazo and that if the civil police were needed, they should be prepared to act in concert with this special force.¹⁰⁴ The Daily Whig on March 5 reported on a previous weekend of activity at Chimborazo. According to the account, there were about one hundred armed negroes stationed at or near the Chimborazo negro encampment refusing to allow anyone to pass. After initial conflict between the regular police and the negroes, the civil police and the military police combined and invaded the area arresting several negroes.¹⁰⁵ By July, negroes in the Chimborazo neighborhood had organized into military units and were drilling with crude weapons.¹⁰⁶ In August, 1866, Henrico District Commander Granger issued an order implementing a Department order to correct the situation:

All military organizations and associations within this District before being permitted to meet for drill or military instruction will be required to exhibit at these headquarters, the authority of the Governor of the state for their organization.¹⁰⁷

104. Letters Sent, Headquarters District of Henrico, March 3, 1866, National Archives, Vol. 72.

105. Daily Whig, March 5, 1866.

106. Ibid., July 25, 1866.

107. General Order 37, Headquarters District of Henrico, August 1, 1866, National Archives, Vol. 77.

The use of Richmond city police, supplemented by a military detail, was used on several occasions in the city to meet such crises. There was, of course, much agitation of the Richmond negroes by 1866. The Republican party and its secret arm, the Union League, was quite active. Out of state whites, such as U.S. District Court Judge John C. Underwood, and the Reverend J. W. Hunnicutt, were gaining political ascendancy among
108
Richmond negroes.

From April, 1865, rations were distributed to the needy of Richmond, both negro and white. Statistics on rations being issued by the military authorities and the Freedmen's Bureau were often incomplete, however, in September, 1865, the Virginia Department Commander reported that Henrico District was issuing 3,360 daily rations to colored persons and 3,594 to
109
white persons. Turner in a letter to the President of the City Council in October stated that there were 2,000 rations being issued every day to white persons in the city. He concluded, "I am unable to say how much
110
longer the government will continue the gratuitous distribution of rations."
111
Rations were ordered discontinued to whites on December 15. Also,

108. McConnell, Negroes and Their Treatment in Virginia From 1865 to 1867, p. 27.

109. Letters Sent, Headquarters Department of Virginia, September 5, 1865, National Archives, Vol. 14.

110. Letters Sent, Headquarters District of Henrico, October 21, 1865, National Archives, Vol. 72.

111. Special Order 184, Headquarters District of Henrico, November 28, 1865, National Archives, Vol. 76.

medicine issued free to the poor of the city since occupation ended in
 112
 December. The Freedmen's Bureau continued to issue rations to negroes
 and white refugees, after the army ceased, but the number issued to whites
 in Richmond was insignificant after 1865. In November, Assistant Commis-
 sioner Orlando Brown informed the city that it would have to take care of
 113
 two hundred and sixty freedmen. Correspondence between the Bureau and
 the city continued on this matter well into 1866-1867 with the city pro-
 testing the transfer of the freedmen to Richmond's welfare rolls:

We cannot, therefore, recognize the obligation of the city to
 assume the burden of providing at the public expense for the
 large number of people...who are now fed by the United States
 authorities...the freedmen have been permitted, if they have
 not been encouraged, to congregate in the city, filling up
 every cellar and shanty that can afford them shelter.¹¹⁴

In August, 1867, the local paper reported that General Schofield concurred
 with the city's argument that the city should only bear the expenses of
 those needy negroes who were residents of the city at the time of evacua-
 tion. The Freedmen's Bureau continued then to feed the vast majority of
 115
 destitute negroes in Richmond throughout the Reconstruction period.

112. Letters Sent, Headquarters District of Henrico, December 14,
 1865, National Archives, Vol. 72.

113. Minutes of the Richmond City Council, Virginia State Library,
 November 27, 1863.

114. Ibid., May 14, 1866.

115. Daily Whig, August 27, 1867.

Richmond's negroes tested their right to ride the city's streetcars after the passage of the Civil Rights Bill in April, 1866, passed by Congress over the President's veto. They were refused, resulting in some riotous demonstrations. The President of the company had an interview with General Terry and subsequently their right to ride the streetcars was acknowledged.¹¹⁶ However, throughout the summer of 1866, there were streetcar incidents as a result of the negroes' right to ride city streetcars.

Bureau activity in Richmond, as in the rest of the state, was rather extensive in 1866. Besides continuing to distribute rations to needy freedmen and some white refugees, the Bureau was establishing schools, hospitals, and finding employment for negroes. By December, 1865, nine hospitals had been organized in the state by the Bureau, the most important of which was Howard Grove near Richmond.¹¹⁷ The Camp Lee Orphan Asylum had also been established near Richmond by this time, providing a home for negro orphans.¹¹⁸ During 1866, a ward for the negro insane was established at Howard Grove and also a home for the aged and infirm was established near the hospital.¹¹⁹ The orphan asylum during 1866 received

116. McConnell, Negroes and Their Treatment in Virginia From 1865 to 1867, p. 82.

117. Alderson, "Freedmen's Bureau in Virginia," p. 203.

118. Ibid., pp. 203-204.

119. Ibid., p. 206.

205 children and secured homes in northern cities for 138 of them. ¹²⁰ In

February, 1866, the Bureau's Third District (Richmond and Henrico) had sixteen schools. The city of Richmond alone had one-twentieth of the negro population of the state and one-fifth of the schools operated by the Bureau. ¹²¹ This Bureau activity in the city in 1865-66 was one of the most worthwhile aspects of military government in Richmond during the Reconstruction era.

The Courts and the Special Problems of Crime in Richmond

The Richmond judicial structure during 1865 and early 1866 was a complex one created out of necessity. Immediately upon taking control of the city, a military commission was convened with the power to deal with criminal cases. Military commissions were convened throughout 1865 and until April 1866. One such commission convened on June 20, 1865 with Major H. A. Plympton of the 39th Illinois Volunteers serving as President ¹²² over a board of three Captains. One of several General Orders emanating from this commission charged four soldiers and ten white and two negro citizens. The most frequent violation was stealing. Other charges were: Attempted murder, passing counterfeit money, assault and battery, and

120. Ibid.

121. Ibid., p. 55.

122. Special Order 37, Headquarters District of Henrico, June 19, 1866, National Archives, Vol. 76.

compounding a felony. All convictions and sentences were reviewed and approved by General Turner as is the usual practice for military commissions.¹²³ These military commissions did not, of course, take the place of the regular court martials which dealt with offenses by military personnel violating military law, such as: Absent without leave, disobedience, etc. However, the military commission did have jurisdiction over soldiers breaking more serious state laws in the district.

The President's proclamation of April 2, 1866, specified that "military tribunals...in time of peace" were "dangerous to public liberty."¹²⁴ On May 1, 1866, the War Department ordered:

...hereafter, whenever offenses committed by civilians are to be tried where civil tribunals are in existence...their cases are not authorized to be, and will not be, brought before military courts...¹²⁵

But, even before this order on April 10, 1866, the Daily Dispatch reported the military commission then in session had adjourned "sine die"¹²⁶ turning over all remaining cases to the civil authorities. The fact that military commissions were not considered necessary is indicated by action taken in a murder case. A Dr. Watson of Rockbridge County was

123. General Order 31, Headquarters District of Henrico, August 17, 1865, National Archives, Vol. 77.

124. President's Proclamation as cited on page 52.

125. Richardson, Messages and Papers of the Presidents, Vol. 6, p. 440, General Order 26, Adjutant General's Office, Washington, D. C., May 1, 1866.

126. Daily Dispatch, April 10, 1866.

tried and acquitted on the charge of murdering a negro in November, 1866. State Commander General Schofield, not being satisfied with the action of the civilian magistrate's decision, had Watson arrested and convened a military commission in Richmond to try him. Schofield argued that the Freedmen's Bureau law of July, 1866 justified his action. He also refused to comply with a writ of "habeas corpus" issued by the Circuit Court of Richmond. President Johnson believed that Schofield was acting in violation of a principle laid down in the Milligan case, i.e., military courts have no jurisdiction in areas where civil courts are open as they were in Virginia. President Johnson ordered Watson released. This was consistent with the President's Proclamation of April and the order of the War Department, as well as the Milligan case.

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The most active court in Richmond during 1865 and early 1866 was the Provost Court, operating under Lieutenant Colonel J. McEntee for the duration of its existence from June, 1865 until March, 1866. On June 27, General Turner ordered Colonel McEntee to begin holding court at Castle Thunder taking "cognizance of all cases which would ordinarily come before the Mayor's Court of the city...." However, this proved to be too restrictive. The Mayor's Court only imposed fines and brief sentences for

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127. George R. Bently, A History of The Freedmen's Bureau (Philadelphia, 1955), p. 163; Daily Whig, December 17, 20, 24, 1866.

