

**The Transformation of a Confederate State:  
War and Politics on the South Carolina  
Home Front, 1861-1862**

A Dissertation Presented for the  
Doctor of Philosophy  
Degree  
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## **ABSTRACT**

This dissertation explores the Confederate home front experience in South Carolina by examining the state government in 1861-1862 and the controversies that arose after the state seceded from the Union. It challenges the common assumption that citizens in the state were politically united in that period. Many historians have recognized the central role of South Carolina in the secession movement but few have paid attention to political developments there during the ensuing war. This project seeks to rectify that oversight by looking at the crucial role of the state government in conducting the early war effort and at the political and ideological conflicts that its actions provoked. In response to the Union invasion of coastal South Carolina in November 1861, state political leaders instituted radical measures. The convention of the people of South Carolina was called back into session and proceeded to create an executive council with extraordinary powers that displaced the regular government and even superseded the state Constitution, thus overturning South Carolina's antebellum political tradition of very limited executive power. The council subsequently stirred up a storm of controversy that shook the state during 1862. Many politicians and ordinary citizens denounced this revolutionary experiment in government and demanded that the convention be dissolved and the council abolished. This conflict, along with the demands of war, fostered a new, more intimate relationship between the state and citizen. The state government was forced to respond to the anti-council movement, to the planters and slaves who resisted calls for labor to work on coastal fortifications, and to the white plain folk, including many women, who demanded that the state intervene to help them survive wartime hardships. The operations of the state government were thus an essential element of the Confederate home front experience and played a more conspicuous role in the war effort than historians have heretofore acknowledged.

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## Introduction

On 25 November 1862, Governor Francis W. Pickens informed the members of the South Carolina legislature that they must act quickly, for a vexing issue was dividing the polity. The question was whether the legislature should keep the executive council in existence or abolish it. Pickens hoped that it would be abolished at once. He warned the legislators that the public's "dissatisfaction and restiveness under this new and unauthorized system" of government had reached a feverish pitch. This resentment arose not from any disloyalty to the Confederate cause "but from a feeling of sensitiveness under what [the citizens] deemed an unnecessary and arbitrary establishment of an unusual and irregular Government."<sup>1</sup>

The political disquiet described by the governor is remarkable. Two years earlier, on 20 December 1860, the delegates of the convention of the people of South Carolina had voted unanimously, 169-0, to secede from the Union. The Palmetto State was the only state that manifested such complete political unity in the Southern conventions that were called to consider secession. A considerable number of historians have analyzed antebellum politics in South Carolina to explain why it became the most unified and secessionist state in the South. Some have pointed to the state's relative economic decline. Others have argued that South Carolina developed a degree of insularity not known anywhere else in the United States, thereby creating a closed society impermeable to external influences. Several studies have emphasized the importance of race and the large proportion of slaveholders in the white population. Many others have cited South Carolina's failure to develop a two-party political system. Despite some disagreements on these points, scholars agree in general that South Carolina developed along a

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<sup>1</sup> *Journal of the Senate of South Carolina: Being the Session of 1862* (Columbia, SC: Charles P. Pelham, 1862), 33, hereafter cited as *Senate Journal* (1862).

different trajectory from other Southern states and evolved a unique political ideology and culture, creating what James Banner has dubbed “The Problem of South Carolina.”<sup>2</sup>

Given South Carolina’s pivotal role in the creation of a Southern confederacy, it is not surprising that historians have focused on the state’s political development prior to the Civil

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<sup>2</sup> *Journal of the Convention of the People of South Carolina, Held in 1860, 1861 and 1862, together with the Ordinances, Reports, Resolutions, etc.* (Columbia, SC: R. W. Gibbes, 1862), 42-45, hereafter cited as *Convention Journal*; James A. Banner, “The Problem of South Carolina,” in Stanley Elkins and Eric McKittrick, eds., *The Hofstadter Aegis: A Memorial* (New York: Alfred A. Knopf, 1974), 60-93; James Haw, “‘The Problem of South Carolina’ Reexamined: A Review Essay,” *South Carolina Historical Magazine* 107 (2006): 9-25; David Moltke-Hansen, “Protecting Interests, Maintaining Rights, Emulating Ancestors: U.S. Constitution Bicentennial Reflections on ‘The Problem of South Carolina,’ 1787-1860,” *South Carolina Historical Magazine* 89 (1988): 160-82. On South Carolina’s antebellum political ideology and culture, see Lacy K. Ford Jr., *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988); Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995); Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: University of North Carolina Press, 2000); Steven A. Channing, *Crisis of Fear: Secession in South Carolina* (New York: Simon and Schuster, 1970); Harold S. Schultz, *Nationalism and Sectionalism in South Carolina, 1852-1860: A Study of the Movement for Southern Independence* (Durham, NC: Duke University Press, 1950); Alfred Glaze Smith Jr., *Economic Readjustment of an Old Cotton State: South Carolina, 1820-1860* (Columbia: University of South Carolina Press, 1958); Carl J. Vipperman, *William Lowndes and the Transition of Southern Politics, 1782-1822* (Chapel Hill: University of North Carolina Press, 1989); Peter Coclanis, *The Shadow of a Dream: Economic Life and Death in the South Carolina Lowcountry, 1670-1920* (New York: Oxford University Press, 1989); George C. Rogers Jr., *Charleston in the Age of the Pinckneys* (Norman: University of Oklahoma Press, 1966); Lacy K. Ford Jr., “Republics and Democracy: The Parameters of Political Citizenship in Antebellum South Carolina,” in David R. Chesnutt and Clyde N. Wilson, eds., *The Meaning of South Carolina History: Essays in Honor of George C. Rogers* (Columbia: University of South Carolina Press, 1991), 121-45; Drew Gilpin Faust, “The Rhetoric and Ritual of Agriculture in Antebellum South Carolina,” *Journal of Southern History* 45 (1979): 541-68; John Barnwell, *Love of Order: South Carolina’s First Secession Crisis* (Chapel Hill: University of North Carolina Press, 1982); William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Harper and Row, 1965); William H. Denny, “South Carolina’s Conception of the Union in 1832,” *South Carolina Historical Magazine* 78 (1977): 171-83; Phillip M. Hamer, *The Secession Movement in South Carolina, 1847-1852* (1918; repr., New York: Da Capo Press, 1971); Rosser Howard Taylor, *Ante-bellum South Carolina: A Social and Cultural History* (Chapel Hill: University of North Carolina Press, 1942); John Harold Wolfe, *Jeffersonian Democracy in South Carolina* (Chapel Hill: University of North Carolina Press, 1940); Robert M. Weir, “The South Carolinian as Extremist,” *South Atlantic Quarterly* 74 (1975): 86-103; Jeffrey Robert Young, *Domesticating Slavery: The Master Class in Georgia and South Carolina, 1610-1837* (Chapel Hill: University of North Carolina Press, 1999); Kenneth S. Greenburg, “Representation and the Isolation of South Carolina,” *Journal of American History* 64 (1977): 723-43; Rebecca Star, *A School for Politics: Commercial Lobbying and Political Culture in Early South Carolina* (Baltimore, MD: Johns Hopkins University Press, 1998); Pauline Maier, “The Road Not Taken: Nullification, John C. Calhoun, and the Revolutionary Tradition in South Carolina,” *South Carolina Historical Magazine* 82 (1981): 1-19; Lacy K. Ford Jr., “Recovering the Republic: Calhoun, South Carolina, and the Concurrent Majority,” *South Carolina Historical Magazine* 89 (1988): 146-59; Joan E. Cashin, “‘Decidedly Opposed to the Union’: Women’s Culture, Marriage, and Politics in Antebellum South Carolina,” *Georgia Historical Quarterly* 78 (1994): 735-39; Stephen A. West, “Minute Men, Yeomen, and the Mobilization for Secession in the South Carolina Upcountry,” *South Carolina Historical Magazine* 71 (2005): 75-104; Lacy K Ford Jr., “Origins of the Edgefield Tradition: The Late Antebellum Experience and the Roots of Political Insurgency,” *South Carolina Historical Magazine* (1997): 328-48; Lillian A. Kibler, “Unionist Sentiment in South Carolina in 1860,” *Journal of Southern History* 4 (1938): 346-66; Bernard E. Powers Jr., “‘The Worst of all Barbarism’: Racial Anxiety and the Approach of Secession in the Palmetto State,” *South Carolina Historical Magazine* 112 (2011): 139-56.

War. These studies have added immensely to our understanding of why and how South Carolina led the secession movement. Few attempts, however, have been made to trace the state's political course during the war. This dissertation seeks to expand our knowledge of that subject by examining the political bodies responsible for conducting the daily operations of state government in 1861-1862. The South Carolina legislature and convention played an important role in the war effort by implementing policies to meet the needs of South Carolinians at home and by assisting Confederate military authorities. The section of the Confederate Constitution that enumerated the powers of Congress did not mention the "general welfare" of the states. This implied that fostering the public welfare was a responsibility of the constituent states, and the Confederate government gave those states a considerable measure of autonomy to direct a wide range of domestic activities. The legislature and governor also played an important part in organizing and commanding the militia. To a large degree, then, the state government was responsible for social and military matters. This fact has important implications for studying the relationship between war and politics on the Confederate home front.<sup>3</sup>

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<sup>3</sup> May Spencer Ringold, *The Role of State Legislatures in the Confederacy* (Athens: University of Georgia Press, 1966), vi. The only study that specifically examines politics in South Carolina during the Civil War is Charles Edward Cauthen, *South Carolina Goes to War, 1860-1865* (1950: repr., Columbia: University of South Carolina Press, 2005). Cauthen is actually far more concerned with the political events leading up to secession; eight of his sixteen chapters focus on developments prior to the firing on Fort Sumter. W. Scott Poole has written the most recent book on South Carolina's Civil War experience, but it is a synthesis of secondary works and is not based on archival research; see W. Scott Poole, *South Carolina's Civil War: A Narrative History* (Macon, GA: Mercer University Press, 2005). Robert Olsberg has examined race and class during the war but his study is mainly a biography of William Henry Trescot and is only marginally concerned with state politics and legislation; see Robert Nicholas Olsberg, "A Government of Class and Race: William Henry Trescot and the South Carolina Chivalry" (Ph.D. diss., University of South Carolina, 1972). John Edmunds has written an excellent biography of Francis W. Pickens that covers his time in office during the Civil War; see John B. Edmunds Jr., *Francis W. Pickens and the Politics of Destruction* (Chapel Hill: University of North Carolina Press, 1986). On Pickens, see also Edward H. Keel Jr., "Francis Wilkson Pickens, Governor of South Carolina, 1860-1862" (M.A. thesis, University of South Carolina, 1961). On Governor Andrew Magrath and the final months of the war in South Carolina, see Joel R. Williamson, "The Disruption of State Government in South Carolina during the Magrath Administration" (M.A. thesis, University of South Carolina, 1949). On conscription and impressment, see Alva Dozier Gaskin, "Conscription and Impressment in South Carolina, 1860-1865" (M.A. thesis, University of South Carolina, 1936). On Charleston, see Jack Alexander Sutor, "Charleston, South Carolina, during the Civil War Era, 1858-1865" (M.A. thesis, Duke University, 1942). On the executive council journals of 1861 and 1862, see Lowry Price Ware, "The South Carolina Executive Councils of 1861 and 1862" (M.A. thesis, University of South Carolina, 1952). On the

Historians have long recognized the significance of conditions on the home front for the Confederate war effort. These conditions varied considerably at different points during the war and they encompassed a myriad of political, social, and economic factors. Political decisions had to be made in response to the fluctuating social conditions. The social fabric was in turn affected by events on the battlefields and by economic disruption. Military and economic initiatives were also essential to counter a powerful Union war machine. In all of these areas active governance was required at the state level. Recognizing this crucial role of the state government is critical if we are to understand the experience of the Confederate home front.<sup>4</sup>

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radical nature of politics in Civil War South Carolina, see Eric A. Lager, “Radical Politics in Revolutionary Times: The South Carolina Secession Convention and Executive Council of 1862” (M.A. thesis, Clemson University, 2008). There are two useful collections of essays on Civil War South Carolina: see Lawrence S. Rowland and Stephen G. Hoffius, eds., *The Civil War in South Carolina: Selections from the South Carolina Historical Magazine* (Charleston, SC: Home House Press, 2011); and Michael Brem Bonner and Fritz Hamer, eds., *South Carolina in the Civil War and Reconstruction Eras: Essays from the Proceedings of the South Carolina Historical Association* (Columbia: University of South Carolina Press, 2016). For general histories of the war in South Carolina see David Duncan Wallace, *The History of South Carolina* (3 vols.; New York: American Historical Society, 1934), 3: 170-221, and Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998), 354-76. There are several studies of state politics and public policy in other Confederate states useful for comparative purposes: see Michael B. Dougan, *Confederate Arkansas: The People and Policies of a Frontier State in Wartime* (University: University of Alabama Press, 1976); Malcolm C. McMillan, *The Disintegration of a Confederate State: Three Governors and Alabama’s Wartime Home Front, 1861-1865* (Macon, GA: Mercer University Press, 1986); Christopher Lyle McIlwain Sr., *Civil War Alabama* (Tuscaloosa: University of Alabama Press, 2016); John K. Bettersworth, *Confederate Mississippi: The People and Politics of a Cotton State in Wartime* (Baton Rouge: Louisiana State University Press, 1943); John E. Johns, *Florida During the Civil War* (Gainesville: University of Florida Press, 1963); James Marten, *Texas Divided: Loyalty and Dissent in the Lone Star State, 1856-1874* (Lexington: University Press of Kentucky, 1990); Robert E. Baker, “Class Conflict and Political Upheaval: The Transformation of North Carolina Politics during the Civil War,” *North Carolina Historical Review* 69 (1992): 148-78. On Confederate politics at the national level, see Frank Lawrence Owsley, *State Rights in the Confederacy* (Chicago, IL: University of Chicago Press, 1925); Frank E. Vandiver, *Jefferson Davis and the Confederate State* (New York: Oxford University Press, 1964); Wilfred Buck Yearns, *The Confederate Congress* (Athens: University of Georgia Press, 1960); Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978); Emory M. Thomas, *The Confederate Nation: 1861-1865* (New York: Harper and Row, 1979); Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge: Louisiana State University Press, 1988); George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill: University of North Carolina Press, 1994); William C. Davis, *Look Away!: A History of the Confederate States of America* (New York: Free Press, 2002); Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861-1868* (Chapel Hill: University of North Carolina Press, 2005); Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, MA: Harvard University Press, 2010).

<sup>4</sup> On the Confederate home front, see Charles H. Wesley, *The Collapse of the Confederacy* (1937: repr., Columbia: University of South Carolina Press, 2001); David Williams, *Georgia in the Civil War: Conflict on the Home Front* (Macon, GA: Mercer University Press, 2017); William Blair, *Virginia’s Private War: Feeding Body and Soul in the Confederacy, 1861-1865* (New York: Oxford University Press, 1998); Daniel Sutherland, ed., *Guerrillas, Unionists*

The historical literature devoted to state government operations in the Confederacy is thin. The only general study of the subject is by May Spencer Ringold, who properly emphasizes the extraordinary new responsibilities that fell on the state legislatures. Indeed, she says, state legislation attained “unprecedented significance” during the war. State governments faced challenges that required novel responses and forced legislators to greatly expand the bureaucracy. As Richard Benseal noted, “southern mobilization was far more state-centered and coordinated than its northern counterpart.” As a result, Southern citizens found themselves enmeshed in a new relationship with the state. Yet this need to strengthen the hand of the state in order to manage the war effort effectively often generated public resentment; citizens protested that the government was exceeding its proper functions and exercising unwarranted power. On the other hand, as the scale of the war escalated and material deprivations multiplied, the citizenry demanded that state authorities remedy the afflictions of the people. The need for “wise heads” in the legislature was often the subject of newspaper editorial comment. As Ringold points out, when home-front problems became more difficult to solve, “public regard for the legislative personnel ran the gamut from hopefulness to waning enthusiasm to disappointment, if not downright contempt.”<sup>5</sup>

In South Carolina public contempt was not confined to the legislature. As in other Confederate states, the demands of war required that the powers of the executive branch be enlarged. The situation was unique in the Palmetto State, however, owing to its peculiar tradition

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*and Violence on the Confederate Home Front* (Fayetteville: University of Arkansas Press, 1999); Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865* (Chapel Hill: University of North Carolina Press, 1995); John Hammond Moore, *Southern Homefront, 1861-1865* (Columbia, SC: Summerhouse Press, 1998); Catherine Clinton, ed., *Southern Families at War: Loyalty and Conflict in the Civil War South* (New York: Oxford University Press, 2000); Jacqueline Glass Campell, *When Sherman Marched North from the Sea: Resistance on the Confederate Home Front* (Chapel Hill: University of North Carolina Press, 2003).

<sup>5</sup> Ringold, *Role of State Legislatures*, 1-5; Richard Franklin Benseal, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1990), 94-99; McCurry, *Confederate Reckoning*, 4.

of very limited executive power. During the antebellum period the governor was little more than a figurehead, lacking the powers of veto and appointment and ineligible to serve more than two years in office. Moreover, by 1860 South Carolina was the only state in the Union where the governor was elected by the legislature rather than by popular vote. The legislature of South Carolina thus wielded far more power than any other in America. The exigencies of war dramatically changed this tradition of legislative dominance. Executive powers were not only expanded but transformed. W. Buck Yearns argues that in the Confederate states the governors' powers "increased dramatically, and the visibility of the governors increased proportionately." It was under these circumstances that "The modern pattern of acting in an emergency was beginning to emerge."<sup>6</sup>

This dissertation explores how South Carolina's government dealt with the emergency of war by undertaking a revolutionary political experiment: the creation of the executive council. The political landscape in South Carolina changed dramatically in 1862. Aside from the executive and legislative branches, another political entity wielded considerable power. Indeed, many contemporary South Carolinians argued that it possessed unlimited power. This body was the convention of the people of South Carolina (also known as the secession convention), but passing the secession ordinance was only one of many acts that it performed. The convention assumed legislative functions and completely overhauled the structure of the executive department. As Ralph Wooster shows, the various secession conventions across the South often "assumed and wielded tremendous power." None, however, sat longer or exercised more power than South Carolina's.<sup>7</sup>

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<sup>6</sup> Banner, "Problem of South Carolina," 76; W. Buck Yearns, ed., *The Confederate Governors* (Athens: University of Georgia Press, 1985), 7-9.

<sup>7</sup> In every future state of the Confederacy where a convention assembled for the purpose of seceding from the Union, it adjourned *sine die* soon after ratifying the Confederate Constitution. South Carolina's convention was not

Why the convention created the executive council is a central question of this study. Multiple factors were at work, but primary among them were the repercussions of the Union invasion of Port Royal Sound and nearby Sea Islands on the South Carolina coast in November 1861. Federal troops captured and occupied one of the wealthiest regions of the state. Moreover, eight out of ten inhabitants of the Sea Islands were black. The Union invasion dealt a powerful blow to the state's plantation system as thousands of slaves made their way to Union lines and millions of dollars' worth of property was lost. The efforts of planters and the state authorities to remove slaves from the coast to the interior proved to be a logistical nightmare. Contributing to this disconcerting situation was the myth of invincibility that pervaded the minds of many white South Carolinians in the months leading up to the invasion. Southern martial superiority and the stability of the social order were loudly proclaimed by leading politicians and newspaper editors. Yet Port Royal fell in less than five hours. In the eyes of many citizens and politicians, Governor Pickens's leadership during this crisis was inept and he was to blame for the disaster. Anger was also directed at the legislature for failing to make adequate preparations. In the weeks following this calamity a widespread belief developed, particularly among convention delegates, that the governor and legislature were incapable of controlling the situation and that the great achievement of Southern nationhood that the convention had inaugurated was faltering. Additionally, just weeks after Port Royal was lost a great fire in Charleston destroyed much of the city and left many citizens homeless and destitute. These distressing conditions created the climate that gave birth to the executive council experiment.<sup>8</sup>

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dissolved until 17 December 1862, precisely two years after coming into existence. See Ralph A. Wooster, *The Secession Conventions of the South* (Princeton, NJ: Princeton University Press, 1962).

<sup>8</sup> Ira Berlin, et al., eds., *The Destruction of Slavery* (Cambridge, Eng.: Cambridge University Press, 1985), 103-14; James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W. W. Norton, 2013), 198-208; Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (Indianapolis, IN: Bobbs-Merrill, 1964), 3-31; Walter J. Fraser Jr., *Charleston! Charleston!: The History of a Southern City* (Columbia: University of South Carolina Press, 1989), 253-55. The belief that the South was unconquerable was

Having little confidence in the wisdom of Governor Pickens and believing that the legislature lacked adequate powers to meet the emergency, the convention delegates convened once again and took drastic action, passing an ordinance creating an executive council of five men that essentially usurped the power of the governor as commander in chief and rendered the legislature impotent. The governor was a member of the council but could not act independently. Thus, throughout 1862 South Carolina had a plural executive and a dual government: a governor and legislature elected under the state Constitution and an executive council appointed by the convention. The council was given authority to exercise extraordinary powers. It could draw money from the state treasury without legislative authorization and could make appointments without consulting the Senate. The council had blanket authority to declare martial law, order the arrest of persons suspected of disloyalty to the Confederacy, and seize private property deemed necessary for public use. Laws previously passed by the legislature could be amended or abrogated at the will of the council. A plural executive and the concentration of virtually unchecked power in the hands of the council rode roughshod over South Carolina's tradition of limited executive power and strict construction of the Constitution. Significantly, South Carolina was the only state in the Confederacy to inaugurate such a radical and unique political experiment.<sup>9</sup>

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widespread at this time: see Jason Phillips, *Diehard Rebels: The Confederate Culture of Invincibility* (Athens: University of Georgia Press, 2007), 2-3.

<sup>9</sup> Cauthen, *South Carolina Goes to War*, 141-42. There were a total of four sessions of the convention. The first, lasting from 17 December 1860 to 5 January 1861, was called together by an act of the legislature to take into consideration "the dangers incident to the position of the State in the Federal Union" and to "take care that the Commonwealth of South Carolina shall suffer no detriment." The second session sat from 26 March 1861 to 10 April 1861; it was called to ratify the Confederate Constitution. The third, lasting from 26 December 1861 to 8 January 1862, was called to address the problems created by the Union invasion of Port Royal. It was during this third session that the executive council was created. The fourth session, lasting from 9 September to 17 September 1862, was convened to consider repealing the ordinance creating the executive council. See John Amasa May and Joan Reynolds Faunt, *South Carolina Secedes* (Columbia: University of South Carolina Press, 1960). South Carolina actually had two executive councils. The first was created in 1861 to reorganize South Carolina's new status as an independent republic. The state Constitution was changed to give the governor presidential powers and he was authorized to have a cabinet whose members were appointed by him and confirmed by the convention. This

One of the recurring issues in Civil War historiography is how the Confederacy marshalled and allocated the resources necessary to wage war. Much of this debate has focused on the national government in Richmond. While the importance of President Jefferson Davis's leadership and the Confederate Congress's legislation cannot be denied, it would be beneficial for historians to look more closely at the actions of state governments. The executive council created several departments independent of the legislature to carry out the task of waging war. A Department of the Military operated under the leadership of James Chesnut Jr.; it was Chesnut, not Governor Pickens, who made all state military decisions in 1862. A Department of Treasury and Finance assumed responsibility for the state's fiscal affairs. Isaac W. Hayne became the Chief of Justice and Police, with broad powers over internal security matters. To alleviate shortages in war materiel a Department of Construction and Manufacturing was created with William H. Gist serving as its head. With a few exceptions, the efforts of the council to place the state on a sound war footing were successful, and the council thus serves as a good example of how state authorities were instrumental in sustaining the Confederate war effort.<sup>10</sup>

The expansion of executive power was common to all the Southern states during the Civil War, but South Carolina's executive council was the most radical political experiment in the Confederacy, save for the act of secession itself. The council was created not by the legislature but by the convention, a body that theoretically could exercise unlimited power. In a state that prided itself on limited government and constitutional restraint, the council represented a

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first council was merely an advisory body and was subordinate to the governor, who could in all cases "decide upon his own actions." This made the council of 1861 quite different from that of 1862. See Charles E. Cauthen, ed., *Journals of the South Carolina Executive Councils of 1861 and 1862* (Columbia: South Carolina Archives Department, 1956), x. Florida was the only other Confederate state that created an executive council. It briefly experimented with a council in 1862 but, according to W. Buck Years, "The council met only five times and spent most of its time unanimously approving resolutions letting [Governor] Milton prosecute the war as he wished." No controversy arose over this council. See Years, *Confederate Governors*, 63. In contrast, the executive council in South Carolina met at least 203 times in 1862. See Cauthen, *Executive Council Journals*.

<sup>10</sup> Cauthen, *South Carolina Goes to War*, 139-51; Years, *Confederate Governors*, 13-14.

fundamental departure. There is little doubt that the council was an unconstitutional body, for it could simultaneously exercise legislative and executive powers. The citizenry recognized and in many cases resented this aberration in state government and decried the political division that the council stirred up. A campaign arose to dissolve the convention and abolish the council, led by newspaper editors, politicians, and ordinary citizens who adhered to libertarian principles and regarded this political experiment with dismay and foreboding.<sup>11</sup>

This remarkable experiment has received surprisingly little attention from scholars. Charles Cauthen's *South Carolina Goes to War*, published in 1950, devotes two short chapters to the council. Cauthen was primarily interested in the relations between the council and the Confederate government and he therefore pays little attention to the social and economic impact of the council's actions. Nor does he examine the significant divisions within the council. An important article by Laura A. White, published in 1929, explains the constitutional anomaly of the council but does not explore how the citizenry reacted to the constitutional crisis it provoked. This dissertation builds on their work, offering analyses of the social and economic repercussions of the council's actions. During 1862 the South Carolina polity was riven by the council controversy to a degree that historians have not fully appreciated.<sup>12</sup>

This controversy is important because it unequivocally refutes the notion that white South Carolinians carried out their revolution without any internal divisions. The unanimous convention vote in favor of secession has obscured the subsequent heated debates over the powers of the convention and the legitimacy of the council. Divisions of this sort were precisely what secessionists wanted to avoid when they embarked on their crusade. Ideological conflict

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<sup>11</sup> Years, *Confederate Governors*, 7, 11; *Convention Journal*, 793-96. On libertarian dissenters who opposed the trend toward Confederate centralization, see Rable, *Confederate Republic*, 132-53.

<sup>12</sup> Cauthen, *South Carolina Goes to War*, 152-63; Laura A. White, "The Fate of Calhoun's Sovereign Convention," *American Historical Review* 34 (1929): 757-71.

and the resulting factionalism that had marked the prewar decades resurfaced in 1862. Lengthy newspaper editorials meticulously rehashed arguments from the nullification controversy of 1832-1833 concerning the powers of the convention. These debates, however, were not confined to the press. Much time and energy was consumed in the convention and in the legislature by arguments over where ultimate sovereignty in the state resided. Did the convention of the people constitute the supreme power in South Carolina or was it embodied in the state Constitution? Definitive answers did not come easily and the fierceness of these debates alarmed the polity. Public opinion was inflamed over theoretical abstractions that had little relevance to those suffering from material deprivation.<sup>13</sup>

A study of the state government is valuable on another level as well. In recent years historians of the Confederacy have shifted their focus of inquiry away from the actions of the elite white men in high political offices to pay closer attention to the plain folk, especially the disfranchised. Consequently the definition of “politics” has greatly expanded to include the actions of slaves and women. Thanks to the work of Stephanie McCurry and others we now have a better understanding of how those who were formally excluded from politics were able to exert pressure on government officials through acts of resistance, thereby shaping public policy for their own benefit. McCurry is primarily concerned with how slaves and women affected Confederate rather than state policy, but her work is useful for a study of the state government because it prompts us to shift the focus back to the actions of those elite white men in positions of power and ask questions about how they responded to wartime disruption and pressure from below. In South Carolina the response was the creation of the executive council. Although the

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<sup>13</sup> Ringold, *Role of State Legislatures*, 5. On factionalism in South Carolina, see Barnwell, *Love of Order*; Schultz, *Nationalism and Sectionalism*; William A. Schaper, *Sectionalism and Representation in South Carolina* (1901: repr., New York: Da Capo Press, 1968); Ford, *Origins of Southern Radicalism*, 338-73; Sinha, *Counterrevolution of Slavery*, 187-220.

Union army acted as a powerful force for emancipation, in their thirst for freedom slaves often took the initiative to escape from bondage. In the process they forced the state to recognize them as political actors. In January 1862 the convention created commissions charged with removing slaves from the proximity of the enemy. This task proved impossible to carry out. The resistance of slaves to forced removal hamstrung the commissions and necessitated large expenditures of state money and resources in an effort to maintain slave discipline. By the end of 1862 South Carolina's plantation system was severely disrupted. McCurry's thesis that slaves were a political force to be reckoned with is therefore a worthy subject to investigate from the standpoint of the state government.<sup>14</sup>

Another area where slaves made their influence felt was military labor policy. Both the legislature and the council were repeatedly called on by Confederate authorities to procure slave labor to build coastal fortifications. While acknowledging the need, many planters deeply resented the state's claim that it had the unrestricted right to impress their private property in slaves for public use. Moreover, as McCurry points out, "Slaves made no secret of their opposition to labor on the public works, and deployment only provided additional incentives and opportunities to escape." In many instances slaves refused to cooperate with labor requisitions by running away or engaging in other acts of resistance. Many slaveowners, too, refused to cooperate. The legislature and council were thus forced repeatedly to revise their policies for procuring labor, which in turn undermined the program while increasing planter resentment

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<sup>14</sup> McCurry, *Confederate Reckoning*, 5-7; Stephen V. Ash, *The Black Experience in the Civil War South* (Santa Barbara, CA: Praeger, 2010), 62. See also Leslie A. Schwalm, *A Hard Fight for We: Women's Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997); Marli F. Weiner, *Mistresses and Slaves: Plantation Women in South Carolina, 1830-1860* (Urbana: University of Illinois Press, 1998); George C. Rable, *Civil Wars: Women and the Crisis of Southern Nationalism* (Urbana: University of Illinois Press, 1989).

toward the state. The need to procure labor and the problems associated with obtaining it were a constant source of friction between the state and the slaveholders.<sup>15</sup>

A final area where attention can be fruitfully shifted back to the state government is what McCurry calls the “politics of subsistence.” In 1862 the government in Columbia demanded more sacrifices from its citizens. But what is not often recognized are the increasing demands that citizens, particularly women, made on the state. As McCurry explains, there “came the necessity of a social contract between the people and their new [Confederate] government that would be adequate to the times.” This social contract mandated not only that men had an obligation to provide military service in defense of the nation but also that the nation was obliged to support and protect soldiers’ families. A similar understanding was manifested at the state level. Women bombarded state authorities with letters and petitions demanding aid for their families, claiming that because their menfolk were in the army they were entitled to state assistance. These demands were not ignored. In December 1861 the legislature passed a law providing relief for soldiers’ families but complaints that this law was inadequate were loud and frequent, and the legislature had to amend it at the end of 1862 to address these concerns.<sup>16</sup>

There is also a need to better understand basic governance at the state level. George Rable has urged that “it is time to examine the gritty reality of day-to-day administration” in the Confederacy. This dissertation heeds that call by investigating the daily proceedings of South Carolina’s legislature, convention, executive council, and various state departments. All too often individual legislators and other state agents remain obscure in studies of the home front. Yet their words and actions can tell us much about a society at war. An original contribution of

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<sup>15</sup> McCurry, *Confederate Reckoning*, 276-79.

<sup>16</sup> *Ibid.*, 133-46. See also Paul D. Escott, “The Cry of the Sufferers: The Problem of Welfare in the Confederacy,” *Civil War History* 23 (1977): 228-40, and William Frank Zornow, “State Aid for Indigent Families of South Carolina Soldiers, 1861-1865,” *South Carolina Historical Magazine* 57 (1956): 82-87.

this study is to bring lesser known politicians to center stage. As James Roark reminds us, “multiple and sometimes clashing experiences” were an essential part of the Confederate experience. In South Carolina, a state heretofore insufficiently studied by Civil War scholars, these clashing experiences often took the shape of heated debates among the men entrusted with carrying out the duties of state government. Examining these and the controversies surrounding them adds an important dimension to our understanding of the Confederate home front.<sup>17</sup>

A few words are in order here explaining how this dissertation is organized and the parameters of my research. This is not a study of the ideology that brought about the secession movement or of South Carolina’s role in creating the Confederacy. Nor is it a comprehensive study of South Carolina’s Civil War experience. At heart it is an investigation of the relationship between politics and the efforts of the state government to wage war in 1861-1862. Although the years 1863-1865 are hardly less important, the executive council period deserves to be treated separately because of its radical nature and the public uproar it created. While “high politics” is the primary focus of this study, the governmental and social elements of life on the home front constantly intersected and deeply affected one another. Much of my research therefore draws from evidence left by citizens who did not hold public office.

The first chapter, a synthesis of secondary works, explains the major economic, social, and political forces that shaped the state’s development during the antebellum period up to the outbreak of war in 1861. My original research contributions begin with chapter two, which shows that white South Carolinians harbored a false sense of security about the durability of their social fabric and the state’s ability to wage war. Chapter three examines the social and economic consequences of the Union invasion of Port Royal and analyzes how the state authorities

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<sup>17</sup> James M. McPherson and William J. Cooper Jr., eds., *Writing the Civil War: The Quest to Understand* (Columbia: University of South Carolina Press, 1998), 142, 202.

responded to this crisis. Chapter four is concerned with how the executive council marshalled the resources to wage war and the problems it encountered. The fifth chapter explores the serious divisions within the council and the growing public opposition to the convention and the council. Chapter six sheds light on the legislative process that abolished the council. The conclusion traces how the council controversy continued to reverberate in early 1863.

This dissertation, while focused on South Carolina, argues more broadly that the operations of the state governments were essential elements of the Confederate home front experience and need more scholarly attention. I show that an intimate relationship developed between the Palmetto State's government and its citizens. Voters paid close attention to the actions of their political representatives and did not hesitate to voice sharp opinions on their performance. Politicians in turn attempted to respond to the demands of their constituents. A corollary argument is that in order to meet the exigencies of war the convention embarked on a radical experiment in government that transformed South Carolina's executive department and temporarily overturned the state's ultraconservative Constitution. Despite the elaborate reasoning employed to justify the creation of the council, however, and despite the dire emergencies the state confronted, white South Carolinians ultimately refused to countenance this challenge to their traditional form of government, even for the sake of victory. At the height of the controversy the *Charleston Daily Courier* described the executive council as "an oligarchy of politicians, the most odious of all conceivable tyrannies, without parallel, unless we go back to find it in the thirty tyrants of Athenian history." Yet the editor correctly predicted that "The reign of our petty tyrants must be brief." Indeed it was brief. The council existed for just one year. The experiment was abandoned because citizens made their voices heard and demanded the return of regular government, and state politicians obeyed their will. In December 1860 South Carolinians

would not have been able to imagine that such political strife would be engendered by the convention called to take the state out of the Union. And yet it did so, revealing that the citizenry was far more divided politically than historians have heretofore assumed.<sup>18</sup>

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<sup>18</sup> *Charleston Daily Courier*, 19 June 1862.

## Chapter One

### “The Glorious Little State of South Carolina”:

#### Places, People, and Politics in the Palmetto State from White Settlement to Civil War

In early November 1861 a Union armada approached the entrance to Port Royal Sound near Hilton Head Island off the South Carolina coast. Among those on board were the men of the Eighth Michigan Infantry. This regiment had been raised in the extreme northern section of the state and many of the soldiers were struck by the contrasts between this semitropical region and their homeland. Although eager to strike a blow at the “rebel nursery” and believing that “South Carolina ought to suffer,” some could not refrain from commenting favorably on what they saw. Lieutenant John Buchanan described it as “a Beautiful place,” with autumn leaves “Green as midsummer.” The regimental surgeon judged the region “one of the finest to live in on the continent.” Another Michigander thought Hilton Head “a paradise . . . with moss covered live oak and here and there a magnolia giving forth its fragrance, and charming in its beauty.”<sup>1</sup>

These descriptions of South Carolina’s landscape echoed those made by earlier observers. White settlers and travelers during the colonial period often commented on the spectacular natural beauty of the land originally called by the English “Carolana.” Many of these early accounts described it as a semitropical paradise, an Eden in the New World. They extolled its lush, seemingly endless forests, especially its giant live oak trees draped in Spanish moss. White observers were equally impressed with the abundance of wild game and fish. Before colonists introduced malaria, smallpox, typhus, and yellow fever to the region, the subtropical climate of

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<sup>1</sup> George M. Blackburn, “A Michigan Regiment in the Palmetto State,” *South Carolina Historical Magazine* 68 (1967): 154-64.

South Carolina was considered salubrious; John Archdale, an early settler of Carolina, described it as “serene and exceedingly pleasant, and very healthy in its natural Temperament.”<sup>2</sup>

South Carolina’s physical landscape is quite diverse. It is best viewed as a rough triangle with a 190-mile-long base on the Atlantic Ocean and an apex 235 miles to the northwest on the crest of the Blue Ridge Mountains. Encompassing a mere 31,113 square miles, South Carolina is the smallest Deep South state. Historians have typically divided it into two regions, lowcountry and upcountry, separated by the fall line, which runs roughly from North Augusta northeastwardly through Columbia to the North Carolina line. The geographical distinction between the lowcountry and upcountry was a crucial factor shaping South Carolina’s historical development throughout the colonial and antebellum periods. The lowcountry is a coastal plain extending from the ocean to the fall line. The upcountry is a piedmont region of gently rolling hills extending to the mountains. During the antebellum period distinctive social geographies of race and class came to characterize the two regions based largely on their demographic and economic development during the colonial era.<sup>3</sup>

South Carolina was one of the most important colonies in the British empire. By 1720 it produced more naval stores than any other colony. But the leading export throughout the eighteenth century was rice. During the colonial era tens of thousands of Africans were shipped to South Carolina to provide labor for the emerging plantation economy. In fact, the enslaved population soon outnumbered the white colonists. In 1708 blacks accounted for just over 50 percent of the colony’s inhabitants; a half century later they comprised 65 percent. The majority of South Carolina’s inhabitants during the first half of eighteenth century lived in the

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<sup>2</sup> D. Gordon Bennett and Jeffrey C. Patton, eds., *A Geography of the Carolinas* (Boone, NC: Parkway, 2008), 1; Edgar, *South Carolina*, 8-11.

<sup>3</sup> Wallace, *History of South Carolina*, 1:3; Edgar, *South Carolina*, 1-8; Charles F. Kovacic and John J. Wilberry, *South Carolina: The Making of a Landscape* (Columbia: University of South Carolina Press, 1987), 65-103; McCurry, *Masters of Small Worlds*, 30-31, 22.

lowcountry. Plantations there produced and exported large quantities of rice and indigo, a source of immense wealth not only for the planters but for the British empire as a whole. Indeed, Charleston, the economic, political, and social hub of the colony, was the wealthiest colonial city in British North America. Lowcountry white residents were four times wealthier, on average, than those of the tobacco-producing Chesapeake region. By 1768, however, the demographics of the white population had changed considerably. The nineteen lowcountry parishes contained less than one-fourth of the colony's white population yet accounted for 86 percent of the colony's taxable wealth and more than 90 percent of its slaves. Nevertheless, colonial government and administration were confined to the coastal parishes, a fact which had important ramifications throughout South Carolina's early history.<sup>4</sup>

The South Carolina backcountry was slow to develop during the colonial era. The "backcountry," a term used during the eighteenth century to describe both a geographic and a political unit, referred to the entire area beyond the nineteen coastal parishes. (It was not until the 1790s that South Carolinians began using the term "upcountry".) Until 1768 the backcountry included only one, poorly defined parish; before the American Revolution it was a region essentially without political representation. Camden, the oldest backcountry town, was not established until 1758. But by mid-century waves of Scots-Irish, English, and German immigrants were traveling down the Great Wagon Road that ran from Harrisburg, Pennsylvania, through the Shenandoah Valley of Virginia and into the piedmonts of North and South Carolina. Thereafter whites occupied the South Carolina backcountry in appreciable numbers. By the mid-1760s it contained roughly thirty-five thousand settlers and accounted for three-fourths of the

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<sup>4</sup> Peter Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: W. W. Norton, 1974), 142-47; Edgar, *South Carolina*, 78, 162; Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: University of North Carolina Press, 1990), 9.

colony's white population. Despite this, the region in 1767 had only two representatives in the Commons House of Assembly, from the single backcountry parish of St. Marks. In addition to being woefully underrepresented in Charleston the backcountry was plagued by violence and crime. Local courts, sheriffs, and jails did not exist and outlaws roamed the countryside with little fear of punishment. In response, white settlers formed themselves into what became known as the Regulators. The Regulators sought to make the backcountry safe for commercial activities and demanded the creation of institutions of law and order. They won a significant victory when the assembly in Charleston passed the Circuit Court Act of 1769, establishing a system of courts, jails, and sheriffs in the backcountry. But the issue of representation was not addressed and would continue to fester into the antebellum period.<sup>5</sup>

South Carolina played a prominent role in the American Revolution. Historians have typically divided the Revolution in South Carolina into three phases. The first, from 1774 to 1776, was characterized by a struggle for control of the backcountry. In general terms this was a conflict between Whigs and Loyalists (or Tories) and can be seen as an extension of the Regulator movement of the 1760s. Whig forces gained control by November 1775 with the arrest of the most active Loyalists. The second phase, between the summer of 1776 and January 1780, was a period of relative calm, most of the Loyalists having fled and their Cherokee allies having been defeated. The final phase began in early 1780 when British forces captured Charleston. For the next two years the backcountry became the scene of a bitter civil war between Whigs and the remaining Loyalists. After much violence Whig forces triumphed, and with the British

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<sup>5</sup> Klein, *Unification of a Slave State*, 7-9; Edgar, *South Carolina*, 163; Walter Edgar, ed., *The South Carolina Encyclopedia* (Columbia: University of South Carolina Press, 2006), 784-85; Wallace, *History of South Carolina*, 2: 56-63.

evacuation of Charleston in December 1782 the American Revolution in South Carolina came to a close.<sup>6</sup>

The postwar years were difficult for many South Carolinians. The fighting had resulted in widespread physical damage and economic dislocation. Lowcountry rice planters borrowed lavishly to replace slaves lost to the British during the war and still owed large debts to British merchants. There was, moreover, a chronic shortage of hard currency. Planters were further hurt by the closing of the British West Indies to American commerce, which cut off a major market for rice. The plantation economy sustained another hard blow with the decline of indigo cultivation, triggered by the loss of the lucrative British bounty for growing indigo, competition from growers in the French and Spanish West Indies, and an influx of higher-quality indigo from India. By the mid-1790s South Carolina exported almost no indigo. Thereafter lowcountry planters focused on tidal rice and sea-island cotton cultivation.<sup>7</sup>

Meanwhile, in the backcountry many yeoman farmers and the nascent planter class were struggling to pay their creditors. Violence again convulsed the region as debtors closed courts to prevent foreclosures. Mobs took the law into their own hands, harassed judges, prevented sheriff's sales, and on one occasion set a courthouse on fire. Violence was not confined to the backcountry. In Charleston artisans complained bitterly about the lack of punishment for those who had been disloyal to the American cause. An Anti-Britannic Society was formed and riots, often manifesting class conflict, were frequent in the streets of Charleston throughout 1783. The General Assembly responded by enacting legislation on taxes, debt, and currency that mollified the protestors.<sup>8</sup>

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<sup>6</sup> Klein, *Unification of a Slave State*, 78-84.

<sup>7</sup> Edgar, *South Carolina*, 244-46, 266.

<sup>8</sup> *Ibid.*, 246-48.

The battle over ratification of the U.S. Constitution in the late 1780s was a key episode in early South Carolina politics. The Federalists were strongest in the lowcountry, especially Charleston. Like their counterparts in Virginia and the northeast, they were generally conservative and cautious by nature, tended to be more fearful of excessive democracy than concentrated financial power, and supported national policies to facilitate transatlantic commerce. They also sought to preserve the lowcountry's political hegemony. Antifederalists were concentrated in the upcountry. Led by ambitious yeomen bent on rising into the planter class, they sought to defend the interests of independent agricultural producers. They feared that the new federal government would favor northeastern shipping interests. The Federalists carried the day, however, and the state ratified the Constitution. Although the backcountry farmers lost the battle over ratification, in the ensuing years they won legislative concessions that would set the course of South Carolina's political development until the Civil War.<sup>9</sup>

South Carolina was the first Southern colony to draft a state constitution. This 1776 document was a temporary measure drawn up in the interest of expediency. In March 1778 the General Assembly met to draft a permanent constitution. The new document overwhelmingly favored the lowcountry elite. The backcountry was given only 64 of the 202 seats in the House of Representatives. The property qualification for the governorship (\$41,000) excluded all but the wealthiest men; however, the chief executive in this new framework of government was a mere figurehead. Each parish or district was allocated one senator, with the exception of Charleston, which received two. It was not long before the backcountry residents made known their dissatisfaction with this constitution. The General Assembly eventually made two important concessions. In 1785 it created counties and county courts. The districts of 1769 continued to

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<sup>9</sup> Ford, *Origins of Southern Radicalism*, 103; Edgar, *South Carolina*, 250-52; Wallace, *History of South Carolina*, 2: 339-43. On South Carolina Federalists, see Ulrich B. Phillips, "The South Carolina Federalists," *American Historical Review* 14 (1909): 529-43, 731-90.

serve for the circuit courts but were divided into thirty-four counties, whose courts were to be held quarterly. Each court was presided over by seven justices of the peace chosen by the legislature. This had been one of the Regulators' demands and did much to stabilize the political, economic, and social life of the backcountry. The next year the legislature voted to move the capital from Charleston to Columbia. But what appeared to be a decisive victory for the backcountry was short-lived.<sup>10</sup>

With ratification of the federal Constitution South Carolina found it necessary to rewrite its own constitution to conform to the federal document. Before adjourning, the ratification convention resolved to hold a constitutional convention to draft a new fundamental state law. This would be the first constitutional convention in the state's history and a significant development with important ramifications for South Carolina's Civil War experience. Out of the discussions of 1784-1790 on the need for a new state constitution the idea that the convention was the supreme political authority of the state, embodying the highest level of sovereignty, ultimately emerged. The notion that a convention called for a special purpose should act according to the people's will was thus firmly established. First put into practice in 1790, it was a concept that South Carolina would use more than once over the next seven decades when difficulties with the federal government arose.<sup>11</sup>

The South Carolina Constitution of 1790, amended in 1808 and 1810, would serve as the state's fundamental law until after the Civil War. Given the growing strength of the upcountry one might suppose that the new Constitution would have made concessions to that part of the state. But in fact, the lowcountry, dominated by the Federalist Party, had a decisive advantage in the 1790 convention because of the inequitable apportionment of delegates. This inequity was

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<sup>10</sup> Edgar, *South Carolina*, 226-30, 248; Ralph A. Wooster, *The People in Power: Courthouse and Statehouse in the Lower South, 1850-1860* (Knoxville: University of Tennessee Press, 1969), 64-65.