128. Special Order 44, Headquarters District of Henrico, June 27, 1865, National Archives, Vol. 76.

violations of the city's ordinances, sending more important cases to the higher courts. Turner wrote to Colonel McEntee:

The object of a Provost Court being the prompt administration of justice in the absence of ordinary criminal courts, and its jurisdiction never having been defined except in general terms, for the trial of major offenses it is plain that it does not fulfill its objective in a city like Richmond unless its jurisdiction is greater than that of a Mayor's Court.¹²⁹

The Provost Court had jurisdiction over all criminal cases until December, except that exercised by the military commissions. In the busy summer months, the four Provost Marshal Commanders of the city were given authority to pass judgment upon persons arrested within their district for "petty cases of arrests for misdemeanors" and offenses punished by a confinement of less than a month. Other cases were to be forwarded to either a military commission or the Provost Judge.¹³⁰ On December 8, General Turner wrote to Colonel McEntee that Mayor Saunders was ready to resume the Mayor's Court and that the Provost Court would hereafter limit its jurisdiction to three classes of cases:

1. The trial of enlisted men for petty misdemeanors in the city and for violation of city ordinances.
2. The trial of citizens for selling liquor to enlisted men.

129. Letters and Orders, Headquarters District of Henrico, June 30, 1865, National Archives, Vol. 115.

130. Ibid., June 13, 1865.

3. The trial of all criminal cases of freedmen, except those which should go before a military commission.¹³¹

Therefore, the Provost Court, after this date, was concerned with freedmen and soldiers and not white citizens. Penalties dispensed by the court were rather severe in light of today's standards. On January 3, 1866, the following cases were disposed of by the Provost Court as reported by a local paper:

- [], negro, was fined fifteen dollars for disorderly conduct and fighting,
- [], negro, convicted of petit larceny, (stealing bacon) was sent to Castle Thunder for sixty days,
- [], negro, convicted of stealing railroad iron, was sent to Castle Thunder for thirty days,
- [], negro, convicted of vagrancy, was sent to Castle Thunder for ten days,
- [], negro, was sent to Castle Thunder for thirty days for attempting to steal chickens,
- [], convicted of petit larceny, was sentenced to sixty days in Castle Thunder,
- [], negro, convicted of stealing wood and contempt of court, was sentenced to thirty days in Castle Thunder,
- [], negro, convicted of petit larceny (stealing a hat), was sentenced to sixty days in Castle Thunder,
- [], negro, convicted of stealing coal, was sentenced to fifteen days in Castle Thunder,

131. Letters Sent, Headquarters District of Henrico, December 8, 1865, National Archives, Vol. 72.

- [], 11 U.S. Infantry, convicted of being drunk and disorderly, sent to Castle Thunder for twenty days,
- [], 11 U.S. Infantry, convicted of being drunk, disorderly and assaulting the police, were sentenced to twenty days in Castle Thunder,
- [], 24 Massachusetts, drunk and disorderly, were sentenced to ten days in Castle Thunder.¹³²

In all except one instance, which might very well have been an omission, the parties sentenced were negroes or soldiers. It should not be implied that the whites were not committing crime, for the regular Mayor's Court and Hustings Court were handling these cases by this time. Not all the cases handled by Judge McEntee resulted in light sentences. Those exceeding three months were recorded separately with guilty parties sent to the State Penitentiary. Most of these more serious cases involved negroes charged with grand larceny.¹³³ In reviewing Judge McEntee's Court, credit must be given for doing a job which was absolutely essential for the city at this time. It was necessary due to the extraordinarily high rate of crime caused by the influx of refugees, mostly unemployed negroes into the city, and the occupation soldiers who contributed their share to crime and misbehavior. The fact that the court was summary is evidenced by the following commentary in a local paper:

132. Daily Dispatch, January 4, 1866.

133. Record of Cases of Provost Court, National Archives, Vol. 244.

Judge McEntee certainly deals out summary justice at his tribunal. As an instance: Yesterday, at about 7 or 8 o'clock [A.M.], a theft was committed...and by 1 o'clock the thieves had been proven guilty and sentenced to the penitentiary for one year. This court is of inestimable value to the city and its vicinity, for were it not for its existence the thousand and one criminals who have been so speedily and justly dealt with would have to go through the slow ordeal of the civil courts, and it is doubtful whether these courts would "ever" get through with them.¹³⁴

Often, however, the commanding officer took a personal hand in releasing persons convicted by the military tribunals. Orders from the Henrico Commander remitting sentences were common. This was necessary due to the sometimes hasty action of a military tribunal with a crowded docket,¹³⁵ as had the Provost Court in Richmond. By the end of March, the Mayor's Court was hearing cases of negroes as well as whites. However, there was a lieutenant from the Freedmen's Bureau now sitting in on the proceedings.¹³⁶ During its existence, it was reported that one hundred and thirty-four persons were sent to the State Penitentiary, and of these, eighty were negroes.¹³⁷ There were, in addition, hundreds sent to Libby Prison and Castle Thunder for terms up to ninety days. After the Mayor's Court and the Freedmen's Bureau took over jurisdiction involving the negro, Judge

134. Daily Dispatch, February 3, 1866.

135. For example, "On recommendation of the Provost Judge and numerous citizens" the unexpired term of an inmate of the state penitentiary was remitted by Turner, see Special Order 44, Headquarters District of Henrico, February 23, 1866, National Archives, Vol. 76.

136. Daily Dispatch, March 28, 1866.

137. Daily Whig, March 26, 1866.

McEntee continued to hold court for trial of soldiers guilty of misconduct in the city.
138

The immediate need of a court to handle civil cases was also evident. On May 3, a Court of Conciliation, consisting of three arbitrators, was established for the city of Richmond. This court was given power to arbitrate all cases in regard to the possession of real and personal property, and in cases in regard to payment of rents and debts where contracts had been made upon the basis of the confederate currency. However, it was restricted in that it had no jurisdiction to determine final title and its decisions did not ban legal action after the regular courts had been re-established. It had the usual powers of a court, plus officers, and its proceedings were brief and simple. Also, provision was made for its discontinuance upon the resumption of the regular civil courts.
139

On June 12,
140

the court was extended over the counties of Henrico and Chesterfield.
141

In September, it was extended over the whole Department of Virginia, and
142

in December the court was discontinued. During most of the period, the

138. Daily Dispatch, March 31, 1866.

139. General Order 5, Headquarters Military Division of the James, May 3, 1865, National Archives, Vol. 131½.

140. General Order 10, Headquarters Military Division of the James, June 12, 1865, National Archives, Vol. 131½.

141. General Order 114, Headquarters Department of Virginia, September 21, 1865, National Archives, Vol. 983.

142. General Order 136, Headquarters Department of Virginia, December 15, 1865, National Archives, Vol. 983.

Judges John A. Merideth and William H. Lyons were on the bench. ¹⁴³ Judge Lyons had been Judge of the Hustings Court and Judge Merideth Judge of the Circuit Court in Richmond throughout the Civil War. In the fall of 1865, these two regular courts were again resumed under their auspices. By the end of its session in August, the Court of Conciliation had dis-
¹⁴⁴
posed of 254 cases.

There was established in October, 1865, a Freedmen's Court. This court had three judges, each theoretically representing an interest group. T. P. Bibb represented the negroes, George Fitzhugh the whites, and
¹⁴⁵
Lieutenant H. S. Merrill the Bureau. The Freedmen's Court in Richmond, as in most of the state, was ended in May, 1866, with the passage of a
¹⁴⁶
state law admitting negro testimony in the civil courts. The Freedmen's Court was primarily concerned in Richmond with civil law cases since the military commissions, Provost Court, and later the Mayor's Court, handled the criminal cases. After the Freedmen's Court and the Provost Court ended in the spring of 1866, Bureau Agents retained the privileges of removing cases from the jurisdiction of the regular courts, where the
¹⁴⁷
"immunities and rights" of the negro were involved.

143. Appointed by Special Order 9, Headquarters Military Division of the James, May 7, 1865, National Archives, Vol. 131½.

144. New Republic, August 22, 1865.

145. Ibid., October 27, 1865.

146. Alderson, "Freedmen's Bureau in Virginia," p. 24.

147. Ibid., p. 119.

The most frequent causes of arrest of whites in 1865 was the selling of liquor to soldiers. In June, it was ordered that anyone found guilty of selling or giving intoxicating beverages to soldiers, or permitting them to obtain it on their premises would be arrested and the goods confiscated. Also, no sales to anyone were allowed without obtaining licenses from the Provost District wherein they resided. ¹⁴⁸ On June 18, the Provisional Manager took over the job of issuing licenses to trade including selling liquors. However, the prohibition against sale to enlisted men was continued. ¹⁴⁹ The sale of liquor to soldiers during 1865 was one of the thorniest problems confronting General Turner. On December 19, he wrote to Colonel McEntee:

I want you to deal more vigorously with liquor sellers. The entire command is in a shameful state of demoralization arising from the excesses of troops in the City of Richmond, and it has become necessary to take the matter in hand and let both soldiers, and citizens who sell liquor to soldiers, see by our measures that we are in earnest about the thing. Let it be "prima facie" evidence to you, that when a crowd of drunken soldiers are collected in a rum shop, that liquor has been sold, and punish accordingly. ¹⁵⁰

The "reconstruction" of liquor selling establishments in Richmond progressed rapidly in 1865, and in August, a local paper reported 261 licensed barrooms

148. General Order 6, Headquarters District of Henrico, June 7, 1865, National Archives, Vol. 77.

149. Special Order 63, Headquarters District of Henrico, July 18, 1865, National Archives, Vol. 76.

150. Letters Sent, Headquarters District of Henrico, December 19, 1865, National Archives, Vol. 72.

in the city, plus "at least 100 unlicensed rum mills."¹⁵¹ It is little wonder the military authorities had difficulty keeping it out of the hands of the troops when it was so available. In December, Turner refused a request by Mayor Saunders to close the drinking saloons of the city by stating he did not wish to exercise control in municipal affairs "unless absolutely necessary."¹⁵²

Indicative of another problem an occupying army brings to an area was an order of General Turner upon assuming command:

...attention of the Chief of Police and Provost Marshals of Districts is called to the disreputable conduct of officers while visiting the city in driving up to houses of ill fame in Government ambulances driven by enlisted men and allowing them to stand in front of said places....¹⁵³

Corrective action was ordered. The military authorities had repeated trouble with certain more notorious prostitutes. General Turner writing to Colonel McEntee indicated his displeasure with one such woman:

I wish you would inform her that if I hear again another complaint against her that I will lock her up, and keep her locked up as long as I remain in command of the city. I have notified her that she has one month in which to vacate her premises.¹⁵⁴

151. Daily Whig, August 11, 1865.

152. Letters Sent, Headquarters District of Henrico, December 25, 1865, National Archives, Vol. 72.

153. Special Order 53, Headquarters District of Henrico, July 8, 1865, National Archives, Vol. 76.

154. Letters Sent, Headquarters District of Henrico, October 19, 1865, National Archives, Vol. 72.

This problem continued to cause friction between the military and civilian population. The Commander of Camp Grant in February 1867, received a letter from Henrico District Headquarters alleging a Sergeant of Company B, 11th U.S. Infantry "until recently, in the habit of visiting a house of ill fame in Plank Road, about a mile to the west of the city," and that he became "troublesome and a nuisance" to the families of the neighborhood when he made his nightly visits. The Acting Adjutant General furthermore suggested to Colonel Houston, then Commanding Camp Grant:

In this connection, the Commanding General desires to say that if soldiers will visit such places...they must conduct themselves in such a manner as not to disturb persons residing in the neighborhood; or subject themselves to arrest by the civil authorities.¹⁵⁵

In the summer of 1865, Provost District Commanders were busy keeping order and forwarding lawbreakers to proper authorities for confinement or trial. As noted, there were four districts created in April. On August 2, the city was redrawn into three districts; on August 16 into two districts; and on October 23 the districts ended.¹⁵⁶ During this period, commanders disposed of petty cases and others were referred to proper authorities. In addition to the most common offense of selling liquor to soldiers, four entries from Major Charles Warren's District record include the following: To Colonel Ordway, Commanding City Prisons, May 11, three enlisted men

155. Ibid., February 5, 1867.

156. General Order 24, August 2, 1865, General Order 30, August 16, 1865, General Order 49, October 23, 1865, Headquarters District of Henrico, National Archives, Vol. 77.

forwarded for "being disorderly, throwing brickbats, and breaking things generally at the Union Hotel"; to the Commanding Officer of the Alms House, May 12, "I send you a colored woman whose reputation may be questionable"; to Captain Schoonmaker, Commanding City Prisons [succeeding Ordway], July 17, "I forward to you for confinement and trial the following named colored boys arrested this morning charged with stealing iron from the burnt district"; to Captain Gibbs, the Provost Marshal of the Henrico District, July 27, "...the keeper of the Dew Drop Saloon...[who] was fined today for selling liquor to soldiers and keeping a house of prostitution."¹⁵⁷

Much of the crime during 1865 and 1866 resulted directly from lack of employment of negroes and the destitute condition of many trying to live by theft. One source of easy money for these negroes was the iron from ruins in the burnt district. Turner wrote District Commanders and the Chief of Police to prevent the continuation of this crime and to arrest junk dealers guilty of purchasing such iron.¹⁵⁸ This particular problem continued well into 1866. In October, 1866, the Daily Whig commented that since the Freedmen's Bureau had ceased feeding the poor negroes, they had gone more extensively into the "junk business."¹⁵⁹ The incident of crime

157. Letters Sent, Provost Marshal's Office, Richmond, National Archives, Vol. 242, Book 604.

158. Passes District Eastern Virginia, National Archives, Vol. 236, Book 587, July 18, 1865.

159. Daily Whig, October 13, 1866.

in the city prompted General Turner to write to the Assistant Adjutant General of the Department of Virginia complaining of the "insufficiency" of his command. Because of military personnel being withdrawn, Turner suggested that he had reduced his military police "to the lowest possible number consistent with the safety of life and property." He furthermore stated that after conducting an investigation, the complaint of "excessive duty" by soldiers of his command was found to be true. ¹⁶⁰ Regarding crime during 1865 and 1866, and until the Reconstruction Acts of 1867, there was little tangible conflict between the races. This was a significant accomplishment in light of the unusual and heterogenous population mixture that existed in the capital city during this period. Much was written in the state concerning the subject of "outrages." Outrages were crimes or atrocities perpetrated by members of one race on the members of the other. General Turner reported to the Department Adjutant at the end of December, 1865, on this subject:

...I have no special cases to report, the number of arrests which have been made of both white and blacks...since I have been in command of the city, are very great, but I do not consider the offenses which led to the arrests as the kind of outrages [to which you refer]...altogether there has been a natural increase of crime. There has been some antagonism between the lower order of whites and negroes which has led to complaints, but most of them have been of a civil nature, and referred to the Freedmen's Bureau.¹⁶¹

160. Letters Sent, Headquarters District of Henrico, February 5, 1867, National Archives, Vol. 72.

161. Ibid., December 28, 1865.

In Richmond from April 1865 until April 1866, there was extensive military control of the judicial structure, both for civil and criminal cases. After April 1866, control was maintained by the Freedmen's Bureau in cases where rights of negroes were supposedly involved.

CHAPTER III
MILITARY OCCUPATION OF RICHMOND
MARCH, 1867 TO JANUARY, 1870

The Reconstruction Acts and Military Re-Organization
of the City and State

The Reconstruction Act of March 2, 1867, established the First Military District comprising the state of Virginia. There were supplemental acts passed again in late March and in July. Major General John M. Schofield continued to exercise command of the state as he had done since August, 1866.¹ He was succeeded by Major General Stoneman in June, 1868.² The last commander of the First Military District was Major General E. R. S. Canby, who exercised control until military offices in the state were closed in January, 1870.³

The essence of the Reconstruction Acts was that Congress had now seen fit to reaffirm military occupation of the South by dividing it into five military districts. Some political science and legal experts have referred to this refinement of military occupation as congressional military govern-

1. General Order 1, Headquarters First Military District, March 13, 1867, National Archives, Vol. 589.

2. General Order 49, Headquarters First Military District, June 2, 1868, National Archives, Vol. 590.

3. General Order 9, Headquarters First Military District, January 28, 1870, National Archives, Vol. 591.

ment or congressional martial law.⁴ The formal term of military government, however, refers to government operated as part of international law incident to war.⁵ By March, 1867, the war had been over for two years and the President's proclamation ending the rebellion was one year old.⁶ It would even be more unreasonable to refer to the military rule as martial law in the traditional meaning of the term, since there were precise statutes and rules by which the military commanders were governed.⁷ The situation was one in which a pseudo-civil government continued to exist, both in the state of Virginia and the city of Richmond. Both civil governments were ultimately responsible to a military occupation force operating under Congressional directive. Richmond's government after the Reconstruction Acts does not, therefore, easily fall into any precise category of military jurisdiction. In reality it came closest to military government although it differed substantially from the military government of the city in 1865-66. Certainly state sovereignty did not exist under the Provisional Governments of Governor Pierpont and his successor, military appointee, Henry H. Wells. Richmond's government was more than a "civil affairs administration" since the military controlled elections,

4. Birkhimer, Military Government and Martial Law, p. 22. Also see quote of Charles Magoon on page 6.

5. See definitions of military jurisdictions on page 3.

6. See excerpt of President Johnson's Proclamation on page 52.

7. See definition of martial law on page 3.

registered voters, and made civil appointments.

In an attempt to head off further eroding of the little governmental authority that still existed under Pierpont, the Governor called the state legislature into session immediately after the passage of the March 2 Act. The State Senate voted to authorize a constitutional convention in conformity with the Congressional plan of reconstruction. While the House of Delegates considered the bill, the determined Radical leaders in Washington pushed through the Supplemental Act of March 23. This act specified how the new constitution was to be drawn and adopted, and made further attempts at reconstruction by the state legislature use-⁹less.

On April 23, 1867, the District of Henrico, which had existed since June, 1865, was discontinued. The Post of Richmond was created in its place with Major General R. S. Granger continuing in command.¹⁰ The designation "Post of Richmond" lasted only two months, and on June 2, the Sub-District of Richmond was formed. It included, in addition to the city of Richmond, the counties of Henrico, Chesterfield, Hanover, King William, New Kent, Charles City, Goochland, Louisa, Fluvanna and Albermarle. Head-

8. From the President's proclamation in April, 1866, until the Reconstruction Acts of March, 1867, when the Freedmen's Bureau was very active, military control resembled a type of "civil affairs administration" since the local government was allowed to resume but, services were still supplied to the freedmen. See pages 12 and 53-60 for application of "civil affairs administration."