<sup>11</sup> Wallace, *History of South Carolina*, 2: 343-47.

replicated with regard to the House of Representatives in the new government created in 1790. The new Constitution determined representation in the General Assembly based on forty-five subdivisions called election districts. These comprised the lowcountry parishes and the counties created in 1785. Yet it was becoming clear that South Carolina's experiment with the county system was inefficient. In the upcountry counties it was often difficult to find seven men adequately versed in the law to serve as justices. In 1798 the county system was abolished and twenty-five judicial districts (distinct from election districts) were created, incorporating all the counties. Gradually over time the judicial and election districts came to be identical in name and area. In the lowcountry the parish system, with a parish constituting both an election precinct and a district, was retained for purposes of representation.<sup>12</sup>

Throughout the 1790s the Federalists controlled the course of South Carolina politics, but eventually upcountry leaders, many of whom were now large planters, asserted themselves. By 1804 the Jeffersonian Republicans dominated the state government. And, too, the slave population of the upcountry was growing rapidly; by 1800 that region was home to one third of the state's 141,151 slaves. These developments led to what became known as the Compromise of 1808. Passed as an amendment to the Constitution of 1790, it mandated that each election district or parish would be allocated one senator. The House of Representatives was to be apportioned based on white population and taxable property equally. In this new arrangement the lowcountry controlled the Senate while the upcountry controlled the House. The amendment also called for reapportionment every ten years. It was clear that as the upcountry became more populous and

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<sup>12</sup> Ibid.; Klein, *Unification of a Slave State*, 144-47; Edgar, *South Carolina*, 254-57; Wooster, *People in Power*, 64-65; Columbus Andrews, *Administrative County Government in South Carolina* (Chapel Hill: University of North Carolina Press, 1933), 16-18; Chauncey S. Boucher, "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," *Washington University Studies* 4 (1916): 1-62; William A. Schaper, "Sectionalism and Representation in South Carolina," *American Historical Association Annual Report* 1 (1901): 239-463. See also, Schaper, *Sectionalism and Representation*.

wealthy it would gain a greater share of power in state government. At the time both sections seemed satisfied with the measure. However, because representation was based equally on white population *and* wealth, the lowcountry continued to retain a strong presence in the House. Nevertheless, the upcountry leaders, who now included John C. Calhoun from Abbeville District, won another striking victory in 1810, when all property requirements for voting were abolished by constitutional amendment, thus giving all white men the franchise.<sup>13</sup>

The South Carolina General Assembly during the antebellum period exercised extraordinary powers. Unlike other state legislatures throughout the Union, it elected the governor, presidential electors, and a host of other state and local officers. The governorship was largely ceremonial; the chief executive lacked veto power and made few appointments. His prestige and influence were, however, considerable. His ceremonial functions became increasingly important during the late antebellum period, particularly if he was a skilled orator. The governor's annual message to the legislature generally set the agenda for the General Assembly. Moreover, the governor was the commander in chief of the state militia. Militia musters and the review of troops were festive occasions in which the governor could do much to rally support for a particular cause or vilify his opponents. Yet formal power remained in the legislature's hands and it continued to be the dominant branch of government through the Civil War.<sup>14</sup>

Through the antebellum period South Carolina continued to modify its judicial structure, particularly in regard to appellate jurisdiction in law and equity. The Court of Errors, consisting of all the judges in the law and equity courts combined, was the state's highest court and decided all constitutional matters. The South Carolina bench and bar played an important role in the

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<sup>13</sup> Edgar, *South Carolina*, 259-64; Klein, *Unification of a Slave State*, 262-68; Ford, *Origins of Southern Radicalism*, 104-108; Wallace, *History of South Carolina*, 2: 345-51.

<sup>14</sup> Ford, *Origins of Southern Radicalism*, 303-307.

events leading up to secession. Many of the state's leading politicians had been prominent attorneys during the antebellum era and their influence on the body politic was considerable at times. There were two judicial systems in South Carolina throughout the war years. The state courts decided civil disputes and criminal prosecutions. Regular court terms became increasingly difficult as the war progressed, and in some circuits they existed in name only. But state courts were instrumental in deciding cases pertaining to the stay laws passed by the legislature to protect Confederate soldiers and their families and resolving other matters of crucial importance to those on the home front. The second judicial system was the federal court, known as the Confederate States Court for the District of South Carolina. It was presided over by Judge Andrew Gordon McGrath, who decided various cases of national importance to the Confederacy.<sup>15</sup>

Although the high courts of the state were important, the typical citizen more often felt the weight of local government. Of the local offices perhaps the most important was that of sheriff, whose job it was to enforce the laws, execute warrants, manage the local jail, and supervise elections. The sheriff worked closely with the administrators of the district or parish. Unlike in other states in the Lower South, in South Carolina there was no single body responsible for the operation of local government. Rather, several special commissions, chosen by the legislature, discharged a variety of local executive, legislative, and judicial functions. Among them were those charged with maintaining public schools, courthouses and jails, and

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<sup>15</sup> Donald Senese, "Building the Pyramid: The Growth and Development of the State Court System in Antebellum South Carolina, 1800-1860," *South Carolina Law Review* 24 (1972): 357-79; John P. Thomas, *The Formation of Judicial and Political Subdivisions in South Carolina* (Columbia, SC: Bryan, 1890), 1-22; Warren Moise, *Rebellion in the Temple of Justice: The Federal and State Courts in South Carolina during the War between the States* (New York: iUniverse, 2003), xiii, 27-31, 112-17; William M. Robinson Jr., *Justice in Grey: A History of the Judicial System of the Confederate States of America* (Cambridge, MA: Harvard University Press, 1941), 122-28; George C. Rogers Jr., *Generations of Lawyers: A History of the South Carolina Bar* (Columbia: South Carolina Bar Foundation, 1992), 11-45; John Belton O'Neill, *Biographical Sketches of the Bench and Bar of South Carolina* (1859; repr., Spartanburg, SC: Reprint Company, 1975), ix-xiii.

roads and bridges. The commissioners of roads and bridges were particularly important. Besides laying out and maintaining roads, constructing bridges, and establishing ferries, they were responsible for appointing slave patrols, levying taxes, and licensing tavern-keepers and liquor retailers. While most commissioners continued to be chosen by the legislature through the war years, by the mid-1850s the voters in each parish or district began electing the sheriff, probate judge, court clerks, tax collectors, and commissioners for the poor.<sup>16</sup>

As South Carolina's governmental structure matured, so did its economy. While short-staple cotton had been known to South Carolinians since the early colonial period, large-scale production was impossible until the invention of the cotton gin in 1793. Thereafter it spread into the upcountry with phenomenal speed. In 1793 the entire state produced ninety-four thousand pounds of cotton, most of it being the long-staple cotton grown on the Sea Islands. By 1811 the upcountry alone grew over thirty million pounds of short-staple cotton annually. This boom in cotton production enriched many planters and small slaveholders and also created opportunities for non-slaveholders to acquire slaves. Between 1800 and 1820 some four thousand new masters were added to the slaveholding ranks in the upcountry.<sup>17</sup>

The first cotton boom ended abruptly with the panic of 1819 and the ensuing hard economic times. Cotton prices rose briefly during the 1830s but the panic of 1837 provoked another agricultural depression that lasted until the late 1840s. During this period a sizable out-migration of population occurred. Lured by the rich cotton-growing lands of Alabama and Mississippi, many South Carolinians abandoned their fields, which had become less productive due to soil exhaustion and erosion. Between 1830 and 1850 many districts lost white population.

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<sup>16</sup> Wooster, *People in Power*, 81-92; Andrews, *Administrative County Government*, 18-20; Taylor, *Ante-Bellum South Carolina*, 85-86; Cauthen, *South Carolina Goes to War*, 192-93.

<sup>17</sup> Ford, *Origins of Southern Radicalism*, 5-15; Edgar, *South Carolina*, 270-71.

The black out-migration was nearly as large, for many white emigrants took their slaves with them.<sup>18</sup>

Most South Carolinians stayed where they were, however, and by the late antebellum period cotton had rebounded and a mature plantation and yeoman economy had emerged. The brief agricultural reform period of the 1840s failed to convince most farmers to abandon their reliance on cotton but it did bring into sharp focus the tension between their ideological attachment to personal independence and their growing involvement in commercial agriculture. Short-staple cotton production was the economic foundation of a community of upcountry freeholders devoted to a “country-republican” ideology. This ideology extolled the virtues of personal independence based on the unhindered ownership of productive property. This was seen as the true foundation of white liberty; without it white men were vulnerable to manipulation and exploitation and thus unfit for republican citizenship. The planters and yeomen of the upcountry, although varying in wealth and involvement in the market economy, shared the status of white independent freeholder, providing the basis for a stable social and political order.<sup>19</sup>

Planters and yeomen participated in the economy differently. Upcountry planters were engaged in multiple economic networks extending beyond their region and marketed their crops through factors in Charleston. Lines of credit were extended to planters who then purchased the necessary supplies and machinery to operate their plantations. For example, many planters owned cotton gins, gristmills, and sawmills that served yeomen in the neighborhood for a small fee. Local planter-yeoman economic relationships of this sort had important social and political implications. Planters who provided these services came to wield considerable power and influence over local affairs. As a planter’s power increased so did his social prestige, which in

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<sup>18</sup> Ford, *Origins of Southern Radicalism*, 14, 37-42; Edgar, *South Carolina*, 276-77.

<sup>19</sup> Ford, *Origins of Southern Radicalism*, 49-57.

turn legitimized his political aspirations. The interdependence between the plantation and surrounding neighborhood helped to cement white unity.<sup>20</sup>

Planters certainly played the most conspicuous role in the upcountry economy but the majority of white farmers were yeomen, i.e., property-owning petty producers. Non-slaveholding farmers and slaveholding farmers owning fewer than six slaves operated over 55 percent of farms in the upcountry. Yet the yeoman majority controlled only one third of all farm value. Nevertheless, yeomen were active participants in the cotton economy. More than 70 percent of non-slaveholding yeomen grew cotton either for domestic consumption or for market. The majority practiced “safety-first” farming, allocating enough acreage to subsistence crops to ensure self-sufficiency and then planting cotton on the land not needed for food production.<sup>21</sup>

The lowcountry, with its huge riverside rice plantations, contrasted starkly in many ways with the cotton-growing upcountry. Blacks outnumbered whites in the lowcountry throughout the antebellum period by a ratio of at least three or four to one. But the lowcountry was not simply a region of great planters and their enslaved laborers. A vibrant yeomanry existed there working toward the same ends as the upcountry yeomen. Yeomen constituted a majority of the white population throughout the lowcountry parishes and they worked toward achieving self-sufficiency and protecting their independence as white freeholders while engaging to a limited extent in cash-crop production for local or outside markets.<sup>22</sup>

White society in antebellum South Carolina did not consist solely of planters and yeomen. Below them in the social hierarchy were the poor whites, those who owned no land, no slaves, and little or no other property. Many lived on the margins of society, although some

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<sup>20</sup> Ibid., 61-66; Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery* (Baton Rouge: Louisiana State University Press, 1982), 131.

<sup>21</sup> Ford, *Origins of Southern Radicalism*, 71-74.

<sup>22</sup> McCurry, *Masters of Small Worlds*, 36-91.

historians have pointed to the contemporary distinction drawn between the “respectable” poor and the “shiftless” poor. Although poor whites accounted for a minority of the state’s white population, they nevertheless played an important role in the economy, mostly in agriculture. It was not uncommon for a yeoman to hire poor whites as seasonal farm laborers. Many other poor whites eked out a living as tenant farmers; it has been estimated that between 12 and 20 percent of all South Carolina farm operators in 1850 were tenants. Other poor whites found employment as overseers on large plantations. Although they did not own slaves, poor whites lived in a slaveholding society and were tied either directly or indirectly to the institution. They were, for example, a crucial component of slave patrols. As the sectional crisis deepened and the possibility of war drew near, many planters grew uneasy about poor whites’ commitment to defending the Southern cause and the institution of slavery. Some poor whites resented the advantages held by slaveowners, and some no doubt equated their own social status with that of the slaves; after all, poor whites were landless in a society undergirded economically and ideologically by the ownership of productive property.<sup>23</sup>

During the antebellum period white Southern women lived in a distinct social system and political economy where the intersection of gender, class, and race relations shaped their lives. Women of the planter class had to perform the sometimes contradictory roles of wife and plantation mistress. They were expected to submit to their husbands and conform to the rigid standards of womanhood while simultaneously maintaining their authority over slaves in the household. Many elite women complained about the burdens that slavery imposed on their lives,

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<sup>23</sup> Stephen V. Ash, “Poor Whites in the Occupied South, 1861-1865,” *Journal of Southern History* 57 (1991): 39-62; Elizabeth Fortson Arroyo, “Poor Whites, Slaves, and Free Blacks in Tennessee, 1796-1861,” *Tennessee Historical Quarterly* 55 (1996): 56-65; Ford, *Origins of Southern Radicalism*, 84-88; Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850-1890* (1983; repr., New York: Oxford University Press, 2006), 68; Bruce Collins, *White Society in the Antebellum South* (London and New York: Longman, 1985), 147-51, 160-63; Jeff Forret, “Slave-Poor White Violence in the Antebellum Carolinas,” *North Carolina Historical Review* 81 (2004): 139-67; Taylor, *Ante-Bellum South Carolina*, 84-85; Cauthen, *South Carolina Goes to War*, 136-37; Edgar, *South Carolina*, 358-60.

yet they were keenly aware that it preserved their privileged position in society. Yeoman women enjoyed the benefits of their household's independent status but their domestic labor was crucial in achieving that status. They were responsible for transforming raw materials into useable goods and therefore contributed directly to the household economy. Poor women at the bottom of the social strata not only worked regularly in the fields but often worked for wages. Like their menfolk, many poor women lived on the fringes of Southern society. Class divisions sharply divided Southern women, and there is little evidence indicating that elite women saw themselves as "sisters" of yeoman and poor-white women. In fact, relations among women of different classes tended to affirm social hierarchy and serve as a check on egalitarianism.<sup>24</sup>

By 1860 blacks comprised 59 percent of South Carolina's population: 412,320 persons out of 703,708. With 46 percent of white families owning slaves in 1860, South Carolina had the highest proportion of slaveholders in the nation. Moreover, if applying the standard definition of a planter as the owner of twenty or more slaves, 20 percent of South Carolina slaveholders fell into that category, compared with 12 percent across the South. There were seven lowcountry planters who owned over five hundred slaves and five planters living near the fall line who owned over three hundred. Owners of more than a hundred slaves were common in most parts of the state. In 1860 over 65 percent of slaves worked on farms with ten slaves or more. Thus, while a preponderance of black South Carolinians resided in the lowcountry, the proportion of slaves and slaveholders was considerable throughout the state.<sup>25</sup>

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<sup>24</sup> Drew Gilpin Faust, "Altars of Sacrifice: Confederate Women and the Narratives of War," *Journal of American History* 76 (1990): 1200-1228; Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon Books, 1982), 87-88; Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988), 37, 43; Weiner, *Mistresses and Slaves*, 23-50; Cashin, "Decidedly Opposed to the Union," 735-59; Laura F. Edwards, *Scarlett Doesn't Live Here Anymore: Southern Women in the Civil War Era* (Urbana: University of Illinois Press, 2000), 22-23, 34-39.

<sup>25</sup> Edgar, *South Carolina*, 277, 311; Sinha, *Counterrevolution of Slavery*, 10-12, 118.

A multitude of factors in antebellum South Carolina shaped slave life. The term “slave life” can encompass myriad components but usually centers around work, culture, family life, and resistance. The experience of individual slaves varied widely across the state but was influenced especially by where the slave lived and the type of work he or she performed. In the lowcountry the task system prevailed on both rice and sea-island cotton plantations. Once their daily assigned individual task was complete the slaves could take time off to work their own garden plots or engage in other activities. This gave them a degree of control over their working day, allowed some to accumulate a little property, and fostered the development of family and community in the slave quarters. The situation was quite different above the fall line, where slaves produced short-staple cotton. There the gang-labor system prevailed; slaves worked the fields in groups from dawn to dusk under the supervision of a white overseer. The daily rhythms of life were highly regimented and closely monitored. In general the gang system was harder on slaves than the task system and afforded them far less control over their workday. Nevertheless, these enslaved people, too, managed to establish a vibrant family and community life in the slave quarters.<sup>26</sup>

The rice swamps and cotton fields were not the only places where slaves worked. An appreciable number of slaves could be found in South Carolina’s few urban centers. In 1860 some 13,909 slaves resided in Charleston alone. In several ways the lives of urban slaves diverged sharply from the lives of rural slaves. Many were highly skilled artisans. Urban slaves often had opportunities to earn money, and some even lived apart from their owners, dressed in the latest fashions, ate a varied diet, and in other ways enjoyed a lifestyle that rural slaves could

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<sup>26</sup> Larry E. Hudson Jr., *To Have and to Hold: Slave Work and Family Life in Antebellum South Carolina* (Athens: University of Georgia Press, 1997), xiii-xxii, 1-3, 121, 141-76; Edgar, *South Carolina*, 313-14; Akiko Ochiai, *Harvesting Freedom: African American Agrarianism in Civil War Era South Carolina* (Westport, CT: Prager Publishers, 2004), 2.

only envy. Slaves in the cities also mingled with the small minority of black South Carolinians who were free. There were fewer than ten thousand free blacks in the state in 1860, almost a third of whom lived in Charleston.<sup>27</sup>

Historians over the past several decades have clearly established that slaves were not merely passive victims of a brutal institution. They resisted their plight and tried to loosen the chains of bondage in every way they could. Resistance took many forms, including lying to or stealing from masters, breaking tools, neglecting chores, and faking sickness. Other forms of resistance were bolder, including outright insolence and insubordination. Some slaves resisted with their feet by absconding temporarily; a very few did so permanently. But until the Civil War, the institution of slavery was far too powerful to be challenged fundamentally.<sup>28</sup>

Given the Palmetto State's distinctive demography it is not altogether surprising that it pursued an aberrant course of political action throughout the sectional crisis. In the early years of the nineteenth century there was no indication this would be the case. John C. Calhoun and Langdon Cheves were War Hawks during the War of 1812 and in the immediate postwar years supported a strong federal government. However, in 1819 Missouri applied for admission to the Union as a slave state. This threatened to upset the balance of United States senators representing

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<sup>27</sup> Bernard E. Powers Jr., *Black Charlestonians: A Social History, 1822-1885* (Fayetteville: University of Arkansas Press, 1994), 267; Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976), 390-92; Emily West, *Chains of Love: Slave Couples in Antebellum South Carolina* (Urbana: University of Illinois Press, 2004), 86, 107; Fraser, *Charleston! Charleston!*, 199-200; Orville Vernon Burton, *In My Father's House Are Many Mansions: Family and Community in Edgefield, South Carolina* (Chapel Hill: University of North Carolina Press, 1985), 202-23; David W. Dangerfield, "Turning the Earth: Free Black Yeomanry in the Antebellum South Carolina Lowcountry," *Agricultural History* 89 (2015): 200-24; David O. Stowell, "The Free Black Population of Columbia, South Carolina, in 1860: A Snapshot of Occupation and Personal Wealth," *South Carolina Historical Magazine* 104 (2003): 6-24; E. Horace Fitchett, "The Origin and Growth of the Free Negro Population of Charleston, South Carolina," *Journal of Negro History* 26 (1941): 421-37; Larry Koger, *Black Slaveowners: Free Black Slave Masters in South Carolina, 1790-1860* (Jefferson, NC: McFarland and Company, 1985), 5-17.

<sup>28</sup> William Dusinger, *Them Dark Days: Slavery in the American Rice Swamps* (New York: Oxford University Press, 1996), viii; Norrece T. Jones Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina* (Hanover, NH: University Press of New England, 1990), 162-65; Charles Joyner, *Down by the Riverside: A South Carolina Community* (Urbana: University of Illinois Press, 1984), 232-33; Olsberg, "Government of Class and Race," 324; Poole, *South Carolina's Civil War*, 104.

the free and slave states. Congress eventually decided that Missouri would be admitted as a slave state while Maine would join the Union as a free state, thereby maintaining the equilibrium in the Senate. Significantly, the compromise also stipulated that slavery would be excluded in the remainder of the Louisiana Purchase north of the 36° 30' parallel. Although Calhoun did not participate in the debates over the admission of Missouri in 1819-20, he supported the compromise and even helped convince President James Monroe that Congress did have the constitutional authority to regulate slavery in the territories. William Lowndes, the lowcountry's venerated political leader, worked hard on the compromise measure and many of his constituents expressed their support of the final settlement. But grim forebodings were voiced by Charles Pinckney, who had been a delegate to the Constitutional Convention of 1787 and was a respected leader in Charleston. He warned South Carolinians about the importance of "keeping the hands of Congress from touching the question of slavery." Once Congress established its right to even consider the subject there was no telling "to what length it may be carried." The Charleston newspapers tried to keep the issue from the public, but South Carolina, by winning a victory with Missouri's admission as a slave state, had implicitly accepted the principle that Congress had the power to regulate slavery in the territories.<sup>29</sup>

South Carolinians were galvanized once again in 1822 when news of the Denmark Vesey plot became public. Vesey, a free-black carpenter in Charleston, plotted an insurrection that may have involved hundreds of slaves. He and his co-conspirators were betrayed, and the authorities hanged thirty-five of them, including Vesey, and sold another thirty-seven out of the state. The General Assembly subsequently passed the Seamen's Act to prevent free-black sailors from conversing with Charleston slaves by locking them up in the city jail while their ship was in port.

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<sup>29</sup> Edgar, *South Carolina*, 325-27; Freehling, *Prelude to Civil War*, 108-109; John McCardell, *The Idea of a Southern Nation: Southern Nationalists and Southern Nationalism, 1830-1860* (New York: W. W. Norton, 1979), 23-24.

The legislation violated a U.S. treaty with Great Britain giving sailors of the two nations open access to each other's ports. Federal authorities protested, but South Carolina continued to enforce the law. This episode was a key turning point in South Carolina's relationship with the federal government. The Seaman's Act in effect nullified a federal mandate. A decade later South Carolinians would apply the same logic during the nullification crisis after the federal government passed a protective tariff on manufactured goods.<sup>30</sup>

In 1828 John C. Calhoun drafted the *South Carolina Exposition and Protest*, one of the most important works of political theory addressing the issue of sovereignty in the American constitutional system. Drawing from the Virginia and Kentucky Resolutions of 1798, he affirmed the sharing of powers between state and national governments. But for Calhoun, sovereignty resided with the people of the states that created the Union. The Supreme Court could never be the final arbiter of constitutional questions, he insisted, since it was itself an arm of the general government. It was therefore the right and duty of the individual states to judge disputes between themselves and the federal government. Thus far Calhoun had not said anything new. But he broke with precedent when he declared that constitutionality should not be decided by the state legislature but rather by "a convention especially called for the purpose." If the convention determined a certain federal law to be unconstitutional, then it had the duty to veto it. This was precisely what occurred in November 1832 when delegates sitting in special convention in Columbia declared the federal tariffs of 1828 and 1832 to be unconstitutional and therefore null and void in the state of South Carolina. The episode reveals much about South Carolina's conception of the Union. Many Palmetto State politicians did not believe that the Constitution

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<sup>30</sup> Edgar, *South Carolina*, 328-29; John Lofton, *Insurrection in South Carolina: The Turbulent World of Denmark Vesey* (Yellow Springs, OH: Antioch Press, 1964), 146-47; Powers, *Black Charlestonians*, 29; Freehling, *Prelude to Civil War*, 111-15; Wallace, *History of South Carolina*, 2: 414-18; H. M. Henry, *The Police Control of the Slave in South Carolina* (1914; repr., New York: Negro Universities Press, 1968), 124-32.

granted Congress the power to tax in order to promote manufactures or interfere with the internal exchanges between individuals. The judicial nationalism of Supreme Court justice John Marshall only intensified fears of a powerful government. After the convention nullified the tariff, many South Carolinians congratulated themselves on defying federal authority and affirming the doctrine that ultimate political sovereignty resided in state conventions called for special purposes. What they could not know, however, was that the theory giving state conventions sovereignty over domestic affairs would surface thirty years later in the midst of a civil war and produce a bitter debate over where sovereignty resided in the state itself.<sup>31</sup>

The nullification controversy created much division among South Carolina politicians. Not only were there some who were still fiercely committed to preserving the Union and disagreed with the radical course of action taken by the convention, but the nullifiers were split into conservative and radical wings over the issue of secession. Some wanted to set the issue aside entirely while others demanded a resolution declaring that the state would secede if the federal government used coercion to enforce the tariff. The latter option was eventually adopted, much to the dismay of the Unionists. Additionally, the Unionists were deeply offended when it was decided that the nullification ordinance would include a provision requiring a test oath that put loyalty to South Carolina above loyalty to the United States. Any citizen who refused to take the oath could not hold public office in the state. When the South Carolina Court of Appeals declared the test oath unconstitutional in 1834, the legislature, under control of former nullifiers, abolished the court. The failure of the South Carolina Unionists during the controversy prevented the formation of a viable political opposition to the separatism championed by the nullifiers.

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<sup>31</sup> Irving H. Bartlett, *John C. Calhoun: A Biography* (New York: W. W. Norton, 1993), 149-52; White, "Fate of Calhoun's Sovereign Convention," 757-71; Denny, "South Carolina's Conception of the Union in 1832," 171-83; Cauthen, *South Carolina Goes to War*, 139-51.

Indeed, it was the nullification debates which put South Carolina decisively outside the mainstream of Southern politics and launched the state on its own course.<sup>32</sup>

Another factor shaping that peculiar course was the absence of political parties in South Carolina. When the Whig Party began to attract a following in South Carolina, as it did in the presidential election of 1840, John C. Calhoun effectively strangled it before it matured. The platform of the Whigs, advocating using the federal government to promote economic development, was rejected by most planters and yeomen. Nevertheless, although most South Carolinians were Democrats, their allegiance to the national party was tenuous at best. The absence of a strong party structure in the state should not be taken to imply that Jacksonian democracy completely bypassed the state. Indeed, local elections were often vigorously contested and politicians had to court the favor of their constituents. But South Carolina's unique political system, which gave disproportionate power to the legislature, ran against the grain of Jacksonian democracy. Because the legislature elected the presidential electors most campaigns revolved around legislative and congressional races. South Carolina had a healthy dose of democracy but without the constraints of the second party system. This was an excellent formula for radicalism.<sup>33</sup>

Nullification was an impetus for Southern nationalism. The war with Mexico and the subsequent debates over organizing the acquired territories helped crystalize the concept of Southern nationalism. Yet the concept by this point had moved far from the earlier formal constitutional and political arguments to embrace the vindication of slavery. As the proslavery argument was elaborated it became the ideological foundation of Southern nationalism. The

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<sup>32</sup> Freehling, *Prelude to Civil War*, 260-63; Edgar, *South Carolina*, 333-37; William W. Freehling, ed., *The Nullification Era: A Documentary Record* (New York: Harper and Row, 1967), 150-52; Senese, "Building the Pyramid," 367-69; Ford, *Origins of Southern Radicalism*, 120.

<sup>33</sup> Edgar, *South Carolina*, 338; Ford, *Origins of Southern Radicalism*, 173, 143-44.

Wilmot Proviso, a proposed congressional measure that would prohibit slavery in any territory acquired from Mexico, was condemned at public gatherings across the state. Even Benjamin F. Perry, an outspoken Unionist and moderate, vowed to resist passage of the proviso and warned that any federal interference with slave property would cause “an immediate dissolution of this great and hitherto glorious Union.” In 1849 a Central Committee of Vigilance and Safety began to operate in Columbia to advise the governor. By this time citizens in nearly every district of the state had endorsed resolutions pledging to resist further attacks on slavery. Although the proviso never became law, it altered the political struggle over slavery.<sup>34</sup>

Inflaming the situation further were the fierce debates in Congress over how the territories acquired from Mexico were to be organized. The debate hinged on California’s admission to the Union. By this time the long-standing sectional equilibrium had largely disappeared. The South, outnumbered in population and long since outnumbered in the House of Representatives, could rely only on the balance in the Senate. But President Zachary Taylor was pressing hard for the admission of California, whose residents had drafted a constitution that barred slavery. A compromise was reached whereby California would be admitted as a free state in return for a stronger federal fugitive slave law. There were other minor concessions to the South included in the compromise, but the balance of power was tipped decisively in favor of the Northern states. Many South Carolinians were enraged by the so-called compromise that seemed to favor the antislavery movement. When the Compromise of 1850 became law, Edward B.

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<sup>34</sup> Sinha, *Counterrevolution of Slavery*, 63-64; Edgar, *South Carolina*, 340-41; Lillian Adele Kibler, *Benjamin F. Perry: South Carolina Unionist* (Durham, NC: Duke University Press, 1946), 240; Ford, *Origins of Southern Radicalism*, 187-88; Barnwell, *Love of Order*, 54.

Bryan of St. John's Colleton Parish reversed the famous revolutionary cry, demanding "Give us Slavery or give us death."<sup>35</sup>

Amid the debates over the Compromise of 1850, South Carolina politicians split loosely into three factions over how to defend slavery. The radical faction advocated immediate secession and the formation of a Southern nation. The men composing this group were prepared to take South Carolina out of the Union with or without the support of other Southern states. The second faction feared that such a rash measure would alienate Southerners outside of South Carolina and sought to keep their state in the Southern mainstream. The third faction, the Unionists, earnestly sought to defend slavery but thought it was best protected inside the Union. Calhoun was criticized by all three, but it was he who held the political center together and kept the radicals in check. After he died on 31 March 1850, the issues surrounding the Compromise of 1850 generated an internal debate in South Carolina that threatened to take the state out of the Union. South Carolina thus entered the 1850s in a state of political bewilderment without the benefit of party loyalties to restrain radical actions. The result was the first secession crisis, which created the most energetic and alienating political campaigns since the nullification crisis. It demonstrates how even tactical and strategic disputes over Southern rights could threaten to tear South Carolina's unity apart.<sup>36</sup>

The Nashville Convention of 1850, designed to foster Southern unity in the wake of the compromise, and the first full-fledged secession movement in South Carolina, arising after the legislature called a state convention in 1852 to debate taking the state out of the Union, were two important milestones on the road to civil war. By this time the idea of secession was gaining strength in South Carolina. Robert Barnwell Rhett declared at the convention in Nashville that

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<sup>35</sup> David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper and Row, 1976), 90-120; Sinha, *Counterrevolution of Slavery*, 102.

<sup>36</sup> Ford, *Origins of Southern Radicalism*, 183-84.

there was only “one course left, for the peace and salvation of the South,—a dissolution of the Union.” But at this point few politicians outside of South Carolina agreed. Indeed, many respected leaders in South Carolina were still reluctant to embrace secession. Nevertheless, the radicals succeeded in calling a state convention to debate the issue. The 1852 convention debates crystalized the positions of the three factions. These factions persisted in state politics until late 1860. In fact, they never entirely disappeared with secession and their influence would be felt into the war years. The radicals, also known as “fire-eaters” or “separate state actionists,” included Robert Barnwell Rhett and Maxcy Gregg; they were willing to secede from the Union alone if necessary. The “cooperationists,” led by James L. Orr and Robert W. Barnwell, were reluctant to take radical measures without the support of other Southern states. The Unionists (“submissionists” to their opponents) were led by Benjamin F. Perry, Louis L. Petigru, and John B. O’Neill; they rejected secession except as a last, desperate resort. Regardless of their differences, however, the three factions agreed that preserving slavery was their fundamental aim.<sup>37</sup>

Conservatism prevailed when the state convention met in April 1852. The cooperationists and Unionists defeated the radicals by a substantial majority. Although the first secession crisis thus ended without South Carolina taking any rash action, five years of bitter debate had left the state politically divided. Efforts in the 1850s by some in the upcountry to adjust the method of legislative apportionment and to institute popular election of the governor and presidential electors further divided members of the legislature. The only change in representation that resulted was the division of Pendleton District into Anderson and Pickens

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<sup>37</sup> Thelma Jennings, *The Nashville Convention: Southern Movement for Unity, 1848-1850* (Memphis, TN: Memphis State University Press, 1980); Hamer, *Secession Movement in South Carolina*, passim, especially 94-95; William C. Davis, *Rhett: The Turbulent Life and Times of a Fire-Eater* (Columbia: University of South Carolina Press, 2001), 278; Ford, *Origins of Southern Radicalism*, 195-99; Edgar, *South Carolina*, 343-44; Schultz, *Nationalism and Sectionalism*, passim, especially 231-33.

districts. The legislature retained control of electing the governor and presidential electors. Adding to the sectional divide in the state were a host of tensions that centered on railroad development and banking. Thus, at the very time that South Carolina was divided over how to best defend slavery in a national context, it was also divided between lowcountry and upcountry over internal financial issues.<sup>38</sup>

Events on the national stage seemed to move quickly following the first secession movement. By 1852 the idea of building a railroad to California had gained sufficient momentum that Congress could no longer ignore the issue. But the question remained as to where the railroad would be built. Southerners naturally preferred a southern route, one that would run through the already organized territory of New Mexico with New Orleans as its eastern terminus. Many settlers and land speculators, however, pushed for a northern route through the remaining unorganized territory of the Louisiana Purchase. Situated north of 36° 30', the proposed northern route alarmed Southerners because it meant that slavery would be excluded there by terms of the Missouri Compromise, thereby closing off settlement to slaveholding Southerners. After much political jockeying to appease Southern interests, Senator Stephen A. Douglas of Illinois introduced the Kansas-Nebraska bill of 1854 which explicitly repealed the ban on slavery north of 36° 30'. The Kansas and Nebraska territories would be organized on the basis of popular sovereignty, a vague formula that allowed the settlers to decide for themselves whether to have slavery but did not specify when voters would decide the matter. It was not long before pro- and antislavery settlers began pouring into the region; widespread violence and murder soon convulsed the Kansas territory. Hundreds of South Carolinians

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<sup>38</sup> Edgar, *South Carolina*, 346-48; Ford, *Origins of Southern Radicalism*, 308-37.

volunteered to head west and thousands of dollars were raised across the state to assist the proslavery settlers in Kansas.<sup>39</sup>

While “Bleeding Kansas” was stirring up a storm across the nation, Senator Charles Sumner of Massachusetts was left bleeding on the Senate floor after giving a speech denouncing the proslavery settlers and then being ruthlessly beaten with a cane by Congressman Preston Brooks of South Carolina. Brooks subsequently resigned his seat in Congress but was reelected to it unanimously. Many Northerners saw Sumner as a martyr; Brooks became a hero to many in the South. The bloodshed that erupted in Kansas over the destiny of slavery in the West destroyed the Whig Party and gave birth to the Republican Party, a purely sectional Northern party that pledged to halt the expansion of slavery into the territories. The Kansas-Nebraska Act of 1854 was a key event that pushed the nation toward civil war.<sup>40</sup>

In 1857 the Supreme Court rendered its decision in *Scott v. Sanford*. Dred Scott, an enslaved man living in Missouri, had been taken by his owner John Sanford to Illinois and then the Wisconsin Territory, where they lived for a number of years before returning to Missouri. After Sanford died Scott sued for his freedom on the grounds that his residence in Illinois and the Wisconsin Territory, where slavery was barred, made him free. In a seven to two decision the Supreme Court disagreed. Writing for the majority, Chief Justice Roger B. Taney held that blacks, whether free or enslaved, could not be United States citizens and therefore had no legal standing to sue in federal court. Taney went on to declare that the federal government had no power to regulate slavery in the territories and therefore the Missouri Compromise was

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<sup>39</sup> James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 121-25, 58; Potter, *Impending Crisis*, 145-76; Edgar, *South Carolina*, 346-48.

<sup>40</sup> Edgar, *South Carolina*, 347-48; William James Hull Hoffer, *The Caning of Charles Sumner: Honor, Idealism, and the Origins of the Civil War* (Baltimore, MD: Johns Hopkins University Press, 2010); Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (1970; repr., New York: Oxford University Press, 1995), 125-26; McPherson, *Battle Cry of Freedom*, 121.

unconstitutional. The Dred Scott decision elated many in South Carolina, but this victory for Southern rights was soon tempered by events in Kansas. That same year the territorial legislature convened a rump convention in Lecompton to write a proslavery constitution after a series of referendums marked by fraudulent voting. The Lecompton Constitution was submitted to Congress and Democratic president James Buchanan, needing the support of the South, urged its approval. But Stephen Douglas, a Democrat who had previously championed popular sovereignty, now argued that the voting irregularities had turned the concept into a sham. Facing the hostility of his constituents if he supported the proslavery document, Douglas broke ranks with his Southern Democratic colleagues and came out against the Lecompton Constitution. The South Carolina radicals cited this as proof that Northern Democrats could not be trusted to protect the slaveholding interests of the South.<sup>41</sup>

By this time many South Carolina politicians had become disillusioned with the entire political process. Scandals in Washington during the Buchanan administration rekindled old fears about corruption and the abuse of political power. To many Southern politicians it seemed that the only way to avoid such moral pollution was to secede from the Union. This need became all the more urgent after Northern abolitionist John Brown and his followers raided the federal arsenal in Harpers Ferry, Virginia, in October 1859 in an effort to incite a slave insurrection. It appeared to white South Carolinians that their ability to control the black race was being violently challenged by their Yankee enemies. This shock brought their simmering fears about internal security boiling to the surface.<sup>42</sup>

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<sup>41</sup> Potter, *Impending Crisis*, 267-327; McPherson, *Battle Cry of Freedom*, 170-81; Austin Allen, *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837-1857* (Athens: University of Georgia Press, 2006), 9-35; Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978), 305-11; Schultz, *Nationalism and Sectionalism*, 167.

<sup>42</sup> Rable, *Confederate Republic*, 16-17; Channing, *Crisis of Fear*, 23-24.

Life in South Carolina was decidedly different after Brown's raid. Hysteria convulsed the state and vigilance committees appeared in almost every community. The fear of abolitionist subversion gripped nearly all whites. Physical assaults on suspected abolitionists became common and the enforcement of public orthodoxy on the issue of slavery reached a feverish pitch. Newspapers across the state publicized alleged atrocities by slaves. This panic exposed an important contradiction in the Southern white mind. On the one hand, whites claimed that blacks were inherently docile, obedient, and faithful to their masters; on the other hand, they denounced them as bestial and potentially dangerous. Many whites explained away this contradiction by claiming that abolitionists were tampering with their slaves, turning them against their masters. White South Carolinians united to suppress dissent on racial issues and to reassert control over the slave population. Fear of the black race and of the prospect of emancipation now dictated the state's political course.<sup>43</sup>

Yet explaining South Carolina's eventual secession is not that easy. Undoubtedly a multiplicity of factors was at work. Certainly South Carolina had a greater stake in slavery than her sister states in the Deep South, but the proportion of slaves in the state's population was only slightly greater than that in Mississippi and Louisiana, and slavery was just as fundamental to the production of staple crops in those two states and the rest of the Deep South. Moreover, there was no one man in South Carolina capable alone of swaying the masses. Nor was there a tightly organized political machine capable of doing so. There was, however, a great deal of political literature circulating throughout the state that advocated secession. In Charleston secessionists organized the "1860 Association" to distribute such literature. The association's Tract No. 4, for example, titled *The Doom of Slavery in the Union: Its Safety out of It*, argued that one wing of the Republican Party was determined to abolish slavery through violence while the other would

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<sup>43</sup> Edgar, *South Carolina*, 349-50; Channing, *Crisis of Fear*, 26, 38-39.

seek to do it constitutionally. Such pamphlets did much to unify South Carolina whites and marginalize the few who counseled caution. Secession in South Carolina was a widely popular movement, not a conspiracy of a few powerful politicians. Regardless of what factor one chooses to emphasize, however, there can be no question that the election of 1860 was responsible for turning ideas and words into action.<sup>44</sup>

The Democratic Party, already torn by the events in Kansas, held its national convention in April 1860 in Charleston. It was probably doomed from the start. Irreconcilable differences between the Northern and Southern wings of the party over slavery fractured the convention. The *Charleston Mercury* thundered that “if the National Democratic Party cannot stand the test of principle, matters on which the destiny of the South depends, let us have a sectional party that can. Let the Convention break up.” And so it did. Following defeat of the proposed Southern platform, which demanded resolutions that Congress had a duty to protect slavery and that neither Congress nor a territorial legislature had the authority to abolish slavery, South Carolina’s delegates followed those of Alabama, Mississippi, and Louisiana out of the convention hall. After another failed attempt to hold a unified convention, the party’s Northern wing nominated Stephen A. Douglas for president and the Southern wing nominated John C. Breckenridge of Kentucky. John Bell of Tennessee offered himself as the candidate of conservative Southerners under the banner of the hastily-formed Constitutional Union Party. The Republicans nominated Abraham Lincoln of Illinois.<sup>45</sup>

In South Carolina the growing consensus on secession was reflected in the October 1860 legislative elections. The winning candidates were almost all committed to calling a convention

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<sup>44</sup> Cauthen, *South Carolina Goes to War*, 31-38.

<sup>45</sup> Austin L. Venable, “The Conflict Between the Douglas and Yancey Forces at the Charleston Convention,” *Journal of Southern History* 8 (1942): 226-41; *Charleston Mercury*, 30 April 1860; Cauthen, *South Carolina Goes to War*, 17; Edgar, *South Carolina*, 349-50.

to consider secession in the event Lincoln was elected, but when the legislature convened on 5 November the cooperationists were in control, to the disgust of the radicals. However, a message arrived from Governor Joseph Brown of Georgia stating that his recommendation to call a convention in that state had wide support. This encouraged South Carolinians to take the lead. When the news that Lincoln had been elected reached South Carolina, the legislature called for elections to a state convention to meet in Columbia on 17 December. On 6 December South Carolinians elected delegates to the convention. Almost all those elected were committed to immediate secession.<sup>46</sup>

Prior to the convention the legislature went about choosing the next governor. The *Charleston Daily Courier* endorsed James Chestnut Jr., who had resigned his seat in the United States Senate after Lincoln's election. The *Charleston Mercury* supported Robert Barnwell Rhett. The *Edgefield Advertiser* nominated favorite son of the upcountry Francis W. Pickens, who had recently returned from serving as minister to Russia. During the 1850s Pickens had been associated with the moderate National Democratic faction, but when he addressed the General Assembly after the presidential election he adopted a more radical position—not so radical, however, as to offend the cooperationists. The Unionist faction, soundly defeated throughout the state during the election for convention delegates, had by now all but disappeared as a political force. Pickens, straddling the radical and cooperationist factions, was elected governor on the seventh ballot. With the election of Pickens the legislature broke a sixteen-year-old tradition of alternating the office between the upcountry and lowcountry. Unfortunately his personality was ill-suited to the task ahead. Many of South Carolina's leading families disliked him. He had a reputation as overbearing and arrogant and lacked the ability to draw men close to

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<sup>46</sup> Cauthen, *South Carolina Goes to War*, 28-29, 57, 63.

him. He also struck many people as too hesitant to be an effective leader, yet at the same time he was capable of acting impulsively, even rashly.<sup>47</sup>

The convention that assembled in Columbia in December was dominated by wealthy planters; more than 90 percent of the 169 delegates owned slaves, and the median number of slaves held was thirty-seven. Before proceeding to business the delegates considered a resolution to adjourn and move the convention to Charleston because of a smallpox outbreak in Columbia. The resolution passed and the convention resumed its work in Charleston's Saint Andrews Hall. On 20 December the committee designated to devise an ordinance of secession reported and the convention passed, by a vote of 169 to 0, the ordinance dissolving South Carolina's compact with the Union. The convention then moved to Institute Hall, where the governor and both houses of the legislature were in attendance, for the ceremonial signing of the ordinance. A crowd of three thousand cheered the members of the convention as they walked into Institute Hall. The next day the *Charleston Mercury* proclaimed the advent of "an epoch in the history of the human race." South Carolina was now an independent republic.<sup>48</sup>

The convention produced two other important documents. The first, drafted by Christopher Memminger, was the "Declaration of Immediate Causes which Induce and Justify the Secession of South Carolina from the Federal Union." It boldly placed slavery at the heart of the argument for secession. This was of concern to some members of the convention, but Laurence Keitt reminded those with reservations that the protection of slavery "is the great central point from which we are now proceeding." The second document, drafted by Rhett, was "The Address of the People of South Carolina, Assembled in Convention, to the People of the

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<sup>47</sup> Edmunds, *Francis W. Pickens*, 151-54; Kibler, "Unionist Sentiment in South Carolina in 1860," 346-66; Cauthen, *South Carolina Goes to War*, 80; Keel, "Francis Wilkinson Pickens," 20.

<sup>48</sup> Wooster, *Secession Conventions of the South*, 16-19; *Convention Journal*, 10, 43; Cauthen, *South Carolina Goes to War*, 71; *Charleston Mercury*, 21 December 1860.

Slaveholding States of the United States.” It condemned the North for perpetrating “the one great evil, from which all other evils have flowed,” i.e., “the overthrow of the Constitution of the United States.” He went on to argue that the North and South constituted two different peoples and that “slaveholding States cannot be safe in subjection to non-slaveholding States.” The address concluded with an invitation to the rest of the South to “join us in forming a Confederacy of Slaveholding States.”<sup>49</sup>

With South Carolina now independent, the convention delegates considered changes to the state Constitution, particularly the powers delegated to the governor. They passed an amendment empowering the governor to conduct foreign relations, make diplomatic appointments and treaties subject to confirmation by two-thirds of the Senate, and convene the Senate whenever deemed necessary. The amendment also expanded the governor’s appointive powers and created a council composed of the lieutenant governor and four other persons to be named with the advice and consent of the convention. Significantly, the convention passed another amendment concerning citizenship. It explicitly extended the state citizenship of a man to his wife and of a single woman to her children, thereby implicitly confirming that all white women were part of South Carolina’s body politic. Finally, the convention ordained “That in no case shall citizenship extend to any person who is not a free white person.” With that, a majority of South Carolinians were denied citizenship.<sup>50</sup>

Meanwhile, Governor Pickens’s leadership was put to the test by events in Charleston harbor. On the night of 26 December 1860 U.S. Army major Robert Anderson moved his

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<sup>49</sup> *Convention Journal*, 461-76; Edgar, *South Carolina*, 355.