9. Ambler, Francis H. Pierpont, pp. 294-295.

10. General Order 17, Headquarters First Military District, April 23, 1867, National Archives, Vol. 589.

quarters were located at Camp Grant.¹¹ In January, three official posts were established within the Sub-District of Richmond. Camp Grant which had been serving since April, 1865, as the main encampment area in and around the city became the Post of Camp Grant. Camp Williams and Libby Prison also became official posts.¹² The occupation force in and around the city from 1867 through January, 1870, was very meager and never exceeded a thousand men. In an average month, there were 839 men stationed at the three posts. Libby Prison had 116, Camp Williams had 146, and the largest, Camp Grant,¹³ had 567.

In June, 1868, the military Sub-District of Richmond was discontinued and the commanding officers of the various posts within the District were instructed to report individually to the First District headquarters.¹⁴ The Freedmen's Bureau had a parallel organization to the military and their designation Sub-District of Richmond continued in use until January, 1869. The post of Libby Prison was discontinued in 1868; Camp Williams went out of use in 1869 and Camp Grant was occupied until June, 1870, five months after Congress passed the bill to "readmit" the state.¹⁵

11. General Order 33, Headquarters First Military District, June 3, 1867, National Archives, Vol. 589.

12. General Order 1, Headquarters Sub-District of Richmond, January 2, 1868, National Archives, Vol. 77.

13. Post Returns for month ending January, 1868, National Archives, Camp Grant, Box 218; Camp Williams, Box 731; Post of Libby Prison, Box 516.

14. General Order 67, Headquarters First Military District, July 3, 1868, National Archives, Vol. 590.

15. Post Returns, National Archives, Boxes as cited above in footnote 13.

The Office of the Military Commissioner

The most important officer dealing with governmental affairs on a local level after the Reconstruction Acts of March, 1867, was not the commanding officer of the Sub-District or of Camp Grant. It was the military commissioner, a new position created from the authority of Congress by General Schofield. Military commissioners bore no relation to the military commissions which had been convened occasionally in 1865 to try civilians for violation of army regulations.

In June, 1867, military commissioners were appointed in the various military sub-districts of the state. For the Sub-District of Richmond the commanding general, R. S. Granger, became the military commissioner with general supervisory authority over other military commissioners within the district. The military commissioner designated for the city of Richmond was Lt. Paul R. Hambrick.

Military commissioners were given the authority to command the police departments or other law enforcement agencies in each county and city in their command. They had the judicial authority of justices of the peace, police magistrates and mayors. Their actions were theoretically governed "by the laws of Virginia so far as they did not conflict with the laws of the United States." The military commissioners were a direct result of

16. Circular 4, Headquarters First Military District, June 23, 1867, National Archives, Vol. 589.

17. General Order 31, Headquarters First Military District, May 28, 1867, National Archives, Vol. 589.

the instructions stipulated by Congress in the Reconstruction Acts. Military commissioners were instructed:

... [to give] adequate protection to all persons in their rights of person and property, in cases where civil authorities fail, from whatever cause, to give such protection, and to insure the prompt suppression of insurrection, disorder and violence.¹⁸

The military commissioner of Richmond never saw any insurrection and little violence that would necessitate military suppression.¹⁹ Instead, the military commissioner of the city was beset with numerous requests and petitions from citizens seeking such things as tax exemption, collection of rents from tenants, and reversal of decisions by the local courts.²⁰

One of the more interesting petitions to Lt. Hambrick came from a citizen, Mrs. Lorton, who sought exemption from local taxes. Part of Henrico County was annexed to the city of Richmond by an act of the state legislature in 1867. A new tax was thereby imposed on the residents within

18. Ibid.

19. Although crime was not as much of a problem as it had been in 1865-66 there still existed a problem brought on by the destitute negroes in the city. As a result of political agitation of such Radicals as Rev. Hunnicutt and Judge Underwood, there were outbreaks of violence in May, 1867. "Associations" of negroes began parading in the city streets. One group, "The Lincoln Mounted Guards" was ordered to lay aside its military character. See Special Order 39, Headquarters First Military District, March 14, 1867, National Archives, Vol. 581. General Granger in July, 1867, ordered a detachment of troops within the city prepared for a call of assistance from the Mayor or the Chief of Police to suppress any disturbances. See Letters Sent, Headquarters Sub-District of Richmond, July 3, 1867, National Archives, Vol. 72.

20. An example of a petition for tax exemption is cited below in text. The Richmond Military Commissioner's role in dealing with courts is dealt with in the following section of this chapter. Lt. Hambrick in August, 1867, ordered a tenant to pay all rents that were due or to vacate the premises. See Letter Book, Headquarters Military Commissioner of Richmond, August 23, 1867, National Archives, Vol. 281.

the annexed area. Mrs. Lorton writing for herself as well as several neighbors depicted the lawless nature of several neighborhoods that had developed around the city after the war.

We are cut off from the city by a deep ravine, and only a small and unsafe [her emphasis] foot bridge to cross it. We have a negro camp in front of us. [We have] no police, no lights, no water. [We can] raise neither hogs, fowls, vegetables, nor fruit, owing to the thefts committed in our midst. Nor can we keep our gardens enclosed, as the fences are taken by the suffering negroes for fuel. The foot bridge is also being taken down and soon there will be nothing left to cross on. We are liable [sic] to pistol and gun shots, first from the camp to frighten thieves, as there is no protection for the honest white or black population. Consequently our property is almost valueless. There are three other families in the like situation.²¹

Lt. Hambrick recommended that Mrs. Lorton's taxes not be collected, and forwarded the letter to First Military headquarters. General Stoneman concurred and the matter was referred to City Council. Mrs. Lorton's taxes were subsequently remitted for the years 1868 and 1869.²²

Another rather unusual appeal which Lt. Hambrick was assigned to handle involved an ecclesiastical dispute. In the fall of 1867, St. John's Lutheran Congregation Church, from November, 1866 until January 1868, had no pastor and members of the congregation were substituting in that capacity

21. Letter dated January 20, 1869, Miscellaneous Richmond City Council Papers, 1865-1870, Virginia State Library. There are four boxes of these miscellaneous records for the 1865-1870 period. Individual boxes are not marked in any intelligible manner, however, papers are generally in bundles arranged chronologically.

22. Minutes of the Richmond City Council, Virginia State Library, June 9, 1869.

23

until one could be found. Several members of the congregation requested the Vestry to invite the Rev. J. C. Hoyer to preach just "for one Sunday."²⁴ The Rev. Hoyer had been pastor from 1845 until 1865, but had been discharged when differences arose between him and the church about his salary.²⁵ The Vestry refused the request for the invitation. The dissident group thereupon called itself the "New Vestry" and claimed the right to hold the church property.²⁶ This new group appealed to General Granger to settle the dispute. Lt. Hambrick was delegated the responsibility of investigating and resolving the trouble. On October 1, three notices appeared in the Daily Dispatch. One from Lt. Hambrick invited all members of the church to the meeting hall that evening "for the purpose of adjusting any differences now existing." Two other notices by the regular and "new" vestries also invited members.²⁷ The meeting was held as scheduled and presided over by the secretary of the regular vestry. However, Lt. Hambrick took over when factions began bickering as to who was and was not a legitimate member of the congregation.²⁸ Hambrick ordered an election

23. Rev. Oscar Guthe, Celebration of the Ninetieth Anniversary of St. John's Evangelical-Lutheran Church of Richmond, Virginia (Richmond, 1933), n.p. This church exists today as St. John's (Evangelical and Reformed) Church and is affiliated with the United Church of Christ.

24. Daily Dispatch, October 2, 1867.

25. Guthe, Ninetieth Anniversary of St. John's Church, n.p.

26. Daily Dispatch, October 2, 1867.

27. Ibid., October 1, 1867.

28. Ibid., October 2, 1867.

on the question of the invitation being extended to Rev. Hoyer. In Hambrick's official report, he determined that there were 147 members, that 89 votes were cast, and that a majority of 54 were opposed to the Rev. Hoyer's occupying the pulpit "even for one Sunday." Hambrick further ordered that the:

...minority, if they will not submit to the majority be informed that they had better withdraw from the said church and form a new society.²⁹

The "new" vestry did not form a new church, but, according to a newspaper report on October 12, the difficulties were "amicably adjusted."³⁰ An important aspect of this story is that the military authorities were invited to settle a purely ecclesiastical matter, and a church election was held under military supervision. As it turned out, the regular vestry which had been in control of church affairs all along retained their control.

The Military Commissioner and the Freedmen's Bureau

In addition to the assignment of military commissioner for the city of Richmond, Lt. Hambrick also became the sub-assistant commissioner for the Third Sub-District of the Freedmen's Bureau in September, 1867.³¹

29. Letter Book, Headquarters Military Commissioner of Richmond, October 3, 1867, National Archives, Vol. 281.

30. Daily Dispatch, October 12, 1867.

31. Alderson, "Freedmen's Bureau in Virginia," p. 42. The office of sub-assistant commissioner replaced that of superintendent upon re-organization of the Bureau in April, 1867.

The re-organized Third Sub-District included the city of Richmond, and the counties of Henrico, Hanover, Chesterfield, and King William.³² A type of "civil affairs administration" by the Bureau continued after the Reconstruction Acts much the same as during 1865 and 1866. The number of white refugees and freedmen receiving rations from the Bureau declined generally after 1866, but poor crops for the growing year of 1867 necessitated emergency Congressional action in the form of relief dispensed by the Bureau.³³ A soup kitchen was established by the Bureau in Richmond in December, 1867.³⁴ Lt. Hambrick, in December, 1868, made the following report to General Orlando Brown, head of the Virginia Bureau organization, on the extent of daily relief and its cost in the city of Richmond.

	<u>No. of Rations</u>	<u>Total Cost</u>
Sick in quarters (all whites)	600	\$104.22
Old and infirm freedmen	200	24.54
Loyal refugees (white)	163	20.00
Soup rations (white and negro)	1,333	<u>53.32</u>
Total daily expenditure by Bureau for relief		\$202.08 ³⁵

32. Ibid., p. 35.

33. Ibid., p. 196.

34. Ibid., p. 197.

35. Letter dated December 23, 1868, Miscellaneous Richmond City Council Papers, 1865-1870, Virginia State Library. See footnote 21 for further explanation.

Even with this, Hambrick stated that he was compelled to "turn away unaided
 scads of both classes."³⁶ It is true that many of the negroes receiving
 rations were not originally citizens of the city, but a significant portion
 of persons receiving aid were white. The military authorities had been
 sympathetic and understanding toward the city's reluctance to take care of
 destitute persons who had come to Richmond after the war.³⁷ On December 28,
 1868, the City Council appointed five members to a committee to meet with
 Lt. Hambrick and other Bureau and military officers to discuss the
 question of the Bureau's discontinuance.³⁸ The city government was
 anxious if at all possible to assume the obligation of the Bureau in feed-
 ing the destitute so that the Bureau could close its Richmond offices on
 schedule. The committee hurriedly readied a report on the last day of
 December:

...it is incumbent upon the city to make adequate provision to
 feed about 2,000 persons within the city limits in [good]
 health, but for various causes [are] dependent upon public
 charity for food from day to day.³⁹

The report was adopted by Council. Resolutions appropriating necessary
 funds to allow the city to take over the operation of the soup kitchen
 were also adopted. The facilities during 1869 were continued under the

36. Ibid.

37. See city's protest on page 58 and Schofield's action in
 August, 1867, agreeing to the city's position.

38. Minutes of the Richmond City Council, Virginia State Library,
 December 28, 1868.

39. Ibid., December 31, 1868.

city's administration.

By October, 1867, Bureau hospitals in the state were discontinued except at Hampton and Howard Grove near the city. Howard Grove had been receiving many negro patients from Richmond. After January 1, 1869, it was the only Bureau-operated hospital in the state. It remained under federal administration until March, 1870, two months after "reconstruction"⁴¹ had ended in the state.

The Bureau established one of the first Normal Schools for negroes in the state in Richmond in October, 1867. The Richmond Normal and High School⁴² had two teachers and sixty-five pupils in the school year 1867-68. General Orlando Brown considered Richmond in a better financial position⁴³ than any other locality in the state to support a public school system. Negotiations were initiated by Lt. Hambrick and others with the City Council. Initial efforts to establish a system failed, but by the 1868-69 term, Richmond as well as seven other Virginia cities, had primary, intermediate,⁴⁴ and high or normal schools. By January 1, 1869, all Bureau offices except those dealing with education were closed. Sub-Districts in

40. Ibid.

41. Alderson, "Freedmen's Bureau in Virginia," pp. 209-211.

42. Ibid., p. 65.

43. Ibid., pp. 69-71.

44. Ibid., p. 71.

the Bureau organization were thereafter designated as Educational Districts and officers in charge were given the title Assistant Superintendents of Schools. Hambrick became the Assistant Commissioner of Education for District III. Educational Districts were ended in March, 1869.⁴⁵ Unlike the remainder of the state, the Bureau's schools in Richmond gained "unqualified public approval," according to a report of the Bureau Superintendent of Schools made at the close of the 1869 term.⁴⁶ Provisions for public education had been written into the "Underwood Constitution," but the Bureau was instrumental in arousing an interest and acceptance of public education at least in the city of Richmond.

The Military Commissioner and the Courts

Persons losing cases before the Mayor's Court and the Hustings Court of the city frequently appealed to the military commissioner. Instead of nullifying cases, Lt. Hambrick sent them to the Sub-District or state headquarters for action. In a case dismissed as groundless before the Mayor's Court, Hambrick wrote to General Granger, "I, on the contrary believe that the plaintiff had cause for complaint and I invite your attention to the evidence and my decision."⁴⁷ Frequently, Hambrick

45. Ibid., p. 79.

46. Ibid., p. 84.

47. Letter Book, Headquarters Military Commissioner of Richmond, August 7, 1867, National Archives, Vol. 281.

simply referred petitions to the First Military District headquarters with the recommendation that parties continue to "seek relief through the civil courts."⁴⁸ Occasionally Hambrick did act decisively to correct a miscarriage of justice. Once he ordered three negroes released from the city jail. They had been charged and arrested for stealing calico from a Richmond storekeeper and had awaited appearance before the Mayor's Court for several weeks. They had been arrested on the sole testimony of a negro witness who subsequently could not be found.⁴⁹

In August, 1867, Lt. Hambrick wrote to General Granger asking for clarification of the jurisdiction of the military commissioner. Under existing directives, he was limited to act in cases that would ordinarily arise under justices of the peace and mayors. This limited his authority to adjudicate claims only up to \$100 and to deal with violations of the city ordinances. Other cases were referred to the regular civil courts, the Richmond Sub-District commander or the First Military District commander.⁵⁰ On the types of cases upon which he was requested to act, Hambrick wrote:

48. Endorsements and Memoranda, Headquarters Sub-District of Richmond, August 22, 1867, National Archives, Vol. 74.

49. Letter Book, Headquarters Military Commissioner of Richmond, n.d., National Archives, Vol. 281, p. 40.

50. Letter Book, Headquarters Military Commissioner of Richmond, August 20, 1867, National Archives, Vol. 285.

It frequently happens that parties apply to us for redress when property has been seized upon for debts requesting us to stay such sales....Also where parties have been incarcerated in prison and fined by the Hustings Court, we are appealed to for redress....Parties also apply for bail....⁵¹

The military commissioner was given a great deal of discretionary authority to intervene in the judicial system. He could dispose of minor cases, but in more important ones, he had to send to state headquarters. However, he was obliged to make a report on all cases in which he intervened. Seldom was military authority used to set aside the state courts in the city of Richmond. Occasionally, however, decisions were overruled. A guilty conviction out of the Hustings Court for assault and battery was declared void by the state commander.⁵² On one occasion, the commanding general of the state requested an explanation of the judges of the Hustings Court for a decision. The judges replied in a lengthy defense of their action.⁵³ In September, 1867, Judge Lyons of the Court of Hustings died and Colonel H. B. Burnham, a Judge Advocate serving with the First Military District headquarters was "detailed" for duty until a civil appointee could be found.⁵⁴ He served almost two years, until June, 1869. With

51. Ibid.

52. Special Order 269, Headquarters First Military District, December 16, 1869, National Archives, Vol. 582.

53. Daily Whig, July 26, 1867.

54. Special Order 124, Headquarters First Military District, September 11, 1867, National Archives, Vol. 581.

Burnham sitting on the Hustings Court bench, appeals seldom went to the military commissioner.

Most of the judicial cases which Lt. Hambrick investigated involved the negro. Negro testimony was now valid in the state courts, but all too frequently such courts had reservations about such testimony.

Lt. Hambrick was also an officer in the Freedmen's Bureau, and as such, had a double responsibility to see justice carried out toward the negro. Seldom were "outrages" reported by the Freedmen's Bureau in the Sub-District of Richmond. Occasionally, however, such incidents as the following occurred.

...[A] justice of the peace violently assaulted a negro woman, tried the case himself, put the woman in jail for the night, notified her husband to pay costs of court, and released her.⁵⁶

Therefore, with all the military authority granted to the military commissioners and Bureau agents, "outrages" such as the above still occurred, however infrequent they were.

Concerning other tribunals, the military commissions were authorized but seldom used. Schofield claimed that while he was in command of the First Military District, no civilian in the state was tried by a military commission.⁵⁷ The regular court martial trials of military personnel, of course, continued.

55. An exhaustive examination of the Bureau Records for the Sub-District of Richmond would be necessary to properly evaluate the military involvement with the Richmond courts.

56. Alderson, "Bureau in Virginia," p. 133.

57. John M. Schofield, Forty-six Years in the Army (New York, 1897), p. 399.

Elections and Civil Appointments

On April 2, 1867, all local as well as state elections were suspended until registration of voters could be accomplished as stipulated in the Reconstruction Acts. During the interim, political vacancies were filled by the Commanding General.⁵⁸ Captain Thomas E. Ross was appointed President of the Richmond Registration Board.⁵⁹ He was succeeded by several officers, and in December by Lt. Hambrick, who held the position during most of the remaining two years.⁶⁰ Detailed instructions were provided the Boards of Registration.⁶¹ Adult male negroes were of course allowed to vote, but men who had aided the Confederacy were disfranchised.⁶² In accordance with the Supplemental Reconstruction Act of March 23, a Constitutional Convention was authorized by General Schofield in September, 1867. The number of delegates was set at 105 and Richmond was to elect five.⁶³

58. General Order 8, Headquarters First Military District, April 2, 1867, National Archives, Vol. 589.

59. General Order 15, Headquarters First Military District, April 20, 1867, National Archives, Vol. 589.

60. General Order 102, Headquarters First Military District, December 23, 1867, National Archives, Vol. 589.

61. General Order 28, Headquarters First Military District, May 13, 1867, National Archives, Vol. 589.

62. William A. Russ, Jr., "Disfranchisement in Virginia Under Radical Reconstruction," Tyler's Quarterly Historical and Genealogical Magazine, Vol. 17 (July, 1935), pp. 25-28.