<sup>50</sup> *Ordinances and Constitution of the State of South Carolina, with the Constitution of the Provisional Government and of the Confederate States of America* (Charleston, SC: Evans and Cogswell, 1861), 12-13; *Convention Journal*, 764-65. This council was merely an advisory board responsible to the governor, who “shall in all cases, decide upon his own action.” It is not to be confused with the executive council of 1862, which assumed gubernatorial powers. See Cauthen, *South Carolina Goes to War*, 142n15.

garrison force from Fort Moultrie on Sullivan's Island to Fort Sumter in the center of the harbor. To many South Carolinians the occupation of Fort Sumter by a "foreign nation" was an affront to the sovereignty of their republic. The convention appointed three commissioners to go to Washington to discuss the issue with President Buchanan. Pickens, who was already coming under criticism both from those demanding more aggressive action and those urging caution, pursued a policy of "wait and see," for he knew South Carolina was unprepared to enforce a demand for surrender. The situation was complicated by events taking place in Montgomery, Alabama, where delegates were busy forming a Southern Confederacy. By 1 February 1861 the six other states of the Deep South had answered South Carolina's call to secede and all seven states had sent delegates to Montgomery to create a new nation.<sup>51</sup>

The South Carolina delegation at the Montgomery convention was, with the exception of Rhett and Keitt, composed of men who had favored cooperation in 1852. Moderation prevailed among the Montgomery delegates as a whole because the primary objective was to preserve the Southern lifestyle as Southerners then lived it. The fundamental goal was to preserve the status quo rather than create something new. Nevertheless, the South Carolina delegation expressed opposition to certain provisions in the new Confederate Constitution that were favored by the delegates as a whole. The South Carolinians were in fact quite divided among themselves. Future vice president of the Confederacy Alexander Stephens said of the delegation, "No two of them agree. They are all jealous of each other . . . there is no harmony or cordiality among them." The Provisional Constitution adopted in Montgomery on 11 March 1861 was sharply criticized by

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<sup>51</sup> Edgar, *South Carolina*, 355-57; Cauthen, *South Carolina Goes to War*, 92-109; McPherson, *Battle Cry of Freedom*, 264-75; Samuel Wylie Crawford, *The Genesis of the Civil War: The Story of Fort Sumter, 1860-1861* (New York: C. L. Webster, 1887); Lager, "Radical Politics in Revolutionary Times," 40-43; *The Correspondence between the Commissioners of the State of South Carolina to the Government at Washington and the President of the United States: Together with the Statement of Messrs. Miles and Keitt* (Charleston, SC: Evans and Cogswell, 1861).

many in South Carolina, for it seemed insufficiently rigorous on the key issue of slavery. The South Carolina delegation wanted to include provisions that guaranteed the right of secession, forbade appeals from state courts to Confederate courts, counted each slave as a full person for purposes of congressional representation, stipulated that presidential electors would be chosen by legislatures, limited the Confederacy's body politic to slaveholding states, and kept alive the possibility of reopening the international slave trade. With the exception of limiting the terms of president to six years, prohibiting protective duties, and changing the amendment process, every proposal by the South Carolina delegation was defeated. One member of the delegation, L. W. Spratt, infuriated by what he considered a lack of enthusiasm in the convention for explicitly protecting slavery, declared that "our whole movement is defeated" and thought "another revolution may be necessary."<sup>52</sup>

It is tempting to overstate South Carolina's opposition to the Constitution. Certainly the debate over ratification was fierce and there was no little disagreement about its imperfections. Yet opposition from a few South Carolina ideologues such as Spratt and Rhett should not be taken to mean that the displeasure was universal. The *Charleston Evening News* thought that "every one seems pleased" and hoped those with grievances "will not wage a wicked and suicidal opposition to any of [the Constitution's] provisions." The article went on to claim that the new document was "the best Constitution yet formed for the government of man." But the difference of opinion is significant because it reveals that the Palmetto State's political factionalism would not be set aside merely for the sake of unity. South Carolina was the only state that seriously debated the merits of the Confederate Constitution. Across the South other

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<sup>52</sup> Edgar, *South Carolina*, 357; Thomas, *Confederate Nation*, 44, 65-66; William C. Davis, *A Government of Our Own: The Making of the Confederacy* (New York: Free Press, 1994), 111; McCurry, *Confederate Reckoning*, 1-2; *Journal of the Congress of the Confederate States of America, 1861-1865* (7 vols., Washington: Government Printing Office, 1904-1905), 1: 861-62, 866, 873-74, 877, 880, 883-86, 893, hereafter cited as *Journal of the Confederate Congress*; Cauthen, *South Carolina Goes to War*, 88; *Charleston Mercury*, 13 February 1861.

state conventions avoided procedural delay and ratified the document with little debate. It was not until 3 April 1861 that the South Carolina convention finally ratified the Constitution; there were twenty-one dissenting votes.<sup>53</sup>

In early March the Confederate government had assumed responsibility for the operations at Charleston harbor. About that same time, President Lincoln pledged in his inaugural address to “hold, occupy and possess the property and places belonging to the government.” On 4 April he gave the order to resupply Fort Sumter, and thereafter events moved rapidly toward war. Negotiations between the Confederate authorities and Major Anderson failed to secure the fort’s surrender.<sup>54</sup>

Early in the morning of 12 April 1861 Confederate artillery opened fire on the fort. Anderson surrendered on 14 April after thirty-four hours of bombardment. The next day President Lincoln called on the loyal states of the Union to provide troops to put down the Southern “rebellion.” The Confederacy was now at war. Governor Pickens proudly exclaimed that the flag of the United States was humbled before “the glorious little state of South Carolina” and vowed that “we will conquer or perish.”<sup>55</sup>

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<sup>53</sup> Lager, “Radical Politics in Revolutionary Times,” 46-54, 60; *Keowee Courier*, 23 March 1861, quoting *Charleston Evening News*; Rable, *Confederate Republic*, 61.

<sup>54</sup> Edmunds, *Francis W. Pickens*, 162-63; *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (70 vols. in 128, Washington: Government Printing Office, 1880-1901), Series One, 1: 301 (hereafter cited as *OR*).

<sup>55</sup> Edgar, *South Carolina*, 358; *Charleston Mercury*, 16 April 1861.

## Chapter Two

### “The Fate Which Is upon Us”:

#### Security and Society in the Early War Period

On the morning of 7 November 1861 the largest amphibious expedition mounted by the United States in the nineteenth century attacked Forts Beauregard and Walker guarding the entrance of Port Royal Sound near Beaufort. For the past six months state and Confederate engineers had been busy strengthening these defenses. Both Brigadier General Roswell S. Ripley, commanding South Carolina’s coastal forces, and Brigadier General Thomas F. Drayton, in command at Port Royal, were confident that the fortifications would prevent the enemy from capturing the Sea Islands. Major Francis D. Lee, who oversaw Fort Walker’s construction, had proudly proclaimed that “God Almighty himself couldn’t take it.” But less than five hours after Federal guns opened fire the Confederate defenders abandoned the forts and fled to the mainland. The attempt to stop the enemy invaders thus ended in disaster. Union forces now occupied a portion of the wealthiest region of South Carolina.<sup>1</sup>

Following this debacle the *Charleston Mercury* decried “the wretched policy which has induced the invasion of the State.” There was no excuse for it, the editor insisted: “For more than six months the editorial columns of this journal have teemed with exhortations to our authorities and people, to prepare for the enemy, by proper defences of the coast.” These warnings were scoffed at by those “who sweetly hinted to the good public that we had military men and engineers enough, to whom the matter could be safely entrusted.” Now the only option was to fight until the last man was left standing, for it was “better for South Carolina to be the cemetery

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<sup>1</sup> Lawrence S. Rowland, Alexander Moore, and George C. Rogers Jr., *The History of Beaufort County, South Carolina: 1514-1861* (Columbia: University of South Carolina Press, 1996), 447; Stephen R. Wise, Lawrence S. Rowland, and Gerhard Spieler, *Rebellion, Reconstruction, and Redemption, 1861-1893: The History of Beaufort County, South Carolina* (Columbia: University of South Carolina Press, 2015), 2-3; *Charleston Mercury*, 8, 13 November 1861.

of freemen, than the home of slaves.” Since all efforts “to shield South Carolina from invasion have failed, we meet, with cheerfulness, the fate which is upon us.”<sup>2</sup>

The grim situation that South Carolina found itself in that November had not been anticipated by the state’s leaders immediately after the Union surrender of Fort Sumter. On the contrary, in April 1861 they expressed prodigious confidence in the security of their state and its people’s ability to wage war. Citizens were repeatedly assured of their military prowess and the durability of their social fabric. When Governor Pickens stood outside the Charleston Hotel on the evening of 13 April and predicted to a cheering crowd that taking Fort Sumter would achieve “our independence as it did in the memorable days of the Revolution,” his view was accepted and echoed by a multitude of other leaders and ordinary citizens. Indeed, the victory at Fort Sumter electrified South Carolinians. As one Yorkville inhabitant put it, the victory “was like the uplifting of a mountain of lead from our hearts.” While torchlight parades commenced in Charleston and around the district courthouses, influential voices affirmed the inevitability of victory. The *Mercury* boasted that “as in the Revolution, it will be seen how superior is patriotic valor to hireling skill, and that brave men, fighting on their own soil, for their dearest rights, are invincible.” The young men of South Carolina were reminded that “We are by nature and habits a martial people. As soon as we leave the nursery we are put on horseback, and the robins and sparrows are lost in wonder at seeing such little boys carrying guns.” There could be no doubt that “the universal world, including Yankeedom, everywhere recognizes the superiority of the Southerner” and that Southern troops “on equal terms are invincible.” Lincoln’s call for seventy-

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<sup>2</sup> *Charleston Mercury*, 8, 13 November 1861.

five thousand troops to suppress the rebellion would only unify the South, and “United together, the South is invincible.”<sup>3</sup>

While white South Carolinians were repeatedly reminded of their martial superiority in the weeks and months following Anderson’s surrender, many were convinced that there would be no real war. It was conceded that there might be a blockade of the coast and perhaps some shelling at Fort Pickens near Pensacola, but it was confidently asserted that “a war of invasion for conquest, by the North against the South, we do not expect to see.” No doubt “Old Abe” merely “wants to scare us with the idea of seventy-five thousand volunteers.” Those who did entertain the possibility of war disparaged the enemy as “a herd of ragamuffins picked up in the gambling saloons of Northern cities” and thus no match for Southern soldiers. If actual fighting did break out then it would be “A short War and a Merry One.” One man in Union District wrote to the editor of the *New York Herald* offering to bet his “plantation and 100 negroes that Washington city will be in the hands of the Confederate States in less than ninety days after the commencement of hostilities.”<sup>4</sup>

There were others, however, who reflected more soberly on what lay ahead. Before secession was an accomplished fact Governor William H. Gist warned the legislature in November 1860 that “We cannot penetrate the dark future; it may be filled with ashes, tears, and blood.” In the extreme corner of the upcountry, where secessionism was more subdued, it seemed to some that “the future is dark, mysterious and uncertain.” The botanist Henry William Ravenel agreed that “we cannot conjecture what the future has in store.” J. W. Reid, serving in the Fourth South Carolina Infantry, perceptively noted that “the taking of Fort Sumter is not

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<sup>3</sup> *Charleston Mercury*, 19 March, 12, 16, 17 April, 30 May, 6 July 1861; *Yorkville Enquirer*, 18 April 1861; *Charleston Daily Courier*, 4, 22 June 1861. Phillips, *Diehard Rebels*, 2-3.

<sup>4</sup> *Charleston Mercury*, 17 April, 10 July 1861; *Yorkville Enquirer*, 18 April, 10, 24 May 1861; James Henry Hammond to William Dennison Porter, 6 June 1861, James Henry Hammond Papers, Library of Congress, Washington, D.C.

exactly taking or whipping into submission the Yankee nation, or Yankee army. That thing remains to be done hereafter, if at all. It will not be done in a day.” As men left their homes to go off to war those left behind wondered how long their loved ones would be gone, or if they would ever see them again. Twenty-two-year-old Emma Holmes feared that “probably but few of that gallant band will ever return.” As spring turned to summer the tone of the newspapers changed. While still affirming Southern superiority, some began to warn that the North should not be underestimated, pointing out that it had the advantage in numbers and many soldiers “as brave as any in the world” who are now “armed with the best weapons” and being trained “under the instruction of competent officers.” In stark contrast to the notion that the war would be short and merry—if indeed it was fought at all—South Carolinians were now told that “the contest will be bloody beyond anything known in the annals of this country.”<sup>5</sup>

Underlying the growing concern about the future was a clear sense of what was at stake in the contest: nothing less than the preservation of the Southern social fabric. This war was not going to be waged solely over abstract political principles; it was in truth a war for survival. The fundamental cause was not, the *Southern Guardian* declared, that “The Southern people desired, under the old Federal Union, simply to be let alone.” The issue was more tangible: a dire threat to the South’s “system of labor.” Nor was the cause, as the *Mercury* argued, “merely the maintenance of our rights and liberties,” but “*our institutions, which are the basis of our existence.*” Just one day before the Confederates fired on Fort Sumter the *Charleston Daily Courier* reminded its readers that the sectional crisis had been provoked by “the success at the

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<sup>5</sup> *Journal of the House of Representatives of the State of South Carolina: Being the Sessions of 1860* (Columbia, SC: R. W. Gibbes, 1860), 29, hereafter cited as *House Journal* (1860); *Keowee Courier*, 5 January 1861; Arney Robinson Childs, ed., *The Private Journal of Henry William Ravenel, 1859-1887* (Columbia: University of South Carolina Press, 1947), 49; J. W. Reid, *History of the Fourth Regiment of S.C. Volunteers from the Commencement of the War until Lee’s Surrender* (Dayton, OH: Morningside Bookshop, 1975), 7-8; *Yorkville Enquirer*, 18 April 1861; John F. Marszalek, ed., *The Diary of Miss Emma Holmes, 1861-1866* (Baton Rouge: Louisiana State University Press, 1979), 44; *Charleston Daily Courier*, 6 May, 22, 28 June 1861; *Charleston Mercury* 30 May, 3 July 1861.

North of an increasing fanatical party, whose every principle looked to the undermining and final destruction of the social institutions of the South.” This challenge could not be met with “cool indifference,” for it “involved the very existence of our Southern society.”<sup>6</sup>

It was not only newspaper editors who diagnosed the conflict’s cause. Other leading public figures seconded them. The novelist and historian William Gilmore Simms declared frankly that “The South is bound together by the cohesive bond of African Slavery!”; there were other commonalities among white Southerners, but the “one grand cohesive institution of slavery” was what welded them together. General W. E. Martin of South Carolina, while en route to Virginia, addressed a regiment of Georgia volunteers, assuring them that Southerners “are drawn together by the bond of a common destiny, one involving not only our whole social system but our existence. . . . [W]e have one interest, one social system, one destiny.” James Henry Hammond proclaimed that “The peoples of the North and South, owing to marked diversity in their pursuits, are *two peoples*, who may live in amity if separated, but never again under one government.” The main point of contention between the two, he affirmed, was the question of “African Slavery.” In his inaugural address Governor Pickens made it clear that in the South there were “two entirely distinct and separate races,” and anything undermining the “subordination between the races, not only endangers the peace, but the very existence of our security.”<sup>7</sup>

As these pronouncements suggest, a profound racial anxiety gripped South Carolina’s white society in the early stages of the war. Central to these anxieties were the contradictions inherent in a slave society. The fear that abolitionist emissaries would be at work “inciting the

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<sup>6</sup> Ash, *When the Yankees Came*, 11; *Southern Guardian*, 8 May 1861; *Charleston Mercury*, 30 November 1860; *Charleston Daily Courier*, 11 April 1861.

<sup>7</sup> Mary C. Simms Oliphant, Alfred Taylor Odell, and T. C. Duncan Eaves, eds., *The Letters of William Gilmore Simms* (5 vols.; Columbia: University of South Carolina Press, 1955), 4: 266, 293; *Charleston Mercury*, 17 July 1861, 18 December 1860; James Henry Hammond to Dear Sir, 18 January 1861, Hammond Papers.

negroes in every direction” was countered with the reassurance that “these dear, dark friends of ours” were “arrant cowards.” Nevertheless, it was crucial to arm the state in order to “keep the negroes in check.” Although a law passed at the last session of the legislature before the war broke out prescribed the form of permits for slaves to leave their owner’s premises, one citizen in Edgefield District complained about the continued “custom of quartering negroes to themselves on isolated farms without white surveillance.” This might be overlooked in ordinary circumstances but in “times like the present, it is both imprudent and unjust to the neighborhood.” It did not matter “what confidence the owners feel in the negroes they thus set apart, the public only look to the fact as being prejudicial to good order.” At the heart of these inherent contradictions was the question of exactly where the slave fit into society. In June, when President Davis decreed a day of national humiliation and prayer, one South Carolinian wondered why it did not extend to slaves. Since they were “members of our household” the proclamation should “equally apply to our dependents in town and country.” It struck this citizen as “inconsistent that our slaves should have no fellowship with us in our days of public thanksgiving and humiliation, as though we did not recognize them as persons in a moral and religious point of view.”<sup>8</sup>

Recognizing slaves as brothers and sisters in Christ and members of the family and community might temper harshness of the institution to a degree. But legally, of course, slaves were deemed not persons but chattel. However much affection or conscience might ameliorate slavery, it was first and foremost a system of brutal exploitation of black people. These ambiguities of the slave system in which slaves were rational and moral beings yet also property

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<sup>8</sup> Powers, “The Worst of all Barbarism,” 139-56; Channing, *Crisis of Fear*, 264-65; *Charleston Mercury*, 12 November 1860, 10 June 1861; *Acts of the General Assembly of the State of South Carolina, Passed in November and December, 1860, and January, 1861* (Columbia, SC: Charles P. Pelham, 1861), 858, hereafter cited as *Acts of General Assembly* (1860-1861); *Carolina Spartan*, 11 July 1861, quoting *Edgefield Advertiser*.

that could be bought and sold, compounded the dilemmas of living in a biracial society. The most immediate concern of whites during the first year of war was the question of slave loyalty. Henry William Ravenel felt assured that “Our negroes are contented and loyal.” In Yorkville there was “great confidence in the faithfulness in the great mass of our slaves.” A citizen in Laurens District praised the “devotion and sacrifice to our cause” made by the slaves. Numerous articles in the state’s newspapers affirmed the loyalty and docility of slaves.<sup>9</sup>

Some whites, however, were not so sanguine. Keziah Brevard, a widow and plantation mistress living near Columbia, nervously complained about the behavior of her slaves. Though it was her “constant desire to make my negroes happy,” she was certain “that they *hate me*” and were guilty of “deception.” Brevard warned that “My Southern sisters and brothers who think their slaves would be on our side in a civil war, will, I fear, find they have been artfully taken in.” She suspected, too, that “our negroes are far more knowing than many will acknowledge” about the great events transpiring. Henry William Ravenel, having praised the slaves’ contentment and loyalty, was soon writing to the *Mercury* to call attention to the necessity for vigilance and to applaud the formation of “Home Guards” in his neighborhood. The growing possibility of a Union naval attack on South Carolina’s coast in the fall heightened white fears about the loyalty of the slave population.<sup>10</sup>

The debates in the legislature from November 1860 through January 1861 betrayed similar fears. That there was doubt about the loyalty of slaves was evident in a bill proposing “to increase the compensation for taking up runaway slaves.” Representative John Read from the

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<sup>9</sup> Stephen V. Ash, *Middle Tennessee Society Transformed, 1860-1870: War and Peace in the Upper South* (Baton Rouge: Louisiana State University Press, 1988), 60-61; Childs, *Ravenel Journal*, 67; *Yorkville Enquirer*, 13 June 1861; *Laurensville Herald*, 4 October 1861; *Edgefield Advertiser*, 7 August 1861; *Charleston Daily Courier*, 20 June 1861.

<sup>10</sup> John Hammond Moore, ed., *A Plantation Mistress on the Eve of the Civil War: The Diary of Keziah Goodwyn Hopkins Brevard, 1860-1861* (Columbia: University of South Carolina Press, 1993), 86-87, 110; Childs, *Ravenel Journal*, 78; *Charleston Mercury*, 7 June 1861; *Edgefield Advertiser*, 17 April 1861.

tidewater parish of Prince George Winyah defended the bill, noting the great number of petitions lately complaining about the expense of capturing runaway slaves and transporting them to district jails. Read pointed out that the current law “allows only the miserable compensation of two dollars and a half, whereas it has frequently put parties to an expense of fifteen or twenty dollars.” Read’s concerns were valid. Newton Bramlett, a constable from Greenville District, sent a petition asking compensation for arresting and transporting two slaves named Ben and Berry to the Greenville jail. Bramlett had traveled over a hundred miles round trip and with tavern expenses thought he was entitled to at least ten dollars in compensation. Read told the members that “it amounts to a very great nuisance that there should be a very large number of these slaves running at large in the Districts . . . hovering around a neighborhood, going out at night, probably stealing and doing other injury.” It was the duty of the legislature to induce parties to capture them and return them to jail “where they can no longer do any injury.” The legislature refused to pass the bill, apparently out of fiscal concerns, but the extent to which it was defended demonstrated undeniable concern among lawmakers over the loyalty of slaves and thus the internal security of the state in the potentially turbulent days ahead.<sup>11</sup>

Another legislative measure betraying concern about the slave population was a bill (proposed just days before the state seceded) establishing a “Coast Police.” Stephen Elliot from St. Helena Parish, a member of the Committee on the Military, reported that the committee “considers the establishment of a Coast Police second to none of the measures now before the General Assembly.” While the vessels provided for in the bill would be useful for giving advance warning of a Union fleet, Elliot explained, they would also act “as a safeguard against

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<sup>11</sup> *House Journal* (1860), 47, 60, 334; Walter B. Edgar, ed., *Biographical Directory of the South Carolina House of Representatives* (5 vols.; Columbia: University of South Carolina Press, 1974-1992), 1: 382-85; *Charleston Daily Courier*, 15 January 1861; Legislative Papers (1861), Petitions to the General Assembly, South Carolina Department of Archives and History, Columbia.

marauders” who might raid coastal plantations “and remove thousands of dollars worth of property.” If this were to happen, “who can calculate the disastrous effects” on the state? Planters would be forced to “immediately remove their negroes to the interior.” Citing the latest comptroller’s report, the committee pointed out that the lowcountry’s surplus cotton and rice production was valued at over \$5,900,000 a year. There were more than 144,000 slaves inhabiting the region, worth over \$100,000,000. “Is this a community to be left entirely unprotected?” Moreover, the \$313,546 in taxes paid by lowcountry residents was more than three times the appropriation asked for in the bill. Understandably the committee recommended that the bill be passed at once.<sup>12</sup>

Given these striking statistics one might assume there would have been little disagreement over passing the bill. Yet there emerged in this debate some indications that the unity of South Carolina was not as complete as many in the state hoped. Andrew Thomson of Union District in the upcountry scorned the idea of a coast police clearly designed solely to protect the interests of the lowcountry. He deemed the bill unnecessary because “there was no danger. The people of the North are not going to trouble us in these troublesome times.” But Joseph Pope, representing Charleston, challenged Thomson’s arguments. He resented his colleague’s insouciant attitude regarding the security of the coast. The state’s lawmakers have “an obligation to protect our people,” he declared, and if we “are not equal to that duty we have begun the contest before we are prepared to carry it on.” There was no question, he concluded, that “this House owes it to the people having so large an amount of property exposed, to give them this security, or sense of security.”<sup>13</sup>

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<sup>12</sup> *House Journal* (1860), 6, 172, 210; Edgar, *Biographical Directory*, 1: 384; *Charleston Daily Courier*, 11 December 1860.

<sup>13</sup> *Charleston Daily Courier*, 17 December 1860; *Charleston Mercury*, 11, 17 December 1860; Edgar, *Biographical Directory*, 1: 384; *House Journal* (1860), 58, 78, 151.

Sectionalism had long characterized South Carolina politics. But many hoped that the diverging interests of the lowcountry and upcountry would be forgotten as the state prepared for war. The bill establishing a coast police eventually did pass but not without some opposition from members representing the upcountry. More importantly, Joseph Pope's speech strongly upheld the principle that the legislature was not only obliged to protect its citizens from physical harm but also to safeguard their slave property. Evident in the debates over the bill to increase compensation for retrieving runaway slaves and the establishment of a coast police was a deep fear that South Carolina's social fabric could be torn asunder, particularly if a Union force were to invade the lowcountry.<sup>14</sup>

If white South Carolinians were of two minds concerning the loyalty of their slaves and the potential for disruption in their society, their attitude toward free blacks was equally inconsistent. In one breath the free people were praised for their loyalty and in the next condemned for insufficient patriotism. Free blacks in the South had always occupied an anomalous position in society. Defined primarily by their skin color, they enjoyed some rights while being denied others. But the tenuous liberty free blacks enjoyed in the antebellum period eroded during the Civil War. The Mayor of Charleston, Charles Macbeth, initiated a crackdown on slaves and free blacks alike, bolstering surveillance and requiring free blacks to carry a badge if they could not otherwise prove their freedom. The 3,237 free blacks living in Charleston in 1860 engaged in no fewer than sixty-five different occupations, including many skilled trades. The door of opportunity for employment in these skilled positions, however, was slamming shut. The legislature's Committee on the Colored Population recommended in 1860 that free blacks be excluded from the mechanical trades. Governor Gist declared in his annual message to the

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<sup>14</sup> *Acts of General Assembly* (1860-1861), 942-44. On state sectionalism in antebellum South Carolina see Schaper, *Sectionalism and Representation in South Carolina*, and Ford, *Origins of Southern Radicalism*.

legislature that year that “it must be distinctly and universally understood that the white is the governing race, without an exception, and without regard to disparity of intellect, merit or acquirements.”<sup>15</sup>

Under intensifying white scrutiny, South Carolina’s free-black community did its utmost to demonstrate loyalty and shelter itself from suspicion. Throughout 1861 there were numerous instances of free blacks donating money to support the war effort and offering their services to the Confederacy. In September a meeting of free blacks in Charleston collected \$450 to assist sick and wounded soldiers. Free blacks sent memorials to the mayor of Columbia and to Governor Pickens pledging their allegiance and willingness to “offer up our lives, and all that is dear to us” in the defense of the state. Whites flaunted these avowals as evidence of the essential stability of their biracial society. Spartanburg citizens praised “the devotion manifested by the free people of color to the cause of the Confederate States . . . and particularly in the city of Charleston, they have proved themselves a diligent, faithful and loyal people.” Some of these professions of loyalty were no doubt genuine, but many were exaggerations and some pure inventions. Mostly they were intended to ensure the free people’s safety and dispel whites’ suspicion.<sup>16</sup>

Those suspicions were never wholly dispelled, however. As had occurred during previous times of heightened sectional tension, South Carolina legislators in 1861 considered strengthening the laws governing free blacks. Bills were introduced proposing to prohibit them

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<sup>15</sup> *Charleston Daily Courier*, 14 September 1861; *Edgefield Advertiser*, 28 August 1861; Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina* (Columbia: University of South Carolina Press, 1973), 184; Ash, *Black Experience in the Civil War South*, 53; Powers, *Black Charlestonians*, 64-65, 41; Fraser, *Charleston! Charleston!*, 242; *House Journal* (1860), 18.

<sup>16</sup> Marszalek, *Diary of Emma Holmes*, 86; *Charleston Daily Courier*, 3 September 1861; “Memorial of Free Negroes to his Excellency Gov. Francis W. Pickens,” 10 January 1861, F. W. Pickens and Milledge L. Bonham Papers, Library of Congress, Washington, D.C.; Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: W. W. Norton, 1984), 293; *Charleston Daily Courier*, 14 September 1861, quoting *Spartanburg Express*; Davis, *Look Away!*, 143; Ash, *Black Experience in the Civil War South*, 56.

from carrying firearms, denying them the right to ride in carriages or become merchants, and forbidding them from entering into contracts. Others would have required them to move out of South Carolina. One bill would have forced free blacks into slavery. In almost every case these bills were introduced at the behest of upcountry planters, and all met with defeat in the legislature due to the influence of Charleston's delegation. Nevertheless, it was clear in the months after Fort Sumter that the patience of many white South Carolinians was wearing thin. A citizen of Abbeville cited a law recently passed by the Virginia legislature forcing free blacks to perform sixty days of military labor. Why, this citizen wondered, was such a law not passed in South Carolina? Was it right that free blacks were "exempt while white men who cannot afford to be absent from home, are called away for months [of militia duty] to toil and sweat?" Free blacks ought to be made "An Arm of the State" and "should be required to do *something* for the defence of their homes as well as other people." In Laurens District over eighty citizens petitioned the legislature to pass a law conscripting free men of color between the ages of sixteen and sixty into military service as cooks or other support personnel. Under these circumstances, free blacks in South Carolina faced a precarious future. None could predict what would happen if the state should find itself in a dire military emergency. For the present the free people simply tried to live the best they could, always under the watchful eye of an alarmed and increasingly volatile white populace.<sup>17</sup>

Slaves and free blacks were not the only perceived internal threats to South Carolina's security. The loyalty of some whites was also questioned. A wave of paranoia gripped the state in late 1860 and early 1861. South Carolina turned into an armed camp as vigilante groups were revived and informal patrols moved swiftly in nearly every district to round up suspect persons.

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<sup>17</sup> Johnson and Roark, *Black Masters*, 168-71; Moore, *Southern Homefront*, 140-42; *Abbeville Press*, 16 August 1861; *Edgefield Advertiser*, 28 August 1861; Legislative Papers (1861), Petitions to the General Assembly.

The *Mercury* was frank: “They that are not with us are against us.” One man, referring to himself simply as “A Native Born Carolinian,” advised fellow citizens to do away with “sickly sentimentality and change the order of things, by the law of vigilance and manly action,” and “arrest those whom we suspect as spies.” Many whites found themselves victims of mob violence. In the upcountry town of Anderson a dentist suspected of being an abolitionist sympathizer was taken to the outskirts of town, where a kangaroo court quickly pronounced his guilt. On account of his having a wife and two children it was decided that he would be allowed to leave “with his neck unbroken, although the righteous indignation of the people generally pronounced in favor of his being suspended to the nearest tree.” After “twenty stripes were administered in approved style” and his scalp was shaved, he and his family were driven out of town. In Columbia a stonemason named Powell, working on the state capitol, indiscreetly expressed his views on slavery, which were determined to be abolitionist in nature. He was carried to the neighborhood of Fisher’s Pond, where according to a witness his clothes were removed “and he was well smeared with tar, then a pillow-case was opened and he was feathered.” In Camden, Mary Boykin Chesnut learned of the harassment of a French music teacher accused of treason. “He’ll be hung,” she was told by the townsfolk. Chesnut was struck by “the red-hot state our public mind is in,” which allowed “short shrift for spies.” After the war a Confederate veteran from the village of Cheraw described the atmosphere in South Carolina at this time. The state was like a “seething caldron” where everyone “without exception” was on the alert for treachery. It was dangerous for “one of uncertain appearance to show himself at this time. There is hardly any doubt but that some who were innocent were either hung or severely

dealt with.” Emissaries of John Brown were presumed to be all around “and when any one was caught concerning whom this impression was strong, summary justice was meted out to him.”<sup>18</sup>

Extralegal activities of this sort prompted Governor Gist to urge the legislature to enact a law “punishing summarily and severely, if not with death, any person that circulates incendiary documents, avows himself an abolitionist, or in any way attempts to create insubordination or insurrection among the slaves.” Gist worried that the public would be “goaded to madness by the frequent attempts to disturb their quiet and destroy their property and lives.” If a law of this kind were not passed, the people might not be “very careful in measuring the punishment they inflict, and it is to be feared that the innocent may suffer with the guilty.” In offering this recommendation intended to maintain domestic order, Gist did not foresee the Pandora’s Box he was opening. The legislature began debating the merits of such a law in January 1861 after the Committee on the Colored Population introduced legislation under the nebulous title of “A Bill to Provide for the Peace and Security of the State.” A measure designed simply to discourage “lynch law and illegal executions” would soon expose deep fissures, or at least the fear of them, in South Carolina’s white society. The debates in the House over this bill laid bare trepidations about the potentially conflicting interests of slaveholders and non-slaveholders.<sup>19</sup>

The bill contrasted significantly with a similar one passed in December 1859 under the same title. Enacted in the aftermath of John Brown’s raid, it was designed to prevent abolitionists from distributing literature or preaching to blacks. Fines and imprisonment awaited those whose

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<sup>18</sup> Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 268; *Charleston Mercury*, 4 February, 12 October 1861; *Yorkville Enquirer*, 11 April 1861, quoting *Anderson Intelligencer*; Julian A. Selby, *Memorabilia and Anecdotal Reminiscences of Columbia, S.C., and Incidents Connected therewith* (Columbia, SC: R. L. Bryan, 1905), 131; C. Vann Woodward, ed., *Mary Chesnut’s Civil War* (New Haven, CT: Yale University Press, 1981), 66-67; Harriet Powe Lynch, ed., *Reminiscences and Sketches of Confederate Times by One Who Lived through Them* (Columbia, SC: R. L. Bryan, 1909), 22-23.

<sup>19</sup> *House Journal* (1860), 19, 118, 324, 336; *Charleston Mercury*, 14 January 1861; *Charleston Daily Courier*, 14 January 1861. William Gist was the governor until 14 December 1860, after which Francis Pickens became governor and served until 17 December 1862.

actions were calculated to “incite any insurrection or disturbance” among the servile population. The law was squarely aimed at abolitionists, free blacks, and slaves. The language in the new bill under consideration was strikingly different. Heavy fines could be imposed on any person for simply possessing literature that questioned the benefits of slavery. Plowden Weston, a substantial rice planter and future lieutenant governor from Georgetown, objected to the measure because it “would expose every man in the State to a constant system of surveillance and information.” Indeed, Weston fulminated, “If the archive of the ancient Inquisition were searched it might almost appear that this Bill was taken from that Inquisition.” It would “prevent us from taking English and French papers and pamphlets, or anything, from the North.” Weston wryly pointed out that he could not afford to pay the potential fines, for he “had several hundred pamphlets in his library upon this subject.” Denouncing the proposed law as “the most extraordinary Bill that had ever come before this House,” Weston unsuccessfully moved to lay it on the table.<sup>20</sup>

The bill was extraordinary not only because it laid a blanket prohibition on the possession of supposedly dangerous literature but also because it specifically expressed concern about non-slaveholders possessing it. Georgetown representative John Read explained that this was necessary because the previous law failed to address “those who undertake to incite the minds of those who are not slaveholders against those who are.” The nefarious abolitionists at work in the state were endeavoring to drive a wedge between the two classes by inducing “those who are not slaveholders to believe that they have no object or interest in the preservation of slavery.” But Plowden Weston replied that the bill would have unwanted consequences. The law of 1859, he said, was designed “to prevent our slaves being tampered with” by abolitionists. This was

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<sup>20</sup> *The Statutes at Large of South Carolina* (13 vols.; Columbia, SC: Republican Printing, 1874), 12: 655-56; *House Journal* (1860), 324; Edgar, *Biographical Directory*, 1: 384; *Charleston Mercury*, 14 January 1861; *Charleston Daily Courier*, 14 January 1861.

“eminently proper,” since “the narrow, uneducated and easily excited minds of the negro should be kept from such contaminating influences.” But this bill was vastly different because it was meant not just for blacks “but for [white] South Carolinians; the very men who govern at the ballot box, the very men who put us here to govern the country.” The language of the bill distinguishing between slaveholders and non-slaveholders “would establish the very worst precedent we could set,” for it would give the impression that their interests are different. Moreover, “This Bill, if passed, becomes a matter of history.” Since “history is often written in the Statute Books of a nation,” anyone consulting the bill to write history “would immediately say there was a very great difference of opinion on the subject matter embraced therein.” Such a canard, Weston warned, “should not be written on a single page of South Carolina’s History.”<sup>21</sup>

In response, Read reminded Weston that legislators had a responsibility to act on the wishes of their constituents, many of whom had petitioned the legislature for a law punishing the “many persons disposed to foster and increase the feeling of alienation between the two classes.” There was no doubt, Read argued, that “such a state of things does exist in many parts of the State.” It was well known that “in the upper portion of the State there is a large portion of the population who have no negroes and no interest in them; there it might be necessary that such a law should be passed.” But Weston was unconvinced. He had confidence in the non-slaveholders’ commitment to slavery and thought it wrong to close the door on free discussion. Believing slavery to be “one of the most easily advocated institutions in the world,” he had “no objection to any argument whatever against slavery being laid before” non-slaveholders. Weston thought that if this class “are not to hold their own opinions, they ought not to have access to the ballot box.” He wanted to see “the whole question argued” publicly, feeling certain that “Men

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<sup>21</sup> *Charleston Mercury*, 14 January 1861; *Charleston Daily Courier*, 14, 15 January 1861; *House Journal* (1860), 324.

who have no slaves [will be] ready to defend a revolution based very much upon the right of property in slaves.” Weston’s arguments prevailed: the bill was ultimately tabled.<sup>22</sup>

The social distinctions and clashing interests between slaveholders and non-slaveholders exposed in the debate did not necessarily represent fundamental class conflict. Weston was correct in asserting that men with no slaves would defend a movement based on the right to hold property in slaves. The existence of a slave caste tended to unify whites rather than divide them. As the *Laurensville Herald* put it, “our peculiar institution (slavery) makes us all equals. Every man in the South is accustomed to have dominion over an inferior race, and this instinctive love of power and dominion which is early implanted in his breast, gives him a feeling of superiority which never can be subdued.” Nevertheless, the debate suggested that white South Carolinians might not be a wholly united people.<sup>23</sup>

That there was a measure of anxiety over class divisions is evident also in a letter written to the *Edgefield Advertiser* in November 1860 pointing out that a minority of whites owned the majority of slaves. Although the writer did not want to “discriminate between our classes of white population for the purpose of making an invidious distinction,” human nature, he argued, dictated that their interests must be different. To unite them he suggested that “all slaveholders, in proportion to the quantity owned, say one out of every ten, sell to your neighbor non-slave holder, one slave if no more . . . at least one.” Doing this “might make *interest* supply the deficiency of patriotism” among non-slaveholders. Clearly some South Carolina elites were concerned about the loyalty of non-slaveholders and the cohesion of the social order. South Carolina’s society was by no means on the precipice of disintegration at this point, but it was an

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<sup>22</sup> *Charleston Mercury*, 14 January 1861; *Charleston Daily Courier*, 14, 15 January 1861; Edgar, *Biographical Directory*, 1: 384; *House Journal* (1860), 336.

<sup>23</sup> Ash, *Middle Tennessee Society Transformed*, 48-49; *Laurensville Herald*, 3 May 1861; Ash, *When the Yankees Came*, 10-11.

inauspicious beginning for a society about to embark on a war that would presumably require the unswerving loyalty and full commitment of all citizens.<sup>24</sup>

Interestingly, in the weeks following the outbreak of war the state witnessed something of a return to normalcy, or so it appeared. To many South Carolinians the war seemed far away. One militia officer observed in May that there was “such profound calm that it was difficult to realize the existence of revolution.” Many of the state’s youth who rushed off to enlist subsequently found themselves rather idle. On her plantation in St. Paul’s Parish, Meta Morris Grimball felt sorry for the soldiers who “have been all the winter in a state of great expectation and generally disappointed. I wish they may get something to do, and feel more quiet.” Tally Simpson, a twenty-two-year-old lieutenant from the upcountry village of Pendleton, wrote to his mother from Camp Ruffin in Columbia assuring her that “We are having a rich time at present—going down town in company this morning.” Some young women were also enjoying life after the war began. In Charleston Emma Holmes noted with delight that a “great many parties have been given . . . often two or three on the same night.” She had never imagined that the city “would be so gay when war is impending.” At home in Camden, Mary Chesnut described the atmosphere astutely that summer when she reflected that “The war is making us all tenderly sentimental. No casualties yet, no real mourning, nobody hurt. So it is all parade, fife, and fine feathers.”<sup>25</sup>

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<sup>24</sup> *Edgefield Advertiser*, 28 November 1860; Channing, *Crisis of Fear*, 254-56; Armstead L. Robinson, *Bitter Fruits of Bondage: The Demise of Slavery and the Collapse of the Confederacy, 1861-1865* (Charlottesville: University of Virginia Press, 2005), 8.

<sup>25</sup> *Charleston Daily Courier*, 14 May 1861; Journal of Meta Morris Grimball, 8 May 1861, Southern Homefront 1861-1865 Collection, Documenting the American South Digital Library, University of North Carolina, Chapel Hill, docsouth.unc.edu (accessed February 17, 2018); Guy R. Everson and Edward W. Simpson Jr., eds., “*Far, Far from Home*”: *The Wartime Letters of Dick and Tally Simpson, Third South Carolina Volunteers* (New York: Oxford University Press, 1994), 7; Marszalek, *Diary of Emma Holmes*, 56; Moore, *Southern Homefront*, 225; Woodward, *Mary Chesnut’s Civil War*, 69.

For most South Carolinians the daily rhythms of life continued as usual through the spring, summer, and early fall of 1861. Nevertheless, the state was mobilizing for war to some extent. On the eve of secession South Carolina had few industries. Compared to Virginia's manufacturing firms, which in 1860 had a combined \$27,000,000 in capitalization, South Carolina's had only \$7,000,000. The few factories in the state employed about seven thousand workers, a thousand of whom were women and children. Clearly the state would have to do more for the war effort. On the last day before adjourning the legislature took a step toward this end by incorporating the Shoe and Leather Manufacturing Company, authorizing it to raise by subscription \$300,000 in capital. Other industrial pursuits were encouraged by the newspapers, the *Courier* boasting that "we have in our own work shops resources for supplying every want," and prophesying that factories of all sorts "will spring into existence as it were by magic." Henry William Ravenel noted in May that "Many branches of manufactures have already sprung up from the very necessities" of the Union blockade and are "doing us an essential service." By the end of June an iron works was operating in Spartanburg with the capacity to produce six to eight hundred tons annually; it employed 150 people, including seventeen slaves. Operations at William Gregg's factory in Graniteville were greatly expanded in 1861.<sup>26</sup>

Concern about the impending Union naval blockade helped spur the industrialization movement. It also spurred changes in the state's agriculture during 1861. The Confederate Congress prohibited trade with the United States and strongly encouraged withholding cotton from the European markets. The aim was to pressure European nations to side with the Confederacy against the United States. "The cards are in our hands," said the *Mercury*, "and we

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<sup>26</sup> Ernest M. Lander Jr., "Manufacturing in South Carolina, 1815-60," *Business History Review* 28 (1954): 59-66; *Acts of General Assembly* (1860-1861), 933-34; *Charleston Daily Courier*, 8 May, 27 June 1861; Childs, *Ravenel Journal*, 71; Broadus Mitchell, *William Gregg: Factory Master of the Old South* (1928; repr., New York: Octagon Books, 1966), 202-206.

intend to play them out to the bankruptcy of every cotton factor in Great Britain and France, or the acknowledgement of our independence.” Throughout the summer South Carolina planters were urged to hold onto their cotton until the blockade was lifted. At the same time they were encouraged to grow grain. More cereals and less cotton, said a man in Laurens District, was “the true policy of the farmer,” since “war cannot be carried on without bread, any more than it can without powder.” Although many planters had counted on reaping a profit from last year’s cotton crop and had anticipated producing more cotton in the coming season, with impressive unanimity they heeded these calls.<sup>27</sup>

The uncertain state of affairs also affected financial matters. At the time of secession the banks of the state were in sound condition. The state-owned Bank of the State of South Carolina, in particular, was strong and in a position to advance funds for emergency state expenditures and render aid to fiscal operations. No matter how healthy the banks, however, they could do little to forestall the threat of inflation due to scarcity of key goods. Only a few days after the Union surrender at Fort Sumter, Henry William Ravenel expressed concern about the “prospect now of provisions of all kinds going up to high prices.” In May that prospect became a reality. Prior to the war large amounts of butter had been shipped to Southern cities from the North, thus giving Charleston a plentiful supply. But now Emma Holmes observed that “The effect of war is already shown here by the small quantities of goods imported from the North and the increased prices. . . . [F]resh butter has also risen to fifty cents in consequence of the high price of hay.”

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<sup>27</sup> Frank Lawrence Owsley, *King Cotton Diplomacy: Foreign Relations in the Confederate States of America* (Chicago, IL: University of Chicago Press, 1931), 25-41; Thomas, *Confederate Nation*, 174-75; Charles M. Hubbard, *The Burden of Confederate Diplomacy* (Knoxville: University of Tennessee Press, 1998), 21-26; Douglas B. Ball, *Financial Failure and Confederate Defeat* (Urbana: University of Illinois Press, 1991), 79-85; *Charleston Mercury*, 4 June 1861; *Charleston Daily Courier*, 23, 26 July, 12 August, 21 September 1861; *Laurensville Herald*, 8 February 1861.

Meta Morris Grimball complained that “The Market, is high and I pay nearly \$2 each day for dinner.”<sup>28</sup>

Another problem was a dire shortage of specie. In November 1860 the legislature passed a bill allowing the banks to suspend specie payments without penalty. This legislation along with the Fort Sumter crisis in April encouraged hoarding of whatever specie was still in circulation and consequently coins practically disappeared. Citizens complained that “The great scarcity of small change is becoming a serious matter.” Some thought greedy speculators were to blame: “[S]ilver is hoarded in order produce its scarcity,” one citizen commented, and the “chief sufferers by these petty extortions are our laboring classes, who often cannot get a bill changed at the grocer’s without either purchasing more than they desire or submitting to a loss of 5 or 10 cents in [*sic*] the dollar.” Why, some demanded, “cannot our Banks do something to relieve the community of the great dearth of small change?” The town council of Georgetown petitioned the legislature for authority to issue small-denomination notes “because of the disappearance of silver coins and the failure of the bank of the state to issue small bills.” The legislature took action on this issue in the fall and the bank came to the rescue, issuing paper currency in denominations of five to seventy-five cents. By the end of the war more than \$736,000 of this scrip had been placed in circulation.<sup>29</sup>

In other ways, too, the home front felt the impact of uncertainty and war in 1861. It was not long before for the civil and military authorities began calling on planters to provide slave

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<sup>28</sup> J. Mauldin Lesene, *The Bank of the State of South Carolina: A General and Political History* (Columbia: University of South Carolina Press, 1970), 153-59; Cauthen, *South Carolina Goes to War*, 188; Childs, *Ravenel Journal*, 65; Mary Elizabeth Massey, *Ersatz in the Confederacy* (Columbia: University of South Carolina Press, 1952), 64; Marszalek, *Diary of Emma Holmes*, 42-43; Journal of Meta Morris Grimball, 9 June 1861.

<sup>29</sup> *Acts of General Assembly* (1860-1861), 860-61; Lesene, *Bank of South Carolina*, 159; *Charleston Daily Courier*, 11, 22 May 1861; Legislative Papers (1861), Petitions to the General Assembly; *Journal of the House of Representatives of the State of South Carolina: Being the Sessions of 1861* (Columbia, SC: Charles P. Pelham, 1861), 288-89, hereafter cited as *House Journal* (1861); *Journal of the Senate of South Carolina: Being the Sessions of 1861* (Columbia, SC: Charles P. Pelham, 1861), 212, 215, hereafter cited as *Senate Journal* (1861); *Statutes at Large*, 13: 36.

labor to build coastal fortifications. In the first months of 1861 the planters were generally compliant, even enthusiastic. Henry William Ravenel noted that “Thousands of negroes have been offered and have been accepted, and their services used in throwing up breastworks and strengthening the fortifications in the harbor and along the sea coast.” In May the *Courier* was pleased to report that the military authorities “found the planters every where eagerly willing to give the labor of their servants.” As late as August the *Mercury* assured its readers that “all the labor that is necessary has been furnished by the planters.” There was, to be sure, some opposition. One planter refused to “give a cent, or send a hand” because he was convinced that the Yankees would never attempt an invasion of the coast. But for the better part of 1861 there seems to have been little trouble in procuring slave labor and coercion was unnecessary because planters, anxious to aid the cause of Southern independence, voluntarily complied with the official requests. Thus slaves were employed in the early months of the war without express legislative authorization.<sup>30</sup>

The price inflation, the shortage of specie, and the calls for slave labor were inconveniences, to be sure, but they did not fundamentally disrupt the daily rhythms of life. Much more noticeable and consequential were the large number of men leaving farms, villages, and towns across the state to enter military service. If there was any doubt that South Carolina was now a society at war this mass enlistment put that doubt to rest. The details of South Carolina’s military organization have been thoroughly described elsewhere. It suffices here to say that at the time of secession the state was unprepared for war. The militia was in dire need of reorganization and as late as 5 January 1861 not a single gun had been brought to bear on Fort Sumter. Both the legislature and the convention took steps to create the rudiments of a state army

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<sup>30</sup> Cauthen, *South Carolina Goes to War*, 117, 147; Childs, *Ravenel Journal*, 50; *Charleston Daily Courier*, 15 May 1861; *Charleston Mercury*, 22 August 1861; Journal of Meta Morris Grimball, 12 January 1861; Bernard H. Nelson, “Confederate Slave Impressment Legislation, 1861-1865,” *Journal of Negro History* 31 (1946): 392-410.

and supply it with arms and ammunition. But the legislature failed to act on Governor Gist's request to reorganize the militia, an oversight that would create much frustration and confusion in the coming months. Nevertheless, by the time President Davis called on South Carolina to provide eight thousand men for the provisional army of the Confederacy the state was in a position to respond.<sup>31</sup>

There was some reluctance among the volunteers to go north to serve in Virginia. Meta Morris Grimball believed that "There is not a great desire to fly to her aid" because it was widely felt "we are all to be subjugated and must first secure our [homes]." Governor Pickens endeavored to persuade the volunteers to go by arguing that to defend Virginia "is to defend South Carolina." With this assurance and under the impression that the war would be short, many South Carolinians responded enthusiastically to the call for volunteers. Indeed, so many signed up that one Edgefield citizen wondered if it "is not to be feared that in the ardor of patriotism, many in joining the army to march to the border have overlooked the vast interests which require protection at home?" He argued that "there is as much glory and patriotism in taking care of the women and children" as enlisting in the army.<sup>32</sup>

The Edgefield citizen spoke to a fundamental predicament on the home front. The departure of men left the most important institution of society—the family—susceptible to all kinds of disruptions. The patriarchal ideal of family life was suddenly imperiled, for women would by necessity have to assume roles traditionally reserved for the male head of the household. Prior to the war the responsibility for supervising non-household slaves was almost

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<sup>31</sup> Robert S. Seigler, *South Carolina's Military Organization during the War Between the States* (4 vols.; Charleston, SC: History Press, 2008); A. S. Salley Jr., *South Carolina Troops in Confederate Service* (3 vols.; Columbia, SC: R. L. Bryan, 1913); Gaskin, "Conscription and Impressment," 1-3; Keel, "Francis Wilkinson Pickens," 35, 61; Cauthen, *South Carolina Goes to War*, 110-18, 135; *House Journal* (1860), 11; *Acts of General Assembly* (1860-1861), 848-58; *Convention Journal*, 140-41.

<sup>32</sup> *Journal of Meta Morris Grimball*, 8 May 1861; *Charleston Mercury*, 27 April 1861; Gaskin, "Conscription and Impressment," 2; Cauthen, *South Carolina Goes to War*, 134-35; *Edgefield Advertiser*, 19 June 1861.

always borne by white men, but now many women would have to forsake customary domesticity by taking on this task. In areas of the lowcountry where the proportion of blacks to whites reached up to twenty to one this could be a daunting challenge. One Edgefield woman hoped that those of her gender would rise to that challenge. Women are “quite too helpless and timid,” she wrote; “they have very little independence, less energy, and not a particle of courage.” All too frequently they “are frightened almost to death if left without male protection for a few days at a time.” But in times like the present South Carolina needed “brave hearted energetic women, equal to any emergency.” Women should “know how to handle fire arms, how to load a gun or pistol properly and fire it fearlessly.” It was a duty owed not only to themselves and their children but to their men. The women of the state should not “let them feel that they are leaving behind them weak, helpless, inefficient women.” Such arguments sometimes struck a chord. One afternoon in August Emma Holmes was taught by her brother-in-law “how to shoot pistols” and after some weeks of practice she proudly noted that her aim was getting “tolerably good.”<sup>33</sup>

South Carolina’s white women were called on not only to assume unfamiliar responsibilities but also to succor and encourage the soldiers. In various ways they came to play a conspicuous role in the war effort. Some did their part by shaming men into enlisting. One group of women called a meeting “for the purpose of forming themselves into a Home Guard, for the protection of those young men who will not volunteer for their country’s cause.” One woman in Marlboro District who learned that her brother was disinclined to serve in Virginia went to his camp and “insisted upon his performing [his duty], and warned him that if he failed,

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<sup>33</sup> Ash, *Middle Tennessee Society Transformed*, 80-81; Edmund L. Drago, *Confederate Phoenix: Rebel Children and Their Families in South Carolina* (New York: Fordham University Press, 2008), 30; Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War* (Chapel Hill: University of North Carolina Press, 1996), 53; Francis Butler Simkins and James Welch Patton, *The Women of the Confederacy* (Richmond, VA: Garrett and Massie, 1936), 111; Weiner, *Mistresses and Slaves*, 155; Amy E. Murrell, “Of Necessity and Public Benefit: Southern Families and Their Appeals for Protection,” in Clinton, *Southern Families at War*, 77-99; Rable, *Civil Wars*, 56; *Edgefield Advertiser*, 28 June 1861; Marszalek, *Diary of Emma Holmes*, 84, 86-87.

she would disown his relationship, and discard him forever.” Often invoking memories of women’s sacrifices during the American Revolution, the state’s newspapers portrayed women as the embodiment of virtue and patriotism and reminded them of their key role in encouraging their men to fight and sustaining their morale.<sup>34</sup>

Central to this duty of bolstering morale was to refrain from writing any letters indicating domestic difficulties. Newspaper editors cautioned women that “No vain regrets [should] escape [their] lips” and advised them to encourage their men “to leave the endearments of home and march to the field of carnage.” Moreover, women were urged—though they needed no urging—to help provide for the soldiers’ material comfort. The state government was doing all it could “to aid in this holy and patriotic cause,” but because its resources were limited “it belongs essentially to woman, to understand those thousand little wants upon which the comfort of life depends.” Women should become “angels of mercy,” taking “pleasure in sacrifices,” and be “willing to suffer and eager to cooperate.” One way they could do so was by manufacturing all the clothing that their households and the soldiers would require. By way of their efforts “the hum of the spinning wheel mingles with the roar of cannon,” and South Carolina “will have two armies working out the complete and eternal independence of the South.”<sup>35</sup>

Before the smoke cleared over Fort Sumter women began devoting themselves to supplementing the supply of clothing and other necessities for soldiers. It soon became apparent that cooperative efforts would greatly increase the effectiveness of such endeavors, and there emerged in every corner of the state soldiers’ aid societies. Typically these began as informal gatherings of women in private homes, but eventually each society had an official name, a constitution, elected officers, and written rules of procedure. The societies raised money by

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<sup>34</sup> Childs, *Ravenel Journal*, 72; *Charleston Daily Courier*, 25 May, quoting *Vicksburg Whig*, 4 June 1861.

<sup>35</sup> *Yorkville Enquirer*, 11 July 1861; *Charleston Daily Courier*, 12 June, 28 September 1861; *Charleston Mercury*, 12 April, 30 July 1861; *Laurensville Herald*, 26 July 1861.

individual solicitation and by sponsoring concerts and other entertainments. In July Meta Morris Grimball observed that “The ladies are all as busy as possible forming themselves into relief societies for the wounded soldiers, and also to prepare clothing for them in the winter.” By August the city of Charleston was “divided into societies for the Relief of the Wounded and Clothing for the troops.” In Spartanburg Mary Legge wrote that “For the last few weeks we have been quite busy preparing for a concert for the relief of the soldiers,” and noted with pride that \$125 was raised. Caroline Howard Gilman of Charleston commented that “You see every where ladies knitting stockings for the soldiers. Yesterday I saw one, dressed richly, in a handsome carriage knitting diligently as a German house-wife.” For some women such as Emma Holmes, who had known only a life of privilege, these were uncustomary and sometimes onerous activities. One day she “Spent the morning learning to work the [sewing] machine and made nearly a whole flannel shirt. Both being my particular dislike, it needed all my patriotism to bring me to ‘the sticking point.’”<sup>36</sup>

The work of the local soldiers’ aid societies soon attracted the attention of state officials. Governor Pickens decided to assist them by establishing two central relief agencies. The Aid and Relief Association of Charleston would serve as the hub for the lowcountry while the Association of Columbia would perform that function for the upcountry. Supplies were channeled from the local societies through these central agencies to army quartermasters. These measures greatly improved the efficiency of the supply efforts. But there remained a nagging problem. In early September the State Executive Committee of the Aid and Relief Associations

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<sup>36</sup> James Welch Patton, “The Work of Soldiers’ Aid Societies in South Carolina during the Civil War,” in Bonner and Hamer, *South Carolina in the Civil War and Reconstruction*, 104-13; *Charleston Mercury*, 30 July 1861; Journal of Meta Morris Grimball, 26 July, 10 August, 1861; Louis P. Towles, ed., *A World Turned Upside Down: The Palmers of South Santee, 1818-1881* (Columbia: University of South Carolina Press, 1996), 309-10; Caroline Howard Gilman to Annie Gilman, 20 October 1861, Caroline Howard Gilman Papers, South Carolina Historical Society, Charleston; Marszalek, *Diary of Emma Holmes*, 73-74.

met in Charleston and adopted a statement to be published in all the state's newspapers. It addressed the problem of rising prices for necessities. But the point to underscore in this statement is not that prices were rising but how the committee invoked the power of the state to take control of the situation if necessary, and thus indicated a changing relationship between state and citizen.<sup>37</sup>

The executive committee warned the citizenry that hoarding for the purpose of speculation would not be tolerated. "All private property, whether real or personal, is held subject to the supreme and sovereign power of the State." The long-established principle of eminent domain "gives to every Government the control of private property for public uses," for "the rights of property are subservient to the public welfare, and . . . the interest of the public is deemed paramount to that of any private individual." It followed, then, that if necessary the state may "seize, with the strong hand, whatever is required for the subsistence of her soldiers or her citizens—subject only to the obligation of making compensation at a *fair valuation*." Heretofore the state had invoked eminent domain only to acquire rights-of-way for railroads and other internal improvements or lots for public buildings. What is apparent in this address is a forceful rationale for a far more expansive assertion of state power over the individual.<sup>38</sup>

This stern warning notwithstanding, the strong hand of the state had not yet made its presence felt when it came to aiding soldiers or their families. This would begin to change when the legislature met in November but at this point the government in Columbia was content to leave those initiatives to private citizens. State officials initially regarded the plight of soldiers' families as a community problem and were reluctant to address it. And steps were being taken at the local level. As men departed it became clear that some families left behind needed support.

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<sup>37</sup> *Charleston Mercury*, 19 August, 7 September 1861.

<sup>38</sup> *Ibid.*; Bense, *Yankee Leviathan*, 97-98.

As the *Mercury* and several upcountry newspapers pointed out in the summer of 1861, many soldiers “are not men of property, but are dependent with their families upon their daily labor. Their families are left, many of them we know, in deprivation.” Since the soldiers were “fighting our battles—risking their lives, and sacrificing their business prospects in our defence,” the men at the front “feel that they have claims upon the monied men at home.” These convictions led local communities to begin devising ways to support soldiers’ families. The citizens in York District came together “for the purpose of devising some *effective* plan for the relief and support of the families” entirely dependent on charity for their subsistence. It was suggested that the Commissioners of the Poor could “properly and legitimately, perform a *most important service*” by looking into the matter. Supposing the board found it “necessary to increase their assessment upon our general tax 10, or even 20 per cent, who would complain?” Inhabitants of neighboring Lancaster District concurred, declaring that if any family with a member in active service was indigent “it is unquestionably the duty of the District to provide for them.” The Commissioners of the Poor should levy a tax because “Every man would then be compelled to aid in proportion to his means, when if left to voluntary contribution, a few would incur the expense which all should share.” The following week the district tax was increased by nearly 13 percent to support soldiers’ families. This was direct public assistance on a much greater scale than ever known in the antebellum period and it speaks to the centrality of the family in society and the determination to protect it in this time of crisis.<sup>39</sup>

Concern over providing for soldiers and their families was also evidenced when the legislature in January 1861 began debating a bill to relieve debtors. Although the war had not yet

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<sup>39</sup> Zornow, “State Aid for Indigent Families of South Carolina Soldiers,” 82-87; Patricia Dora Bonnin, “The Problem of Relief for the Families of Confederate Soldiers in South Carolina,” in Bonner and Hamer, *South Carolina in the Civil War and Reconstruction*, 126-34; Moore, *Southern Homefront*, 97; *Charleston Mercury*, 5 June 1861; *Abbeville Press*, 7 June 1861; *Yorkville Enquirer*, 4 July 1861; *Lancaster Ledger*, 24 April, 1 May 1861; Ash, *Middle Tennessee Society Transformed*, 80-81.

begun, the state was girding itself to defend secession and many men were being mustered into service. With the future so uncertain, the bill generated heated arguments reflecting state sectionalism and class divisions between creditors and debtors. The initial bill before the legislature would merely have barred any state officer from collecting debts until 1 December 1861. Immediately, however, upcountry representative William C. Black introduced an amendment directing judges in the Court of Common Pleas to suspend all executions for final process. Additionally the amendment stated that “no judgement shall be taken, signed, or entered” by any clerks of the court until 1 December. Black explained that the amendment was a response to “the urgent solicitation of the people of the up country,” who now found themselves “without any fault of their own . . . placed in a position where they cannot use their means for the purpose of meeting obligations without a ruinous sacrifice.” Michael O’Connor of Charleston unsuccessfully moved to lay the amendment on the table, stating that he did not think “the House should legislate to prevent the obtaining of judgement.” Instead of simply restricting judgments, the amendment was “tantamount to prohibiting the commencement of a suit at all” and would “prevent the creditor from putting his claim in such a condition as to give him a lien upon the property of the debtor.”<sup>40</sup>

Representative Christian Suber from Newberry District in the upcountry brushed off such concerns. Believing his obligation was to obey the will of his constituents and protect South Carolina’s soldiers, he insisted that “those who fought the battles of the country, and whose property might be resting under judgements and execution, should have some rest.” He told his business-minded colleague from Charleston that since “the House had invited the Banks to suspend payment of coin for paper circulation” it was only just “that individuals should also have

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<sup>40</sup> *House Journal* (1860), 37, 57, 74, 220, 291, 302, 433, 441; *Charleston Mercury*, 17 January 1861; *Charleston Daily Courier*, 17 January 1861, Edgar, *Biographical Directory*, 1: 382-85.

some relief.” But Wilmot DeSaussure, representing the lowcountry commercial community, declared that the bill “struck at the root of commercial honor, and destroyed the remedies which the law provided to sustain commerce in her contracts.” It would, he thundered, place South Carolina “in a position of degradation and dishonor.”<sup>41</sup>

In a state that prided itself on its internal harmony and singleness of purpose, the rifts laid bare by the debt relief bill were troublesome, especially considering that the war had not yet begun. It was a clear sign that overcoming state sectionalism and class conflicts would be a challenge in the coming months and years. In the end, neither side in the January 1861 debate could claim victory. As finally passed, the bill repealed a section of an older act requiring punishment for persons failing to appear in court but said nothing about preventing judgments or prohibiting the execution of final process for the collection of claims. More substantive legislation on debtor relief would have to wait until the legislature convened in November.<sup>42</sup>

Amid much hope and optimism after Fort Sumter the state authorities confronted serious military problems. For one thing, the militia was poorly disciplined and trained. Moreover, the rush of men enlisting in volunteer units left the militia in disarray. Militia units were organized by geographic areas known as beats. The beat companies were required to assemble once every three months at their respective parade grounds to drill, as one Edgefield resident put it, “under officers in many cases wholly incapable and inefficient.” The whole process not only was inefficient but also gave rise “to not a few of the assault and battery cases, drunken rows and all the evils resulting therefrom.” When the muster was concluded the men left “as ignorant of the

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<sup>41</sup> Edgar, *Biographical Directory*, 1: 383-84; *Charleston Mercury*, 17 January 1861; *Charleston Daily Courier*, 17 January 1861.

<sup>42</sup> *Acts of General Assembly* (1860-1861), 861-62; Ringold, *Role of State Legislatures*, 63.

fundamental principles of military formation as when they were formed into ranks.” Complaints of this sort were common in early 1861; by the summer they were ubiquitous.<sup>43</sup>

As volunteers left for the front it became apparent that the structure of the militia had collapsed. “Every one knows that the militia system has been completely broken up,” wrote a Columbia man. “The regiments, battalions and beats no longer exist except in name.” Most of the officers were now in Virginia and the few remaining “have given up in despair of doing anything with their useless commands.” The state authorities had no idea how many militiamen were left or who was in any given company. If South Carolina was invaded “and the militia were called out for a week’s service,” asked one observer, “how many regiments would there be in which anything like order would exist? It will not be too bold to answer, none!” Governor Pickens was urged to call the legislature into special session to deal with the problem. When he did take steps to repair the system by ordering new elections for officers to fill vacancies occasioned by resignations, one citizen remarked that “his order does not go far enough,” and another scoffed that the governor “contented himself with issuing ‘proclamations’” with no substance. By September some citizens were muttering that Pickens “must either attend to his demands on him or *abdicate*.”<sup>44</sup>

The governor also had to worry about coastal defense. This was overseen by Confederate military authorities, relying heavily on South Carolina volunteer regiments and batteries. So many of these went off to Virginia, however, that few were left for coastal duty. Moreover,

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<sup>43</sup> Michael E. Stauffer, *South Carolina’s Antebellum Militia* (Columbia, SC: South Carolina Department of Archives and History, 1991), 2; Jean Martin Flynn, *The Militia in Antebellum South Carolina Society* (Spartanburg, SC: Reprint Company, 1991), 141-53; *Edgefield Advertiser*, 13 February, 17 July 1861; *Charleston Daily Courier*, 29 April, 7, 20, 26 August 1861; *Charleston Mercury*, 13 June, 3, 12, 24 July, 17 September 1861; *Southern Guardian*, 17, 24, 25 July 1861.

<sup>44</sup> *Southern Guardian*, 24, 25 July 1861; *Charleston Mercury*, 13 June, 3, 24 July 1861; *Charleston Daily Courier*, 20 August 1861; Daniel E. Huger Smith, Alice R. Huger Smith, and Arney R. Childs, eds., *Mason Smith Family Letters, 1860-1868* (Columbia: University of South Carolina Press, 1950), 10.

enlistments dropped off after the initial rush of enthusiasm and after it was decreed in July that the army would accept no more twelve-month enlistees; all must now sign up “for the war.” One officer stated in June that “there are many thousand men in Charleston capable of bearing arms, who are not connected with any military organization. Many of these have never borne arms, and unless compelled, never intend to do so.” A Charlestonian agreed, expressing disgust that there was “in our community, too great a disposition to shirk active duty. At every turn can be seen healthy, vigorous men, under forty-five years of age, who are taking no part in the defence of their own honor and interests.” The *Mercury* warned that the Yankee army and navy “are making vast preparations for the fall campaign upon the coast” and intended “to devastate the whole line of our coast, burn our crops, lay waste our properties, carry off our slaves . . . and drive us across the mountains.” Nevertheless, “The country is literally swarming with men who are absolutely doing nothing towards the safety of the State.”<sup>45</sup>

Throughout the summer the *Mercury* warned again and again about the threat to the coast, but little progress was made on defenses. Milton Maxcy Leverett, serving as an artilleryman at Fort Beauregard guarding Port Royal Sound, noted in late July that the fort had only four guns “that can do any effective firing and I am not so certain that they can compete with those of the [Union] squadron. . . . We do not expect any attack until Fall but we are miserably prepared to resist any such attack. . . . We have a little more than 200 men [posted here] while we ought to have at least 2000.” Charlestonian Robert N. Gourdin, now a military aide-de-camp in Beaufort, called attention in mid-August to the dearth of cannons to protect Port Royal Sound, pointing out that the Confederate defensive plan “embraced twelve ten inch Columbiads and we have recd. but two.” Alluding to the fiasco at Cape Hatteras in North

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<sup>45</sup> W. Eric Emerson, *Sons of Privilege: The Charleston Light Dragoons in the Civil War* (Columbia: University of South Carolina Press, 2005), 29; *Charleston Mercury*, 5 June, 8, 16 July, 13 August 1861; *Charleston Daily Courier*, 8 June 1861; *Lancaster Ledger*, 24 July 1861; *Carolina Spartan*, 24 August 1861.

Carolina, where nearly seven hundred Confederate defenders were captured in late August, one indignant citizen in Laurens District demanded to know who was to blame for the poor condition of Carolina's coastal defenses. They should be "hunted up and made to answer to an outraged people," he declared. "We have been disposed to trust those in authority . . . but if we are to be met right at the threshold with such mistakes, such cases of imbecility, we shall commence a war at home that shall not cease until matters are amended or we are crushed out." Governor Pickens was concerned enough to write the Confederate Secretary of War on 1 September requesting the return of South Carolina troops from Virginia in order to strengthen the coastal defenses, warning that "the season is just approaching when an invasion may be anticipated." This was all the more urgent, Pickens added, "after our recent disasters on the defenseless coast of North Carolina." The next day however, Pickens changed his mind. Preferring to leave the matter "entirely to your own judgment," he withdrew the request, confessing to the secretary that "You know the general plans and our resources, and I do not." Pickens, under pressure from all quarters, was clearly handicapped by indecisiveness.<sup>46</sup>

Gradually improvements were made. In mid-September Henry William Ravenel observed that "Very active preparations are now going on all over our state, and more especially along the Sea coast and in Charleston to resist invasion in the winter." The number of troops on the coast, he added, has greatly "been increased." Governor Pickens inspected the coastal fortifications that month and also ordered that a state census be taken to ascertain how many men ages of sixteen to sixty were available for local defense. These measures eased the fears of many South

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<sup>46</sup>*Charleston Mercury*, 4 May, 3, 11 June, 9, 13, 16, 20, 31 July, 16 August, 2 September 1861; Frances Wallace Taylor, Catherine Taylor Matthews, and J. Tracy Power, eds., *The Leverett Letters: Correspondence of a South Carolina Family, 1851-1868* (Columbia: University of South Carolina Press, 2000), 93-94; Philip N. Racine, ed., *Gentlemen Merchants: A Charleston Family's Odyssey, 1828-1870* (Knoxville: University of Tennessee Press, 2008), 452-53; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 359-63, 367; Isabella Middleton Leland, ed., "Middleton Correspondence, 1861-1865," *South Carolina Historical Magazine* 62 (1962): 33-41; *Laurensville Herald*, 6 September 1861; *OR*, Series One, 6: 268-72, 274.

Carolínians; indeed, some became overconfident. By the end of October Ravenel was positive that “our coast defences have been made so complete, and our effective force in the state, so thoroughly drilled and prepared,” that any invasion would certainly be repulsed. The *Courier* assured its readers that month that “further anxiety is in a great measure relieved, and great confidence is felt in our ability to repel any attack that the enemy can make on us.” A few weeks later the *Mercury* predicted sure defeat for any Yankee invaders, no matter how great their numbers: “[L]et them employ their force as they may, we have not a doubt of their being vanquished, and expelled from our coast.”<sup>47</sup>

These avowals of confidence notwithstanding, the approach of the federal fleet worried white South Carolínians. Their preconceived notions about the depraved character of Northerners evoked visions of armed Yankees desecrating South Carolina’s soil, raping its women, and inciting its slaves to butchery. To planters and their families in the lowcountry, especially, a Union invasion meant possible catastrophe. The prospect of invasion also stirred the imagination of slaves, but in a very different way, for it held the promise of challenging the system that held them in shackles.<sup>48</sup>

Disturbing incidents of physical violence between master and slave in the fall exacerbated white fears. On 4 October in Chester District, two slaves, Catawba and Selina, were convicted of the murder of Sarah Robinson. Although “The greater part of the evidence was circumstantial,” according to a newspaper report, it was of such a nature “that no doubt was left

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<sup>47</sup> Childs, *Ravenel Journal*, 89, 93; *Charleston Daily Courier*, 3 September, 8 October 1861; *Charleston Mercury*, 17 September, 6 November 1861; Caroline Howard Gilman to Annie Gilman, 20 October 1861, Gilman Papers; Marszalek, *Diary of Emma Holmes*, 95.

<sup>48</sup> George C. Rable, *Damn Yankees!: Demonization and Defiance in the Confederate South* (Baton Rouge: Louisiana State University Press, 2015), 8-15; Ash, *When the Yankees Came*, 11-12; Ochiai, *Harvesting Freedom*, 3; Ash, *Black Experience in the Civil War South*, 62; Schwalm, *A Hard Fight for We*, 76; Dusinger, *Them Dark Days*, 372; J. H. Easterby, ed., *The South Carolina Rice Plantation as Revealed in the Papers of Robert F. W. Allston* (Chicago, IL: University of Chicago Press, 1945), 185; James L. Roark, *Masters without Slaves: Southern Planters in the Civil War and Reconstruction* (New York: W. W. Norton, 1977), 37.

in the minds of the Jury nor the community, but that [the slaves] were the guilty parties.” Three other slaves were implicated. The following week Spartanburg residents read of “three different enormous crimes by negroes, for which they will all suffer immediate death by hanging.” The first was the murder of a white woman in Lancaster District, supposedly committed by two slave women. The second was a “conspiracy to poison” a Mrs. Cohen of Charleston, for which offense two slaves “will certainly be hung, and perhaps others.” The third was another case in Lancaster District, in which a slave “was convicted of burglary and an attempt to violate a white lady. He of course will also be hung by the neck until he is dead, dead, dead.” As if readers needed any reminding, they were advised that this was “no time for laxity in the discharge of patrol duty.” In Charleston a slave named Peter was arrested by a policeman for carrying a bag containing ladies’ apparel. While being taken to the guardhouse he drew a pistol and fired at the officer, narrowly missing him. Peter then rushed at the officer “with a dirk and inflicted a very severe wound in the left shoulder, after which he succeeded in making his escape.” Toward the end of October four slaves were convicted and executed for the murder of Elizabeth Witherspoon in Darlington District. Mary Chesnut, a cousin of Witherspoon, was deeply shaken by this event. “I am sure,” she wrote, that “I will never sleep again without this nightmare of horror haunting me.” The reality was, she admitted, that if slaves “want to kill us, they can do it when they please—they are noiseless as panthers.”<sup>49</sup>

The heated atmosphere of the Palmetto State was about to become superheated. Already there were reports “that many of the negroes on the islands are running away and going to the blockading fleet.” On 4 November General Roswell Ripley reported that an enemy fleet was concentrating between Tybee Island, Georgia, and Port Royal Sound. The next day he confirmed

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<sup>49</sup> *Yorkville Enquirer*, 3 October 1861, quoting *Chester Standard*; Legislative Papers (1861), Petitions to the General Assembly; *Carolina Spartan*, 10 October 1861; *Charleston Mercury*, 18, 21 October 1861; Woodward, *Mary Chesnut’s Civil War*, 209-11.

the presence of “Forty-one vessels . . . off Beaufort. Attack imminent.” In fact, there were seventeen federal warships and sixty smaller vessels transporting over twelve thousand soldiers and marines poised to descend on the region around Beaufort. Three days later the invaders set foot on South Carolina soil. “Well,” commented a Laurens District citizen when the news reached him, “after six months of anxiety and excitement about the war in Virginia, we have it now at home.”<sup>50</sup>

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<sup>50</sup> Childs, *Ravenel Journal*, 93; *OR*, Series One, 6: 309; Rowland, Moore, and Rogers, *History of Beaufort County*, 447; *Laurensville Herald*, 15 November 1861.

## Chapter Three

### “We Are Obligated to Submit to His Hateful Presence”:

#### Invasion, Dislocation, and Legislation, November 1861-January 1862

Christmas day of 1861 brought beautiful weather to Charleston, warm enough for residents to stroll in comfort along the Battery. This day was considerably less joyful than past Christmases in Charleston, however, for much of the city lay in ruins. Emma Holmes mournfully described the scene: “[E]verything is so transformed by the work of a single night that it seems as if we were carried centuries back and stood among the ruins of some ancient city. How desolate seemed the few solitary houses still standing. . . . Nothing but ruins on every side; it is more dreary than living by a cemetery.”<sup>1</sup>

The Great Fire of Charleston had struck on the evening of 11 December, destroying many homes and businesses. But the fire was not the only reason for gloom this season. Seven weeks earlier the Confederacy had suffered an embarrassing defeat at the Battle of Port Royal. The Union invasion of their state in November shocked South Carolinians and brought turmoil to much of the lowcountry. Those who read the *Charleston Daily Courier* this Christmas were reminded that “A crafty and bloody foe holds possession of one of our ports.” Numerous citizens have been “driven [into] exile from their homesteads which have been rifled and polluted by the hireling soldiery of a vulgar despot.” Unfortunately, all one could do was wipe away the “warm tear that trickled down our cheek,” for South Carolina lacked the means to drive off the enemy and “we are obliged to submit to his hateful presence.”<sup>2</sup>

On the morning of 7 November 1861 Commodore Samuel F. DuPont, commanding the USS *Wabash*, weighed anchor and gave the signal to get under way. As the Union armada

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<sup>1</sup> Marszalek, *Diary of Emma Holmes*, 115, 112.

<sup>2</sup> *Charleston Daily Courier*, 25 December 1861.

approached Port Royal Sound the defenders in Forts Walker and Beauregard opened fire. The Confederate guns were accurate but outranged and overpowered by the guns of the Union fleet. The attackers steamed past the two forts and then circled back around, concentrating their firepower on Fort Walker. It took only two passes to disable twenty of the fort's twenty-three guns. General Drayton hastily rode off to confer with General Ripley. They agreed that their position was now untenable and ordered the evacuation of the fort. The heavy guns were spiked and the garrison retreated to the mainland. The troops in Fort Beauregard, their situation likewise hopeless, fell back to St. Helena. By nightfall, 12,653 Union soldiers were safely ashore at Hilton Head. The "Day of the Big Gun Shoot," as the local blacks called the Battle of Port Royal, was over.<sup>3</sup>

The Union invasion of South Carolina was a key event in the Civil War. DuPont's expedition demonstrated the superiority of naval power over fortifications and revealed that the Confederacy was vulnerable to amphibious operations. The capture of Port Royal provided the Union with the largest deep-water harbor between Cape Hatteras and Florida, an ideal coaling and provisioning station that would allow the Union to tighten its coastal blockade, launch further expeditions to the north and south, and perhaps even sever communications between Charleston and Savannah. Furthermore, the presence of Union troops on the South Carolina coast dealt a heavy blow to the state's plantation system and set many slaves on the road to freedom.<sup>4</sup>

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<sup>3</sup> Rowland, Moore, and Rogers, *History of Beaufort County*, 443-54; Wise, Rowland, and Spieler, *Rebellion, Reconstruction, and Redemption*, 3, 15-16; Poole, *South Carolina's Civil War*, 37-43; Wallace, *History of South Carolina*, 3: 171-72; Edgar, *South Carolina*, 360-61.

<sup>4</sup> Rowland, Moore, and Rogers, *History of Beaufort County*, 445-47; Wise, Rowland, and Spieler, *Rebellion, Reconstruction, and Redemption*, 3; Rose, *Rehearsal for Reconstruction*, 3-8; Berlin, *The Destruction of Slavery*, 103-14.

Among the immediate effects of the invasion was panic in Beaufort and the surrounding region. White residents rushed to gather possessions before scurrying to the mainland. The exodus was so swift that many left their valuables behind. Meta Morris Grimball learned that “The poor Beaufort people fled in every direction”; the women especially “were seized with a perfect panic.” A newspaper correspondent saw the road to Hardeeville “filled with a heterogeneous throng of fugitives of all conditions, carriages, carts and conveyances of every description. . . . [T]he spectacle was a sad one.” A slave named Tina on St. Helena recalled how her owners were “just sitting down to dinner when the news came that everyone was flying. They sprang up, left the silver on the table, the dinner untasted, packed a few clothes for the children, and were gone, never to come back.” Another witness described Beaufort as “deserted by all who can possibly get away and given up to plunder and waste,” with “whole families leaving their hitherto peaceful and plentiful homes,” some carrying “scarcely a change of clothing. Delicate, high bred ladies, helpless children—all the same. That *the war is on the soil of South Carolina* has been *first* crushingly realized by the inhabitants of Beaufort and St. Helena.”<sup>5</sup>

White residents abandoned the islands of Hilton Head, St. Helena, Ladies, and Port Royal. The planter families who fled were among the wealthiest in the South, some of them owning several hundred slaves. As the planters departed they left behind some ten thousand slaves. Over the next several months the Union grip on the Sea Islands expanded. Federal forces captured Edisto Island to the north and launched raids to the south along the Georgia and Florida coast. Despite these advances the Federal presence in South Carolina did not extend much

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<sup>5</sup> Journal of Meta Morris Grimball, 19 November 1861; *Charleston Mercury*, 11 November 1861; *Charleston Daily Courier*, 14 November 1861; Edith M. Dabbs, *Sea Island Diary: A History of St. Helena Island* (Spartanburg, SC: Reprint Company, 1983), 119; Guioni Griffis Johnson, *A Social History of the Sea Islands* (Chapel Hill: University of North Carolina Press, 1930), 154-55; Rowland, Moore, and Rogers, *History of Beaufort County*, 450; Mary Elizabeth Massey, *Refugee Life in the Confederacy* (Baton Rouge: Louisiana State University Press, 1964), 13; Ash, *When the Yankees Came*, 18; Rose, *Rehearsal for Reconstruction*, 11-12.

beyond Port Royal and the adjacent islands. Most of the coastal plain between Georgetown and Savannah remained under Confederate control. Although the Union occupation was confined to a small portion of the coast, the psychological damage it inflicted on lowcountry planters was immense. In the aftermath of the invasion planters abandoned the entire coast from the North Edisto River, south of Charleston, to Ossabaw Sound, south of Savannah. When Union troops entered Beaufort they found only one white man, “an infirm old Yankee shoemaker.” Fully as shocking to the planters as the abrupt appearance of the dreaded Yankees was the behavior of the slaves. Many resisted when their masters tried to remove them to the interior, reasoning that it was better to take their chances with the Yankee strangers than remain with their owners. General Thomas W. Sherman, commanding the Union army forces, addressed the people of South Carolina in a proclamation pledging not to “destroy your property, or interfere with any of your lawful rights or your social and local institutions.” But however conservative the Union policy on slavery was at this early stage of the war, slaves had their own ideas on the subject.<sup>6</sup>

Many slaves in the invaded lowcountry districts simply declined to leave. A week after the fall of Port Royal Confederate Colonel E. M. Seabrook reported that “large gangs of negroes on the islands have refused to leave the plantations and on Edisto there are still about 6,000 that have remained. They are unwilling to leave their homes, and moreover have been told [by the Yankees] that no harm would come to them if they stayed.” The *Mercury* reported that “The

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<sup>6</sup> Berlin, *Destruction of Slavery*, 103-107; Theodore Rosengarten, *Tombee: Portrait of a Cotton Planter, with the Journal of Thomas B. Chaplin* (New York: William Morrow, 1986), 217-19, 718-19; Eric Foner, *Forever Free: The Story of Emancipation and Reconstruction* (New York: Vintage Books, 2005), 58; Louis S. Gerteis, *From Contraband to Freedman: Federal Policy toward Southern Blacks, 1861-1865* (Westport, CT: Greenwood, 1973), 11, 50; Oakes, *Freedom National*, 197-99; Joyner, *Down by the Riverside*, 227-30; Rose, *Rehearsal for Reconstruction*, 17; Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 118; Schwalm, *Hard Fight for We*, 90-92; Ash, *Black Experience in the Civil War South*, 61-63; *OR*, Series One, 6: 5; Silvana R. Siddali, *From Property to Person: Slavery and the Confiscation Acts, 1861-1862* (Baton Rouge: Louisiana State University Press, 2005), 111-12; Mark Grimsley, *The Hard Hand of War: Union Military Policy toward Southern Civilians, 1861-1865* (Cambridge, Eng.: Cambridge University Press, 1995), 54-57.

negros were flocking into and out of the town” of Beaufort despite having “been entrusted with saving their masters’ property.” When the first Union boat came ashore, “the negros ran to the wharf to see the Yankees.” Whenever feasible, slaves in outlying areas sought protection within Union lines. A U.S. government agent on the Sea Islands reported that the number of slaves deserting their plantations “is rapidly increasing. This week forty-eight escaped from a single plantation” thirty miles west of Beaufort and the “accessions at Edisto are in larger number.” Whites were appalled by such evidence of black “disloyalty.” A former Beaufort resident wrote to her mother several weeks after the invasion, warning that “the darkies all, think this is a crisis in their lives that must be taken advantage of and about burying your valuables . . . who have you trusted? because I think for \$10 any of them would tell the Yankees. Times and slaves have changed since the revolution.”<sup>7</sup>

Governor Pickens was concerned enough to request General Drayton’s opinion “of the present attitude and behavior of the negros” on the mainland who were not under Union control. Drayton replied from Camp Lee near Hardeeville, some twenty miles northwest of Hilton Head, that slaves “have shown a spirit of insubordination by refusing to move higher up the country, when ordered to do so by their owners.” He mistakenly attributed this “disobedience” to a feeling of “*dismay and utter helplessness* at being left alone and unprotected by the precipitate abandonment by their masters of their plantations,” rather than from “any organized plan of

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<sup>7</sup> Childs, *Ravenel Journal*, 97; *Charleston Mercury*, 12 November 1861; Ira Berlin, et al., eds., *The Wartime Genesis of Free Labor: The Lower South* (Cambridge, Eng.: Cambridge University Press, 1990), 127; Herbert C. Covey and Dwight Eisinger, *How the Slaves Saw the Civil War: Recollections of the War through the WPA Slave Narratives* (Santa Barbara, CA: Praeger, 2014), 80; Colin Edward Woodward, *Marching Masters: Slavery, Race, and the Confederate Army during the Civil War* (Charlottesville: University of Virginia Press, 2014), 107; William E. Weithoff, *The Insolent Slave* (Columbia: University of South Carolina Press, 2002), 3; James M. Clifton, *Life and Labor on Argyle Island: Letters and Documents of a Savannah River Rice Plantation, 1833-1867* (Savannah, GA: Beehive, 1978), 319; C. Vann Woodward and Elisabeth Muhlenfeld, eds., *The Private Mary Chesnut: The Unpublished Civil War Diaries* (New York: Oxford University Press, 1984), 198-200; Woodward, *Mary Chesnut’s Civil War*, 233; Mary Elliott to “dearest Mamma,” 15 December 1861, Elliott and Gonzales Family Papers, Southern Homefront 1861-1865 Collection, Documenting the American South Digital Library, University of North Carolina, Chapel Hill, docsouth.unc.edu (accessed February 17, 2018).

resistance.” Drayton assured the governor that “the negroes are fast recovering from their fright, are coming forth from their hiding places.” But he advised that all planters not in military service immediately return to their neighborhoods in order to “prevent a recurrence of that excitement among their people.” Unfortunately for the planters and state authorities, little could be done to restore slavery in the vicinity of Beaufort. Soon after the invasion, William Gilmore Simms suggested to James Henry Hammond that “our negroes should, especially just now, be taught to feel that their owners are their best friends.” But it was too late; many masters helplessly watched as their slaves took advantage of the confusion, made their escape, and made new friends in blue uniforms.<sup>8</sup>

Planters in the Beaufort area witnessed the foundation of their social system crumble in a matter of hours. Prominent planter-statesman William Henry Trescot, for example, whose home was on Barnwell Island, just twelve miles from where the Union fleet attacked, saw every one of his adult male slaves desert him in two days. For the planters the cost of this disaster was enormous. Millions of dollars of property was lost or destroyed. Less than a week after the invasion Trescot lost forty-three slave men valued at \$33,000, ninety bales of Sea Island cotton worth \$10,000, and \$19,000 of various provisions. This meant instant bankruptcy with little or no hope of recovery. The Beaufort-area planters, including Trescot, became refugees. The few families who were able to remove their slaves were now scattered across the state. As Henry William Ravenel remarked, “Many who were wealthy men a week ago, are now reduced to poverty, leaving home with only their clothes.”<sup>9</sup>

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<sup>8</sup> *Charleston Daily Courier*, 23 November 1861; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 383; Poole, *South Carolina's Civil War*, 42; Roark, *Masters without Slaves*, 70-71.

<sup>9</sup> Oakes, *Freedom National*, 198; Olsberg, “Government of Class and Race,” 312-28; Richard J. Calhoun, ed., *Witness to Sorrow: The Antebellum Autobiography of William J. Grayson* (Columbia: University of South Carolina Press, 1990), 194-95; Woodward, *Mary Chesnut's Civil War*, 234; Childs, *Ravenel Journal*, 106, 97.

The panic sparked by the invasion was not confined to the islands in immediate danger. It quickly spread to Charleston as rumors circulated that the enemy was only fifteen miles from the city. One nervous slaveholder wrote to Mayor Macbeth recommending that “some further restrictions upon our slave population at this time would not be amiss.” Perhaps too, he added, “the negro churches should be closely scrutinized, in fact closed for the present.” Another Charlestonian noted the “many families leaving and sending off valuables, military movements going on all the time, and everything indicating the greatest excitement.” Emma Holmes learned of “numbers of persons [who] are moving into the interior or making preparations to move by packing up and sending off their silver and other valuables.” Among them was an eighty-five-year-old woman who had not left her home in fourteen years but now was “running from the Yankees and dreadfully scared.” Just days after the invasion Henry William Ravenel was informed by a relative in Charleston that there were “Thousands of rumors of traitors among our people, the enemy marching on to burn the city, rail road bridges destroyed.” The once bustling city became a place of “deserted streets and closed stores.”<sup>10</sup>

The loss of the Sea Islands was a bitter pill for Confederate patriots to swallow. The disorderly retreat from Fort Walker was particularly shameful. Commodore DuPont reported that “The defeat of the enemy terminated in utter rout and confusion. The quarters and encampments were abandoned without an attempt to carry away either public or private property.” As one member of the fort’s garrison put it, the retreat was “a proceeding in *practical* military experience, which, for one, I never bargained for, and which *experiment* I trust never to see tried again.” By the time the men of his company reached Hardeeville they had “lost nearly everything they had in the Hilton Head experiment.” Confederate and state authorities were roundly

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<sup>10</sup> Calhoun, *Witness to Sorrow*, 195; Sutor, “Charleston, South Carolina,” 197-207; *Charleston Daily Courier*, 11 November 1861; Childs, *Ravenel Journal*, 95-97, 101; Marszalek, *Diary of Emma Holmes*, 97-98.

criticized by the citizenry. William Gilmore Simms damned “the incompetence” of the army engineers who designed the fort. Emma Holmes criticized General Drayton, who “has fully proved his utter incompetency for his high position.” Criticism was also directed at the white Sea Islanders. James Henry Hammond received a letter from his son castigating the men of Beaufort who “fled like sheep leaving all their property in the hands of the enemy, many without even a change of clothes. No man had the courage to burn his cotton or his house before he left—and with one or two exceptions scarcely a negro has been saved.” Another citizen demanded to know whether it “must be written in our history that we faltered on the threshold of our new endeavor under the influence of avarice—that we were short sighted politicians?” The Beaufort planters “were among the warmest of the Secessionists,” but “Why, then, remains the almost entire Cotton crop, amounting to near half a million of dollars, undestroyed?” Another South Carolinian agreed, condemning “The rich planters [who] leave their estates” and give orders to the overseer rather than burn their cotton immediately. There are “only two classes” of citizens on the coast, this man fumed, “those who burn their cotton” and “those who postpone it.”<sup>11</sup>

Accusations of this sort angered many lowcountry citizens. One resentful planter from Port Royal wrote a lengthy defense of his fellows against the “unjust and uncharitable aspersions,” explaining that the planters “were unhappily the victims of misguided confidence, and sacrificed by the indifference or luke-warmness” of those who could have assisted but failed to act. Moreover, burning cotton “was rendered doubly arduous by the unwillingness displayed by some of the negros, who shrunk from executing the order from fear, and in many instances

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<sup>11</sup> *Charleston Daily Courier*, 13, 23, 25, 27, 28 November, 9 December 1861; *Charleston Mercury*, 11, 13 November, 10 December 1861; *Camden Confederate*, 15, 29 November 1861; *Laurensville Herald*, 15 November 1861; Katharine M. Jones, *Port Royal under Six Flags* (Indianapolis, IN: Bobbs-Merrill, 1960), 226; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 382; Marszalek, *Diary of Emma Holmes*, 104; Carol Blesser, ed., *Secret and Sacred: The Diaries of James Henry Hammond, a Southern Slaveholder* (Columbia: University of South Carolina Press, 1988), 281; Rose, *Rehearsal for Reconstruction*, 16-19.

secreted themselves at the appointed time.” Worse still, “no definite plan of action, either for separate commands or for concert, had been devised or adopted by our military commanders.” The *Mercury* also defended the planters, pointing out that “It can never be expected that every body will agree as to the policy to be pursued, where their property is to be destroyed.” Some planters might reasonably hesitate unless compelled to do so. It was “absurd to expect that people will resolve *unanimously* to burn up their houses. It is equally unreasonable to expect that all planters will burn up their cotton.” With respect to removing slaves, “Some have not the means to remove their slaves and support them afterwards.” The planters who resided near the Union fleet were clearly in a difficult position. In many instances they did not know whether their property was in imminent danger. It did not help that the state authorities provided little direction in the matter.<sup>12</sup>

Burning cotton and removing slaves to keep them out of enemy hands were critically important matters, but to be effective they would have to be accomplished thoroughly and systematically. Leaving these decisions to civilians was obviously not the answer. One citizen under the signature of “Moscow” explained the dilemma and offered a solution. It was easy to imagine situations where patriotic planters wishing to meet the expectations of their fellow citizens “may find themselves powerless by the want of means, information, opportunity or time.” In many cases there were agents and executors of absentees who “may be thrown into the utmost embarrassment, and find themselves halting between the law of patriotism and the law of the land.” This is why the issue should be addressed “by the Legislature, that the destruction of property be legalized, so that a systematic plan may be devised and carried into execution by

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<sup>12</sup> *Charleston Daily Courier*, 2 December 1861; *Charleston Mercury*, 14 November 1861.

officers appointed for the purpose.” When the war was over the lost property could “be paid for by the State,” and then “from the seaboard to the mountains one fate will be ours.”<sup>13</sup>

Three days before the Union invasion the legislature assembled for a special session. Governor Pickens had issued the call in July for the purpose of choosing presidential electors, but added that “in all probability, considering the peculiar state of the country, other important matters will be acted on at the same session of the Legislature.” The regular session was set to convene in late November and some members hoped that this called session would continue until then, by which time they might have a better sense of what was transpiring on the coast. The legislature began its special session on 4 November and the next day the governor communicated his message.<sup>14</sup>

The message addressed the unprecedented challenges now confronting the state. At the top of the list was “the present state of our military organization.” Because so many men had gone into service, the remaining population fit for military duty was “in a state of comparative disorganization.” Pickens detailed the number of volunteer regiments already raised and reviewed the prior legislation and convention resolutions establishing them. Since there was a “pressing emergency,” he recommended the creation of “a new military organization throughout the State” in order to redraw the militia’s regimental lines and fill vacancies. It was also necessary to secure the reenlistment of the twelve-month volunteers in Confederate service. The previous military measures of the legislature were now inadequate because “at the time, many did not anticipate [that the war] would be so extensive as it has turned out to be.” The state was

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<sup>13</sup> *Charleston Daily Courier*, 3 December 1861.