63. General Order 65, Headquarters First Military District, September 12, 1867, National Archives, Vol. 589.

There emerged two slates for the five delegate positions. The Radical ticket was headed by Rev. Hunnicutt and Judge Underwood. Two Conservative candidates were Marmaduke Johnson and N. A. Sturdivant. Johnson and Sturdivant were among three Confederate candidates elected in the municipal election of July, 1865. They were subsequently forced to decline the positions.⁶⁴ Surprisingly, apathy was evident in the election since over one third of both the registered whites and registered negroes did not bother to vote. Yet, there had been much bitterness and excitement before the election. The total registration in the city was 15,580, with 7,573 white and 8,007 negro.⁶⁵ The negro support given the Radicals and the white support given the Conservatives indicated racial lines were distinctively drawn in the election. The Radicals picked up all five Richmond seats.

	<u>White Votes</u>	<u>Negro Votes</u>
Conservative Candidates:		
Marmaduke Johnson	4,772	25
N. A. Sturdivant	4,467	21
William Taylor	4,785	26
Thomas J. Evans	4,760	21
Alexander H. Sands	4,788	23
Radical Candidates:		
J. W. Hunnicutt	48	5,168
John C. Underwood	48	5,169
James Morrissey	48	5,169
Lewis Lindsey (Negro)	48	5,169
James Cox (Negro)	48	5,169 ⁶⁶

64. See pages 47-48 for action of Henrico Commander.

65. "Consolidated List of Persons Registered as Voters for Years 1868-9," Memorandum, Headquarters First Military District, December 20, 1869, National Archives, Vol. 591.

66. Richard L. Morton, The Negro in Virginia Politics, 1865-1902 (Charlottesville, 1919), p. 45.

There was quite a bit of controversy surrounding the election in the city. The statewide election was scheduled to be held on October 22, except in Richmond where polls were to be open an extra day to insure that everyone had an opportunity to vote.⁶⁷ After the prescribed two days, the polls were ordered to remain open for the third day. The Conservative candidates were leading at the end of the second day's balloting. By the evening of the 24th, however, the Radicals had taken the lead. There were formal charges of irregularities by the Conservative candidates.⁶⁸ A resentful Richmond resident reminiscing about the incident many years later charged that, "...in Monroe Ward about 9 P.M. of the last day...carpetbaggers, scallawags, and negroes were still being brought up and voted." He also indicated that votes were being cast for deceased persons whose names were on the registration books.⁶⁹ Schofield answered the charges by "waving technicalities of the law." He denied there was any fraud and defended his action in keeping the polls open in order to give all an opportunity to vote.⁷⁰

67. General Order 65, Headquarters First Military District, September 12, 1867, National Archives, Vol. 589.

68. "Letter of Protest from Conservative Candidates to General Schofield," October 31, 1867, Documents of the Constitutional Convention of the State of Virginia (Richmond, 1867), Document No. 1.

69. George L. Christain, The Capitol Disaster (Richmond, 1915), p. 5.

70. "Letter in Reply to Protest of Conservative Candidates from General Schofield," October 31, 1867, Documents of the Constitutional Convention, 1867, Document No. 1.

There is some element of mystery surrounding Schofield's actions, however, the charges of irregularities were very general and could not be supported with specific evidence.

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The Constitutional Convention met in Richmond on December 3 and busied itself with writing a new constitution. The "Underwood Constitution" that emerged on April 17, 1868 had two so called "disqualifying clauses." These clauses would have excluded former Confederates from voting as well as from political office. Schofield was opposed to the constitution for this reason, and even went before the Convention of Delegates on the last day of session to plead for the deletion of the two obnoxious clauses. Schofield was ignored by the Convention. He was determined, however, to prevent the constitution from being voted on by the Virginia electorate as was necessary before it became effective. He, therefore, refused to allow funds to be appropriated from the state treasury, for the election. Next, he referred the whole matter to Congress and President Grant through the Committee of Nine led by Alexander H. H. Stuart. Grant agreed and recommended to Congress that separate votes be taken on the disqualifying clauses. The election was held July 6, 1869. The city of Richmond, as well as the state as a whole,

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71. James Hamilton Eckenrode, The Political History of Virginia During Reconstruction (Baltimore, 1904), p. 84.

72. Ibid., p. 101.

73. Schofield, Forty-six Years in the Army, p. 402.

approved of the constitution and rejected the disqualifying clauses. Also voted into office was Governor Gilbert C. Walker, who was not a native Virginian, but who had gained the confidence of most conservative elements in the state. Richmond and Henrico County elected three senators and eight delegates to the state legislature. A U.S. "Senator-at-large" (sic) for the state was also elected, as well as a Representative from the city.

As a result of the directive prohibiting regular elections during the 1867-1870 period, there were political appointments on a large scale in the state. Appointees were required to take the so called "iron clad" oath. This oath affirmed that the appointee had never in any way aided the Confederacy.⁷⁵ This exempted many of the most experienced and able personnel from public service in the state and localities. The first removal from office was that of Charles P. Bigger serving as Superintendent of the Alms House.⁷⁶ Bigger was one of the three Confederates elected to office in July, 1865, but who was forced to decline his position by the Henrico Commander.⁷⁷ He was again placed in the position as Superintendent by the city in the spring of 1866. It is interesting to note that the

74. General Order 104, Headquarters First Military District, September 8, 1867, National Archives, Vol. 589.

75. General Order 9, Headquarters First Military District, April 5, 1867, National Archives, Vol. 589.

76. See Appendix, Civil Appointments, pp. 508-509, No. 60.

77. See pages 47-48.

person who replaced Bigger was John Pearce, a citizen who had served in
78
that position throughout the war years.

The most frequent cause for a removal and subsequent removal was the inability of office holders to take the "iron clad." Schofield, however, did not press the issue, and some employees of the city were allowed to retain their positions without subscribing to the oath. However, when terms expired, the oath was mandatory. This, of course, had the effect of attracting to the city persons who had no objection to the oath. One such person was E. M. Schofield, brother of Major General Schofield, who applied for the office of assessor of taxes made vacant by a removal. With such an excellent reference, E. M. Schofield received the appointment
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in February, 1868. At first there were few removals and appointments, but as the machinery of appointment became perfected, and as there was increasing pressure on the military for jobs for "loyal" persons, removals and appointments were more frequent in 1868 and 1869. David A. Cook, in April, 1868, applied for and received the position of Superintendent of
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the Pump House when the term of the office holder expired. David Cook was a brother to Captain Benjamin Cook, who in addition to being an agent

78. Louis H. Manarin, Robert W. Waitt, Jr., Comp., Directory of Officials 1861-1865 Richmond, Virginia and Confederate (Richmond, n.d.) Publication 15 of the Richmond Civil War Centennial Committee.

79. See Appendix, Civil Appointments, p. 508, No. 12.

80. See Appendix, Civil Appointments, p. 510, No. 310.

of the Bureau for the Sub-District of Richmond also was the military commissioner for Henrico and Chesterfield counties. ⁸¹ By tracing his application for appointment, the usual procedure is noted.

- (1) The letter from Cook requesting appointment is first sent to Lt. Hambrick, military commissioner for the city.
- (2) Letter is endorsed by Hambrick with a recommendation of approval, and is forwarded to Sub-District Commander Granger.
- (3) Letter is endorsed again by Granger and forwarded to First Military District headquarters.
- (4) Letter is endorsed by Schofield's Adjutant, and order is cut appointing Cook to the position; then letter is endorsed and sent to City Council through the chain of command, first to General Granger.
- (5) Letter forwarded with endorsement by Granger to Lt. Hambrick.
- (6) Letter forwarded to the President of the City Council with endorsement of Lt. Hambrick approving Cook for the position. Council then rubber stamped appointment.⁸²

Occasionally, the procedure differed. Sometimes the City Council was requested to make suggestions for officers and received the initial request for appointment. It is difficult to ascertain what criteria were used in making the appointments. An attempt was made by Assistant

81. Circular 4, Headquarters First Military District, June 23, 1867, National Archives, Vol. 589.

82. Letter of application dated April 3, 1868, Miscellaneous Richmond City Council Papers, 1865-1870, Virginia State Library. See footnote 21 for further explanation.

Commissioner Brown of the Bureau to ascertain who had been "loyal" to the Union during the war. Captain Benjamin Cook, then Assistant Superintendent of the Richmond Sub-District, sent Brown a list of such persons. However, only six whites for the city of Richmond were provided. ⁸³ The purpose of the request evidently was to use these persons as officers of the Bureau or city government, since they could be relied on. There were, of course, more persons that could have been placed on Cook's "loyal" list and he acknowledged that his findings for the city were incomplete. Five out of the six named individuals eventually did receive some type of civil appointment in the city's government. ⁸⁴ Captain Cook and Lt. Hambrick also served in the city government. Cook became the City Gauger and also served as a member of City Council in 1869. Lt. Hambrick for a short period in 1869 was a commissioner of the Court of Hustings and ⁸⁵ also a commissioner for the Circuit Court. There were appointments to every office including frequent appointments on the Board of Aldermen and the City Council. On more than one occasion almost a whole new City Council

83. Report of Captain Cook, March 25, 1867, National Archives, Record Group 105 (Virginia), Bureau of Refugees, Freedmen and Abandoned Lands, Box 684.