<sup>14</sup> *House Journal* (1861), 6-7; *Charleston Daily Courier*, 5 November 1861.

now facing “extraordinary demands for expenditures, such as have never been experienced before.”<sup>15</sup>

As the war grew in scale so too did the demands of the Confederate government. Accordingly, the governor asked the legislature to address the act of Congress imposing a direct tax of fifty cents on every hundred dollars’ worth of real and personal property and requiring the states to collect it. The only individuals exempted were those having property worth less than five hundred dollars. This issue “requires your immediate attention,” said Pickens, but first it was necessary that “there shall be a change in your system of taxation.” South Carolina’s property tax system had long been a source of complaint. The main objection was over taxing agricultural land at a fixed value while city and town property was taxed *ad valorem*. In other words, the state taxed city lots and improvements on an annually increasing value while in the country the value was set by law. Pickens pointed out that the assessed value of rural land was based on conditions in 1808 that no longer existed. It was crucial for the legislature to modify the system by creating “a true and just valuation of land.” The first step was to abolish the upper and lower treasuries and consolidate them into one office. If this was done, the governor said, it would “simplify all accounts very much, and enable you to give system to the whole.”<sup>16</sup>

There were other issues emanating from the exigencies of war for the legislature to consider. Pickens suggested that the military academies in Columbia and Charleston be consolidated into one institution and relocated to Fort Moultrie on Sullivan’s Island. This new academy should admit cadets from other states and “No expense should deter us from placing [it] on the highest footing.” The operation of the South Carolina College was also a matter of concern. Although there were objections to keeping it going during the war, Pickens urged the

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<sup>15</sup> *House Journal* (1861), 21-24.

<sup>16</sup> Ball, *Financial Failure and Confederate Defeat*, 223-27; *House Journal* (1861), 23-25; *Charleston Mercury*, 16 September, 21 November 1861, 8 December 1860; Cauthen, *South Carolina Goes to War*, 189.

legislature to fund the college because it fostered “high feelings of public devotion to the country” and was crucial in binding young men with “stronger and more exclusive ties of first allegiance to the State.” The legislature also had a duty, said the governor, to provide financial relief for the families of soldiers. A new law was now required to supplement the local efforts made over the summer and ensure that no soldier’s wife or children were without sustenance. The soldiers in the field and the people left at home also needed financial protection from creditors. Pickens asked that “every aid and facility” be given to protect citizens who were unable to pay their debts. “[S]ome stay of execution or levy upon their property should be directed by law,” he opined, but added that the legislature should proceed “with great caution” in this matter because there was “no power so dangerous, and generally so unjust” as a government interfering with contracts. Pickens concluded his message by urging the legislature to “increase the power and dignity of the State” but also to “adhere firmly to all the conservative principles of our Constitution.” How these two ends were compatible, the governor did not say. Nevertheless, he assured the members that although “war is a great calamity” it would prove to be “in the end, a public blessing” because South Carolinians would “come out of our trials a wiser and better people.”<sup>17</sup>

The newspapers across the state generally approved of the governor’s message, although some expressed regret that valuable time was wasted over the past year. The *Southern Guardian* thought Pickens “presented a very satisfactory exposition of all the matters embraced in the sphere of his executive duties.” The *Camden Confederate* praised the “many excellent suggestions” but thought the militia organizations “should have been efficient and made ready for active service long ago.” There had been “sad neglect in this respect” and the legislators

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<sup>17</sup> *House Journal* (1861), 25-37.

should “see to it” that “everywhere our citizen soldiers be put on a war footing, ready for any emergency.” Given the expanding scope of the war it is not remarkable that the governor outlined an array of issues for the legislature to address. What is perplexing is how little was accomplished during the special session. Although the attack on Port Royal had not begun, there were plenty of reasons to believe that the approaching Union fleet could cause trouble. This was why Pickens urged the legislature to reorganize the militia before adjourning.<sup>18</sup>

The following day, 6 November, Pickens sent a second message to the House and Senate. It called on the legislature to immediately provide \$300,000 for “the circumstances by which we are surrounded.” If the militia were not reorganized during the special session the “safety of our coast batteries may be endangered.” “In the midst of revolution and great changes,” the governor declared, “there are high duties devolving on the Legislature, that may be as important as any that may be required in the field.”<sup>19</sup>

The legislature failed to perform the high duties recommended by Pickens during the special session. Indeed, it sat for only three days before adjourning. It did appropriate the additional \$300,000, and the House concurred with a Senate resolution authorizing the governor “in the event of invasion of the State, or if, in his judgement, the State shall be in imminent danger of invasion,” to call for companies of volunteers for local defense. However, this hardly amounted to the thorough revamping of the militia that Pickens urged. Consideration of most of the governor’s recommendations was postponed until the regular session. This included “Resolutions in relation to the defence of the State,” which the legislature decided to take up “at the regular session at the stage at which the same shall be left upon the adjournment.”

Representative Richard Yeadon of Charleston moved to extend the called session but his motion

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<sup>18</sup> *Southern Guardian*, 6 November 1861; *Camden Confederate*, 15 November 1861; *House Journal* (1861), 35. See also *Laurensville Herald*, 15 November 1861.

<sup>19</sup> *House Journal* (1861), 39.

was narrowly defeated. Governor Pickens had specifically advised the legislators not to adjourn before placing the “military organization on the strongest footing,” yet invoking personal considerations during the special session is precisely what happened. A debate in the House over adjournment reveals gross negligence in this respect and demonstrates how the anticipated Union invasion crippled the legislature’s ability to act decisively.<sup>20</sup>

In the early afternoon of 6 November, after the legislature had chosen presidential electors, Representative Charles Simonton of Charleston moved to send a message to the Senate proposing to adjourn the special session. But Simonton’s colleague from Charleston, Joseph Pope, objected, pointing out that “There were certainly more important matters to be taken up . . . than merely coming here to register a vote for electors of President and Vice-President.” He reminded Simonton that there were matters specified in the governor’s message demanding immediate action. In fact, resolutions in relation to the governor’s message “had not yet been even referred to the appropriate Committees,” nor did anyone “really know what is the financial condition of the State.” Should we adjourn now, Pope asked, when the “enemy’s fleet is upon our shores and when the Governor wants the means to organize the force to repel him?” His answer was no: the legislature should stay in session at least until the Military Committee could report what forces were available and how best to reorganize the militia, and the Committee of Ways and Means could report the amount of money available to the state. “[L]et some thing be done before going home,” he pleaded, “so that after assembling here at vast expense to the State, we shall at least have the gratification of knowing that we have not left the State unprovided for.”

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<sup>20</sup> *Senate Journal* (1861), 34; *House Journal* (1861), 39-51.

Indeed, he warned, “at this very hour, the fairest portion of the State may be desolated by the enemy—families may be driven away and the torch applied to their homes.”<sup>21</sup>

Representative John Read from Georgetown then rose to reply, arguing that the specter of Yankee invasion invoked by Pope “is of itself the very best argument why this General Assembly should adjourn.” “Can we, as citizens of South Carolina,” Read asked, “stand here to deliberate and debate upon matters which may require our remaining here for weeks, nay, for months? No sir.” It seemed to him that “our business is to go home, where we can be within a short distance of the place where we may be wanted at any moment.” The matter of raising funds for mobilization could safely be postponed, he insisted, because “This revolution will have to be fought, not by means that we are to raise by legislation; it is to be fought by the strong arms and patriotism of the people—by men who will willingly go forward without the expectation of pay.”<sup>22</sup>

Charles Simonton replied to Pope, too, pointing out that the Committee on the Military lacked a quorum at present and the chairman of the Committee of Ways and Means was attending to military duties; Pope was thus calling on the legislature to act “without a report, without the action of a single committee, without knowing how much money is in the Treasury.” Under these circumstances, Simonton wondered, “How can we legislate?”<sup>23</sup>

Pope rose once more, to respond to his critics. Was there any reason to believe, he asked, “that three weeks hence at the regular session” the committees will be ready to act more efficiently than now? He then declared that Simonton was “mistaken when he supposes the Treasurer’s Report is not before the Legislature.” If he would pay closer attention to the governor’s message, “it will be seen that the Report is here, and that the Committee of Ways and

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<sup>21</sup> *Charleston Daily Courier*, 9 November 1861.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

Means can find out what the embarrassments of the State are.” Postponing the consideration of pressing issues was a mistake, Pope added, because “We all know what the course of business is at the regular session—that matters of the most important kind are postponed until the conclusion of the session.” He closed his remarks by stating that the governor obviously intended for the called session to sit longer, otherwise “What is the object of sending that message[?]” The legislature’s duty was to act on the governor’s recommendations “and to do it at once.”<sup>24</sup>

Pope failed to persuade the other members to take action on the military situation before adjourning. The session accomplished little of substance, and eighteen crucial days were lost between its close on 6 November and the beginning of the regular session on 25 November. It was during this period that the Union amphibious invasion took place, triggering turmoil on the coast. The debates over adjournment are significant because they demonstrate the division of members over the proper course of action and the difficulty of legislating during a time of social and military crisis. The legislators were certainly aware that the Union fleet off Port Royal represented an imminent danger to the plantations on the Sea Islands. It was precisely that awareness and the uncertainty of the consequences that paralyzed the legislature. The anticipated invasion disrupted the General Assembly and stymied Governor Pickens.<sup>25</sup>

Into this tumultuous situation came General Robert E. Lee, commanding the new Department of South Carolina, Georgia, and East Florida. He arrived at General Ripley’s headquarters at Coosawhatchie on the evening of 7 November and learned that the enemy had “complete possession of the water and inland navigation, commands all the islands on this coast, and threatens both Savannah and Charleston.” Moreover, “We have no guns that can resist their batteries, and have no resource but to prepare to meet them in the field,” but Lee feared “there

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<sup>24</sup> Ibid.

<sup>25</sup> *House Journal* (1861), 6-51; *Senate Journal* (1861), 6-35.

are but few State troops ready.” Unable to defend the many smaller islands around Port Royal, Lee decided to abandon them and concentrate on defending the Charleston and Savannah Railroad. The Confederacy never again held Port Royal and Hilton Head islands and they became the scene of missionary and educational experiments with the former slaves.<sup>26</sup>

On 11 November Governor Pickens attempted to meet the crisis by calling for volunteers. These troops were to serve as a reserve force authorized by a legislative resolution passed during the special session. Unfortunately, the governor could “promise no arms” and was obliged to state that “None need to present themselves unless they have arms.” He conferred with Lee, who then appointed Lieutenant Colonel John S. Preston to receive the troops. The results were disheartening. Preston complained on 25 November about “an awful lack” of men coming forward. Where, he asked bitterly, were “The deep-mouthed vengeance—the oath, the cry, the rush to arms, when the sacred soil of Carolina is invaded—well, *they ain’t here.*” As late as 3 December, Lee reported that “the recruiting is very languid; for the war not one company has yet offered, and not one new regiment will be organized in three months.” He wrote to Preston stating that he was “much disappointed” by the lack of progress. It was essential that volunteers come forward because “There are no means of defending the State except with her own troops, and if they do not come forward, and that immediately, I fear her suffering will be greatly aggravated.”<sup>27</sup>

While Lee was attempting to shore up the state’s defenses the legislature convened on 25 November for its regular session. The governor again addressed the members, calling on them to

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<sup>26</sup> Wallace, *History of South Carolina*, 3: 171; *OR*, Series One, 6: 312-13; Wise, Rowland, and Spieler, *Rebellion, Reconstruction, and Redemption*, 3-6; Rose, *Rehearsal for Reconstruction*, 32-62.

<sup>27</sup> *Senate Journal* (1861), 34; *Charleston Mercury*, 12 November 1861; Woodward, *Mary Chesnut’s Civil War*, 242; *OR*, Series One, 6: 335, 53: 193; Cauthen, *South Carolina Goes to War*, 137-38; Marli F. Weiner, ed., *A Heritage of Woe: The Civil War Diary of Grace Brown Elmore, 1861-1868* (Athens: University of Georgia Press, 1997), 21; Emory M. Thomas, *Robert E. Lee: A Biography* (New York: W. W. Norton, 1995), 212.

immediately consider the measures that he had urged at the special session, especially reorganizing the militia. Since that session adjourned, the state had been invaded and now the Union had control over “about six thousand negroes” and perhaps “four thousand bales of cotton.” It was no time for personal considerations; all citizens “from highest to lowest” should unite with “one universal, stern, fixed resolve, to make the State a vast mausoleum for the bones of freemen, rather than hold it as an inheritance for living bondsmen.”<sup>28</sup>

Pickens expressed great concern about the plantations close to the islands held by the enemy. The slaves there were growing insubordinate and the legislature must aid the planters. This would require appointing provost marshals to “take command of the overseers on all plantations in the District or Parish, and organize a system of local police, with strict accountability.” The provost marshals should have extraordinary powers, including “summary jurisdiction over all slaves and suspected persons,” because “In most instances, the owners of slaves are in the ranks” and cannot “exercise the ordinary jurisdiction with their overseers.” Moreover, “The patrol system has likewise been deranged” and the provost marshals would provide a substitute. The governor insisted that the legislature address this matter “as soon as possible, for on the islands of our sea-coast there is, at present, much confusion, and great necessity for a strong police in some shape or form.”<sup>29</sup>

The remainder of the governor’s message reiterated points made at the special session. The \$300,000 already advanced was now inadequate, he said, and he asked for an additional \$1.5 million for military purposes. He also asked for measures to secure small arms and cannons because so many had been taken out of the state. He once again urged changing the tax system and advocated a stay of execution for debtors. “Perhaps for the present,” he added, “all civil

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<sup>28</sup> *House Journal* (1861), 62-64.

<sup>29</sup> *Ibid.*, 63-64.

process ought to be suspended.” It was also imperative for the legislature to extend relief to the families of soldiers. Although he could not have known it at the time, the most consequential suggestion Pickens made was to renew the authority given by the convention allowing him to appoint a council to assist in the discharge of his duties. Because of the “complicated and increased business of this office,” he declared, “it is impossible for me to attend to all duties required of me.”<sup>30</sup>

The legislature could not afford to waste time, for it was coming under increasing scrutiny. One Charlestonian thought that the governor’s recommendations if “rightly used and applied ten months ago” would have done much good. A Camden resident voiced his concern that “There are a great many subjects of importance demanding the attention of the Assembly” and hoped that it would “not let the whole session pass without doing something for the relief of our *poor*.” A worried Yorkville inhabitant agreed, wondering, “What is to become of the destitute families of the Volunteers of York District[?]” Another anxious citizen, alarmed at the large number of whiskey distillers, thought it proper to “earnestly call the attention of our Legislature to the subject.” A distressed resident in Spartanburg, concerned about the rising price and scarcity of salt, thought the legislature should intercede; if it had not been for the charity of a wealthy citizen, “we would not have had a single sack in our town.”<sup>31</sup>

From across the state pleas were voiced for the legislature to pass a stronger stay law for debtors. “Your duties, as Legislators,” one constituent from Greenville reminded the members, “is to enact laws for the benefit of the people of your District and State.” There is no law “more urgently demanded for the benefit of the people at large, than a Stay Law.” In Columbia “An Old Nullifier” concurred, arguing the “propriety of throwing some shield over the unfortunate debtor

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<sup>30</sup> Ibid., 65-67. For a summary of the military supplies sent out of South Carolina, see *Convention Journal*, 554-60.

<sup>31</sup> *Edgefield Advertiser*, 27 November 1861; *Charleston Daily Courier*, 28 November 1861; *Camden Confederate*, 29 November, 6 December 1861; *Yorkville Enquirer*, 31 October 1861; *Carolina Spartan*, 19 December 1861.

in times like these.” When one voter was told that there were too many lawyers in the legislature to permit the passage of a stay law, he threatened that “there will not be so many of the profession in the next Legislature to mar or obstruct the known wishes of their constituency.”<sup>32</sup>

The legislature clearly had a lot of work to do. Immediately it addressed the governor’s recommendations on the militia, passing an act that made all free white men between eighteen and forty-five years of age liable to serve for twelve months (instead of three under the old law) in South Carolina or any of the other Confederate states. The governor could call these troops up at any time and could resort to a draft provided the companies had had the opportunity to volunteer. Company muster and drill were required at least once every two weeks rather than quarterly. Any citizen failing to respond when summoned into service was liable to such punishment “short of death” as may be imposed by a court martial. New elections were ordered for all militia officers, and beat companies were reorganized. The state quartermaster general and commissary general were given additional assistants “for the efficient administration of their departments.”<sup>33</sup>

The legislature also complied with the governor’s request to appropriate \$1.5 million for military defenses. To raise this enormous sum the legislature passed an additional act authorizing the Bank of the State of South Carolina to sell stock and float a loan to the government. The bank was indemnified and the faith of the state pledged for the redemption of the stock by paying annual installments of \$100,000 from 1867 to 1884. Furthermore, the act passed in January creating a military establishment for the Confederate army was amended: all enlistees under the January act and all those reenlisting were to serve for three years or for the duration of the war.

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<sup>32</sup> *Southern Enterprise*, 31 October 1861; *Yorkville Enquirer*, 5 December 1861; *Camden Confederate*, 6 December 1861; *Southern Guardian*, 10 December 1861; *Lancaster Ledger*, 27 November 1861.

<sup>33</sup> *Acts of the General Assembly of the State of South Carolina, Passed in December, 1861* (Columbia, SC: Charles P. Pelham, 1862), 11-14, hereafter cited as *Acts of General Assembly* (December 1861).

An additional regiment of artillery and squadron of cavalry were also authorized. Although the legislature failed to unite the state's two military academies and relocate the new institution to Fort Moultrie as Pickens had asked, in most instances the members bowed to the governor's wishes in relation to reforming the military force of the state and they provided the financial resources to sustain it.<sup>34</sup>

Another pressing issue was assisting the wives and children of soldiers. During the summer of 1861, many of the districts instructed the Commissioners of the Poor to levy a tax to aid military families. In most cases, this tax was not to exceed 15 percent of the general state tax and the method of distribution was left to the districts. There were complaints that these measures were now insufficient. In December the legislature took control of the matter and passed a law providing direct aid from the state. The new law created a "Soldiers' Board of Relief" in each district, which was to continue meeting until the termination of the war. The boards were empowered to levy a tax on all property taxed by the state provided it did not exceed 40 percent of the general state tax. This new program of relief was thus far more expansive than the local initiatives taken over the summer.<sup>35</sup>

The boards had considerable discretion "to ascertain whether the applicants for aid and relief are proper recipients." If the boards decided in their favor, they could dispense monthly or quarterly monetary aid to the families or purchase provisions to be dispensed. Each board was to make returns of its receipts to the Court of Common Pleas. Although numerous petitions complaining of high prices and scarcity of provisions reached the legislature, it was reluctant at this point to impose price controls and interfere with the law of supply and demand. This reluctance hampered the effectiveness of the law because the poorer districts needed the most

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<sup>34</sup> *Ibid.*, 4-10, 23-28, 72-73.

<sup>35</sup> *Charleston Mercury*, 28 December 1861; *Acts of General Assembly* (December 1861), 15-16.

assistance, precisely the locations where there were insufficient sources of revenue.

Nevertheless, the legislature acted on the wishes of its constituents and put the rudiments of a program together to provide for the needs of soldiers' families.<sup>36</sup>

More controversial was the propriety of enacting a stay law. In January 1861 the legislature had passed a bill protecting soldiers and civilians from punishment for failing to appear in court in cases of debt. Some citizens thought that law inadequate. One Columbia resident remarked that although "In ordinary times it would certainly be hazardous" to impair contracts, citizens now found themselves "thrown upon such perilous times as the oldest have never before witnessed." Under these circumstances "It is useless to say that a merciless or vindictive creditor will be deterred by public indignation" from seizing the property of the unfortunate debtor because "In some men the love of money will overlap all the stings of conscience." He could not believe "that the Legislature will prove so imbecile and recreant to the general welfare as to give this matter the 'go-by' during the present session." Other South Carolinians apparently agreed. From nine districts grand jury presentments and petitions reached the legislature requesting relief for debtors. The petitioners explained that the current economic derangement in the state has been induced "by no incautious speculations" among the citizens "but is the natural consequences of the action of the State in the defence of her rights." Under the strains of war honest citizens could not "realize from the proceeds of their labor, funds with which to pay their debts." A large number of these debts were "now obtained and lodged with

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<sup>36</sup> *Acts of General Assembly* (December 1861), 15-16; *Charleston Mercury*, 28 December 1861; Zornow, "State Aid for Indigent Families of South Carolina Soldiers," 82-87; Bonnin, "Problem of Relief for Families of Confederate Soldiers in South Carolina," 126-34; Bensel, *Yankee Leviathan*, 165-66; Peter Wallenstein, *From Slave South to New South: Public Policy in Nineteenth-Century Georgia* (Chapel Hill: University of North Carolina Press, 1987), 102; Ringold, *Role of State Legislatures*, 76-81; Legislative Papers (1861), Petitions to the General Assembly. For executive and administrative actions undertaken by the Confederacy in support of local relief efforts, see Paul D. Escott, "The Cry of the Sufferers: The Problem of Welfare in the Confederacy," *Civil War History* 23 (1977): 228-40.

the Sheriff for collection.” Unless “the legislature interferes for their protection,” there was no doubt “pecuniary unrest” would result.<sup>37</sup>

Representative William C. Black of York District introduced a new stay law on 26 November and it was referred to the Committee on the Judiciary for consideration. A week later the committee reported that “not a single instance has been cited” of “a relentless creditor [trying] to enrich himself by the sacrifice of the property of his debtor.” Indeed, the committee found that South Carolinians had exercised “a spirit of justice and moderation [in the matter of debt collection] of which the State may well be proud.” The good will had been so general that “Your committee would ask to be discharged from the consideration of the whole subject, if a due respect to the presentments and petitions referred did not seem to require . . . that legislation should second what they have so generously begun.” The committee therefore recommended that the legislature pass a stronger law staying all final processes against debtors, but also urged a provision to protect creditors so that “the lien to which they may be entitled, cannot be prejudiced.” Wanting to avoid any constitutional objections, the committee stopped short of suggesting suspension of the privilege of initiating a lawsuit.<sup>38</sup>

In accordance with the committee’s recommendations the legislature passed a law that protected the property of debtors from being seized. It made it unlawful for state officers to execute any final process for the collection of debt until the expiration of the first session of the next General Assembly. Public sales of property belonging to debtors that were previously authorized were stayed until renewed by the judge who had made the decree. The majority of the bill’s provisions, however, protected creditors by giving them a legal recourse if the debtor absconded or sought to remove his property from the state or dispose of it fraudulently. These

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<sup>37</sup> *Acts of General Assembly* (1860-1861), 861-62; *Southern Guardian*, 10 December 1861; *Charleston Daily Courier*, 23 December 1861; *Legislative Papers* (1861), Petitions to the General Assembly.

<sup>38</sup> *House Journal* (1861), 60; *Charleston Daily Courier*, 9 December 1861.

provisions were meant to conciliate those who might oppose the bill on the constitutional grounds that it abrogated the sanctity of contracts. They did not succeed in doing so.<sup>39</sup>

In the Senate an outraged Henry D. Lesesne of Charleston was “unwilling to vote in silence” on a measure involving the honor of South Carolina. Although the idea of a soldier or patriotic citizen losing their property “under the Sheriff’s hammer” was repugnant, Lesesne was convinced that this new law was unnecessary. He urged his colleagues to keep in mind that “we are enacting history!” He did not want to give posterity the impression that South Carolina “was infested by hyenas in human form, whom it was necessary to hold back from prostrate debtors by such extraordinary legislation.” The senator correctly pointed out that the Judiciary Committee had stated that this legislation was unnecessary, and yet “the Report recommends it, and recommends it on the ground of deferring to the wishes of the people! Sir, I deny that we have a right to say the people wish it.” Of the state’s thirty-one districts only nine had presented petitions and the committee “have not heard of a single public meeting, nor of any petition numerously signed calling upon us for such a measure as this.” Lesesne and eight others inserted a formal protest in the Senate journal explaining their opposition to a law that “practically destroyed” the legal remedies for enforcing contracts and was in blatant violation of the Confederate and state constitutions.<sup>40</sup>

While the necessity of a stay law was highly debatable, there was little disagreement on the need to tighten the grip on the slave population in close proximity to the enemy. Given the turbulent situation in and around Beaufort, this was the most pressing issue facing the legislature. Some citizens were urging their representatives to create a state police, insisting that slave insubordination was not confined to the coast. One resident of Edgefield believed that “a

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<sup>39</sup> *Acts of General Assembly* (December 1861), 18-20.

<sup>40</sup> *Charleston Daily Courier*, 23 December 1861; *Senate Journal* (1861), 189-90.

network of police and espionage should cover our whole interior. . . . [T]he very honor and lives of our wives and daughters demand it.” This citizen was certain that the future of slavery was at stake: “our peculiar domestic establishment is undergoing the trial of fire.” The merits of a slave society were now “before the world in judgement, and the turning point of its destiny is at hand.” Thus it would be “criminal negligence in our authorities to fail in using every means to check and dissipate the absurd visions” of freedom being embraced by the servile class.<sup>41</sup>

The Committee on the Colored Population had been considering this issue since the governor had delivered his annual message in November. On 10 December Representative John Read reported for the committee. “[T]he enemy has spared no pains to demoralize the negroes engaged in labor,” he said, and many slaves on plantations near the occupied islands were now under “a pernicious influence.” Because so many planters were now in military service, “it is almost impossible to convene the Court of Freeholders required” to prosecute cases of slave insubordination. Moreover, “new offences, not accurately described by law, are committed, and old offences assume a graver character.” Thus, “a more absolute and summary jurisdiction is needed,” vesting power in provost marshals to determine the character of offences and decree the punishment. The committee recommended that the legislature appoint as provost marshals “men having large slave property, understanding fully the negro character,” and warned that the legislature must act now to protect against further “attacks upon our domestic security” and to safeguard “that institution which underlies our entire social existence.”<sup>42</sup>

The legislature quickly complied and passed a bill strengthening the police regulations in the coastal districts. The law created provost marshals who were to act as a police court that would continue to operate as long as the enemy held any part of South Carolina’s coast.

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<sup>41</sup> Davis, *Look Away!*, 165; *Edgefield Advertiser*, 27 November 1861.

<sup>42</sup> *Charleston Daily Courier*, 10 December 1861.

Jurisdiction extended to all matters regarding the regulation of slaves and free blacks. The court could impose any punishment that the “exigencies of the time require” and its decisions were “final and without appeal.” Moreover, the provost marshals were given power to arrest any white person considered “dangerous to the community.” Indeed, the bill made the provost marshals de facto magistrates. Finally, to placate the citizens residing in the interior, the final section of the bill declared that these provisions could be extended to any district in the state by executive proclamation.<sup>43</sup>

Thus the legislature responded to the problem of keeping order on plantations in the wake of invasion. South Carolina had not been out of the Union for a year when military necessity forced the state to invent new solutions to preserve domestic tranquility. This legislation violated the customary rights of citizens, and would create conflict between civilians and state authorities in the future. At the beginning of the war President Davis had reminded the Confederate Congress that the purpose of their new nation was to preserve and defend the liberties threatened by Abraham Lincoln. Yet some South Carolinians were now learning that their state authorities, too, could trample on liberties—perhaps even more destructively, since ultimate sovereignty rested with the state. Ironically, this source of conflict was in many instances brought on by the planters who demanded that the legislature do something to quell the disorder. Civil-military relations came under intense strain due to the necessity of the times.<sup>44</sup>

Just when it seemed that conditions in the lowcountry could not be any worse, Charleston experienced a calamity of epic proportions. On the evening of 11 December Robert E. Lee was dining at the Mills House when he heard cries of “fire.” At the foot of Hasell and East Bay streets, a number of slaves were cooking dinner when a small fire broke out. The wind suddenly

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<sup>43</sup> *Acts of General Assembly* (December 1861), 16-18.

<sup>44</sup> Paul D. Escott, *Military Necessity: Civil-Military Relations in the Confederacy* (Westport, CT: Praeger Security International, 2006), 71-94; Davis, *Look Away!*, 168-79; McCurry, *Confederate Reckoning*, 293-300.

picked up and the fire spread to Cameron's Foundry next door. A few minutes later the Charleston Gas Works exploded and the conflagration swept down Meeting Street, destroying Institute Hall, where a year earlier delegates had signed the ordinance of secession. According to Caroline Howard Gilman, it did not take long before "the wind assumed the form of a tornado." As the flames raged more fiercely Emma Holmes observed that "the heavens illuminated as if it were an Aurora Borealis." One newspaper correspondent mournfully reported that thousands "of poor and bewildered families, driven suddenly from their homes, destitute even of their scanty effects," ran from the flames. By the next day the fire had burned itself out but not before consuming over 540 acres and destroying 575 homes. Property losses were upwards of \$8 million and three of the four insurance companies in the city were financially ruined. Astonishingly there were no fatalities, but many residents were now destitute and homeless. Pleas went out to help the sufferers. Citizens quickly formed a relief committee, but their efforts were inadequate because, as one Charlestonian who pleaded to the upcountry residents for assistance put it, "Even our wealthy citizens are now unable to do much to relieve the general distress."<sup>45</sup>

Governor Pickens ordered additional troops to Charleston and directed the commissary general to dispense rations to the needy. On 13 December he informed the legislature that Charleston was in ruins and "your action entirely out of the usual and customary state of things" was required. President Davis addressed Congress the same day, stating that South Carolina's "resources are now taxed to the utmost in resisting the invasion of her soil," limiting the state's ability to assist victims of the fire. "The magnitude of the calamity," Davis said, demanded aid

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<sup>45</sup> Fraser, *Charleston! Charleston!*, 253-55; *Charleston Mercury*, 12, 14, 16 December 1861; *Charleston Daily Courier*, 14, 18 December 1861; Childs, *Ravenel Journal*, 107-108; Journal of Meta Morris Grimball, 19 December 1861; Caroline Howard Gilman to "My Dear Eliza," 15 December 1861, Gilman Papers; Marszalek, *Diary of Emma Holmes*, 105-12.

from the Confederate government. Congress quickly advanced \$250,000 to South Carolina. The next day the state legislature instructed the Committee of Ways and Means to study the problem of rebuilding Charleston. The committee advised that the loan from the Confederacy would be inadequate; a great deal of state aid would be needed.<sup>46</sup>

The subsequent legislation for rebuilding Charleston entailed another substantial loan from the Bank of South Carolina. The bill authorized the governor to issue bonds or stock to be sold for an amount not exceeding \$1 million, to fund the rebuilding of the burned district. One half of the certified value of each destroyed structure was to be loaned to the applicant and after expenditure a second and third loan could be granted. These loans were secured by a mortgage on the real estate, on the condition that the principal sum be repaid in ten annual instalments beginning in four years. The city council passed an ordinance indemnifying the state against loss and the legislature chartered three new insurance companies.<sup>47</sup>

The Union invasion was depressing enough for most citizens, but the fire in Charleston pushed some politicians over the edge. This included David F. Jamison, president of the convention. In the final days of its second session in April 1861, a disagreement had arisen over whether the convention should adjourn *sine die*. Some members held that the convention's work was complete with the ratification of the Confederate Constitution and therefore the convention should dissolve. Others, however, thought the convention should adjourn subject to the call of its president in case a future emergency should arise. The members reached an agreement that if "the public exigencies shall require" the convention to reconvene, Jamison could issue the call to do so at any time before 1 January 1862. If the convention did not reassemble by that date its

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<sup>46</sup> *House Journal* (1861), 196-97, 210; *Charleston Daily Courier*, 17, 28 December 1861; *Charleston Mercury*, 14, 17 December 1861; *Acts of General Assembly* (December 1861), 28-34.

<sup>47</sup> *Charleston Daily Courier*, 24, 28 December 1861; *Charleston Mercury*, 19, 27 December 1861; *Acts of General Assembly* (December 1861), 28-34.

existence would end. This stipulation, hardly noticed at the time, had significant consequences for the state government. It was under this resolution that Jamison issued a call on 14 December for the convention to reconvene the day after Christmas for its third session.<sup>48</sup>

Why the convention reconvened demands explanation. The legislature adjourned its regular session on 23 December, having accomplished a great deal. One correspondent reported near the close of the session that “The Legislature is working in good earnest, and has been doing so from the first day of the session.” To be sure, it fell short in some areas. It failed to alter the tax system despite pleas for an overhaul that would render it fairer and more efficient. Nor were the upper and lower treasuries consolidated as Pickens requested. No action was taken to ban the distillation of whiskey as some citizens had hoped. The military academies in Columbia and Charleston were not united and relocated to Sullivan’s Island despite Pickens’ insistence that doing so would strengthen the state’s military establishment. But these omissions aside, the legislature diligently addressed the most critical issues outlined by the governor.<sup>49</sup>

During the regular session the militia was reorganized and liberal appropriations were made for its support. Moreover, the state now gave direct aid to families of soldiers and a new stay law protected debtors from losing their property. The expansion of the salt supply was encouraged by the chartering of joint-stock companies for that purpose. A bold initiative strengthening slave control on the coast was put into effect by establishing provost marshals. Finally, after the fire devastated Charleston, the legislature quickly enacted a plan for rebuilding the city. Considering the extent of this legislation, one can only conclude that the members performed reasonably well under the circumstances. Nevertheless, in the wake of the Charleston

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<sup>48</sup> *Convention Journal*, 284-85; *Charleston Mercury*, 16 December 1861.

<sup>49</sup> *Charleston Daily Courier*, 17 December 1861; Cauthen, *South Carolina Goes to War*, 189.

fire another wave of panic swept across the state, weakening the citizenry's confidence in the regular state government.<sup>50</sup>

The convention convened for its third session on 26 December under distressing conditions. President Jamison addressed the delegates and explained his reasons for calling them back together. That confidence in the regular government was faltering is apparent in Jamison's remarks. Although remedial measures taken by the legislature in response to the current "difficulties and perils" were well intended, he said, the problems could be resolved only by delegates of the convention, who had been "selected for their supposed qualifications for a time of revolution." The convention was a unique body, Jamison argued, for it "could exercise supreme power" and "possessed the entire confidence of the people of South Carolina." When the convention had adjourned last April there was great danger facing the state, yet "The perils which now threaten the State"—Yankee invasion and slave discontent on the coast—"are of a far graver character than they seemed to any of us at the period of your last adjournment." Jamison was therefore "unwilling to assume the responsibility of permitting you to be dissolved" before reconsidering these threats. He did not say that Governor Pickens's actions as commander in chief were questionable, but many members and ordinary citizens thought this was the case. A few weeks earlier Henry William Ravenel had expressed the opinion that Pickens "would not probably get a vote if the election were held now."<sup>51</sup>

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<sup>50</sup> *Acts of General Assembly* (December 1861), 11-14, 26-28, 15-16, 18-20, 78-79, 16-18, 28-34; Cauthen, *South Carolina Goes to War*, 139.

<sup>51</sup> Edmunds, *Francis W. Pickens*, 167-68; *Convention Journal*, 302-303; Cauthen, *South Carolina Goes to War*, 139-41; Childs, *Ravenel Journal*, 103. For examples of criticism of Pickens's leadership, see Childs, *Ravenel Journal*, 47, 51-52, 103; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 360-63, 366-67, 391; Smith, *Mason Smith Family Letters*, 10; *Journal of Meta Morris Grimball*, 7 January 1861; *Charleston Mercury*, 17 June, 7 August, 26 September 1861; *Marion Star*, 30 March 1861, quoting *Keowee Courier*; William Gilmore Simms to James Henry Hammond, 14 June 1861, Hammond Papers.

Convinced that the regular government was incapable of handling the crisis, the convention took drastic action. Most of its proceedings were held in secret session and public access to its records was limited. On the first day, the convention created five “Special Committees” to address the problems provoked by the invasion. Special Committee One was charged with devising a plan to deal with the slaves in the possession or under the influence of the enemy. Committee Two was to advise on the proper response if further portions of the state fell into Union possession. The third committee was to consider how best to aid Confederate authorities. The fourth was required to develop a plan for strengthening coast and harbor defenses. The convention instructed Committee Five to make recommendations on the creation of an administrative cabinet to aid the governor. The convention then called on the governor for a detailed report of the current number of South Carolina troops in Confederate and state service along with their locations and terms of enlistment, and an account of all military supplies under his direct control over the last year.<sup>52</sup>

Governor Pickens responded to convention’s requests the next day. He had, he acknowledged, sent many arms and other military supplies out of the state; but he had done so only because the Confederate government had led him to believe “that by cold weather this fall, there would be plenty of arms brought in to supply what might be needed in the State.” Unfortunately, he was “grievously disappointed in this calculation.” Pickens furthermore accounted for all troops in the field and referred the convention to the report of the adjutant and inspector general for the details of their terms of enlistment. Pickens then used the occasion to defend himself from the growing criticism. He wanted it understood that the Confederate government had taken charge of the military since March and insisted that “it would be doing

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<sup>52</sup> Cauthen, *South Carolina Goes to War*, 141; *Convention Journal*, 306-308, 314-15, 553-54.

great wrong to me, and injustice to the State, to hold any of the State authorities strictly or entirely responsible for the conduct of the war.” The Confederate authorities “had made no calculation as to the present extent of the war” and did not appreciate that “The resources of the enemy on sea are almost boundless.” The public was holding him responsible for military misjudgments “when, in fact, I have no real power.” Indeed, he declared, “the country is under absolute [Confederate] military control.” He concluded by urging the convention not to take any action that “would only distract and divide us”; it was essential now to put aside differences and “act with unanimity and patriotic zeal” for the public interest.<sup>53</sup>

A majority of the members thought the public interest required a radical change in the executive department. The first order of business, however, was to address the concerns on the coast. Special Committee One made its report on 31 December. The chairman, Robert W. Barnwell, recommended that the convention pass an ordinance requiring state authorities to remove slaves and other valuable commodities from areas of the state vulnerable to enemy attack. This was intended to supplement the bill passed by the legislature providing stronger police regulation in the coastal districts. The convention did approve the ordinance, but this was a delicate matter never intended for public consumption. It was the only ordinance passed at this session that did not have the injunction of secrecy removed after adjournment. The document was sealed and sent to the secretary of state’s office for safekeeping.<sup>54</sup>

The plan devised for the removal of slaves was hopelessly complex. The ordinance put the state authorities in control of the entire servile population on the South Carolina seaboard. A commission of three citizens in each coastal district was to be appointed by the convention to determine when removal was necessary and to notify the slaveowners. If any owner refused to

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<sup>53</sup> *Convention Journal*, 554-67.

<sup>54</sup> *Ibid.*, 325-35, 779, 393.

comply with a removal order, the commission was to remove his slaves by force. Planters who had prepared a place of safety in advance were to be assisted in removing their slaves to that location. In cases where no advance preparations had been made, the commission was to decide on the place of removal; indeed, the commission was obligated to provide a suitable location. Moreover, the commission was to purchase and transport supplies to these locations, which would then serve as public storehouses for owners unable to provide for their slaves. The state authorities would maintain control over the slaves until forced removal was accomplished, after which the slaves would be returned to their owners' control.<sup>55</sup>

Further complicating the matter was the problem of putting the removed slaves to work. The commissioners were obligated to find work for the slaves in the public service of the state or in any other tasks that would defray the cost of their removal. Whenever the state expended money for removal a lien was put on the slaves and the owner was required to cover the cost. If the owner defaulted, the state could seize and sell the slaves. Until these payments were made the commissioner could draw freely on the state treasury to execute the ordinance. An additional ordinance exempted overseers from militia duty, to facilitate the removal program. In a final demonstration of state power, all corporations and ferries used in removing slaves were prohibited from charging more than half of the current rates for their services.<sup>56</sup>

The ordinance providing for the removal of slaves greatly increased the power of the state over the private affairs of citizens. As the state came to assume a greater role in the management of slaves, the owners found their own authority proportionately diminished. Moreover, Governor Pickens found his own authority not only diminished but abrogated. The convention was taking firm control of the state's conduct of the war. Just a few weeks earlier, the House had considered

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<sup>55</sup> Ibid., 779-82

<sup>56</sup> Ibid., 781-84.

creating an executive council to assist the governor, but had tabled the bill. During the Fort Sumter crisis the governor had had an executive council but it was merely an advisory board responsible to the governor, who “shall in all cases, decide upon his own action.” The convention abolished that council during the second session; but now it reconsidered the matter. This time the convention had something very different in mind when it came to assisting the executive. During the constitutional convention in Montgomery, South Carolina delegate Laurence M. Keitt declared that in creating the Confederate government, “we have made no experiment in political science, and we have adopted no novel theory.” Ironically, the convention was about to undertake a radical experiment in government based on a novel theory.<sup>57</sup>

The final version of the ordinance “For strengthening the Executive Department during the exigencies of the present War” passed on 7 January 1862. By any calculation, it was an extraordinary measure that fundamentally departed from South Carolina’s long tradition of limited executive power. The ordinance created an executive council with the governor as a member but without the ability to act independently. It stated that “the Governor shall be assisted” in the exercise of his powers by the lieutenant governor and three other persons chosen by the convention. However, the convention did not intend for this council to merely assist the governor. The lieutenant governor and two other members were sufficient to constitute a quorum and exercise full power, and a majority vote of the councilmen present was sufficient to take executive actions. In other words, Pickens was now simply one of five co-equal members of the executive branch, not its chief. He did have access to the council records and could request reports from the department heads, but they were responsible to the council as a whole rather

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<sup>57</sup> *House Journal* (1861), 193; *Convention Journal*, 511, 775; *Charleston Mercury*, 18 February 1861; White, “Fate of Calhoun’s Sovereign Convention,” 757-71.

than to the governor. There was little opposition to the ordinance; it passed by a vote of ninety-six to twenty-three.<sup>58</sup>

The ordinance gave the executive council blanket authority to declare martial law in any part of the state if it deemed that necessary. The council could also order the arrest and detention of anyone suspected of disloyalty to the Confederate cause and could seize any private property deemed necessary for public use. In fact, “whatever else may be required” to defend the state was within the power of the council. For these purposes it could draw funds from the state treasury without legislative authorization. The council as a whole, rather than the governor alone, would hereafter make all nominations and appointments. The convention required the council to keep a record of its proceedings and to justify every arrest made under its authority. All proceedings were subject to convention review and repeal, although Jamison was not required to reconvene the convention unless requested to do so in writing by twenty members. Finally, each member of the council was granted the privilege of filing “his dissent from [its] action in any matter.”<sup>59</sup>

Governor Pickens did not wait for the council to act before expressing his dissent. The day after the ordinance passed he addressed the convention delegates. Noting that the executive department had been transformed by the creation of the council, Pickens thought it was his duty to the legislature, which had elected him, to warn the convention that its ordinance will “greatly weaken the Executive as created by the Constitution.” No appointment “even of the humblest kind” could be made without a majority vote of the council. These restrictions, he feared, would lead to “great imbecility,” especially in performing the duties of commander in chief of the state military. He wondered aloud if the convention fully understood the implications of diffusing

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<sup>58</sup> *Convention Journal*, 793-96; Cauthen, *South Carolina Goes to War*, 140.

<sup>59</sup> *Convention Journal*, 793-96; Yearn, *Confederate Governors*, 171.

military authority in this way. (One suspects that the convention delegates, dissatisfied with Pickens's military leadership, knew exactly what they were doing.) Pickens reluctantly pledged to accept the new arrangement since it was decreed by the "highest and most unlimited power" in the state. But he cautioned that the exercise of "Any unusual or arbitrary power" could perturb the citizenry. The council should not exercise its extraordinary powers, he advised, unless it was "obviously necessary" that the "usual authorities cannot act." It was, of course, perfectly obvious to the convention delegates that the usual authorities could not act efficiently under the circumstances, hence the need to radically transform the executive department and strengthen executive power. The convention immediately ordered the governor's communication to be laid on the table without consideration. It then dispensed with its remaining business and adjourned.<sup>60</sup>

The executive council met for the first time on 9 January 1862. On motion of James Chesnut Jr., the council created administrative departments. Lieutenant Governor Harllee and former governor William H. Gist became heads of the departments of Treasury and Finance, respectively. Attorney General Isaac W. Hayne was the new Chief of Justice and Police Department. A few months later the council established a Construction and Manufacture Department with Gist as its head. The most important administrator, however, was the head of the Military Department. This position went to Chesnut and he was given such powers as to wholly displace Pickens as commander in chief. From this point on Chesnut would be making the military decisions. The creation of the executive council was in effect a nonviolent coup that removed the constitutionally elected governor from power. South Carolina now had a dual government: a governor and legislature elected under the Constitution and an executive council created and appointed by the convention. The council would function as an arm of the

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<sup>60</sup> *Convention Journal*, 385-86, 395.

convention and assume executive, legislative, and even judicial responsibilities, thereby blurring the separation of powers. It was a sweeping overhaul of the state government and a clear sign that radical politics were deemed necessary for revolutionary times.<sup>61</sup>

A few days after the victory at Fort Sumter, the *Mercury* had argued that South Carolina had seceded because “the United States Government has steadily usurped powers not granted.” Shall the South submit, the editor asked, to a government “with no restraints on [its] lawless will, no checks on [its] omnivorous rapacity?” Beginning in January 1862, many South Carolinians would be asking these questions about their own government, the executive council. As the convention reconvened in December the *Mercury* had reminded its readers that “unlimited power inevitably corrupts.” If the restraints imposed by law are taken away and the people are “swollen by unlimited obedience,” despotism is the natural result. South Carolina’s executive council had the potential to bring about what the editor feared. On 2 December William Gilmore Simms had expressed concern about “the politicians who are endeavoring to get the Convention called together.” He worried that they might “enact some positively mischievous thing if they once get together.”<sup>62</sup>

Whether the executive council was a piece of mischief remained to be seen; it was unquestionably, however, a radical departure. The Union invasion created the conditions for a revolutionary experiment in government. In the eyes of the majority of convention delegates, the regular government was incapable of dealing with the dangers confronting South Carolina and they sought a solution to arrest the downward spiral of events. The answer they settled on was an ordinance that temporarily overthrew the state Constitution. However, there were concerns

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<sup>61</sup> *Charleston Mercury*, 11 January 1862; Cauthen, *South Carolina Goes to War*, 143-44; Cauthen, *Executive Council Journals*, 299; Lager, “Radical Politics in Revolutionary Times,” 3-5, 58-88.

<sup>62</sup> *Charleston Mercury*, 19 April, 17 December 1861; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 389.

among state legislators that the convention and council might perpetuate themselves indefinitely. Less than a month after the convention adjourned, Representative Alfred P. Aldrich of Barnwell stood in front of the district courthouse and informed his constituents about “a great power which has been erected over you without your knowledge.” He explained the details of the ordinance creating “*a Council with dictatorial powers in actual operation*,” and then laid before the crowd two questions that would vex politicians and their constituents for the next year: what was the purpose of calling the convention together in December 1860 and what legitimate powers did it possess? Aldrich did not wish to alarm his constituents but felt it his duty to express a “fervent disapproval of this great irregularity, this singular violation of the Constitution by those who were called to defend and maintain constitutional rights.” He desired “to give you something to think about, and to produce a sound, conservative, healthful *public opinion* in this time of innovation and revolution.”<sup>63</sup>

As 1862 dawned, white South Carolinians had plenty to think about. Over the past two months they had witnessed thousands of their slaves fall into enemy hands. Numerous planters saw their homes destroyed and became refugees. Much of the city of Charleston was in ashes. And if these calamities were not enough to occupy the public mind, citizens now lived under the control of a new state authority that was untested and theoretically unlimited in power.<sup>64</sup>

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<sup>63</sup> *Charleston Mercury*, 3 May 1862. Aldrich’s speech was delivered on 3 February 1862.

<sup>64</sup> Lager, “Radical Politics in Revolutionary Times,” 89-90; White, “Fate of Calhoun’s Sovereign Convention,” 757-71; Cauthen, *South Carolina Goes to War*, 142-43; Wallace, *History of South Carolina*, 3: 172-73; Poole, *South Carolina’s Civil War*, 48-49.

## Chapter Four

### “The World Is Disturbed around Us”:

#### The Executive Council and the War Effort, 1862

New Year’s Day 1862 opened with a good omen. In Charleston it was warm and sunny; Emma Holmes described it as “pleasant as a spring day.” The *Charleston Daily Courier* also noted the delightful weather but cautioned its readers that “these rejoicing rays do not penetrate the morrow, and to know what is in the future we must await the revealments of the days.” Southern independence would certainly be achieved in due time, but patience was necessary: “We must be content to abide the events, prepared to suffer in meek submission if woe befalls us.”<sup>1</sup>

Woe had undeniably befallen Charleston. Much of the city was in ruins from the fire in December and suspicions lingered that slave arsonists were responsible for it. The fidelity of the city’s slave population was questioned and apprehension over the future grew as the hope for a short war evaporated. A year earlier Charleston had been a bustling, orderly city, but in early 1862 many stores were closed, prostitution and gambling were on the rise, and the city jail was crowded with men arrested for disorderly conduct. A young Charleston woman never imagined her city would be home to such a “vulgar set of men” or a “dreadful fast set of girls.” Even more disconcerting were the long lines of homeless men, women, and children who gathered at the two soup kitchens that had opened in the city. For several months the Fire Relief Committee distributed food and provided shelter for the destitute. Although state, city, and private aid poured in generously, there were many problems channeling that aid directly to the fire victims.

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<sup>1</sup> Marszalek, *Diary of Emma Holmes*, 117; *Charleston Daily Courier*, 1 January 1862.

The committee reported in October that it had received 1,102 applications for monetary aid, amounting to \$1,526,670, yet only \$261,253 had been distributed.<sup>2</sup>

The insurance companies made no payments on approved claims until April. The logistical problems in dispensing aid to fire victims and soldiers' families inspired, in late February, the idea of creating a "free market" in the city. Richard Yeadon, editor of the *Courier*, took the lead in implementing the idea, basing it on a similar plan instituted in New Orleans, which supplied provisions free of charge to the needy. Yeadon worked tirelessly to get the market operational. As to how it would be funded, he called for donations from "the wealthy and *all* who are able." In early April collection committees were organized and began work. By the end of the summer nearly two thousand persons were receiving food daily at a cost of \$8,000 per month.<sup>3</sup>

While Charlestonians struggled to find food and shelter, the planters along the coast had troubles of their own. On 1 January Union forces attempted to land on the mainland in Beaufort District. At that time the convention ordinance providing for slave removal was still in the planning stages. When finally put into operation, the evacuation program got off to a rough start and proved unworkable. Chief of Justice and Police Isaac Hayne, responsible for overseeing the local commissions in charge of removal, found his task nearly impossible. On 11 January two men attempting to evacuate slaves to the interior at gunpoint were attacked by the slaves, who seized the guns, shot the men, and absconded to the Union fleet. The Confederate commander in Coosawhatchie was unable to get the Beaufort commission to comply with removal orders and was forced to drive slaves off several plantations and incarcerate some. In March, Hayne

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<sup>2</sup> Fraser, *Charleston! Charleston!*, 255-57; *Charleston Mercury*, 6 October 1862; *Charleston Daily Courier*, 14 January, 17, 22 April 1862.

<sup>3</sup> *Charleston Daily Courier*, 7 January, 26, 28 February, 4, 5, 10, 12 March, 2, 22 April, 18 September, 18 November 1862; *Charleston Mercury*, 3, 10 March, 23 April, 15 October, 17, 19, 22 November 1862.

reported that “these Commissions had not had any [general] meeting of consultation”; indeed, some “had never met among themselves.” Frustrated that so little had been accomplished by this late date, Hayne met with the various commissions. After urging on them the importance of prompt and energetic action, he was at last gratified that “some impression seemed to be made.”<sup>4</sup>

To expedite removal Hayne also met with the president of the Charleston and Savannah Railroad, who informed him that transportation was “very limited, and . . . further embarrassed by the irregular calls of the military.” The executive council passed a resolution imposing a ten-dollar fine per slave on owners who ignored removal orders, but this availed little. In the Beaufort District, between 24 January and 19 March, only 280 slaves were removed to the interior under the convention ordinance. The commission for Colleton District, just north of Beaufort, had more success, removing some eight hundred. But these figures represented only a small proportion of slaves in the area. It quickly became apparent to Hayne that “no general exodus could be effected.” William Henry Trescot, head of the Colleton District commission, agreed, estimating that some twenty thousand to thirty thousand slaves remained on the plantations in Beaufort and Colleton Districts alone. Complete removal, Trescot declared, “is impossible . . . simply impossible.”<sup>5</sup>

While the executive council struggled to implement the convention ordinance on forced removal, planters who chose to remove their slaves voluntarily faced daunting challenges. Between February and June, Langdon Cheves attempted to remove his slaves and other property from his plantation on the Savannah River. He planned to charter the steamer *Manassas* to take 250 of the slaves to Augusta and then to Abbeville while keeping sixty on the plantation until the

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<sup>4</sup> Wise, Rowland, and Spieler, *Rebellion, Reconstruction, and Redemption*, 43-45; *Convention Journal*, 684-85; Woodward, *Mary Chesnut's Civil War*, 277; Olsberg, “Government of Class and Race,” 330.

<sup>5</sup> *Convention Journal*, 684-85; Cauthen, *Executive Council Journals*, 87, 125; *Charleston Mercury*, 10 February 1862; Olsberg, “Government of Class and Race,” 329-31.

furniture and other valuables were packed and ready to be moved. This was an enormous undertaking, Cheves wrote, its success dependent “upon so many contingencies”; he worried about “the thousand circumstances that may make it impracticable or inconvenient.” The *Manassas* made slow progress, and during the journey one of the slave men, Cheves learned, “walked right overboard.” After arriving in Augusta the captain of the *Manassas* left the slaves on the wharf in a heavy rain without shelter or supervision until an overseer could be hired. Finally arriving in Abbeville, the slaves were housed in fifteen run-down cabins and put to work on 150 acres of rented land. But this plot was too small to provide work for all 250 slaves, and the horses and mules needed for plowing could not be procured locally in sufficient numbers. Since the slaves were not doing much work the overseer cut back on their rations. By early May the farm’s store of provisions was nearly exhausted and local food supplies were running short. Several slaves contracted measles and later died of pneumonia, while others began to disappear into the woods, intending to shirk work or perhaps get away permanently. As Cheves’s predicament demonstrates, removing slaves from the coast to the interior was a logistical nightmare, not to mention a hardship for those removed.<sup>6</sup>

Cheves’s situation was hardly unique. Many South Carolina planters faced the difficult decision of whether to evacuate their slaves or keep them on the plantation. The convention ordinance mandated removal when a local commission ordered it, but the commissions were inefficient and enforcement was spotty. Colleton District planter John Berkley Grimball traveled to Charleston to consult with the military authorities and inquire whether removal was required, but he received no definite answer and thus had to make the decision himself. “To move or to stay,” he complained, “seems to be equally ruinous to my prospects. I have never been more

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<sup>6</sup> Langdon Cheves to “My Dear Sir,” 17, 19 February 1862, Cheves to C. J. Haskell, 17 February 1862, William P. Carmichael to Cheves, 26 February 1862, Haskell to Cheves, 22 February, 4, 14, 24, 30 March, 20 April, 4 May, 16 June 1862, Langdon Cheves Papers, South Carolina Historical Society, Charleston.

harassed and perplexed in my life—the future for me black as night—nothing visible but impending poverty.” Eventually he decided to seek refuge in the upcountry. When his slaves learned they were to be removed, his overseer reported, almost all of them ran away overnight. Exasperated, Grimball sent his son to the upstate villages of Pickens and Anderson in search of a plantation to rent or purchase but “found it impossible to procure a suitable place.” Even when planters were able to remove their slaves to the interior they often faced a backlash from the local population. Harriott Middleton in Flat Rock, North Carolina, wrote that “The country people here objected to Mr. Johnston’s bringing up his negroes from the plantation saying it would raise the price of provisions.” White refugees, too, encountered hostility, or at least a less than warm reception. Middleton criticized Columbia as a “mean little town”: “the extortions which are practiced upon the low-country refugees, by the so-called ‘*best* people of Columbia’ are enough to disgrace the place forever.” The refugees, she said sarcastically, would have received a friendlier welcome in “the heart of *Connecticut*.”<sup>7</sup>

While planter families dealt with the difficulties of refugee life, the executive council confronted, among its many problems, the particularly troublesome one of internal security. As slaves made their way to Union lines or remained on the plantations after their owners had fled, they often provided valuable military intelligence to the enemy—or at least whites became convinced that they did so. The *Mercury* pointed out that many of these plantations were located at important strategic points and the Yankees cultivated the slaves’ acquaintance “by purchasing their hogs and poultry, and, in this way, learn many things which they ought not to know.” This information was often used effectively by the Union forces. Demands for enhanced security grew even louder after a slave named Robert Smalls piloted the steamer *Planter* out of Charleston

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<sup>7</sup> John Berkley Grimball, ed., “Diary of John Berkley Grimball, 1858-1865,” *South Carolina Historical Magazine* 56 (1955): 157-77; Journal of Meta Morris Grimball, 25 March, 12, 18 May 1862; Isabella Middleton Leland, ed., “Middleton Correspondence, 1861-1865,” *South Carolina Historical Magazine* 63 (1962): 61-70, 169.

harbor on 13 May and turned it over to the Yankees. This “shameful proceeding” and the “criminal absence” of security were deplored by the press. On 15 May a regiment of Union troops surprised Confederate pickets on the Ashepoo River near Edisto Island by using information supposedly obtained from runaway slaves. Two days later Emma Holmes heard that a slave had been caught near Charleston “with a complete diagram of the city and fortifications and all necessary information attached” to give the Yankees vital military intelligence. Near the end of the summer the *Courier* reported that the coastal town of Bluffton was being shelled effectively because “the negroes in this neighborhood have had communication with the enemy through some runaways, all acting in concert together.” Prominent planter Louis Manigault summed up whites’ concerns after learning that his most trusted slave had been caught stealing shot and powder with the intention of carrying them to the Yankees: “This war has taught us the perfect impossibility of placing the least confidence in any Negro. In too numerous instances those we esteemed the most have been the first to desert us.”<sup>8</sup>

Military intelligence getting into the wrong hands was bad enough; even more disturbing were the outright acts of violence reportedly committed by some slaves. John Berkley Grimball was shocked when he heard in January of “Some thirty negroes, fully armed with bright muskets,” who attacked Confederate pickets at Aiken’s Bridge near Edisto Island. Confederate authorities dispatched a squad of infantry and cavalry “to deal summarily with these rascals.” In March the provost court of Charleston tried five “mounted and variously armed” slaves for attacking Colonel James Orr’s regiment and hanged a slave named Billy for conspiracy. Later that summer a police officer at the Charleston market had his club wrenched from his hand by a slave who struck the officer on the head several times and then struck his own master; he was

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<sup>8</sup> *Charleston Mercury*, 9 January, 14 May, 1 August, 30 September 1862; *Charleston Daily Courier*, 14, 15 May, 3 October 1862; *Yorkville Enquirer*, 12 June 1862; Marszalek, *Diary of Emma Holmes*, 163; Clifton, *Life and Labor on Argyle Island*, 320.

subdued after “stubbornly and desperately” resisting. By that time Beaufort planter William Elliott was convinced that every able-bodied male slave who fled a plantation was “armed to cut the throat of his former master.”<sup>9</sup>

As lowcountry refugees made their way into the interior, security concerns spread inland from the coast. On 6 March Justice and Police chief Hayne met with the mayor and city council of Columbia to discuss requiring passports for all persons exiting the city and monitoring all strangers who entered. Stronger security measures like these were demanded by some citizens in the early part of 1862 as a perceived breakdown of law and order plagued several towns. A Camden resident decried the “depredations and robberies that are almost nightly committed in this town and its surroundings.” Indeed, “Scarcely a night passes that some one does not lose either his hogs, his poultry, his meat or his corn.” Fed up with the “utter inefficiency of the present patrol system,” this citizen thought “Even martial law would be more desirable than the present disorder and confusion.” In Abbeville, Louis Manigault felt compelled to sell half a dozen of his finest cows “through fear of their being all stolen some night by our Negroes.” William Elliott’s sister complained that her slaves pilfered vegetables so often that she had to lock the produce up in storage rooms. A Spartanburg slave named Benjamin was convicted in April for stealing clothing and was sentenced to fifty lashes. In another incident, a small white boy was observed in Camden opening the post office box of the executive council with the key. After removing the contents the boy took off running and tore up the papers before being caught. When questioned, he said that the key was given to him by a local slave; the slave was arrested. Such occurrences prompted the executive council to authorize the creation of rural police units,

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<sup>9</sup> Grimball, “Diary of John Berkley Grimball,” 163; *Charleston Daily Courier*, 17 March, 25 September 1862; William Elliott to “Genl,” [August] 1862, Elliott and Gonzales Papers.

including the “Combahee Rangers.” In the town of Aiken, Henry William Ravenel was glad to see the council taking action but feared that the refugee slaves “will give trouble next summer.”<sup>10</sup>

As Hayne grappled with the problems of slave removal and internal security, Military Department chief James Chesnut set about reorganizing and augmenting South Carolina’s military force. Putting the state on a solid war footing was the primary reason for creating the council in the first place and Chesnut wasted no time before taking action. The council’s most important task was raising troops for the Confederate army. On 2 February President Davis called on South Carolina to furnish its quota of 18,000 troops for the war. The state had by then furnished 7,111 men for the war and another 20,251 for shorter periods. To fill the quota Chesnut determined that five new regiments must be raised, and he urged a “radical and important change” in the mode of raising troops. On 5 March the council made this change by calling for 5,000 volunteers to come forward at once, with the proviso that if this number was not met by 20 March a state conscription would commence to provide the balance. The council also decreed that field officers would henceforth be appointed by the council rather than elected by the volunteers. Meanwhile, Chesnut made a rousing appeal to the twelve-month troops in Virginia, urging them to reenlist for the war and “Tarnish not the bright crown which now gleams on your brow, by leaving the field with the enemy in your sight.”<sup>11</sup>

Chesnut’s appeal was generally heeded by the twelve-month men in Virginia, and the threat of a draft proved effective in spurring enlistments in most parts of the state. However, there was considerable difficulty in obtaining volunteers in Charleston, where the adjutant

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<sup>10</sup> Cauthen, *Executive Council Journals*, 110-11; *Camden Confederate*, 5 April 1862; Mary Elliott to Emmie, 23 March 1862, Elliott and Gonzales Papers; Clifton, *Life and Labor on Argyle Island*, 342; William Cinque Henderson, “Spartan Slaves: A Documentary Account of Blacks on Trial in Spartanburg, South Carolina, 1830-1865” (Ph.D. diss., Northwestern University, 1978), 25-27; Woodward, *Mary Chesnut’s Civil War*, 319; Ware, “South Carolina Executive Councils of 1861 and 1862,” 57; Childs, *Ravenel Journal*, 130.

<sup>11</sup> *Convention Journal*, 589; *Charleston Mercury*, 17 February, 12, 13 March 1862; *Charleston Daily Courier*, 17 February, 6 March 1862; *Camden Confederate*, 7 March 1862.

general “encountered every species of harassment and delay.” The lack of enthusiasm for volunteering in Charleston was confirmed by a multitude of private citizens, particularly women. In early February one indignant woman complained about the large number of men “lounging about the corners and [the newspaper] bulletin boards” and threatened that if they did not volunteer “some of them may receive, on Valentine’s Day, a doll baby, or a hoop skirt.” Later that month “A Warning Voice” appeared in the *Mercury* urging women to “take the matter in hand” by turning a cold shoulder to the men on the streets and making them “uncomfortable by torments of feminine eloquence,” and thus “shame, rebuke, *drive* [them] into enlistment.” An angry volunteer demanded that Charlestonians either “be men for once in your lives” or go to the swamps. Such appeals apparently had some effect. By the end of April the state had not only met its Confederate quota but exceeded it by four thousand.<sup>12</sup>

On 16 April, just as Chesnut completed his conscription rolls and the organization of volunteers, the Confederate Congress passed its first conscription act. The council resented this infringement on states’ rights but was induced to waive for the present “all objections to the measure and give it a cheerful and energetic support upon the grounds of imperious public necessity.” But Chesnut reported that the new law “threw our militia and conscript reserves again into confusion; in fact, entirely destroyed the latter organization.” The lack of preparation during the Port Royal fiasco the previous November was, thought Chesnut, “a lesson which we would be criminal to forget.” Accordingly, while devising a plan that conformed to the Confederate law, he obtained the council’s approval to create two corps of reserves for state defense: one, composed of men thirty-five to fifty, would do active duty in the field; the other, comprising men sixteen to eighteen and fifty to sixty-five, would perform police and patrol duties. When

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<sup>12</sup> *Convention Journal*, 590-91; *Charleston Mercury*, 8, 25, 28 February 1862; *Charleston Daily Courier*, 13, 28 February, 5 March 1862; *Yorkville Enquirer*, 10 April 1862, quoting *Edgefield Advertiser*.

Congress passed its second conscription act on 27 September, extending the draft age, the council had to revise this reserve system and make new arrangements for state defense. Chesnut performed his duties with considerable energy and skill, handling well the challenges posed by conforming to Confederate regulations while maintaining adequate forces for state defense. His efforts did much to remedy the deficiencies that had plagued the state's military organization in 1861. This was precisely the convention's intention when it passed the ordinance creating the council, and Chesnut's job was made easier by the proviso in the ordinance stating "That no part of the militia law shall stand in the way" of the council. Unfortunately for Chesnut, some citizens liable for militia duty had a different view.<sup>13</sup>

The authority of the council was first tested in March, when Union forces advanced against Georgetown, in the heart of the leading rice-producing region in the state. The council considered it essential to defend Georgetown at all costs. In February, after Confederate disasters in Tennessee and North Carolina, South Carolina was in danger of being cut off from foodstuffs. Moreover, by early 1862 the price of provisions was rising and there was concern that the state's most important food-producing region was vulnerable to attack. Chesnut instructed the commissary general to purchase three thousand casks of rice and remove them to the interior. A temporary commission was created to survey the rivers around Georgetown for the purpose of erecting obstructions. Chesnut appointed Colonel A. M. Manigault to impress slaves and soon began blocking the mouth of Winyah Bay. Fortifications were erected around the town, and former governor R. F. W. Allston met with President Davis and succeeded in obtaining several large pieces of ordnance to be placed there. But just when these defenses were complete, General John C. Pemberton, the new commanding officer of the Department of South Carolina, having

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<sup>13</sup> *Convention Journal*, 590-92, 791; Cauthen, *Executive Council Journals*, 154-55; Gaskin, "Conscription and Impressment," 5-11; Cauthen, *South Carolina Goes to War*, 144-46; *Camden Confederate*, 2 May 1862; *Charleston Mercury*, 26 April 1862; *Charleston Daily Courier*, 24 April 1862.

reconsidered the strategic situation, ordered his forces to abandon the Georgetown forts and remove the guns to Charleston lest they fall into enemy hands.<sup>14</sup>

Chesnut believed that the fortifications around Georgetown were more than adequate to repel any Union attack if manned by state troops. But the executive council protested that the withdrawal of the heavy guns and Confederate troops would “throw open all that valuable region to the invasion and ravages of a ruthless enemy.” Lieutenant Governor Harllee was sent to meet with Pemberton and voice the council’s opposition, but the general refused to rescind the order. As the Union navy approached, the residents of Georgetown were thrown into a panic. According to George A. Prentiss, captain of the USS *Albatross*, the citizens were “very much frightened, and are leaving their plantations in every direction, driving their slaves before them to the pine woods.” Frustrated with what appeared to be Pemberton’s disregard for Georgetown’s safety, the council made a call for five hundred men to be drawn from the fourth division of the militia and Harllee was appointed to take command. Harllee was ordered to assemble the men but very few reported for duty. It was at this point, Mary Chesnut noted, that the council’s authority first came to be questioned and a “Regular rebellion against state authority” first developed. Harllee soon found himself dealing with persons “charged with disaffection and other crimes against the State.”<sup>15</sup>

In his report to the convention James Chesnut explained the problems surrounding the subsequent loss of Georgetown. Sufficient ordnance was there to defend the place, he said, despite the removal of the heavy guns; and quartermaster and commissary supplies were also

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<sup>14</sup> Cauthen, *Executive Council Journals*, 94, 111, 131, 144, 147; *Convention Journal*, 592-93; *OR*, Series One, 6: 417-18.

<sup>15</sup> *Convention Journal*, 592-93; George C. Rogers, Jr., *The History of Georgetown County, South Carolina* (Columbia: University of South Carolina Press, 1970), 402-403; Woodward, *Mary Chesnut’s Civil War*, 340; “Executive Council Chamber,” 14 May 1862, Chesnut Family Papers, South Carolina Historical Society, Charleston. The fourth division comprised Chesterfield, Darlington, Marlboro, Marion, Williamsburg, Horry, and Georgetown Districts. See Cauthen, *South Carolina Goes to War*, 147n38.

adequate. Chesnut concluded “with pain” that “Nothing was wanting but men.” There were plenty of men in the vicinity, but “the spirit was wanting.” Very few of the men subject to militia duty reported when ordered to assemble and it was necessary for the council to force men into the ranks. Unfortunately, “Even this was eluded, to a great extent” by men rushing into Confederate service after Harlee summoned them. Many of the men who were rounded up refused to obey Harlee’s orders, while other men went into hiding and “stood in open defiance of the law.” Several turned outlaw and threatened the council with violence while engaging in robbery around Stone’s Island on the Pee Dee River. Chesnut ordered these bandits to be seized and jailed and had other absentees summoned for court martial. Regrettably, “the court itself seemed to have been inadequate to the conception or performance of its duty, and the defaulters escaped.”<sup>16</sup>

Chesnut attributed this “unhappy and disgraceful state of affairs” partly to the fact that the call was made at a busy time for farmers and perhaps to concerns that Georgetown was unhealthy in early spring. Still, Chesnut believed these objections would have been overcome had it not been for the influence of some leading men who were “disaffected to the existing Government of the State” and endeavored “to poison the minds of the people” by spreading the idea that the executive council, from which the orders emanated, “was unconstitutional—that the Convention of the people of South Carolina was without lawful existence, and without power.” Indeed, the disaffected men were “stimulated and supplied with noxious *pabulum*, through the

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<sup>16</sup> *Report of the Chief of the Department of the Military of South Carolina, to His Excellency, Governor Pickens* (Columbia, SC: Charles P. Pelham, 1862), 8-9, hereafter cited as *Report of Chief of Military*. William Gilmore Simms thought the personnel in the Georgetown area were “sadly deficient” in numbers. See Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 395.

channels of an uninformed press.” Under these influences, the resisters unwittingly became “coadjutors of Lincoln and all the hosts of abolition myrmidons.”<sup>17</sup>

The Georgetown affair was a bellwether; there would follow more and more instances when the council’s legitimacy would be questioned by South Carolinians. The affair also demonstrated a problem in the relations between the council and Confederate authorities. Throughout the spring and summer of 1862 the council’s relationship with General Pemberton was characterized by constant friction and frustration. So too was the relationship between Pemberton and his subordinate, General Roswell Ripley, who commanded the second military district of South Carolina. In many instances the council, Pemberton, and Ripley disagreed over military policy. These disagreements became all the more serious in early spring as the Union undertook its first and only campaign to capture Charleston by land.<sup>18</sup>

In early 1862 Yankee forces captured Edisto and Johns Islands, after General Lee determined them to be untenable and ordered them evacuated. Pemberton followed Lee’s policy of abandoning the less strategic islands and concentrating Confederate forces near Charleston. On 27 March, without consulting the executive council, Pemberton ordered General Ripley to withdraw the batteries on Cole’s Island, which controlled the entrance to the Stono River; this exposed James Island, directly across the Ashley River from Charleston, to enemy attack. Prior to Pemberton’s order, the council had expended considerable resources fortifying Cole’s Island. The council immediately protested the order and telegraphed Lee, now posted in Richmond, asking that it be countermanded. Lee flatly replied that these matters “can only be decided by the

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<sup>17</sup> *Report of Chief of Military*, 9. Many citizens of Marion District petitioned the legislature to investigate the charges contained in Chesnut’s report and labeled them as “untrue in spirit and in detail.” See Cauthen, *South Carolina Goes to War*, 147n38.

<sup>18</sup> Cauthen, *Executive Council Journals*, 177, 202, 230; E. Milby Burton, *The Siege of Charleston, 1861-1865* (Columbia: University of South Carolina Press, 1970), 92-93; C. A. Bennett, “Roswell Sabin Ripley: ‘Charleston’s Gallant Defender,’” *South Carolina Historical Magazine* 95 (1994): 225-42. The issue of the council’s legitimacy is examined in chapter five.

officer in command of the Department,” but he did suggest to Pemberton that in the future, “in order to preserve harmony between the State and Confederate authorities,” he should notify the governor before abandoning any defenses near Charleston. Pemberton’s decision threw Charlestonians into a panic and he was roundly criticized. Charleston-area planter William John Grayson concluded that this was “another example of weakness and vacillation in our military rulers; one erects a fortification at enormous expense and another destroys it. Our waggon has a team hitched to each end and they draw in opposite directions—what will become of the waggon?”<sup>19</sup>

As the Union forces inched closer to Charleston, citizens began packing their belongings for evacuation. On 1 May the *Courier* urged that martial law be imposed. The next day Emma Holmes observed that everybody in Charleston “has a face ‘two miles long.’” Exercising the powers conferred on it by the convention, the council declared that martial law would be established in Charleston, and beyond it for ten miles, beginning 5 May. Many Charlestonians were uncertain whether they should stay or leave. The press repeatedly reminded them that “The Up-Country towns of our own State are already crowded” and urged those who left to move to Georgia. The number of interior towns offering assistance to Charlestonians was conspicuously few. Emma Holmes found her mother “in a most unsettled state” and completely “undecided whether to go or stay.” John Grimball said there was “great confusion” in the city and estimated that fifteen thousand persons were in the process of leaving. The uncertainty was not confined to questions of evacuation. Some citizens were ready to torch the city rather than let it fall to the

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<sup>19</sup> Burton, *Siege of Charleston*, 99-100; *OR*, Series One, 6: 420, 423-25; *Charleston Mercury*, 3 March 1862; *Charleston Daily Courier*, 3 May 1862; Childs, *Ravenel Journal*, 119, 128; Marszalek, *Diary of Emma Holmes*, 158; Grimball, “Diary of John Berkley Grimball,” 170; Leland, “Middleton Correspondence,” 65; Elmer L. Puryear, ed., “The Confederate Diary of William John Grayson,” *South Carolina Historical Magazine* 63 (1962): 137-49. Susan Middleton commented that Pemberton “is much censored” and “goes about wringing his hands and declaring that he has not a friend in Charleston.” See Leland, “Middleton Correspondence,” 68-69.

enemy. A Charleston woman declared that she was “willing to lay all in ashes and retire to the woods, and eat acorns for my daily food, sooner than surrender.” The *Mercury* summed up the dilemma: “There is no unwillingness to do: the difficulty is that the citizens do not know what they should do.” The public confusion and anxiety continued through the first weeks of martial law. Harriott Middleton, who evacuated on 4 May, told of the “great panic in town” and lamented that “Charleston was in a very sad state when I left.”<sup>20</sup>

The council’s proclamation of martial law brought fundamental changes to the lives of Charlestonians. Squads of the provost marshal’s troops patrolled the city day and night. The *Mercury* noted how “The quiet precincts of the City Hall were suddenly converted into a veritable camp.” In some instances the large influx of military personnel resulted in the breakdown of decorum. Less than two weeks after martial law went into effect there were reports that “ladies have been rudely accosted and insulted by soldiers,” and in some cases “outrages of the most flagrant character have been committed, with perfect impunity.” The authorities were called on to enforce “sobriety and good behaviour.” Colonel Johnson Hagood was appointed provost marshal with orders to organize a military police for the specific purpose of closing down all grogeries. This was easier said than done, however, as the police found out when they raided a small store on Anson Street near the market and attempted to seize whiskey and other spirits. As the police entered, they were “resisted in a most determined manner by a female, who

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<sup>20</sup> *Charleston Daily Courier*, 1, 5 May 1862; Marszalek, *Diary of Emma Holmes*, 158-59, 168-69; Grimball, “Diary of John Berkley Grimball,” 170; *Charleston Mercury*, 5, 6, 10, 15 May 1862; Leland, “Middleton Correspondence,” 65. The *Charleston Mercury* under the heading “Houses in the Country Wanted,” pleaded for the upcountry residents to recognize that there are “hundreds of families along the seaboard, and especially in this city” who were anxious to remove to the interior but were prevented from doing so due to the scarcity of accommodations. Greenville and Spartanburg were reported to be “full to overflowing.” During the month of May only the *Lancaster Ledger* encouraged evacuating Charlestonians to find accommodations in its district. The *Edgefield Advertiser* suggested that citizens send extra supplies to the village market for refugees passing through but stated that there were only three to four houses available for rent and that “We are harder pressed at these little towns in the articles of living than most persons are aware of.” See *Charleston Mercury*, 15 May 1862, *Lancaster Ledger*, 28 May 1862, *Edgefield Advertiser*, 14 May 1862.

exercised all her powers to prevent them from examining the premises.” Unable to stop them, the woman “rushed to the store window, smashed the glass with her hands,” and exited through the window. She then went to the market “and procured a pistol, with which she returned to protect her property.” After another struggle, she was finally arrested.<sup>21</sup>

Martial law subjected Charlestonians to other inconveniences. No one was allowed to leave the city without a passport issued by the provost marshal. William John Grayson described how an “immense crowd assembled at the Provost’s office” to obtain passports. Unhappily, the office was open only between the hours of 11:00 a.m. and 1:00 p.m., and “not one in ten was able to obtain a passport. Requests from the multitude to prolong the time were made in vain; petitions and complaints were treated with contempt.” Martial law had accomplished nothing, Grayson insisted, “except to annoy the citizens.” The *Courier* denounced the “unreasonable and tyrannical” passport decree and demanded that it be revoked. Similar complaints followed. The passport office eventually extended its hours, and permitted women and children to leave the city within seven days without a passport. Nevertheless, complaints about the passport system continued well into the summer. Chaplain W. W. Gwin was horrified when he discovered large numbers of sick soldiers forced to “lie about on boats or wharves like dogs all night” simply “to get passports to go to the hospitals at Columbia.”<sup>22</sup>

The enlarged military presence and the passport system exasperated Charlestonians, but these problems paled in comparison to those that plagued the planters throughout the state. The defense of Charleston was essential, but as the *Courier* observed, “In order to accomplish this Herculean effort, Herculean labor is requisite.” The effort to obtain sufficient slave labor for the coast burdened the executive council and provoked much of the increasing opposition to its

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<sup>21</sup> *Charleston Mercury*, 12, 13, 14 May, 17 July 1862; *Charleston Daily Courier*, 6 May 1862.

<sup>22</sup> Puryear, “Confederate Diary of William John Grayson,” 139; *Charleston Daily Courier*, 14, 15 May 1862; *Charleston Mercury*, 14, 15 May, 2 July 1862.

authority. With Union forces threatening Charleston in early spring the need for labor became urgent. Before the legislature adjourned in December 1861 it foresaw the probable necessity of impressing slaves for erecting defensive works. However, it did not foresee the magnitude of the need. Instead of devising a comprehensive plan to acquire labor, the legislature merely passed two vague resolutions authorizing the governor to act in concert with the Confederate commander to employ slaves by arrangement with their masters or by impressment. The legislature also appropriated \$20,000 to provision and house the laborers. Chesnut called the passage of the resolutions “a grave error,” for they “suggested no plan” and had “no authority for [their] promulgation.” No attempt at equalizing the burden of impressment on the planters was made and the legislature failed to define what regions of the state were responsible for supplying the labor. Even worse, said Chesnut, the legislature did not anticipate “that a large and continuous supply of this kind of labor would be demanded for months.” The Confederate authorities were to blame, too, he insisted, for failing to implement their plans for obtaining labor and provide the state authorities with a timely estimate of the labor requirements.<sup>23</sup>

When the council first addressed the issue of procuring slave labor “Complaints were already loud and frequent.” Its initial efforts were directed at limiting the act passed by the legislature. On 6 February the council ordered the chief of Justice and Police to report “on the propriety of rescinding, suspending or modifying any act or resolution of the General Assembly of this State” to impress slaves for erecting coastal fortifications. The executive council clearly would not hesitate to amend laws—in ordinary times, a legislative prerogative. In early March the council asked General Ripley to confine impressment to slaves in the vicinity of Charleston

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<sup>23</sup> *Charleston Daily Courier*, 1 May; *Charleston Mercury*, 8 August 1862; *Daily South Carolinian*, 9 August 1862; *Convention Documents: Report of the Special Committee of Twenty-One, on the Communication of His Excellency Governor Pickens, together with the Reports of Heads of Departments and Other Papers* (Columbia, SC: R. W. Gibbes, 1862), 114, hereafter cited as *Report of Twenty-One*.

or other areas where labor had already been disturbed by the enemy. Ripley objected, telling Hayne that he wanted five hundred hands immediately but “under [the] present arrangements [I] cannot get them.” Later that month after “The Confederate Generals loudly complained,” the council decided on a scheme to hire labor from seaboard planters at a rate of ten dollars per hand per month. To assuage planters’ concerns over the possible loss of their property the council also guaranteed compensation in case of a slave’s accidental death or injury. But this plan fell short of achieving the objective.<sup>24</sup>

Hayne was informed by an impressment agent on 12 April that “the expectation of hiring labor has failed.” The problem was not the meager monthly rate: one agent appointed by the council had tried to obtain labor in Barnwell District at twenty dollars per month but had likewise failed. The problem was the council’s reluctance to extend the labor requisitions outside the coastal districts. The Confederate authorities insisted that the council draw labor from the interior districts also, “otherwise they cannot go on.” The council stood firm, however. It was only after Union forces landed on James Island and the council was showered with complaints from the Confederate authorities that it finally yielded, reluctantly agreeing to extend labor requisitions to the interior districts below the fall line.<sup>25</sup>

This concession did result in more laborers being sent to the coast. The council appointed Professor Francis S. Holmes of the Charleston College to oversee impressment. He was authorized to impress slaves in the districts of Georgetown, Clarendon, and Orangeburg for one month; planters were ordered to provide up to one half of their slaves liable to road duty. It soon became apparent, however, that the burden was not fairly distributed. Chief of Justice and Police Hayne prepared a circular on 20 June admitting that serious complaint “has arisen from the

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<sup>24</sup> *Convention Journal*, 677; Cauthen, *Executive Council Journals*, 86, 114-15, 130-31, 145.

<sup>25</sup> Cauthen, *Executive Council Journals*, 115, 124, 145-46; *Convention Journal*, 677.

*inequality* of the operation.” While some planters complied promptly, others dragged their feet or altogether evaded requisitions. This became “the cause of dissatisfaction and just complaint.” Hayne, “with extreme reluctance,” threatened to use the military if necessary to enforce impressment.<sup>26</sup>

Resistance continued, however. One week after the circular was issued, a seething memorial signed by twenty-three leading planters from Clarendon District, including former governors John P. Richardson and John L. Manning, appeared in the *Southern Guardian*. The writers protested that the requisitions were now “very useless” because Confederate defensive positions had changed drastically after the Battle of Secessionville (16 June). Moreover, to remove large numbers of male field hands at this critical time would essentially mean abandoning their whole crop. Moreover, the planters insisted, the Clarendon slaves “are entire strangers” to the coastal climate and would likely contract malaria. Worse still, the proximity to the enemy and to “the renegade negroes” who were escaping to the Union would corrupt their slaves, heretofore free from such harmful influences, and thus spread black disaffection to the interior.<sup>27</sup>

The chief complaint of the Clarendon planters was that “The system of impressment contemplated is unjust and unequal.” They demanded that “all the slaves of the several districts of the upper country, as well as of the middle, should be brought into service” without discrimination. They furthermore criticized the appointment of Holmes as director of impressment, pointing out that he was a private citizen, a mere “Professor in a College,” not a public officer. Although a man of science and virtue, he “knows nothing of the wants nor

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<sup>26</sup> *Charleston Daily Courier*, 20 June 1862; *Charleston Mercury*, 20 June 1862. Charleston College is today known as the College of Charleston.

<sup>27</sup> *Southern Guardian*, 27 June 1862. The Battle of Secessionville, on James Island, was a key Confederate victory that forced the Union to abort its attempt to capture Charleston by land. See Burton, *Siege of Charleston*, 98-114.

interests of the Planters of Clarendon.” Finally, the memorialists protested “with astonishment and dismay” Hayne’s threat to use military force to compel compliance. “We live in a State that once boasted of its constitution and laws,” the planters thundered. If the council insisted on thus enforcing a policy detrimental to the agricultural interests of the state and “wholly subversive of all individual right and personal security,” citizens ought to “be prepared to defend their wives and their children” from the “unbridled license of an unrestrained soldiery” marching on orders from the council to subjugate its own people.<sup>28</sup>

The “Clarendon Manifesto,” as Mary Chesnut called it, was “in everybody’s mouth” after it was published. She regarded it skeptically, chiding the planters who talked of patriotism and sacrifice but when the council called for their “sacred property in the shape of negroes for coast defenses—a howl.” The memorial and the responses to it damaged the already fragile relationship between the planters and the council. Professor Holmes published a sharp rebuke to the memorial, carefully refuting the planters’ objections and arraigning them for lack of patriotism. These men, he wrote, “some of them the wealthiest cotton planters in the State,” exaggerated the burdens to which they were subjected; many planters in other districts below the fall line contributed a number of laborers “two or three times [larger] without a murmur.” It is true, Holmes admitted, that their slaves would be laboring in an unhealthy climate. But, he asked, “are the lives of the Clarendon negroes more precious than those of white husbands, brothers and sons [serving on the coast], equally unacclimated”? Holmes explained that the council “pertinaciously adhered” to the policy of impressing labor exclusively from the coastal districts

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<sup>28</sup> *Southern Guardian*, 27 June 1862. On the problems of slave impressment, see Harrison A. Trexler, “The Opposition of Planters to the Employment of Slaves as Laborers by the Confederacy,” *Mississippi Valley Historical Review* 27 (1940): 211-24, and Bernard H. Nelson, “Confederate Slave Impressment Legislation, 1861-1865,” *Journal of Negro History* 31 (1946): 392-410. In his report to the convention Hayne admitted that the council’s threat to use force against the planters was a hollow one, for “We had not at command either troops or other means to compel compliance.” See *Convention Journal*, 678.

until General Ripley said it was impossible to get enough there. General Pemberton was saying the same thing now and “So says every agent who has been charged with the business of collecting negroes.” As to the planters’ concerns that their slaves would be subjected to evil influences, this too was a valid point. Yet, “if the labor is necessary, it is a patriotic duty to run the risk.” It is universally admitted, said Holmes, that camp life subjects young white men to demoralization, but “when the country calls we send our sons and younger brothers.” Finally, “As to *inequality*,” if the Clarendon planters thought themselves unfairly burdened, “they forget history and close their eyes to the present.” The displaced planters on the coast “have already borne burthens and made sacrifices far, very far, greater than those of the Clarendon memorialists.”<sup>29</sup>

The council members disagreed with the memorialists but could not ignore their complaints. Similar objections continued to be voiced in July, particularly over the irregular manner in which the calls for labor were made and over the inequality of the requisitions. These concerns forced the council on 14 July to begin devising “a general scheme for procuring labor.” Oversight of the slave labor program was transferred from Hayne to Military Department chief Chesnut. On 28 July Chesnut presented a new plan to the council for approval. The subject of impressing slave labor, he confessed, “is a difficult one.” Unfortunately, any scheme that would attain the objective and “at the same time be equal and efficient, is almost impracticable.” The impressment program must be efficient above all other concerns “and approach equality as near as we can.” Chesnut’s plan called for state-wide impressment, including the twenty-two districts where requisitions had not yet been made. The state was divided into four divisions, with each division required to furnish one-third of all hands liable to road duty. The plan was intended to

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<sup>29</sup> Woodward, *Mary Chesnut’s Civil War*, 398-99; *Southern Guardian*, 9 July 1862; *Convention Journal*, 677.

supply about three thousand hands per month for four months. It was, Chesnut said, “as equal as I can make it” and “more efficient than any other scheme I can devise.” With the exception of Lieutenant Governor Harllee, who was absent from the meeting at which the plan was considered and who filed a sharp dissent on his return, the council approved of the new plan.<sup>30</sup>

It was one thing for the council to agree on a new plan but quite another to get the planters to go along with it. The council continued to receive communications from planters objecting to slave impressment. In fact, the new plan seemed only to aggravate the situation. Less than a month after Chesnut implemented his scheme, the road commissioners for Abbeville District assembled for the purpose of complying with the council’s orders. Before doing so, however, they submitted a memorial to the council declaring that “there will be great difficulty in the execution” of the plan and “humbly but anxiously” prayed for some modification. Their objections were similar to those of the Clarendon planters. The most pressing concern was that “the time for fodder-pulling is at hand” and many white farm hands were absent from the district. The memorialists suggested that the council delay the call for labor until November or December and that planters be given the opportunity to pay a commutation fee “in place of the actual contribution of the labor.” Many citizens in Abbeville would “cheerfully” pay a sum sufficient to hire substitute laborers in lieu of sending their own slaves.<sup>31</sup>

Chesnut promptly responded to the Abbeville memorialists. The subject of procuring slave labor, he conceded, “has been from the beginning vexatious alike to the citizens and the

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<sup>30</sup> Cauthen, *Executive Council Journals*, 222, 226, 233, 240-41; *Convention Journal*, 597-98; *Report of Chief of Military*, 12-13; *Charleston Mercury*, 8 August 1862; *Charleston Daily Courier*, 8 August 1862; *Daily South Carolinian*, 9 August 1862; *Lancaster Ledger*, 13 August 1862. Harllee’s written protest against Chesnut’s plan, dated 7 August, claimed that the entire impressment program had thus far been grossly mismanaged by the Confederate authorities and that he could not “consent to a further resort to the exercise of so high a power and extend it over the whole State to the very serious injury of our people in the loss and demoralization of their slave property until more satisfactory proofs of its necessity existed, a proper plan devised for its supervision and management and a better digested scheme securing equality arranged.” See Cauthen, *Executive Council Journals*, 240-41.

<sup>31</sup> *Convention Journal*, 678; *Charleston Mercury*, 22 August 1862.

government.” Building fortifications on the coast had proved to be a monumental challenge unanticipated by Confederate and state authorities. But South Carolinians were at war and “The world is disturbed around us—we participate in the disturbance—and we must make up our minds to bear it.” The council members certainly understood the memorialists’ concerns, Chesnut continued, “being like yourselves slave owners and planters,” but if slave masters insisted on putting their own interests before those of the state, Charleston would fall to the enemy, and then the memorialists could expect at their doorstep “an infernal war—one as relentless and shocking as ever disgraced the character of man.” The request to postpone the call for labor until November or December could not be granted because the Yankees might attack at any moment. As to the health of slaves, “Many a noble fellow, without a negro in the world—rich only in patriotism and character” had left his family behind and made the ultimate sacrifice on the battlefield. Regarding the suggestion that the council allow the planters to pay a commutation fee instead of sending labor, Chesnut retorted that “Labor is the thing wanted” and if it were possible to procure it by money then “no measure of the kind under discussion would have been resorted to.”<sup>32</sup>

The council’s efforts to procure an adequate labor supply were unsuccessful. On 29 August General Pemberton telegraphed the council stating that no work could be done on the fortifications for want of labor. Two days later he warned the council that “If Charleston is to be

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<sup>32</sup> *Charleston Mercury*, 22 August 1862. Chesnut agreed with the Abbeville planters that their concern over the slaves being neglected was “a real substantial objection.” He assured the planters that efforts were being made to procure the appointment of “an officer of character” who was “a native Carolinian, to watch over and protect the negros.” See *ibid.* However, this does not seem to have come to fruition. More than two months after Chesnut published his reply to the Abbeville planters the superintendent of labor on the coast stated that the majority of the overseers were “raw Irishmen unaccustomed to the management of negros, who did not seem to care” whether the slaves were working or looked after properly. See *Charleston Daily Courier*, 30 October 1862. In another instance, a soldier on Morris Island observed that the overwhelming majority of slaves “seem to be without any competent white man, whose *especial business* is to oversee” them. See *Charleston Mercury*, 27 September 1862. The council not only stood firm on enforcing its new plan but soon extended it to incorporated towns, directing mayors to make similar returns of slaves liable to street duty. See Cauthen, *Executive Council Journals*, 249.

defended the supply of labor must be sent at once and kept constantly filled.” The council replied that Professor Holmes was busy forwarding all the laborers that he could get transportation for and they would arrive shortly. Not satisfied, Pemberton again wired the council on 2 September, protesting that “It is useless to say that the whole State is placed at the disposal of Prof. Holmes unless you compel the labor at once. One thousand negroes today will be worth 50,000 next month.” Right now, he said, “I have scarcely 300 negroes.”<sup>33</sup>

Exasperated by Pemberton’s “incessant and urgent demands,” the council instructed Holmes to call out the third division of road hands four weeks earlier than scheduled but informed Pemberton that it was “unable to expedite the supply of negro labor beyond the present arrangements.” Meanwhile, planters in Newberry District complained to the council that the slaves they sent to the coast had been retained beyond their four-week term of service. Moreover, as anticipated by the Clarendon and Abbeville memorialists, the statewide impressment system did indeed create disorder on some plantations. On 16 September the council received a memorial from citizens in Chesterfield stating that “indications of insubordination of a serious and threatening character had been discovered among the slaves” in their district and asking the council to furnish them with powder, shot, and other means of defense. Ten days later the council was presented with another memorial, this one from Darlington, requesting, “in view of the popular apprehension of a servile insurrection” there, that the council send several companies of reserves to the district for “service as a patrol and police force.”<sup>34</sup>

As September came to a close planters were more reluctant than ever to send their labor to the coast. It did not help matters that the reported “insurrections” were occurring around the same time that President Lincoln issued his preliminary Emancipation Proclamation. The press

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<sup>33</sup> Cauthen, *Executive Council Journals*, 254-57.