84. The six whites reported "loyal" were: R. A. Frayser, E. H. Gregory, A. T. Peebles, William Mausfield, Richard Carter and H. L. Wigg. Five of these names appear in the Appendix, Civil Appointments as having received a political appointment. See p. 508, Nos. 42, 44, 93, 254 and p. 512, No. 2574 for their first appointments.

85. See Appendix, Civil Appointments, p. 510, No. 71, p. 512, No. 3602, p. 514, Nos. 3800, 4246.

was appointed as occurred in August, 1869.⁸⁶ Instructions came from First Military District headquarters that the "new City Council to assemble...re-organize and transact business."⁸⁷ In May, 1868, even Mayor Mayo was removed and George Chahoon of New York was put in his place.⁸⁸ There were attempts to enforce the requirement of the "iron clad" on persons still holding office in March, 1869.⁸⁹ The order affected particularly the police department of the city. Appointment was made for the position of Chief of Police first, but during the spring and summer of 1869 new captains and sergeants of police were also appointed. These appointees staffed the regular force with their own men.⁹⁰

General Schofield complained to President Grant in May, 1868, that he had already appointed over 500 officials in the state and that he could find no more able men to fill vacancies. His successors, General Stoneman⁹¹ and General Canby, were not as reluctant to remove and appoint officials.

86. See Appendix, Civil Appointments, p. 512-514, Nos. 3597 through 3611.

87. Special Order 176, Headquarters First Military District, August 19, 1869, National Archives, Vol. 582.

88. See Appendix, Civil Appointments, p. 510, No. 260.

89. General Order 24, Headquarters First Military District, March, 1869, National Archives, Vol. 591.

90. See Appendix, Civil Appointments, p. 512, Nos. 1087, 1948-1952, 3136-3143.

91. Russ, "Disfranchisement in Virginia under Radical Reconstruction," Tyler's Quarterly, p. 37.

It is difficult to make general statements about the caliber of appointments made. This would almost have to be done on an individual basis. Certainly, politics played an important part in the decisions of who was to be appointed. There is no evidence that these appointees as a whole were corrupt or dishonest. They were unpopular with the whites, at least those who came from out of state. The city of Richmond, however, suffered no tangible adversity because of their presence.

Self Government of the City Restored

The bill to "readmit" Virginia was passed on January 26, 1870. Five and one-half years of military occupation in Richmond had finally come to an end. But, the last vestiges of the military appointed government of the city remained. Governor Walker called the legislature into session in early February, 1870 to organize the state and local government. An "Enabling Act" was passed which authorized the Governor to appoint a new City Council until regular elections could be held in July. A new City Council was appointed. On March 16, the Council met and elected H. K. Ellyson as Mayor to replace George Chahoon and a new police chief, John Poe, Jr., to replace George Egbert. New captains were also appointed in the department.

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92. Richmond Police and Fire Department Directory (Richmond, 1896), p. 22.

At six o'clock a.m. on March 17, Major Poe appeared at police headquarters, the Old Market Station House, and demanded it be turned over to the new force. The police captains under Egbert refused. Mayor Ellyson and Major Poe then set up their own headquarters on Main Street. They began recruiting their own police force. Fifty-three members of the old force, plus over two hundred special police, were sworn in. The fire department was also authorized police power by Mayor Ellyson. Ellyson next demanded the Mayor's office in city hall from Chahoon. Chahoon argued that the "Enabling Act" was unconstitutional⁹³ and that the appointments by the City Council were void. By this time, Chahoon and Egbert began to supplement their forces with negro recruits. Chahoon ordered the police headquarters barricaded. On the morning of the 17th, Chahoon held all three police stations in the city, but Ellyson controlled the streets. Ellyson later dispatched a force of men to lay seige to the Station house. Fighting erupted between Poe's police and milling negroes near the headquarters. A sergeant of Poe's force was wounded as well as several negroes. The next day, a negro was shot and killed. General Canby, still at Camp Grant, sent a detachment of soldiers into the city and occupied the police headquarters. He allowed Chahoon to retain control of the building. Poe's force withdrew, but by this time they had taken the other two police stations.⁹⁴ A few days later, there were skirmishes

93. Ibid.

94. Christain, The Capitol Disaster, pp. 16-18.

between negroes and Poe's police. A policeman was killed, another
 95
 wounded, and a negro wounded.

The situation was stalemated due to the support given Chahoon by General Canby. During the last week in March and for the first three weeks in April, Richmond had two persons claiming to be Mayor. Both convened the Mayor's Court. The situation was confusing to say the least, since both were confining people to jail. Governor Walker protested, but could do nothing as long as Canby retained his position. Finally, both Mayors agreed to bring a test case before the Supreme Court of Appeals. The case involved writs of habeas corpus by persons who were arrested and confined under the authority of each Mayor. The
 96
 result would be to determine which Mayor was holding court legally. The case was scheduled to be delivered on April 27. An overflow crowd of Richmond's leading citizens were present in the courtroom. As the judges entered the chamber, which was on the third floor of the Capitol building, the overloaded floor gave way and over three hundred persons went crashing through the hall of the House of Delegates directly underneath. Sixty-one persons were killed and most of the others injured by the disaster. Ironically, among those killed was E. M. Schofield,
 97
 ex-tax assessor of the city, who like Chahoon, was a military appointee.

95. Ibid., pp. 20-21.

96. Ibid., p. 23.

97. Ellyson and Taylor, Publisher, A Full Account of the Great Calamity (Richmond, 1870), p. 34.

The decision was delayed two days and on April 29, the "Enabling Act" was declared constitutional. ⁹⁸ Chahoon, Egbert and the others made haste in leaving the city. The final chapter of Richmond during Reconstruction had ended. Canby was severely criticized by the Northern press for the part he played in the fiasco. His only valid defense was to prevent disorder, but his allowance of Chahoon to continue functioning indicated his inept handling of the situation.

98. Daily Enquirer, April 30, 1870.

CONCLUSION

For the first nine months of occupation, an extensive military government in Richmond functioned effectively. It was instituted at the close of war, which ended with the collapse of civil government in the city. From April until December, 1865, Richmond was unable to support its own alms house or police force, nor could it cope with the influx of freedmen and ex-Confederates who were attracted to the city as a refuge. During this period, there was a gradual resumption of self-government, and by January, 1866, the city was operating on its own initiative. President Johnson's Proclamation of April, 1866, theoretically ended the operation of this military government. Military occupation, however, continued. During 1866 and early 1867, the government provided by the military mainly took the form of the Freedmen's Bureau. It was not until March, 1867, that a definite form of military control could be established.

The Freedmen's Bureau from its beginning in June, 1865, until it closed in 1869, did a necessary and creditable job in Richmond. The Howard Grove Hospital and the Children's Orphan Asylum are two prime examples of its welfare program for negroes. Neither the state nor the city were able to provide such services. The Bureau's interest in a Richmond public school system created an awareness of such a need in the city, and the schools met with general public acceptance. Although some political activities of Bureau agents cannot be justified, there is little evidence that the local organization was guilty of political subversion. Throughout

its existence the activities of the Bureau resembled what is today termed as a "civil affairs administration." Its activities were similar to those of the U.S. armed forces in Europe after World War II.

After the Reconstruction Acts, the basis for a continued legal military government became doubtful. The war had ended a full two years before. True, there was still a necessity for some organization to exist which would provide minimum protection and necessary care for the negroes. This function more reasonably belonged to the Freedmen's Bureau rather than the regular military command. The Bureau, however, was not a standard administrative agency of the federal government staffed with civil servants. To a large extent, it was organized, operated, and staffed along military lines. The Bureau could not operate without the continued presence of the parallel military organization and its army officers.

After March, 1867, the military commissioner became the most important officer in the local military command. The military commissioner of Richmond, Lt. Hambrick, also served at one time or another during the 1867-1870 period as: 1) Sub-Assistant Commissioner of the Freedmen's Bureau, 2) Registrar of the Richmond Election Board, and 3) Assistant Superintendent of the Bureau Schools. With all his authority, there is no evidence of a dictatorial regime existing in the city under his hands. There was more authority vested in the state and local commanders by the Acts than was ever put to use in the city. This fact speaks well for the caliber of army officers assigned to duty in Richmond. The most unnecessary and distasteful aspect of military rule after the Acts was the controls placed

on elections, registration requirements, and political appointments. The entire 1865-1870 period cannot be generalized easily. It is a significant story because it indicates that the army was extensively involved in the governmental operation of the city. Certain actions of the army in Richmond were unreasonable and unjust. However, it is well to remember that commanding officers were carrying out orders from Washington. Generally, the city of Richmond operated under restrained military rule.