<sup>34</sup> *Ibid.*, 256, 262, 267-68, 278.

initially welcomed the proclamation, arguing that the measure would unite the white South, while its “effect upon our servile population will be null”; but within weeks that attitude changed, and soon Governor Pickens was calling on “every man [to] sleep by his armor.” By the end of October some planters were refusing to comply with labor requisitions despite the urgent appeals. Colonel C. J. Colcock, commanding the post of Grahamville, reported that planters “have refused to send their hands” to work on the fortifications at Coosawatchie, a point critical for the protection of the Charleston and Savannah Railroad, and he asked the council for authority to use military force to compel compliance. By now exhausted from dealing with the labor problem, the council simply replied that if the Confederate authorities “deem the employment of such negro labor necessary to the public defense,” Colcock should go ahead and use military force. Thus, after repeated attempts to devise a system that would appease the planters and secure their cooperation, the council found that the desired end could be achieved only by the use of force. By the end of the year the council had expended considerable resources to procure labor for the Charleston fortifications but had little to show for its efforts.<sup>35</sup>

The efficacy of the executive council should not, however, be judged solely on the issue of mustering slave labor. There were other matters equally important to the war effort in which the council enjoyed much success. When the convention created the council it ordered it “to make, procure or employ arms, munitions of war, and whatever else may be required for the defence of the State.” Aside from raising troops, the production of war material was the most pressing task facing the councilmen. Although a few steps had been taken in 1861 to augment South Carolina’s meager industry, much remained to be done when the council assumed power. Throughout 1862 the state would undergo a revolutionary experience as the council developed

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<sup>35</sup> *Charleston Mercury*, 1 October, 10 November 1862; *Charleston Daily Courier*, 3 October 1862; *Yorkville Enquirer*, 5 November 1862; Cauthen, *Executive Council Journals*, 283.

domestic resources to sustain the war effort. As a result, the state was in a far better position to wage war at the end of 1862 than when the council had assumed control in January.<sup>36</sup>

When Military Department chief Chesnut took charge in early January he found the Ordnance Bureau in a “deplorable” condition, its “efficiency much injured” by mismanagement in 1861. In December 1861 there were hundreds of South Carolina soldiers in camp, “and some in front of the enemy, without arms of any kind.” Moreover, much of the state’s ordnance had been shipped away to aid the Confederate army. When the army refused to return it, claiming that it was now Confederate property to be accounted for in a future settlement, Chesnut vowed “that we shall never again strip the State of the means of self-defence.” On 9 January, he published a call for the collection and return of all arms belonging to the state. He then appointed Captain T. W. Radcliffe as general agent to scour the countryside and purchase weapons in private hands. Furthermore, many small arms and other war materiel were donated by citizens and church bells were donated by congregations to be melted down for cannon. The thousands of weapons collected were placed in the state arsenal in Columbia. Chesnut obtained the council’s approval to appropriate the workshops on the statehouse grounds (then being used to construct a new state capitol), and he appointed David Lopez superintendent for the manufacture and repair of small arms. A considerable number of old flintlocks were converted to percussion and bayonets were altered to fit the new designs. Despite issuing nearly 7,400 rifles and smoothbores to South Carolina soldiers in early 1862, the state still had on hand another 7,700 in September,

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<sup>36</sup> *Convention Journal*, 794. On Confederate industrialization see Frank E. Vandiver, *Ploughshares into Swords: Josiah Gorgas and Confederate Ordnance* (Austin: University of Texas Press, 1952), and Emory M. Thomas, *The Confederacy as a Revolutionary Experience* (Englewood Cliffs, NJ: Prentice-Hall, 1971), 79-99.

triple the number it had on 1 January. On 24 March, the council created the Construction and Manufacture Department under the control of William H. Gist.<sup>37</sup>

Gist's most important task was to establish an armory for casting cannon, constructing gun carriages, and manufacturing small arms. He sent an agent to Richmond to confer with an armorer at the Tredegar Iron Works. Pig iron from York District was tested at Tredegar and determined to be suitable for casting cannon. Gist selected the town of Greenville as the site of the new "State Works." Heavy machinery was removed from Charleston to Greenville. More machinery was purchased from the state of Tennessee after Nashville was abandoned to the enemy and the contents of its armory were carted away by the retreating Confederates. In just five months Gist's department spent over \$95,000. By 15 August construction of the Greenville facility was complete and 143 workers were employed. Gist reported that they would be ready to cast shot and shell by 1 October and cannon soon after.<sup>38</sup>

Constructing a state armory in such a short time was quite an accomplishment, but the arms it manufactured would be of no use without sufficient quantities of gunpowder and lead. A large amount of lead was purchased from various sources under the council's authorization, and Chesnut endeavored to obtain more from the Confederate War Department. He also employed Dr. John LeConte, a physician and scientist, to examine the lead mines in South Carolina. LeConte subsequently reported that one near Spartanburg was rich in ore and easily worked. Arrangements were made with the proprietor to place that mine in the hands of the state and by

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<sup>37</sup> *Report of Chief of Military*, 20-24; *Convention Journal*, 590, 605-611, 714; *Charleston Mercury*, 11 April 1862; Cauthen, *Executive Council Journals*, 92, 95, 98, 104, 106, 120, 128, 168, 173, 196, 203, 205, 208, 210, 273.

<sup>38</sup> *Convention Journal*, 712-19, 722-25; Cauthen, *Executive Council Journals*, 287.

the end of August 21,000 pounds of lead had been procured. The existing iron works in Spartanburg were also appropriated by the council, for casting cannon.<sup>39</sup>

A far more ambitious program that the council instituted was the manufacture of gunpowder. In 1861 the supply on hand in South Carolina was, in Chesnut's words, "totally inadequate," and the state lacked the ability to manufacture more. The chief ingredient of gunpowder, potassium nitrate (also called niter or saltpeter), was not found naturally in the state. Although there were some saltpeter caves in Tennessee and Alabama, their potential yield was far short of South Carolina's necessities. Chesnut determined that there was only one way to get sufficient saltpeter "and that was to produce it ourselves." On 14 February he received the council's approval to begin advertising for contracts for the manufacture of saltpeter and also sulphur. He had a Charleston chemist prepare a paper for publication explaining the process of saltpeter production and issued a circular calling on all willing citizens to produce it for the state. "With the application of a little energy and intelligence," he said, South Carolina could be freed from depending on the Confederacy for powder. After waiting a month and receiving no response from the public, Chesnut set about producing saltpeter under the direction of his department.<sup>40</sup>

By the end of March the council had leased five acres of land in Columbia to establish a saltpeter plantation. Chesnut named Dr. W. Hutson Ford to superintend it. With assistance from some professors of the South Carolina College, including John LeConte, Ford had a large number of saltpeter beds established by the end of August. He estimated that within eight to twelve months the plantation would be producing about a thousand pounds of saltpeter daily, or

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<sup>39</sup> *Report of Chief of Military*, 23-24; *Convention Journal*, 609-610; Philip N. Racine, *Living a Big War in a Small Place: Spartanburg, South Carolina, during the Confederacy* (Columbia: University of South Carolina Press, 2013), 13.

<sup>40</sup> *Report of Chief of Military*, 25-26, Cauthen, *Executive Council Journals*, 92, 120; *Convention Journal*, 611-12; *Charleston Daily Courier*, 17 February 1862; *Charleston Mercury*, 17 February 1862.

enough to make thirteen hundred pounds of powder. The *Courier* applauded the operation, which was “being conducted on the most extensive scale known in the Confederacy.” Chesnut, too, was pleased with it; he believed it to be “the first ever established on this continent.”<sup>41</sup>

The exertions of the council to increase the production of war materiel using domestic resources unquestionably did much to place the state on a sounder war footing. But the council did not rely on domestic resources alone. On 1 March Governor Pickens received permission from the council to cooperate with the governor of Louisiana to obtain arms from the West Indies. The council advanced \$100,000 for this purpose and arms were brought in through the naval blockade. Pickens was then instructed to work with other Confederate governors to increase the importation of arms. On 11 March, at Chesnut’s urging, the council began to look overseas for supplies, advancing \$50,000 to Benjamin F. Evans with instructions “to purchase in Europe the best rifles or muskets, and suitable bayonets.” Over 2,500 Enfield rifles were eventually obtained from England. Another \$10,000 was given to Evans to purchase medical supplies, especially quinine. Although some of these supplies were thrown overboard while running the blockade, Chesnut reported at the end of August that “nearly all have safely reached us.”<sup>42</sup>

Blockade running was potentially very profitable. In March 1862 several wealthy Charleston businessmen began organizing joint-stock companies to purchase vessels and run the blockade. Although the risk was substantial and vessels were frequently lost, the stockholders apparently lost no money on their investments. The South Carolina Importing and Exporting Company, for example, paid dividends of \$850 per share on 20 June. A month later, it paid

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<sup>41</sup> *Report of Chief of Military*, 25-26; *Convention Journal*, 611-12; *Charleston Daily Courier*, 24 October 1862; Woodward, *Mary Chesnut’s Civil War*, 387.

<sup>42</sup> Cauthen, *Executive Council Journals*, 101, 110, 114, 125; *Report of Chief of Military*, 22; *Convention Journal*, 608.

another dividend, of \$1,735 per share. Word of these profits spread throughout the community. Susan Middleton heard rumors that “some people are making money without end.” The council, aware of the enormous profits being made by some parties who “certainly have not brought back return cargoes of arms, munitions or army supplies,” resolved to prohibit the exportation of cotton and other items without council permission. It appointed an agent in Charleston to authorize private vessels to export cotton under certain conditions. Those who wished to do so had to obtain a license, attest that none of the cotton would find its way to the enemy, and give bond with good surety that the full amount of the net proceeds would be brought back into the state in arms, ammunition, or other army supplies.<sup>43</sup>

This policy of granting licenses to export cotton was working well and greatly benefiting the state when the council received a sharp rebuke from the Confederate government. On 21 April the Confederate secretary of the Treasury, Christopher G. Memminger, wrote to the council objecting to its policy and requesting that it “suspend any further action” on exporting cotton until the Confederate Congress declared its policy on the subject. The council took offense at this rebuke. Hayne wrote back to Memminger, arguing that the council was only attempting “to carry out a settled policy sanctioned by nine-tenths of the people of the Confederate States.” He agreed with the general principle that cotton should not be exported for profit, but in this case the state’s “necessities were such as to make the *importation of arms, munitions, and army supplies*” absolutely necessary, and “such importation more than *counterbalanced the evil* of a limited exportation of cotton.” Hayne reminded Memminger that the executive council was charged “with high powers for protecting the public safety” and that the convention expected the council to exercise its “absolute right to appropriate all private

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<sup>43</sup> Lynda Worley Skelton, “The Importing and Exporting Company of South Carolina, 1862-1876,” *South Carolina Historical Magazine* 75 (1974): 24-32; Leland, “Middleton Correspondence,” 207; *Convention Journal*, 670-73; Cauthen, *Executive Council Journals*, 137, 143.

property to public uses.” Indeed, the council was “incline[d] to think that any interference with the exercise of this right by the Confederate Government, would be usurpation on their part.” When Memminger again insisted that the council cease granting licenses to export cotton, the council reluctantly agreed to do so, but not before Hayne reaffirmed his position that “The *right to enforce*, in the way we propose, is, in my judgment, clearly in the *State*, and as clearly delegated by the State to the *Governor and Council*.”<sup>44</sup>

There was tension between the two governments on other issues too, particularly exemptions. Chesnut admitted that this “was a source of some embarrassment.” A sharp controversy commenced in April when General Pemberton decided to abandon the fortifications around Georgetown. At the same time, Congress passed its first conscription act. Thus, all the troops that the council had organized for the defense of Georgetown were “at the very moment of need, swept from us” by the Confederacy. This sparked a panic in the region, especially among the civilians. It did not help matters that the conscription act provided no exemption for overseers. Citizens were calling on the council to exempt overseers in order “to guard and secure as much as possible our negros.” In late June the council ordered Chesnut to urge on President Davis “the absolute necessity of exempting overseers” from Confederate conscription for the remainder of 1862. Chesnut traveled to Richmond and conferred with Secretary of War George W. Randolph, arguing that overseers be exempted because police powers were within the jurisdiction of the states. Unfortunately, “The reply of the Secretary was not satisfactory.” Undeterred, the council reaffirmed its right to exempt overseers, resolving that “State authority shall be interposed to prevent” overseers from being drafted, and instructing the adjutant general to order “all citizens of this State so exempted not to report to the enrolling officers of the

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<sup>44</sup> *Charleston Mercury*, 23 April 1862; *Charleston Daily Courier*, 23 April 1862; *Camden Confederate*, 11 April 1862; *Convention Journal*, 670-73.

Confederate Government.” The council made it clear, despite Confederate objections, that all exemptions mandated by the convention and council “are valid in law and that they will insist upon the same.”<sup>45</sup>

The executive council also exempted many other civilians, especially men engaged in war-related work. Initially the council confined exemptions to workers in factories producing cotton cloth. Soon, however, it extended exemptions to all “employees of factories, foundries, and other establishments, engaged in such manufactures as are essential to the public service.” The council also gave various industries direct aid, particularly railroads. On 1 March it loaned \$25,000 to the Charleston and Savannah Railroad Company to purchase additional cars and switches to expedite the removal of slaves and non-combatants from the lowcountry, justifying it as “a military necessity.” Less than a week later the council agreed to pay that same company one half of the expense for placing guards at various bridges, and soon after loaned it another \$25,000 for strengthening the Ashley River bridge. In these and other ways, the council tried to make the railroads more efficient for both the civil and military authorities, and the railroads generally cooperated with the council. The Union and Charlotte, for example, agreed to transport produce without charge for the Charleston Free Market. Thus the council served as a useful intermediary between the sometimes conflicting private and public interests.<sup>46</sup>

Relations between the state and Confederate authorities were not always strained. Indeed, the state greatly assisted the Confederacy in numerous ways. For one thing, the convention appropriated \$300,000 for harbor and coast defenses. Moreover, it instructed the council to appoint a commission to cooperate with the Confederate navy on the construction of a marine

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<sup>45</sup> *Report of Chief of Military*, 10-11; *Charleston Mercury*, 10 July 1862; *Charleston Daily Courier*, 27 June 1862; Cauthen, *Executive Council Journals*, 174, 191, 211-12, 215; *Convention Journal*, 595-96.

<sup>46</sup> Cauthen, *Executive Council Journals*, 93-94, 98, 109-110, 112-13, 132, 153, 159 165; *Charleston Daily Courier*, 20 May, 28 July 1862; *Charleston Mercury*, 12, 26, 27 November 1862.

battery and war vessels. At first Chesnut thought it unnecessary to use the funds and “impracticable to obtain workmen and material,” but when the Union began to threaten Charleston in early spring he changed his mind. The commission commenced its work on 8 April and worked closely with a Confederate Navy Department official. Iron plates were sent to Charleston and Secretary of the Navy Stephen R. Mallory cooperated with the council to procure skilled workers. In just four months the gunboat *Chicora* was completed; Chesnut was pleased to report on 23 August that it “now rides beautifully on the waters.” The vessel was transferred to the Confederate navy and the state was reimbursed for the entire cost. Two more gunboats were soon under construction. As the success of this project shows, the council was a great asset to the Confederate war effort.<sup>47</sup>

Although the council was primarily charged with overseeing security and military matters, it also took some steps to relieve suffering among civilians. As Isaac Hayne stated to Memminger in his defense of exporting cotton, the council was charged not only with protecting the public but also with “promoting the public welfare.” Shortages of the necessities of life were a persistent problem, especially the salt shortage. Salt was a prime necessity for the preservation of meat and for other uses. The shortage of salt and its rising price deeply troubled the council. The price skyrocketed in early 1862. In May, Lieutenant Governor Harlee was informed that salt was selling in Charleston for forty to fifty dollars per sack. The Charleston provost marshal declared that month that all owners of salt wishing to sell to the public must report how much they had on hand and ordered that no salt be allowed to leave the city, under penalty of forfeiture. On 27 May, at a public meeting in Lexington District, citizens passed resolutions calling on the council to erect a salt works nearby and to supply the poor with salt. A week later

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<sup>47</sup> *Convention Journal*, 612-13, 789-90; *Report of Chief of Military*, 26-27; Cauthen, *Executive Council Journals*, 91, 117, 123, 139, 211, 231, 236, 251-52.

a similar meeting was held in York District. The people of Lancaster District were also in need of salt and “in a state of anxious inquiry how they shall be supplied.”<sup>48</sup>

The executive council energetically addressed the salt issue and by the end of May had developed a plan to push forward the manufacture of salt. It offered generous contracts to private parties who would engage in manufacturing salt and advanced them up to \$5,000 apiece provided they repay the loan in salt at three dollars per bushel by 1 October. Again the council recruited Professor John LeConte, who prepared a pamphlet explaining five different methods for making salt from seawater. Subsequently the state’s supply of salt increased dramatically. In the middle of July the *Mercury* reported that there were twelve boiling establishments in Charleston alone, yielding some thirty thousand bushels per year. In October Henry William Ravenel observed that “Vast numbers of people are encamped along our sea coast, boiling salt”; but still, he noted, “the supply is not equal to the demand.” Nor did the increase of salt production seem to reduce prices. The editor of the *Yorkville Enquirer* grumbled that “The increase of salt-works around us, seems to have the effect of raising the price of this necessary article.” The price in York District was “fabulous, and must soon call for the interference of government.” Naturally “extortionists” and “speculators” were singled out for blame. The council resolved to punish the “unrighteous and unconscientious extortion on the part of speculators” and referred the issue to a committee that was to consider imposing a schedule of prices for salt and other provisions. It also instructed Governor Pickens to consult the governors

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<sup>48</sup> *Convention Journal*, 672; Ella Lonn, *Salt as a Factor in the Confederacy* (University: University of Alabama Press, 1965), 13-14, 35-53; Wm. Greene to W. W. Harllee, 20 May 1862, John L. Manning Papers, South Carolina Historical Society, Charleston; Childs, *Ravenel Journal*, 139; *Charleston Mercury*, 12 May 1862; *Charleston Daily Courier*, 13, 27 May 1862; *Lancaster Ledger* 28 May 1862; *Yorkville Enquirer*, 5 June 1862; Cauthen, *Executive Council Journals*, 183. Surprisingly, the council did not attempt to remedy glaring deficiencies associated with the Soldiers’ Board of Relief for aiding families, despite urgent appeals from citizens to do so. The council did, however on several occasions authorize the sale of surplus state-owned bacon, pickled beef, cotton cards, and medicine to civilians at cost. See Cauthen, *Executive Council Journals*, 194, 198, 277. The legislature would address problems with the Boards of Relief at its annual session of 1862.

of North Carolina and Georgia to learn what they had done about rising commodity prices. When Pickens learned that neither state had enacted any price-fixing schemes, the council abandoned the idea. Despite strenuous efforts to reduce prices, there was little that the council could do to fix the problem. As one Charleston merchant pointed out, “Scarcity is upon us, and with scarcity you can no more have moderate prices than you can have summer and winter at the same time.”<sup>49</sup>

One commodity not in short supply was liquor. The executive council received numerous requests from citizens to take action against persons distilling liquor from cereal grains. The council responded, passing stringent regulations in regard to liquor production and sale. Evidence for the need of such measures was abundant in early 1862. As one South Carolina soldier encamped near Charleston noted, men in his company often “got tight” after acquiring liquor. A group of Charleston ladies was “mortified to see so many intoxicated soldiers staggering through the streets” and called on the authorities to address the issue. The problem was not confined to Charleston. Indeed, “The distilleries have sprung up like magic all over the country,” one citizen complained, and were “exciting alarm and indignation.” Over the last three months he had “witnessed more drunkenness than I have ever seen altogether before,” most of it among men in uniform. “[L]et any one visit our cities and see the number of intoxicated soldiers,” said a Columbia resident, and they would immediately recognize “the necessity for stringent legislation.” Complaints were voiced that distilleries were causing the price of grain to surge. It was estimated that there were 250 distilleries in Anderson and Pickens Districts alone,

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<sup>49</sup> Cauthen, *Executive Council Journals*, 139, 147, 183; John LeConte, *How to Make Salt from Sea-Water* (Columbia, SC: Charles P. Pelham, 1862); *Charleston Mercury*, 14 July 1862; Childs, *Ravenel Journal*, 160-61; *Yorkville Enquirer*, 5 November 1862; *Charleston Daily Courier*, 20 November 1862.

consuming 12,500 bushels of corn weekly. The question, Governor Pickens declared, “is simply whether we are to keep bread for soldiers’ families or allow it to be manufactured into poison.”<sup>50</sup>

Chief of Justice and Police Isaac Hayne was tasked with suppressing illegal distilleries and imposing controls on the manufacture and sale of alcohol. On 7 February he authorized the Confederate authorities in Charleston to act in concert with the mayor to close down all grog shops and prohibit the sale of spirits in the vicinity of fortifications. The order closing down barrooms was soon extended to Columbia and the council received petitions from citizens in smaller towns pleading that it be extended to their districts. One citizen in York District begged the council to close down all barrooms in the state for the duration of the war. In times like these, he thundered, “Democratic measures must be postponed, and revolutionary and radical ones practiced.” By 20 February the council had decided on a firm plan. It announced that after 10 March, for the duration of the war, the unlicensed distilling of grain in any part of the state would be prohibited. A license could be obtained provided the distiller gave bond that the alcohol would not be sold to any person other than a state agent authorized by the council. A fine of \$10,000, and up to a year in jail, were the penalties for violating this regulation. Hayne closely monitored the railroads and prohibited the transportation of alcohol without the council’s permission. All establishments within three hundred yards of a railroad station were prohibited from selling liquor. In May, when Charleston was under martial law, the council decreed that all railroad conductors would be appointed “special agents” of the Justice and Police department to

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<sup>50</sup> Thomas W. Chadwick, ed., “Diary of Samuel Edward Burges, 1860-1862,” *South Carolina Historical and Genealogical Magazine* 48 (1947): 206-218; *Charleston Mercury*, 8, 18, 24 February 1862; *Charleston Daily Courier*, 26, 27 February, 4, 27 March, 4, 10, 22 April 1862; *Daily South Carolinian*, 27 February 1862; *Southern Guardian*, 28 February 1862; *Carolina Spartan*, 6 March 1862; *Yorkville Enquirer*, 6 March 1862; *Camden Confederate*, 7, 21 March 1862; *Lancaster Ledger*, 12 March 1862; *Keowee Courier*, 15 March 1862; Cauthen, *Executive Council Journals*, 309.

enforce the regulations. The council also worked closely with General Pemberton to prevent drunkenness on the part of troops.<sup>51</sup>

The effectiveness of these measures is debatable. They were difficult to enforce and, as one Charlestonian opined, “Putting down distilleries can only be done at the point of a bayonet.” In September Hayne reported several violations of the distilling law in the upcountry. Special agents were sent to Pickens and Union Districts, but only eight arrests were made and the accused were released after giving bond that they would not further violate the council’s orders. The agents seized the stills and sent them to the cannon foundry in Spartanburg. Hayne stated that drunkenness on railroad cars “has, to a great extent, disappeared, and public bar-rooms at the termini of railroads and at railroad stations, have been effectually suppressed.” On the other hand, there were indications that the liquor regulations were not rigidly enforced. One irate citizen in Charleston wished to know if the council’s order closing saloons applied to the “*back doors* of grogeries as well as the front ones?” He had repeatedly seen soldiers entering the back doors of establishments purporting to be dry-goods stores when in fact they were barrooms. “Are the police really possessed of so little vigilance,” he wondered, “or are such proceedings winked at?” From the number of grogeries operating in the city, it was obvious to him that the council’s attempt to suppress the sale of liquor “has proven to be a most signal failure.”<sup>52</sup>

As 1862 came to a close the executive council could look back on the past year and see a mixed record of success and failure. There is no doubt that the tireless exertions of the council, particularly those of James Chesnut, were responsible for putting South Carolina in a stronger position to wage a protracted war. Yet in order to achieve this, the council had had to exercise

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<sup>51</sup> Cauthen, *Executive Council Journals*, 88, 97, 104-105, 134-35, 176, 179, 181, 283-84; *Charleston Mercury*, 22, 24 February, 4, 14 March, 12 May 1862; *Charleston Daily Courier*, 22 February, 14, 22 March 1862; *Camden Confederate*, 21 March 1862; *Yorkville Enquirer*, 6 March 1862.

<sup>52</sup> Woodward, *Mary Chesnut’s Civil War*, 307; *Convention Journal*, 675-76; *Charleston Daily Courier*, 22 April 1862.

the extraordinary powers conferred on it by the convention. In the process the council ran roughshod over the state's long tradition of curtailing executive power. The existence of an extralegal body that could exercise executive, legislative, and judicial power simultaneously was constitutionally dubious. Although the council ultimately achieved its objective and put the state on a sounder war footing, the mere existence of the council sparked a firestorm of protest.<sup>53</sup>

“[T]he Convention created this imbecile and vacillating *Directory*,” wrote one enraged citizen in August, “without the knowledge or the least anticipation of it, on the part of the voters who *created* [the convention].” He urged his fellow citizens to vote only for politicians who “would pledge to relieve them from the grievance of the Executive Council by the impeachment of that *anomalous Dictatorship* at the next session of the Legislature.” Former governor John P. Richardson agreed, believing that the council was “placed too high on the dizzy pinnacle of power,” and he doubted that “Robespierre, Danton, or even Napoleon ever exercised more supreme authority.” Others, however, disagreed, seeing the council as “a vast *improvement* upon the then Executive Department.” It would be far better to retain the council “than to lapse into the old inefficient regime.” South Carolina's voters and politicians consequently became embroiled in a lengthy and bitter dispute over the powers of the convention and the legitimacy of the council. This controversy created the sort of internal conflict in 1862 that politicians had wanted to avoid when they voted unanimously for secession. But as Governor Pickens declared, the convention's “direct violation of all the constitutional attributes” of the regular government made that conflict unavoidable.<sup>54</sup>

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<sup>53</sup> White, “Fate of Calhoun's Sovereign Convention,” 757-71; Cauthen, *South Carolina Goes to War*, 152-62; Poole, *South Carolina's Civil War*, 48-58; Wallace, *History of South Carolina*, 3: 172-73; Lager, “Radical Politics in Revolutionary Times,” 89-104.

<sup>54</sup> *Charleston Daily Courier*, 6 August 1862; *Charleston Mercury*, 18 September 1862; *Senate Journal* (1862), 30.

## Chapter Five

### “An Outburst of Furor”:

#### **Discord, Controversy, and Ideological Opposition to the Council and Convention**

On 11 January 1862, four days after the convention created the executive council, Mary Chesnut observed that anti-council sentiment was already on the rise. She likened these early expressions of opposition to “The beginning of the Bastille and the guillotine.” Over the next twelve months indignant citizens called for the abolition of the council. By early spring, as Chesnut remarked, there were plenty of men “ready to cut the council’s throats.” The editor of the *Carolina Spartan* urged that the convention reconvene and then “commit suicide,” which would automatically kill off the council, too, for it was but the creature of the convention. “One thing is certain,” he declared, “a fever is spreading in the public mind,” and unless the convention dissolved itself and abolished the council, there would come “an outburst of furor such as has never been witnessed in these fair lands.”<sup>1</sup>

From the day of its creation the executive council was plagued not only by external opposition but by internal discord. The relationship among the five councilmen was tempestuous at best. Governor Francis Pickens was primarily a man of ideas rather than action. His personality was basically conservative, yet his temperament often led to rash actions. He also had an excessive concern for how posterity would judge him and an inflated sense of honor. Pickens deeply resented the creation of the council, which essentially stripped him of traditional gubernatorial powers. He would probably have accepted some restrictions of his powers, but the council could conduct the full functions of the executive branch even in his absence. The governor had grave doubts about the council’s legitimacy. By late summer he was often absent

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<sup>1</sup> Woodward, *Mary Chesnut’s Civil War*, 277, 340; *Charleston Daily Courier*, 26 April 1862, quoting *Carolina Spartan*.

from the council meetings. But the discord between him and the other councilmen began early. By mid-February Mary Chesnut was certain that “there will be no concord among them.”<sup>2</sup>

The first meeting of the council was on 9 January. It was clear at the outset that Military Department chief James Chesnut and Justice and Police Department chief Isaac Hayne would work together and control the council. Lieutenant Governor William Harlee, who had opposed the creation of the council, often voted with William Gist in opposition to Chesnut and Hayne, while Pickens was frequently caught in the middle. Despite Pickens’s pledge to “cheerfully” execute the convention ordinance “to the letter,” his disinclination to cooperate with his peers was apparent. Chesnut and Pickens often disagreed over military policy. In late February, when Pickens insisted on proclaiming martial law below the Charleston and Savannah Railroad near the coast, Chesnut sent him a fiery telegram reminding him that the decision was not his to make and advising him to “Be patient that we may not have to undo to-morrow what is done today.” On another occasion, when the council was desperately trying to obtain slave labor for the coastal fortifications, Pickens was censured for being absent from the meeting. The councilmen present unanimously resolved that in the future “it would be more satisfactory in this emergency that the Council should act in conjunction with the Governor.”<sup>3</sup>

The most serious conflict inside the council, however, was between Hayne and Pickens. The origin of their mutual enmity is uncertain, but it may have been sparked by a relatively minor issue. On 9 April, at Hayne’s urging, the council resolved to dismiss its secretary, Franklin J. Moses, for unsatisfactory performance of his duties. In addition to serving as the council’s secretary, Moses was Pickens’s personal secretary. The council appointed Benjamin F. Arthur in

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<sup>2</sup> Ware, “Executive Councils of 1861 and 1862,” 27-28; *Convention Journal*, 386; Edmunds, *Francis W. Pickens*, 167-68; Woodward, *Mary Chesnut’s Civil War*, 275, 287.

<sup>3</sup> Edmunds, *Francis W. Pickens*, 168; *Convention Journal*, 385; Ware, “Executive Councils of 1861 and 1862,” 60-61; Cauthen, *Executive Council Journals*, 102, 254.

his place. All the council members present voted for the replacement except Pickens. The governor blamed Hayne for the dismissal, although it is likely that Chesnut was chiefly responsible. Mary Chesnut noted on 29 January that her husband “says [Moses] is a liar, a sneak, has no moral sense,” and a few months later added that “His hatred and contempt for Little Moses amounts to a craze.”<sup>4</sup>

This minor issue found its way into the press. Richard Yeadon, editor of the *Charleston Daily Courier*, jumped at the chance to attack the council for abusing its power. The dismissal of Moses, he wrote, was “no mere matter of form, but . . . of substance.” That officer was not removable by a vote of the council, said Yeadon, because the convention ordinance explicitly stated that the private secretary of the governor was also to serve as the council’s secretary, without additional pay. But the council “has not hesitated, for *some purpose undoubtedly* illegal, to dismiss the officer.” Yeadon suspected that the council was attempting to shield its proceedings from scrutiny by appointing its own secretary. This early episode of discord within the council was only the beginning. By the late summer a veritable feud had developed between Hayne and Pickens.<sup>5</sup>

A far more serious rupture became public on 1 August, when the Charleston press published the leaked private correspondence between Hayne and Pickens. The letters were filled with invective and put to rest any doubt that there was bitter discord inside the council chamber. The quarrel began in June, when Union forces landed on James Island and threatened to advance on Charleston. At that time the council was frustrated with General Pemberton and was trying in vain to get him replaced. The council expressed dissatisfaction with the condition of Charleston’s defenses and prepared a resolution to send Chesnut to Richmond to meet with President Davis

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<sup>4</sup> Cauthen, *Executive Council Journals*, 140; Woodward, *Mary Chesnut’s Civil War*, 285, 396.

<sup>5</sup> *Charleston Daily Courier*, 21 August 1862; *Convention Journal*, 795.

about the matter. But before it could be voted on, Hayne learned that Pickens had already been in contact with Davis on the subject.<sup>6</sup>

After hearing from Pickens, President Davis had ordered General Cooper to Charleston to inspect the troops and coastal defenses and to consult with the state executive. Cooper met with Pickens, on 20 June, but not with the other council members. When Hayne learned of this he wrote Pickens, chastising him for taking “the whole affair into your own hands without consultation with any member of the council.” And this was not the first time Pickens had circumvented the council, said Hayne. “[I]n every instance, you have studiously avoided consultation until your own action had already been taken.” Noting that General Cooper had been ordered by the president to meet with the state executive, Hayne reminded Pickens that “the *Executive* is, under our present Government the *Governor and Council* acting conjointly.”<sup>7</sup>

Hayne further rebuked Pickens: “To call the members of the Council into your room, and present them individually after *the conference had ended*, and *you had telegraphed to the President* your own *conclusions* upon that conference, I myself regarded as a disrespect of official position, which closely approached personal discourtesy.” Moreover, “Your disregard of your council is in marked contrast with the courtesy and consideration which the members of that Council have extended towards yourself.” If Pickens continued to ignore the convention ordinance imposing the council on the governor, Hayne told him, the council would assert its “full share” of power in the executive branch.<sup>8</sup>

Pickens replied in kind to Hayne. Never in his life, he declared, had he read a communication, “particularly from a high law officer, that contained in so short a space so many palpable errors.” He reminded Hayne that he was the elected governor “under the fixed

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<sup>6</sup> Cauthen, *Executive Council Journals*, 202; *Charleston Daily Courier*, 1 August 1862.

<sup>7</sup> *Charleston Daily Courier*, 1 August 1862.

<sup>8</sup> *Ibid.*

Constitution of the State,” and was responsible to members of the legislature and “to them alone” for his public conduct. Pickens further protested that the council was an unconstitutional body and that he had agreed “to acquiesce in this dangerous innovation in our State” only for purposes of expediency. Regarding his meeting with General Cooper, Pickens retorted that “I had a perfect right” to meet with him “and it is pretention to assume the contrary.” Moreover, he “never imagined for one moment” that communicating with President Davis was encroaching on the dignity or rights of the council and demanded “to see the grounds upon which I am to be impeached for such telegrams.” As to his alleged discourtesy towards the council, Pickens brazenly replied that “It is not my Council, but the Council of the Convention. If what was done by some in the early meetings of that Council is considered by you as marked courtesy towards me, then I do not envy your claim to being Chief of Justice.”<sup>9</sup>

This evidence of hostility between two men charged with governing the state was bad enough. But more consequential and foreboding were the ancillary arguments in the correspondence about the sovereign powers of the convention. Pickens was steadfast in his conviction that it was “a dangerous exercise of power in the Convention to change the regular and constituted Government of the State, and I have seen nothing since [that was done in January] to induce me to change the opinion I then expressed.” He was the rightful governor, Pickens insisted, and it was his duty to the constitution and the legislature to “defend the authority of the one, and uphold the conservative provisions of the other.” In response, Hayne demanded that Pickens explain by what authority “did the Constitution, to which you refer, become binding in South Carolina?” How did the legislature, “whose vote you seem to suppose confers upon you the right to protest” the convention’s action, come into existence? Hayne

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<sup>9</sup> Ibid.

answered the questions himself: “[T]he Constitution itself was the creation of a Convention, no more authoritative, and of no broader powers, than that against whose action you protest.” The executive council, which the governor “will not stop to analyze,” derived its authority from the same sovereign power that said, “let there be a Governor and a Legislature.” Hayne warned Pickens that failure to comply with the convention ordinance creating the council would be an act of “moral treason . . . a treason aggravated by the high position you hold.” Hayne concluded by informing Pickens that he would “willingly appeal to our contemporaries to decide, against which of us, the charge of ‘*assumption*’ and ‘*arrogance*’ could be most *truthfully* made.”<sup>10</sup>

When this private correspondence was revealed to the public, a political firestorm erupted. The *Marion Star* characterized the exchange between the two leaders as “sarcasm mean enough to make the paper blush on which it was written,” and warned that “A house divided against itself cannot stand.” A citizen in the upcountry declared that the correspondence “must convince the most skeptical that the Council is a failure”; although some convention delegates no doubt had had good intentions when they voted for this “utopian” council, he suspected that the primary motive in creating it was “to humiliate the Executive, supercede the Legislature, and to gratify certain aspirants for office.” Richard Yeadon of the *Courier* was in favor of a true executive council, which is “an *advisory* body, but our State oligarchy is the Executive of the State. Read the Attorney General’s lecture to Gov. Pickens” and it will be evident that “We have not a Governor and four counsellors, but five governors, each of equal authority.” The true purpose of the council, Yeadon continued, “was, not to assist, but to rein in the Governor, with both snaffle and curb, to shackle and reduce him to a cipher” by dividing his power among four

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<sup>10</sup> Ibid.

men who could “pare him down to the little end of nothing.” A plural executive, he concluded, “is a discordant one, and discord is an admitted element of weakness.”<sup>11</sup>

Many South Carolinians were understandably concerned about the discord in the council chamber. However, that was not the only cause of dissatisfaction with the council. Citizens complained that the council enacted many useless and obnoxious measures. Early in its existence the council made several blunders that turned public opinion against it. The most egregious was, ironically, a measure introduced by Governor Pickens. On 19 February he persuaded the council to approve a resolution directing the Treasury Department to ascertain the amount of gold and silver belonging to private citizens. His idea was for the state to buy the precious metals, melt them down, and coin specie that could be used to fund the war effort. All citizens would be required to inform their district tax collector of the number, weight, and value of gold and silver articles in their possession. The tax collectors were instructed to report to the Treasury Department the names of any who refused to comply. This governmental intrusion into their independent households incensed the people to a degree that Pickens did not anticipate. Expressions of outrage over the council’s order erupted immediately.<sup>12</sup>

Some complaints were directed at the financial practicality of the measure, pointing out that the present realities of the economy rendered ineffective the use of gold and silver as a medium of exchange. “Does not every one know that the currency of the country rests not now on any such basis,” asked a citizen in Lancaster, but instead on the credit of the banks, which rests in turn on government loans and the debts of individual borrowers? South Carolinians, he assured the council, would gladly surrender their family heirlooms if doing so was necessary to

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<sup>11</sup> *Marion Star*, 6 August 1862; *Charleston Daily Courier*, 9, 13 August 1862; *Lancaster Ledger*, 29 October 1862; Woodward, *Mary Chesnut’s Civil War*, 301.

<sup>12</sup> Cauthen, *Executive Council Journals*, 93; *Charleston Daily Courier*, 22 February 1862; *Charleston Mercury*, 24, 28 February 1862; *Southern Guardian*, 24 February 1862. On the independent nature of the antebellum household in South Carolina, see McCurry, *Masters of Small Worlds*, 6-13, and Ford, *Origins of Southern Radicalism*, 336-52.

purchase war material, but the plan was misguided. “Instead of ransacking all the cupboards of the ladies of the country” for silverware and melting down the silver cups given to children by their godparents, the council should “devise a masculine and statesmanlike scheme” that developed the natural resources of the country to sustain the war effort. Others protested that “it is the tone of the scheme that galls, not its purpose or object,” for it treated citizens “as subjects rather than patriots.” One woman observed that “Many female tongues grew warm and eloquent” against the order and they “indignantly declared that we would not submit.” A Spartanburg resident warned that the council could expect “popular uprisings” if it did not revoke the order. Pickens and the other council members quickly realized they had made a mistake. Two weeks after publishing the resolution they rescinded it. The official reason given was “the trouble and expense of getting the information,” but clearly the public protests were the true reason.<sup>13</sup>

The council made another serious error in the public mind when it revoked the privilege of volunteers to elect their own field officers. In February, when President Davis called on South Carolina to furnish its quota of troops for the war, the council quickly devised a scheme to meet this requisition and designated a short period for volunteers to come forward before imposing a draft. On Chesnut’s motion, the council resolved on 3 March that volunteers would be accepted until 20 March. Units already formed would be allowed to retain their company officers, but all field officers would be appointed by the council. Chesnut did not anticipate that his order would provoke such a backlash in the coming months. After the Confederate conscription act of April forced the council to reorganize the militia by creating two corps of reserves, Chesnut applied the

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<sup>13</sup> *Lancaster Ledger*, 19 March 1862; *Edgefield Advertiser*, 26 February 1862; *Charleston Daily Courier*, 1 April 1862; Woodward, *Mary Chesnut’s Civil War*, 294; *Carolina Spartan*, 6 March 1862; Cauthen, *Executive Council Journals*, 107.

same rule of appointing field officers in those units. These decisions sparked protests from all corners of the state.<sup>14</sup>

Citizens denounced Chesnut's orders on several grounds. It was a long-settled policy in South Carolina, a York District citizen pointed out, that volunteers had a right to elect their company and regimental officers. Indeed, it was a fundamental principle of democracy and self-rule. The council was attempting to "lay the axe at the very roots" of democracy, "degrade the citizen soldiery," and overthrow "our dearest rights as a free people." An inhabitant of Edgefield agreed, and asserted that the orders were "pre-eminently and universally condemned in the up-country." Others protested that the appointment of officers by the council would inevitably lead to nepotism. Those who would receive such "*gracious favors, graciously bestowed*" were those who had family connections to the councilmen. Concerns were also expressed about the competency of appointed officers. "A Backcountry Man" demanded to know how the council could choose more qualified field officers than could the soldiers. He pointed out that Gist had spent most of his life in Alabama, Chesnut had lived in Washington before the war while serving as a U.S. senator, and Pickens had been the minister to Russia in the James Buchanan administration. Could such men really know the military capacity of the men back home? A soldier from Charleston, having carefully examined the law, was "unable to discover the authority for this extraordinary exercise of power"; he thought it not only improper but "illegal for this Council or any one else to force appointees upon [us]." Over the signature "Vox Populi," a Lancaster resident asserted that the council had no more right to impose officers on the soldiery than it did "to say that we shall not elect our Representatives in October next."<sup>15</sup>

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<sup>14</sup> *Report of Chief of Military*, 7; *Convention Journal*, 590-92; Cauthen, *Executive Council Journals*, 107, 154.

<sup>15</sup> *Southern Guardian*, 26 March 1862; *Edgefield Advertiser*, 19 March 1862; *Yorkville Enquirer*, 1 May 1862; *Charleston Daily Courier*, 28 May 1862; *Lancaster Ledger*, 10 September 1862.

Another source of controversy was the council's decision to close the South Carolina College, a venerated institution. The Fort Sumter crisis and the Union invasion at Port Royal had disrupted the college but had not forced it to close. Dire problems arose, however, when the executive council was forced to meet the Confederate quota for troops in February and March. When the council declared that men over the age of eighteen who did not volunteer by 20 March would be subject to a draft, all but three of the college's seventy students enlisted. The faculty thereupon cancelled all classes. The *Southern Guardian* criticized the council's order, arguing that the students under twenty should be exempted, "except when the State is actually invaded." The college faculty met on 11 March and declared it the duty of the patriot to uphold educational interests even in time of war. An outraged "Carolina Mother" agreed: "Sad, sad, indeed will be this war to us," she wrote, "if it results in the utter neglect of our educational interests." She called on the council to reconsider its order and maintain public education.<sup>16</sup>

Despite the obstacles, the faculty was determined to keep the college going. Classes resumed on 17 March, but only nine students, all freshmen or sophomores, were present. Richard Yeadon seized this opportunity to denounce "the fatal order" of the council, which sacrificed the college while procuring fewer than a hundred volunteers from it. He deplored the plight of the faculty, who would now be forced to seek employment in other states "where the institutions of education have not been ruthlessly, needlessly, and foolishly overthrown." The council had an obligation, Yeadon insisted, to devise some plan for keeping the students in college.<sup>17</sup>

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<sup>16</sup> Daniel Walker Hollis, *University of South Carolina: South Carolina College* (Columbia: University of South Carolina Press, 1951), 212-29; Cauthen, *Executive Council Journals*, 89; *Reports and Resolutions of the General Assembly of the State of South Carolina, Passed at the Annual Session of 1862* (Columbia, SC: Charles P. Pelham, 1862), 213-16, hereafter cited as *Reports and Resolutions* (1862); *Charleston Daily Courier*, 11 March 1862, quoting *Southern Guardian*, 13, 22 March 1862.

<sup>17</sup> Hollis, *University of South Carolina*, 220-23; *Charleston Daily Courier*, 13 March, 30 April, 3 May 1862.

Pickens had attempted to do precisely that on 10 March, when he introduced a resolution that all the students be organized into a special corps and held ready for active duty while remaining at the college pending further orders. But consideration of this resolution was postponed, and the council took no further action on it. The college's prospects grew even dimmer in the spring, when the council authorized the Confederate authorities to take over the college buildings for use as a hospital. The faculty initially objected, but yielded after being assured that the arrangement was only temporary. In September, with the new term approaching, the faculty called on the council to end the arrangement. But the Confederate authorities, struggling to provide adequate medical care for the army, asked for an extension, which the council granted. The council continued to be condemned for its "very unwise and unnecessary interference" with the college and soon a movement was underway to lobby the legislature to reclaim the buildings and resurrect the college.<sup>18</sup>

The council order requiring citizens to register their gold and silver, the council's decision to appoint field officers, and its gutting of the South Carolina College all provoked accusations that the council was misusing its power. Moreover, council actions on a number of lesser issues exasperated many citizens. When a group of businessmen went to the Treasury building in Charleston to claim their interest on state bonds, they found that "the State Treasury had *vamosed*" to Columbia on the council's orders. Reporting this story, the *Courier* remarked that the council "seemeth to take delight in playing fantastic tricks to the annoyance of the people." Sometimes the council was wrongfully criticized due to false rumors. When the council agreed to pay C. W. Geddes two cents a pound to make ice for the hospital in Columbia, a citizen

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<sup>18</sup> Cauthen, *Executive Council Journals*, 113; *Charleston Daily Courier*, 13 March, 3 May 1862; *Charleston Mercury*, 13 March, 4 December 1862; *Reports and Resolutions* (1862), 213-14; Nancy Schurr, "Inside the Confederate Hospital: Community and Conflict during the Civil War" (Ph.D. diss., University of Tennessee, 2004), v, 2-6.

in York District got the misimpression that the purpose was to manufacture ice cream for the city's civilians and protested that "We in the country don't get ice creams [*sic*]. Is the Council crazy?" On other occasions the council was blamed for policies over which it had no control. The convention had set the councilmen's salary at \$2,000, but many South Carolinians thought that excessive and blamed the council. A taxpayer in Columbia could not "see the propriety of spending the money of the people in this way" and suggested that the councilmen serve without pay.<sup>19</sup>

All these controversies contributed to the public discontent with the council, but the fiercest challenge it confronted was a challenge to its very existence. Only weeks after it was created there began a veritable crusade against it, waged in the press by newspaper editors and many ordinary citizens. The council was an unconstitutional and irresponsible body, these voices declared, which lacked legitimate authority to exercise power. These protests inevitably led to questioning the powers of the convention that had created the council, rejecting the notions that the convention embodied the supreme sovereignty of the state and possessed unlimited power. Another line of attack was that the convention had been called for a specific purpose and had fulfilled its mandate by passing the secession ordinance and ratifying the Confederate Constitution; the duty of the convention now was to dissolve itself and restore the regular government.<sup>20</sup>

The three fundamental questions underlying this controversy were these: what was the intention of the legislature when it called for a convention in 1860, what did the citizens expect

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<sup>19</sup> *Charleston Daily Courier*, 4 July 1862; Cauthen, *Executive Council Journals*, 158; *Yorkville Enquirer*, 8 May 1862; *Southern Guardian*, 9 January 1862; *Carolina Spartan*, 16 January 1862.