APPENDIX

Richmond Civil Appointments

The following pages, 508-515, are from Civil Appointments 1867-8-9-70, Headquarters First Military District, National Archives, Record Group 98 (Virginia), Vol. 56. Appointments are for Richmond city only. The town of Manchester and counties surrounding the city are separately recorded. Reading from left to right, appointment record gives the following information: A designation number of the appointment, name of appointee, position to which appointed, ward or district if applicable, person replaced, and reason for appointment (incomplete). The remaining columns are cross references and miscellaneous notations.

City of Richmond

3616	August 13	John W. Hudson	Member of the Council
3617	" 13	O. Newman	"
3618	" 13	W. H. DeLanoy	"
3619	" 13	James Perry	"
3611	" 13	Wm. H. Richards	"
3617	" 16	Edwin C. Cooper	Alderman
3618	" 16	Samuel C. Hayes	"
3619	" 16	W. H. Kimball	"
3620	" 16	Stephen S. Atkins	Clerk of Circuit Court
3623	" 31	J. C. Fisher	Alderman
3623	" 31	George Burgess	"
3726	" 26	J. Apple Smith	Commissioner in Charge for County of Hastings
3797	September 6	W. H. Statts	Alderman
3797	" 6	Samuel L. Drake	Inspector of Tobacco, Stocks & Houses
3799	" 6	Will. A. Coulter	Commissioner in Charge for Circuit Court
3800	" 6	Paul E. Harburt	Commissioner in Charge for Court of Hastings
3852	" 11	William S. Hendon	Alderman
3882	" 11	Alfred Norton	Judge of the Court of Hastings
4061	October 11	W. A. Harrier	Senior Alderman
4119	" 23	L. Edwin Dudley	Commissioner in Charge for Circuit Court
4134	November 1	Henry Austin	" Court of Hastings
4135	" 1	D. W. Greening	Member of the Council
4167	" 8	Charles E. Phamball	Judge of the Court of Hastings
4224	" 13	A. J. Terry	Sergeant of Police
4246	" 16	Paul P. Hambrick	Commissioner in Charge for Circuit Court
4247	" 16	James Lawrie	High Constable
4257	" 20	John Viles	Member of the Council
4289	December 1	Henry G. Harburt	Inspector of Guns
4290	" 1	William J. Gussow	Alderman
4316	" 8	J. J. Underhill	Clerk of the 2 ^d District
4317	" 8	Charles E. Finckle	Highmaster 2 ^d District
4324	" 14	Edwin Cooper	Quartermaster
4434	January 12	Chas. F. Buckley	Member of the Council
4461	" 19	John S. Dublin	"
4478	" 20	E. W. Gregory	Inspector of Gas

To fill a vacancy	1892-1893	1893-1894	1894-1895	1895-1896	1896-1897	1897-1898	1898-1899	1899-1900	1900-1901	1901-1902	1902-1903	1903-1904	1904-1905	1905-1906	1906-1907	1907-1908	1908-1909	1909-1910	1910-1911	1911-1912	1912-1913	1913-1914	1914-1915	1915-1916	1916-1917	1917-1918	1918-1919	1919-1920	1920-1921	1921-1922	1922-1923	1923-1924	1924-1925	1925-1926	1926-1927	1927-1928	1928-1929	1929-1930	1930-1931	1931-1932	1932-1933	1933-1934	1934-1935	1935-1936	1936-1937	1937-1938	1938-1939	1939-1940	1940-1941	1941-1942	1942-1943	1943-1944	1944-1945	1945-1946	1946-1947	1947-1948	1948-1949	1949-1950	1950-1951	1951-1952	1952-1953	1953-1954	1954-1955	1955-1956	1956-1957	1957-1958	1958-1959	1959-1960	1960-1961	1961-1962	1962-1963	1963-1964	1964-1965	1965-1966	1966-1967	1967-1968	1968-1969	1969-1970	1970-1971	1971-1972	1972-1973	1973-1974	1974-1975	1975-1976	1976-1977	1977-1978	1978-1979	1979-1980	1980-1981	1981-1982	1982-1983	1983-1984	1984-1985	1985-1986	1986-1987	1987-1988	1988-1989	1989-1990	1990-1991	1991-1992	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035	2035-2036	2036-2037	2037-2038	2038-2039	2039-2040	2040-2041	2041-2042	2042-2043	2043-2044	2044-2045	2045-2046	2046-2047	2047-2048	2048-2049	2049-2050	2050-2051	2051-2052	2052-2053	2053-2054	2054-2055	2055-2056	2056-2057	2057-2058	2058-2059	2059-2060	2060-2061	2061-2062	2062-2063	2063-2064	2064-2065	2065-2066	2066-2067	2067-2068	2068-2069	2069-2070	2070-2071	2071-2072	2072-2073	2073-2074	2074-2075	2075-2076	2076-2077	2077-2078	2078-2079	2079-2080	2080-2081	2081-2082	2082-2083	2083-2084	2084-2085	2085-2086	2086-2087	2087-2088	2088-2089	2089-2090	2090-2091	2091-2092	2092-2093	2093-2094	2094-2095	2095-2096	2096-2097	2097-2098	2098-2099	2099-2100	2100-2101	2101-2102	2102-2103	2103-2104	2104-2105	2105-2106	2106-2107	2107-2108	2108-2109	2109-2110	2110-2111	2111-2112	2112-2113	2113-2114	2114-2115	2115-2116	2116-2117	2117-2118	2118-2119	2119-2120	2120-2121	2121-2122	2122-2123	2123-2124	2124-2125	2125-2126	2126-2127	2127-2128	2128-2129	2129-2130	2130-2131	2131-2132	2132-2133	2133-2134	2134-2135	2135-2136	2136-2137	2137-2138	2138-2139	2139-2140	2140-2141	2141-2142	2142-2143	2143-2144	2144-2145	2145-2146	2146-2147	2147-2148	2148-2149	2149-2150	2150-2151	2151-2152	2152-2153	2153-2154	2154-2155	2155-2156	2156-2157	2157-2158	2158-2159	2159-2160	2160-2161	2161-2162	2162-2163	2163-2164	2164-2165	2165-2166	2166-2167	2167-2168	2168-2169	2169-2170	2170-2171	2171-2172	2172-2173	2173-2174	2174-2175	2175-2176	2176-2177	2177-2178	2178-2179	2179-2180	2180-2181	2181-2182	2182-2183	2183-2184	2184-2185	2185-2186	2186-2187	2187-2188	2188-2189	2189-2190	2190-2191	2191-2192	2192-2193	2193-2194	2194-2195	2195-2196	2196-2197	2197-2198	2198-2199	2199-2200	2200-2201	2201-2202	2202-2203	2203-2204	2204-2205	2205-2206	2206-2207	2207-2208	2208-2209	2209-2210	2210-2211	2211-2212	2212-2213	2213-2214	2214-2215	2215-2216	2216-2217	2217-2218	2218-2219	2219-2220	2220-2221	2221-2222	2222-2223	2223-2224	2224-2225	2225-2226	2226-2227	2227-2228	2228-2229	2229-2230	2230-2231	2231-2232	2232-2233	2233-2234	2234-2235	2235-2236	2236-2237	2237-2238	2238-2239	2239-2240	2240-2241	2241-2242	2242-2243	2243-2244	2244-2245	2245-2246	2246-2247	2247-2248	2248-2249	2249-2250	2250-2251	2251-2252	2252-2253	2253-2254	2254-2255	2255-2256	2256-2257	2257-2258	2258-2259	2259-2260	2260-2261	2261-2262	2262-2263	2263-2264	2264-2265	2265-2266	2266-2267	2267-2268	2268-2269	2269-2270	2270-2271	2271-2272	2272-2273	2273-2274	2274-2275	2275-2276	2276-2277	2277-2278	2278-2279	2279-2280	2280-2281	2281-2282	2282-2283	2283-2284	2284-2285	2285-2286	2286-2287	2287-2288	2288-2289	2289-2290	2290-2291	2291-2292	2292-2293	2293-2294	2294-2295	2295-2296	2296-2297	2297-2298	2298-2299	2299-2300	2300-2301	2301-2302	2302-2303	2303-2304	2304-2305	2305-2306	2306-2307	2307-2308	2308-2309	2309-2310	2310-2311	2311-2312	2312-2313	2313-2314	2314-2315	2315-2316	2316-2317	2317-2318	2318-2319	2319-2320	2320-2321	2321-2322	2322-2323	2323-2324	2324-2325	2325-2326	2326-2327	2327-2328	2328-2329	2329-2330	2330-2331	2331-2332	2332-2333	2333-2334	2334-2335	2335-2336	2336-2337	2337-2338	2338-2339	2339-2340	2340-2341	2341-2342	2342-2343	2343-2344	2344-2345	2345-2346	2346-2347	2347-2348	2348-2349	2349-2350	2350-2351	2351-2352	2352-2353	2353-2354	2354-2355	2355-2356	2356-2357	2357-2358	2358-2359	2359-2360	2360-2361	2361-2362	2362-2363	2363-2364	2364-2365	2365-2366	2366-2367	2367-2368	2368-2369	2369-2370	2370-2371	2371-2372	2372-2373	2373-2374	2374-2375	2375-2376	2376-2377	2377-2378	2378-2379	2379-2380	2380-2381	2381-2382	2382-2383	2383-2384	2384-2385	2385-2386	2386-2387	2387-2388	2388-2389	2389-2390	2390-2391	23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