<sup>20</sup> For denunciations of the convention and council on ideological grounds, see *Charleston Daily Courier*, 18 January, 11 February, 24, 26 April, 1, 5, 15, 16, 22, 23, 27 May, 19, 20 June, 1, 2, 8, 16, 24 July, 13, 14, 18, 21, 22, 23, 25 August, 5, 6, 8, 12 September 1862; *Edgefield Advertiser*, 30 January, 9 April, 21 May, 4, 18 June, 9, 16 July, 13 August 1862; *Yorkville Enquirer*, 1, 8, 29 May, 5 June, 27 August, 1 October 1862; *Lancaster Ledger*, 7 May, 3 September 1862; *Southern Guardian*, 8 July 1862; *Charleston Mercury*, 12 September 1862.

of their convention delegates, and precisely where does state sovereignty reside? The last question sparked a debate over the legitimacy of the executive council.

In November 1860 the legislature had passed an act calling on voters to elect delegates to a convention to be held in December. The language of the act was notably vague: the convention was being assembled for the purpose of “taking into consideration the dangers incident to the position of the State in the Federal Union” and to take necessary measures to ensure that South Carolina “shall suffer no detriment.” This imprecision left considerable room for interpreting the legislature’s intention. Citizens who wished to see the convention dissolved and the executive council abolished argued that the legislature’s act was intended only to call into existence a body that would take the state out of the Union, attach it to a Southern confederacy, and ratify its constitution; once these objectives were met, the convention would have accomplished what the legislature intended it to do and should dissolve immediately. Citizens who interpreted the legislature’s intention in this way went a step further and argued that it was not only proper for the convention to dissolve, but that it had a duty to do so, for it had no authority to sit indefinitely or make further changes to the state’s organic law. As Richard Yeadon asserted, the convention of 1860 had been called solely to modify an existing government; having achieved that end, “Its power extends no farther, not an inch.”<sup>21</sup>

Not so, said the convention proponents. They held that the legislature’s intention was to vest the convention with sufficient powers to carry out a much broader responsibility than merely passing the formal act of secession and ratifying the Constitution. Indeed, the people had elected their delegates with the expectation that they would take all necessary steps to achieve Southern independence. Underscoring the particular language in the legislature’s act, Isaac Hayne asked,

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<sup>21</sup> *Acts of General Assembly* (1860), 859-60; *Charleston Daily Courier*, 5 May, quoting *Chester Standard*, 16 May 1862.

“Have the apprehended ‘Dangers’ ceased[?]” He argued that “A WAR was certainly within the contemplation” of the legislators when they passed the act and surely the delegates foresaw this possibility when they passed the secession ordinance. There was an implicit understanding in both bodies, said Hayne, that Southern independence might “have to be vindicated by the *sword*” and that provisions “must be made *for the conduct of a Revolution of Blood.*” This is why the legislature’s act instructed the convention to ensure that the state “suffer no detriment.” “Detriment from what?” Hayne asked the convention opponents. Clearly from “the ‘*measures*’ taken; which were, Secession and the formation of the Southern Confederacy.”<sup>22</sup>

The convention opponents were not persuaded. The *Courier* led the attack against Hayne’s position, insisting that the regular government was perfectly capable of steering the state through the storm of war. A citizen in Barnwell District suggested that even if the regular government was not up to that task, the convention had no power to interfere with it because the legislature’s act explicitly called a convention to consider the position of the state “*in the Federal Union—not out.*” The convention had done exactly this when it passed the secession ordinance and ratified the Confederate Constitution. After taking these actions, no further dangers in the Union existed because the convention had “annihilated them” by seceding. The convention was now taking measures against “*new dangers—dangers of a character the very opposite from those mentioned in the Act.*”<sup>23</sup>

These debates over the legislature’s intention when it called for a convention inevitably raised the more theoretical question of the sovereign powers of the convention itself.

Unfortunately for those who wanted to maintain internal harmony in the state, these arguments

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<sup>22</sup> *Report of the Chief of the Department of Justice and Police, to the Governor and Executive Council: Part I, on the Powers of the Convention* (Columbia, SC: Charles P. Pelham, 1862), 7, hereafter cited as *Report of Chief of Justice and Police (Part I); Convention Journal*, 653-54.

<sup>23</sup> *Charleston Daily Courier*, 18 August 1862; *Edgefield Advertiser*, 7 May 1862.

threatened to expose old divisions that politicians had hoped to repress after the state seceded. The issue had been around since the nullification crisis. John C. Calhoun had theorized that sovereignty was illimitable and indivisible in nature. Sovereignty was an attribute of the people, he said, and they exercised it through an elected convention. In this formula the convention represented the sovereign people in action. The convention could not be guilty of usurpation or despotism because the people cannot usurp power from themselves. In other words, a convention was the essence of sovereignty because it embodied the people exercising their omnipotent power. This is why the conventions in 1832, 1852, and 1860 all began with the pronouncement “We the people of the State of South Carolina in convention assembled.” But it must be remembered that South Carolinians were not of one mind in 1832 or 1852. The *Charleston Daily Courier* had been the organ of Unionism during the nullification crisis and had supported the nationalists and cooperationists throughout the decade preceding the Civil War. The *Courier* now dusted off its old arguments against Calhoun’s theory. The *Mercury* did the same to defend his theory. The result was an acrimonious debate between the two leading newspapers in the state at an inauspicious moment.<sup>24</sup>

When the Union was tapping on the doors of Charleston in the summer of 1862, many South Carolinians were busy fighting an ideological war among each other. On 24 May, just weeks after martial law was declared in Charleston, the *Mercury* expressed its position on the sovereignty of conventions. In every state there must be a supreme power, the creator of governmental authority. In South Carolina, sovereignty “does *not* reside in the Legislature” because that body as well as the executive and judicial branches are only agencies of the true

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<sup>24</sup> White, “Fate of Calhoun’s Sovereign Convention,” 761-64; Cauthen, *South Carolina Goes to War*, 154-56. On nullification, see Barnwell, *Love of Order*. On the convention of 1852, see Hamer, *Secession Movement in South Carolina*. On the political differences between secessionists and nationalists in the 1850s, see Schultz, *Nationalism and Sectionalism in South Carolina*.

sovereign. Nor is the constitution sovereign, because there had to be an absolute power that created it. Under this theory, the *Mercury* insisted, there can be no doubt that the true sovereign was the convention of the people, “whose authority is absolute and illimitable, in point of time as well as subject matter.” The convention was therefore South Carolina’s “absolute master” and “it is a vain and meaningless usurpation for the Legislature, its servant,” to try to limit its power. Because the convention is superior to the legislature, citizens are “totally subject to it.” Indeed, all loyal citizens, the editor concluded, owe the convention “a perfect and unquestioning allegiance. To each and every citizen of South Carolina the Convention is Lord Paramount.” The proper response of the people was to let the convention’s work continue “and leave the consequences to God.” A citizen in Lancaster, in a letter to the *Ledger*, wholeheartedly concurred with this position on sovereignty. He urged all South Carolinians to submit to the convention’s authority just as royal subjects obey “the commandment of a King.”<sup>25</sup>

The editor of the *Courier* and many other citizens took the opposite position. Conventions, Richard Yeadon declared, are not illimitable in power or duration. While conceding that conventions are extraordinary bodies called for extraordinary purposes, he argued that their existence should cease with the execution of their intended purpose. When conventions go beyond that object and supersede the legislature, overthrow the elected governor, and prolong their existence indefinitely, they have “usurped power, and set a precedent, fraught with danger to liberty and regular government.” On this point another citizen, writing to Yeadon’s paper, unhesitatingly agreed, for if the convention could prolong its existence for eighteen months, then why could it not continue to sit for “eighteen years, or eighteen centuries?” More fundamentally, as Yeadon pointed out, conventions were merely representative bodies responsible to their

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<sup>25</sup> *Charleston Mercury*, 24 May, quoting *Beaufort Enterprise*, 26 June 1862; *Lancaster Ledger*, 15 January 1862.

constituency. The people, in other words, are the true sovereigns. How can a convention, he asked, “sitting with closed doors, and without any check on its absolutism,” represent the sovereignty of the people? Did South Carolinians, when they elected delegates to the convention in 1860, intend for them to constitute “*a new body with powers absolutely unlimited, both in extent and duration?*” This is the naked question.”<sup>26</sup>

Yeadon concluded his argument by asking his readers: “Are we freemen, or are we slaves?” If the convention perpetuated its existence, South Carolinians would continue to be victims of an irresponsible despotism, “nay worse, the bond slaves of a five-headed and wrong-headed dictatorship.” How much longer, he demanded to know, will the people tolerate an unchecked council with powers to squander the treasury, appoint salaried officers, confiscate private property, “aye, even arrest us for daring to write this article—and do any other high handed act, which a Russian Czar or a Turkish Sultan may, in his autocracy, perform?” Yeadon’s hyperbole was matched by others. Former governor John Richardson said the council was more capable of abuse than the oligarchy of Venice. Another citizen remarked that if the convention had created a limited monarchy and placed the second son of Queen Victoria on the throne of South Carolina, it would have been a far less arbitrary government than the current executive council, for one prince was less dangerous than five dictators. There was no doubt in his mind that the council had placed the people under “a willful tyranny.”<sup>27</sup>

As this virulent rhetoric suggests, the disagreements over the sovereignty of the convention had the potential to tear the political fabric of the state asunder. Grievances born decades earlier and since muted now resurfaced at a most inopportune time. Yeadon criticized the old nullifiers for changing the language of the opening pronouncement in the convention of

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<sup>26</sup> *Charleston Daily Courier*, 1 May, 22 August 1862.

<sup>27</sup> *Charleston Daily Courier*, 9, 24 July 1862; Cauthen, *South Carolina Goes to War*, 158.

1832 to “We the people.” He then gave a lengthy history lesson to show that the first convention in South Carolina, which overthrew the proprietary government in 1719, did not contain this clause. Nor did the conventions of the revolutionary era or the early federal period. Instead, they began with the pronouncement “We, the Delegates of the people . . . in general Convention met.” This was the proper phrase of a convention, the *Courier* insisted. It was a grave error when the nullification party “departed from the old landmarks and safe anchorage of the past, and transformed Conventions” from representative bodies into the sovereign people themselves, who were endowed with absolute power. The result was a doctrine that empowered conventions “to play such fantastic tricks before high Heaven, as would make the angels weep.” Thus, at the very moment that unity in the state was most crucial, South Carolinians became embroiled in an ideological controversy rooted in theoretical abstractions. A citizen in the Pee Dee region, perturbed at this development, called for citizens to come together for the common welfare. He regretted that the recent convention had created this “seething crucible in which our political rights are being tested,” for now a “great civil revolution is raging” across the state.<sup>28</sup>

The primary reason why these arguments resurfaced in 1862 was the existence of the executive council. There can be no doubt that South Carolina had been woefully unprepared to wage war in 1861. Opponents of the convention had a difficult time maintaining their position that the convention should have limited itself to enacting secession and ratifying the Confederate Constitution, especially considering the invasion of Port Royal. Proponents of the convention were quick to ask why, if the regular government was capable of waging war, Port Royal fell to the enemy? “It must be remembered” argued one convention supporter, that the state had been invaded and the legislature had passed a military bill inadequate to meet the emergency.

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<sup>28</sup> *Charleston Daily Courier*, 11 February, 6 August 1862.

Moreover, slaves were running away and “growing crazed with wild dreams of freedom and licentiousness,” and many plantations were abandoned and the planters were evacuating to the interior. Meanwhile, “the Governor was doing or could do nothing for the benefit of the State, but much to produce confusion.” Indeed, Pickens was busy issuing “indiscreet and injurious proclamations” while the enemy was attacking the coast. As a result of Pickens’s incompetence, “Everything was in confusion, and every body complaining.” An inhabitant of Lancaster similarly explained why the convention was justified in assuming broad powers. It had a mandate to see that the commonwealth suffer no detriment, but “She was suffering detriment from Executive inefficiency.” While conceding that constitutional objections might be raised against the council, he concluded that citizens were obligated to “submit to unusual measures” because the exigency of the times demanded that “The old forms of peace, and the habits of society must be sacrificed for the public safety.”<sup>29</sup>

Many South Carolinians were not willing to submit to an unusual and unconstitutional council, regardless of the crisis. The anti-convention forces channeled their loathing for the council into a campaign to reconvene the convention for the purpose of dissolving both bodies. This movement began soon after the council was created in January and was waged primarily by the press. The *Courier* called on the *Mercury* and district newspapers to join “Our Holy War” against the convention and its “bantling” council. Both bodies, Yeadon told his fellow editors, had openly declared that “We are the State.” The *Mercury* declined the invitation, but every other newspaper in the state except the *Lancaster Ledger* gladly accepted it. Damning the

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<sup>29</sup> *Charleston Daily Courier*, 25 July 1862; *Southern Guardian*, 8 September 1862; *Carolina Spartan*, 16 January 1862; *Charleston Mercury*, 29 April 1862; *Lancaster Ledger*, 15 January, 26 March 1862.

council as “a snake which ought to be both scotched and killed,” Yeadon urged his fellow editors not to “return their swords to the scabbard” until constitutional government was restored.<sup>30</sup>

The district newspapers obliged. The *Edgefield Advertiser* opined that “If we are to be enslaved, it matters not with us whether the unholy work” was carried out by a Northern or Southern tyranny because the result would be the same. Still, it was a source of profound embarrassment that South Carolinians had been “betrayed by the very men who were selected as champions of freedom.” The *Yorkville Enquirer* concurred, declaring that the citizens had become “slaves—ticketed and passported slaves, unable to move a step but at the will of their masters.” If only the people would speak out and demand that the convention reconvene, thought the editor of the *Carolina Spartan*, the council would melt away “like the frostwork of a winter’s night.” The *Daily South Carolinian* warned that if the convention did not reconvene and abolish the council, “we will have to recall our army to protect us at home.”<sup>31</sup>

The editorial campaign against the convention and council was effective. As early as 29 April, a petition was published containing over seven hundred signatures of Charlestonians who were “anxious to prevent any political excitement” that might weaken unity in the state. The petitioners urged citizens to call on their delegates to write to the president of the convention, David F. Jamison, requesting that he reconvene the body so that it could abolish the council and then dissolve itself. Similar published appeals appeared throughout the state, and public meetings were held in several districts demanding that the convention reconvene at once. “Nothing short of the unqualified repeal” of the council by the convention, declared a constituent in Lancaster, “will be satisfactory to the incensed people.” Typical of the public meetings was one held in the

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<sup>30</sup> *Charleston Daily Courier*, 18 January, 11 February, 24, 26 April, 15, 17 May, 20 June, quoting *Edgefield Advertiser*, 9, 16, 31 July, 17, 21, 25 August 1862; *Charleston Mercury*, 20 September 1862.

<sup>31</sup> *Charleston Daily Courier*, 20 June, quoting *Edgefield Advertiser*, 8 August, quoting *Daily South Carolinian*; *Yorkville Enquirer*, 29 May, 5 June 1862, quoting *Carolina Spartan*; *Edgefield Advertiser*, 30 January, 9 April, 21 May, 4, 18 June, 9, 16 July, 13 August 1862.

upstate near Pendleton, where citizens demanded that their convention delegates remove “the anomalous and vexatious pentarchy” and restore constitutional government.<sup>32</sup>

The convention ordinance of January required President Jamison to reconvene the body once he had received written requests to do so from at least twenty delegates. By late August he still had issued no such call, and the patience of some South Carolinians was wearing thin. “If public rumor speak truly,” one citizen protested, “the ides of May had not passed before twenty members” had formally asked Jamison to reconvene. “It is outrageous,” complained another man, a resident of the village of Kingstree, that Jamison refused to reconvene the body against the wishes of the people. Jamison was even accused (wrongfully) of withholding the names of delegates who had written to him. When there was no response from Jamison, on 23 August several members of the legislature wrote to Governor Pickens urging him to call for an extra session so they could give “*construction*” to their act of 1860 calling for a convention. But the same day this threat appeared in the press, Jamison announced that he had received the twentieth petition and that the convention would reconvene for its fourth session on 9 September.<sup>33</sup>

In the weeks leading up to that session, the already heated political atmosphere in South Carolina reached a boiling point. Supporters of the convention, theretofore lukewarm in their defense of the body, were reinvigorated. The ideological battle fought in the press reached a crescendo. Some council opponents suggested that if the convention failed to abolish the council and dissolve itself, the legislature should call another convention to dissolve the current one. But the *Mercury* countered that “The power of the Legislature in calling the existing Convention is

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<sup>32</sup> *Charleston Daily Courier*, 29 April, 1, 2, 5 (quoting *Chester Standard*), 27 May, 9 July, 23 August, 5 September 1862; *Yorkville Enquirer*, 1, 8 (quoting *Daily South Carolinian*), May 1862; *Edgefield Advertiser*, 16 May 1862; *Daily South Carolinian*, 11 April 1862; *Lancaster Ledger*, 3 September 1862; *Charleston Mercury*, 3, 6 September 1862.

<sup>33</sup> *Charleston Daily Courier*, 18, 19, 20, 23, 25 August 1862; *Charleston Mercury*, 25 August 1862. The twentieth petition was from James L. Orr, which Jamison received on 21 August; see *Convention Journal*, 399.

exhausted,” and the notion that it could call another convention to control the existing one was “supremely foolish and mischievous.” A citizen in Lancaster agreed: those who advocate such a “*revolutionary step*,” he opined, are “either very ignorant of what [conventions] are about, or have some sinister designs to accomplish.”<sup>34</sup>

The convention assembled as scheduled on 9 September. Immediately concerns were expressed that the council was guilty of making appointments under the influence of consanguinity. Chesnut assured his colleagues that there was not a single appointee “in whose veins ran any of the blood” of the councilmen. But Hayne was forced to correct him: one appointee claimed to have a common great-grandfather with Hayne, but the council had not learned this until after the appointment had been made. On that same first day of the proceedings Governor Pickens was ordered to submit a record of all the council’s transactions along with the reports from the various department heads. In his initial communication to the delegates Pickens distanced himself from the council and disowned responsibility for many of its actions. His message and the departmental reports were referred to a special committee of twenty-one that would review the council’s record and report any improprieties resulting from the council’s actions.<sup>35</sup>

On the second day, John Phillips of the Charleston delegation introduced an ordinance to abolish the executive council. This act would vacate all offices created under the council’s authority and repeal all its measures that amended any act of the legislature. Phillips had joined the convention through a special election to fill a vacancy in the delegation. He was nominated as “the people’s candidate” on a platform of “constitutional liberty” and received 95 percent of the votes cast, a clear mandate to abolish the council and dissolve the convention as quickly as

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<sup>34</sup> *Charleston Mercury*, 8 September 1862; *Edgefield Advertiser*, 10 September 1862; *Lancaster Ledger*, 17 September 1862; *Charleston Daily Courier*, 5 September 1862.

<sup>35</sup> *Convention Journal*, 399-402, 585-86; *Charleston Mercury*, 13 September 1862.

possible. His proposed ordinance was referred to a special committee of seven tasked with examining the critical question of what to do with the council. Thus the committee of twenty-one and the committee of seven assumed the grave responsibility of investigating the two key issues of the session.<sup>36</sup>

The convention proceedings were followed with great interest. Susan Middleton in Columbia wrote that the women “are getting to be great politicians here! going every day to the Convention” and listening to the debates. She found the speeches fascinating and became “almost indignant on one occasion, when the gallery was ordered to be closed for a secret session.” On this point the *Mercury* finally found a reason to criticize the convention: closing the doors to the public, it declared, did more than anything else to discredit it. Perhaps secrecy was appropriate back in January, when the convention created the council, but now there was no reason for the delegates to cloak their activities. “The people can be trusted with the truth, whatever it may be.” William John Grayson was also interested in the proceedings. On the opening day he remarked in his diary that the entire affair was rather amusing, for every other member of the Confederacy was satisfied with one state government, yet South Carolina “must have two.” He followed the debates intently and prayed that the council and convention, which wielded powers as “dangerous as any that the world has ever seen from the time of thirty tyrants in Athens to the present day,” would be dissolved. This sentiment is precisely what the anti-council and anti-convention forces hoped the committee of twenty-one would express. But they would be painfully disappointed.<sup>37</sup>

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<sup>36</sup> *Convention Journal*, 406-407; White, “Fate of Calhoun’s Sovereign Convention,” 767-78; *Charleston Mercury*, 3 September 1862; *Charleston Daily Courier*, 1, 2, 3 September 1862; Childs, *Ravenel Journal*, 158. Phillips received 296 of the 310 votes cast.

<sup>37</sup> *Charleston Mercury*, 13 September 1862; Leland, “Middleton Correspondence,” 171; *Charleston Mercury*, 12 September 1862; Puryear, “Confederate Diary of William John Grayson,” 222; *Report of Twenty-One*, 3.

On 15 September that committee completed its review of the council's record and reported its conclusions. Chairman Robert W. Barnwell declared that the committee had discovered nothing in the council's proceedings that deserved repeal or animadversion. On the contrary, the council members had discharged their duties "with signal diligence, ability, and success." In every case, the council's actions were conducted with an exclusive regard to the public welfare, all too often amid public controversies "mortifying to the patriot." The regular government, Barnwell continued, would have been entirely inadequate to place the state on a war footing; thus, the extraordinary powers conferred on the council were essential. The committee declined to offer an explicit opinion on the critical question of whether any limitation could be imposed on the powers of the convention, but stated that "it seems plain" that every action of the convention was implicitly authorized in the legislative act calling it into existence. Much to the chagrin of the anti-council crusaders, the committee's report was a resounding and unequivocal endorsement of the council's work.<sup>38</sup>

The committee of seven, charged with deliberating the fate of the council, had a more difficult time agreeing on a recommendation. A majority report was presented by Francis Richardson. It declared that the people were competent to govern themselves and choose men capable of handling the current political crisis. The election for new members of the legislature was fast approaching and that body would assemble for its annual session on 24 November, Richardson continued, and it would be wise to have the convention and council expire on that date. The majority also recommended that a committee prepare an address to the people

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<sup>38</sup> *Report of Twenty-One*, 5-7; *Convention Journal*, 426, 734-37; *Charleston Mercury*, 15 September 1862. The committee declined to offer an opinion on the powers of the convention because Isaac Hayne provided the body with what amounted to be a legal treatise on the subject. See *Report of Chief of Justice and Police (Part I)*, 3-11, and *Report of the Chief of the Department of Justice and Police, to the Governor and Executive Council: Part II, on the Powers of the Governor and Executive Council* (Columbia, SC: Charles P. Pelham, 1862), 3-10, hereafter cited as *Report of Chief of Justice and Police (Part II)*.

explaining why the convention sat so long after ratifying the Constitution and why it established the executive council. It furthermore recommended that the convention give the legislature authority to establish a new executive council with powers identical to those of the existing one and authority to choose the councilmen.<sup>39</sup>

A minority report, presented by chairman John Phillips, expressed the concern that the majority's recommendations would only continue to divide and distract the people; nothing but the immediate dissolution of the executive council and convention would allay the current excitement among the citizens, some of whom were dangerously disposed toward "insubordination and bitter party feuds." Several amendments to both reports were offered. John Inglis wanted the council to expire on 8 December, and the convention on 17 December (precisely two years from the date of its inception), leaving it up to the legislature to resurrect the executive council in its current or modified form if it chose. Isaac Hayne wanted the council to continue in its present form but be responsible to the legislature. William Harllee suggested that the council continue but be responsible to the governor; it would also be wise, he thought, to confine the council's authority to executive functions. Ephraim Seabrook thought a new "Advisory Executive Council" should be created with powers similar to those of the first council of 1861.<sup>40</sup>

After these amendments were printed for the delegates, an impassioned debate erupted over which to adopt. Former governor John Richardson spoke for those who wished to immediately abolish the council and dissolve the convention. He was moved, he said, by the grievances of his constituents, who were outraged by a dictatorial body that met in "dark and murky chambers" where neither "the light of day nor the prying eye" could penetrate.

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<sup>39</sup> *Charleston Mercury*, 17 September 1862.

<sup>40</sup> *Ibid.*; *Convention Journal*, 431-34. May and Faunt, *South Carolina Secedes*, 107-231, provides a collective biography of the convention delegates.

Richardson denounced in particular the unrestrained judicial and legislative powers that the council had assumed. It could suspend *habeas corpus*, arrest and detain persons accused of disloyalty, and suspend other legal rights. Was the polity of South Carolina so unruly, he asked, “as to require the curb and bit to be in her mouth and the reins held by five dictators?” He thought not. Moreover, the council could repeal or suspend laws passed by the legislature, which inevitably led to confusion and disorder. This vast assumption of power had provoked normally peaceful and law-abiding citizens “to rebel, and rise up against their rulers.” Richardson denied that the exigencies of the times called for such radical measures. The delegates were deluded last January into believing that the condition of the state justified the extraordinary powers conferred on the council. He had, under that false impression, voted for the ordinance creating council, but now he wanted to “clothe himself in sack-cloth, and repent in dust and ashes.”<sup>41</sup>

Robert W. Barnwell spoke in opposition to Richardson, representing those who wished the council and convention to continue. He vindicated the sovereign power of the convention and upheld its right to create a council. True to Calhoun’s theory, he argued that the ordinance creating the council was an act of the people themselves. It was a wise act, and the council had done much to benefit the state. South Carolina was now threatened, he went on, by the Union campaign against Charleston. At any moment Lincoln’s ironclads might penetrate the harbor, allowing the enemy to seize the city and advance into the interior of the state. The fundamental question for the delegates to consider was this: “has the danger passed in which we were in duty bound to see that the State suffered no detriment?” Clearly not, Barnwell thought. He concluded

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<sup>41</sup> *Charleston Mercury*, 18 September 1862. Richardson’s speech can be found in its entirety in *Charleston Daily Courier*, 21 October 1862.

by affirming the responsibility of the delegates not to “quail before the popular clamor, but [to] remain at our posts and do our duty to the country, regardless of the consequences.”<sup>42</sup>

There was a middle ground between the positions of Richardson and Barnwell. John Middleton had voted against the ordinance creating the council but now his opinion had changed. After listening to the arguments and reviewing Isaac Hayne’s report, he was convinced that the convention truly embodied the sovereign people of the state. He thought also that the public opposition to the council and convention was actually quite minimal. He was now persuaded that a convention, rather than the legislature, should control the state’s war effort. However, to appease both sides, he supported a constitutional amendment creating an executive council; this would put to rest any questions over the council’s legality. Theodore Wagner took a similar stance after reading the departmental reports. He had, he said, petitioned Jamison to reconvene the convention only because his constituents demanded he do so. After examining the council’s record, he could now return to his district and explain with a clear conscience that the council was necessary to conduct the war.<sup>43</sup>

The best reasoned argument over retaining or abolishing the executive council was offered by Joseph Pope from St. Helena. He opposed continuing the council’s existence, but not on the usual grounds. He did not doubt the power of the convention to make organic changes to the law or take steps for self-defense. But he insisted that the issue of the council’s existence could be decided without reference to the powers of the convention. He furthermore denied that the council had ever displayed any “wanton disregard of private rights.” The councilmen were no “nest of tyrants, seeking by their edicts to destroy the liberties of the people.” Nor were they “foreign adventurers” coming into South Carolina to uproot its established forms of government.

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<sup>42</sup> *Charleston Mercury*, 18 September 1862; *Edgefield Advertiser*, 24 September 1862.

<sup>43</sup> *Charleston Mercury*, 20, 24 September 1862; *Daily South Carolinian*, 27 September 1862.

They were, in fact, “members of this body, equal with ourselves, having the same interest with us.” The council had done much to benefit the state and its accomplishments should be applauded by the delegates. But now that the Confederate authorities had taken control of military operations on the coast and passed the conscription act, Pope questioned the need for the council. He pointed out that in the spring, after the council had arranged for the fortification of Georgetown, General Pemberton “*without even giving notice to the council*” had had the fort dismantled and the cannons removed. And what could the councilmen do about it? “Nothing, sir; nothing. They were simply *powerless for good*.” Likewise, when the council placed a garrison on Cole’s Island to block the Stono River, General Pemberton on “*his own will*, in the face of the most earnest remonstrances” by the council, withdrew the garrison. The council members all thought that decision unwise, but were “*simply powerless to prevent it*.” For this reason alone he believed that the council was now useless and should be abolished. He also advised that the convention be dissolved, after a committee was formed to recommend which of its ordinances should be retained by the upcoming legislature.<sup>44</sup>

Joseph Pope struck a chord with the delegates. However, perhaps due to concern that it might appear to the public that the convention had blundered in creating the council, Phillips’s minority report recommending the immediate dissolution of both the council and the convention was laid on the table and the amendment offered by Inglis was adopted. Thus, the terms of the councilmen would expire on 8 December and the legislature would choose their successors if it decided to continue the council either in its current or a modified form. Also, under this amendment the convention would dissolve on 17 December, the second anniversary of its commencement. On 17 September the convention delegates assembled for what would be their

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<sup>44</sup> *Charleston Daily Courier*, 4 December 1862. Pope’s speech was delivered on 16 September 1862.

final meeting. In his closing remarks President Jamison congratulated the delegates on their unity of purpose and their “entire freedom from the influences of popular clamor or selfish interest.” Had the delegates yielded earlier in the year to popular demands to abolish the council and dissolve the convention, “at this moment our necks would have been under the heel of a detested abolition tyrant” and South Carolina’s children would inherit nothing but “a legacy of poverty, sorrow and shame.” Jamison then bid his colleagues adieu, and they adjourned.<sup>45</sup>

The convention was no more, but the controversy over what it had done, or failed to do, was just beginning. In shifting the burden of deciding the council’s ultimate fate to the legislature, the convention delegates had made a grave miscalculation. They made an even worse one in allowing the convention to continue abstractly until 17 December. Some of the most vehement denunciations of the convention came after its final adjournment. Citizens demanded to know why it dragged out “an existence hateful to the people.” The reasoning contained in the report of the committee of twenty-one upholding the power of the convention and the council’s actions was especially castigated. One irate citizen thought it tantamount to arguing that “a bucket of salt water is the ocean,” or more relevantly, that “the Russian Czar is not an autocrat while he sends to the knout and to Siberia none but rogues and rascals.” Politicians who affirmed such logic were fit “not for the State House” but for “the Asylum.” If the convention indeed acted for the people, then it had done so “without authority from its employers.” The convention was in fact “a criminal—a betrayer of solemn trusts—a robber of State rights.” Moreover, some argued, while the councilmen might not be tyrants, it did not follow that “they are not autocrats or oligarchs.” And, too, as a Lancaster citizen pointed out, by leaving it to the legislature to

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<sup>45</sup> Cauthen, *South Carolina Goes to War*, 159; *Convention Journal*, 441-50, 453-54, 798-99. The ordinance giving the legislature power over the council also stated that the convention could be recalled at the request of the president. Technically, then, the convention was not dissolved, which was a cause of considerable complaint after the adjournment. See *Convention Journal*, 798-99.

decide the fate of the council, the convention left unanswered a central question: “Who is to be responsible for the murder of this Council?”<sup>46</sup>

Even before the convention assembled for its last session, Richard Yeadon had determined to make the hated council the primary issue in the October legislative elections. In August the *Courier* announced that there was “Lilliputian Lincolnism in our midst” and soon began publishing the names of candidates on the new “People’s Ticket,” men who “are known to be friends of a constitutional and regular Government.” District newspapers quickly followed suit. The *Marion Star* declared that at this critical juncture in history, South Carolinians “have no use for dumb men in our Legislative Halls” and urged voters to support only candidates who have pledged “to impeach the five governors.” A voter in Lancaster informed the two candidates in his district that “neither of you can get my vote until it is known in unequivocal terms what position you occupy in reference to the present Dynasty.” As voters went to the polls on 14 October, the *Courier* reminded them that “This Odious Oligarchy has not yet been dethroned.”<sup>47</sup>

The anti-council voices were heard and heeded. The election resulted in a clear rejection of the old leadership. The fire-eater Robert Barnwell Rhett Jr. of the *Mercury* and the radical L. W. Spratt were both defeated. On the other hand, Richard Yeadon of the *Courier* and the moderate Benjamin F. Perry of Greenville were elected. Many of the men elected would be first-time legislators. William Gilmore Simms counted ninety-six new members, “each eager to fire off his popgun” at the council. The editor of the *Carolina Spartan*, who back in the spring had diagnosed the fever spreading in the public mind and had predicted “an outburst of furor” if the

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<sup>46</sup> *Charleston Daily Courier*, 20 September, 19 November 1862; *Edgefield Advertiser*, 24 September 1862; *Yorkville Enquirer*, 24 September 1862; *Lancaster Ledger*, 24 September 1862.

<sup>47</sup> *Charleston Daily Courier*, 20 June (quoting *Edgefield Advertiser*), 6, 8, 20 August, 16 September, 8, 10, 11, 14 October 1862; *Marion Star*, 6 August 1862; *Edgefield Advertiser*, 13 August, 24 September, 1 October 1862; *Lancaster Ledger*, 13, 20 August, 17 September 1862; *Yorkville Enquirer*, 27 August, 24 September, 1, 8 October 1862; *Charleston Mercury*, 14 October 1862.

council and convention were not eradicated, must now have envisioned an approaching firestorm. The political climate had changed drastically over the past eleven months, but despite the protests and unrelenting attacks, the convention was still in existence on paper. Nor did the convention technically abolish the council: although the terms of the councilmen would expire in December, the fate of the council as a body was left to the legislature. A citizen, over the signature of “A Word to the Wise,” warned the new legislators that the people wanted them to abolish the council and restore their constitutional rights. They had expected this to happen in September but the convention had failed them. If this happened again after the legislature convened on 24 November, he said, “a voice of indignant rebuke will be heard from the coast to the mountains.”<sup>48</sup>

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<sup>48</sup> Cauthen, *South Carolina Goes to War*, 159; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 417; *Charleston Daily Courier*, 19 November 1862.

## Chapter Six

### “There Should Be Little Speaking and Much Acting”:

#### Abolishing the Council and Restoring Regular Government, November-December 1862

In November 1862 the weather turned cold in Columbia as the legislature began its annual session. Since it last met in December 1861, many white South Carolinians had evacuated the lowcountry and thousands of slaves there had been removed or had gone to the Yankees. Charleston was threatened and the blockade was tightening. Inflation and scarcity plagued the common folk; the 1861 law that aided soldiers' families was increasingly criticized as inadequate. Moreover, the polity was convulsed by the controversy over the executive council. Citizens demanded that their legislators abolish the council and restore the regular government. The legislature thus had to confront both the practical challenges of war and matters of constitutional law. The *Charleston Daily Courier* opined that “seldom has a better opportunity offered when our legislators have had it in their power to gain the gratitude of the people, by prompt and energetic action.”<sup>1</sup>

The legislature convened on 24 November. Senate president William D. Porter opened the proceedings by noting that “sad changes have taken place” since the last meeting. Many South Carolinians had perished on the battlefield and “For us who survive, there are great duties

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<sup>1</sup> Moore, *Southern Homefront*, 25; Margaret Belser Hollis and Allen H. Stokes, eds., *Twilight on the South Carolina Rice Fields: Letters of the Heyward Family, 1862-1871* (Columbia: University of South Carolina Press, 2010), 6; J. Edward Lee and Ron Chepesiuk, eds., *South Carolina in the Civil War: The Confederate Experience in Diaries and Letters* (Jefferson, NC: McFarland, 2000), 31; Taylor, Matthews, and Power, *Leverett Letters*, 175; Bobbie Swearingen Smith, ed., *A Palmetto Boy: Civil War-Era Diaries and Letters of James Adams Tillman* (Columbia: University of South Carolina Press, 2010), 54; Childs, *Ravenel Journal*, 166; *Charleston Mercury*, 14 October, 19 November 1862; E. Eric Emerson and Karen Stokes, eds., *Faith, Valor, and Devotion: The Civil War Letters of William Porcher DuBose* (Columbia: University of South Carolina Press, 2010), 106; Olsberg, “Government of Class and Race,” 341; *Acts of General Assembly* (December 1861), 15-16; James Farrow to John L. Manning, 30 October 1862, Manning Papers; *Edgefield Advertiser*, 5, 19 March, 9 April, 13 August, 24 September, 1 October, 12 November 1862; *Lancaster Ledger*, 23 July, 13, 20 August, 17 September, 19 November 1862; *Charleston Daily Courier*, 20 June (quoting *Edgefield Advertiser*), 19 July, 6, 8, 20 August, 16 September, 8, 10, 11, 14 October, 24 November, 6 December 1862; *Marion Star*, 6 August 1862; *Yorkville Enquirer*, 27 August, 24 September, 1, 8 October, 17 December 1862; *Carolina Spartan*, 18 December 1862.

to perform.” The war now being waged “upon a grandeur of scale almost without parallel in history” would decide not only the question of Southern independence but “our very existence, political and social.” If the legislature failed in its duty to defend the state and sustain the spirit of the people, not only would cities and villages be destroyed, fields ravaged, and slaves confiscated, but “ourselves and our children [will be] reduced to a most hateful bondage. The alternative is between freedom and slavery, between fame and infamy.”<sup>2</sup>

The convention was set to expire on 17 December but the council’s fate was left to the legislature. Fearing that this issue would provoke a lengthy debate and distract the members from their other pressing responsibilities, Porter urged his colleagues to “discard all considerations of person and party, and devote our whole energies to the safety and welfare of the State.” Fortunately, he asserted, at this time “We are . . . not a divided people.” This claim was disingenuous, however, at least as regards the executive council controversy. For the past eleven months South Carolinians had been deeply divided over this issue. As Governor Pickens remarked in his annual message of 25 November 1862, many citizens seethed with resentment over “what they deemed an unnecessary and arbitrary establishment of an unusual and irregular Government.”<sup>3</sup>

Pickens had no doubt that “the Constitution was grossly and needlessly violated” when the convention delegates conducted “their remarkable experiment in government.” “No people upon earth are more restive under arbitrary power than we [South Carolinians] are,” he averred, and thus “our whole form of Government is conservative, and full of checks and restraints—more so than that of any other State in the Confederacy.” The convention had “utterly annihilated” the state Constitution by transforming the executive department. The council, “an

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<sup>2</sup> *Senate Journal* (1862), 5-6.

<sup>3</sup> *Ibid.*, 6, 33.

anomaly in government,” should be abolished and “no other of that kind [should] be created.” The legislators, “as guardians of the Constitution and Law,” must “now restore to the State the regular and ordinary Government.”<sup>4</sup>

The press generally applauded the governor’s position on the council with one important exception. The *Charleston Mercury* differed with Pickens on “the *legality* of its proceedings. And the difference is radical.” But legality was no longer the issue. Rather, “the *wisdom*” and “the *need*” of the council should guide the legislature’s deliberations. The editor agreed that the council “was certainly an extraordinary experiment,” but thought it a wise one given the governor’s incompetence. During the Fort Sumter crisis his “hesitancy and delay gave Lincoln great advantages, if it did not encourage and inaugurate the war.” The fall of Port Royal was yet another example of his ineptitude. The *Mercury* damned “the efforts which have been made to divide the people of the State and excite the jealousy of the Legislature toward the Convention. We believe it wrong in principle, and without good results.” But this concern was swept aside as legislators began to argue over the council’s legality and took steps to abolish it. Many of the newly elected members believed they had been sent there to “prevent any future engrafting of such an excrescence on the body politic.”<sup>5</sup>

On the second day a special committee was appointed to consider the governor’s recommendations. But before the committee could begin deliberations, William Whaley of Charleston introduced six resolutions in the House concerning the conduct of the convention. These resolutions shaped the debate over the council’s fate. They declared that the legislature felt an “unabated respect and affection for our State Constitution,” and that the separation of powers

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<sup>4</sup> Ibid., 30-37.

<sup>5</sup> *Lancaster Ledger*, 3 December 1862, quoting *Daily South Carolinian*; *Edgefield Advertiser*, 3 December 1862; *Carolina Spartan*, 11 December 1862; *Charleston Daily Courier*, 28 November 1862; *Charleston Mercury*, 1 December 1862; *Senate Journal* (1862), 32.

was “fundamental and necessary.” The legislature should regard any attempt to set aside this principle as “mischievous,” “inevitably lead[ing] either to anarchy or despotism.” Conventions should be called only to make “important organic changes” to an existing government, and should not be empowered to govern the state directly or indirectly through a council. The fifth resolution affirmed the essential difference between the people and a convention of delegates; to confuse the two “must in the end lead to gross usurpation and wrong.” The sixth deplored “any measures which may have been adopted by the late Convention at variance with these principles.” These resolutions were made the special order for the next day.<sup>6</sup>

The debate that ensued centered on legislative procedure. The primary question was whether Whaley’s resolutions should be referred to the special committee or debated in open session. A few members suggested that the special order should be postponed so the committee would have time to deliberate and report a bill. This was the normal procedure for passing legislation. But many others demanded that the resolutions be debated openly and immediately. According to the *Courier*, “there seemed to be a general desire to throttle the oligarchy at once, and the call was almost universal for ‘to-morrow.’” It was at this point that “the war” against the council began to be “prosecuted with unabated vigor.”<sup>7</sup>

Campbell Bryce moved to postpone discussion and refer the resolutions. He worried that “If we undertake to go into a discussion of this subject, where shall we stop?” There were more important matters to be dealt with, he insisted, including the Yankees “now thundering at the gates of the country.” Andrew Thompson disagreed, hoping “that we will not hurry here. Let us do everything deliberately,” taking care “not to utter a syllable to excite unpleasant feeling.” He

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<sup>6</sup> *Charleston Daily Courier*, 28 November 1862; *Journal of the House of Representatives of the State of South Carolina: Being the Session of 1862* (Columbia, SC: Charles P. Pelham, 1862), 39, 52, 96-97, hereafter cited as *House Journal* (1862); *Reports and Resolutions* (1862), 379-80; *Senate Journal* (1862), 100.

<sup>7</sup> *Daily South Carolinian*, 28 November 1862; *Charleston Daily Courier*, 28 November, 1 December 1862.

then excited unpleasant feeling by recounting his unceasing efforts “to find one of the members of this Convention who was in favor of the Council, and I have never been able to find one (Laughter).” Yet he was “glad of it, for it shows that they are ashamed of it.” There was no use for a council that could “put a man in jail just for his looks.” Thompson thought it pointless to wait for the committee’s recommendations because “The Governor has sued for a divorce, and he’ll get it, too, sir, if one was never granted before in South Carolina (Laughter).”<sup>8</sup>

Bryce was not among those House members who were laughing. He fired back at Thompson, asserting that “we have come here to do something else than to be entertained with eloquence or humor, and I feel even more determined than ever in my motion. I insist upon it.” But he found few allies. Robert Seymour tried and failed to sustain the motion to refer. He did not understand why the council’s opponents insisted on debating resolutions before the committee reported a bill. The obloquy they employed was particularly disturbing to Seymour. “Any one who should have accidentally heard” what was being said about the council on the House floor, he claimed, “would have supposed that every right had been taken from the State, and that we were slaves, bound hand and foot—that even the right of the Representatives to enter these walls was denied.” If such hyperbole continued, Seymour would introduce a resolution to “subject this Assembly to military duty.”<sup>9</sup>

William Mullins denied that the rhetoric was overheated. He thought it proper to excoriate the council, for “a new Legislature had been elected on this very issue. Is, then, this question too unimportant to be discussed?” He specifically took aim at Bryce, arguing that “There are more foes, sir, than [just] the enemy ‘who are thundering at the gates’ and the

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<sup>8</sup> *Daily South Carolinian*, 28 November 1862; *Charleston Daily Courier*, 4 December 1862. Divorce was prohibited in South Carolina; it was the only state that had no divorce law when the Civil War broke out. See McCurry, *Masters of Small Worlds*, 86-91, and J. Nelson Frierson, “Divorce in South Carolina,” *North Carolina Law Review* 9 (1931): 265-82.

<sup>9</sup> *Daily South Carolinian*, 28 November 1862.

preservators of liberty must defend the State, as well from the secret sappers and miners as from the bold insulting foe.” The convention and council had “promulgated dogmas which strike at the very root of civil liberty”; the legislature must protect the people “whether the foe be at home or abroad. . . . Let the debate continue.” At this point William Henry Trescot opined that the discussion had already gone on too long. The legislature, he said, had been elected by a constituency who demanded that the council be abolished at once. Moreover, it was clear that “there is but one opinion in the House, namely, that the Executive Council should be abrogated as soon as possible.” Now, Trescot advised, “there should be little speaking and much acting.”<sup>10</sup>

Wilmot DeSaussure agreed that the legislature had a mandate, but he could not consent to limit the discussion. The controversy over the executive council “has shaken the country from the seaboard to mountains,” he declared, and “On what we do, our civil liberty depends.” Michael O’Conner concurred, insisting that the council’s fate was “one of the most grave and important subjects that ever engaged the attention of a legislative assembly.” When the council was created, “Democracy everywhere stood aghast, and the friends of Republican freedom trembled for our condition and safety.” But Thomas Dawkins, although concerned by the “uneasiness in the public mind,” asked, “If we adopt every one of these resolutions unanimously, have we obtained anything but a mere expression of opinion?” He wanted to postpone the debate and follow proper procedure by referring Whaley’s resolutions to the committee and then resume discussion after it reported a bill. Until this was done, he was “not prepared to vote on abstract principles.” DeSaussure retorted that it was crucial for the House to “stand from day to day,

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<sup>10</sup> Ibid.; *Charleston Mercury*, 1 December 1862; *Charleston Daily Courier*, 1 December 1862.

discussing an abstraction. An abstraction should be the subject of the debate.” William Mullins enthusiastically agreed, declaring “that abstractions were the very first things to be discussed.”<sup>11</sup>

Encouraged by the direction the debate was taking, Richard Yeadon now sensed an opportunity for putting the council “to death at once.” “Abstractions,” he said, “involved important principles—our forefathers of 1776, went into revolution on an abstraction.” The leaders of that generation did not declare independence because they feared “an insignificant tax of three pence a pound on tea,” but because “They snuffed the approach of tyranny in every tainted breeze.” The executive council was tyrannical, for it could violate the Constitution “in the twinkling of an eye.” Not only had it “exercised its powers arrogantly and insultingly,” but it had “undertaken to amend and repeal the legislation of our predecessors, and what we may enact to-day, it may amend or repeal to-morrow.” Yeadon reminded his colleagues that “all of us, whether in favor of or against the continued existence of the Executive Council,” had sworn an oath to support the Constitution and were bound to uphold the rights of their constituency. This oath could not be fulfilled if the council continued to exist, he concluded, because the consolidation of three branches of government into one “is the very definition and essence of despotism.”<sup>12</sup>

The last member to speak was the moderate Benjamin Perry, who “depreciated the excitement of the debate” and was growing more perturbed with each acrimonious speech: “We should seek harmony amongst ourselves while assailed by such powerful foes from without.” He personally disliked the council but believed that the convention was a patriotic body and had had a right to make organic changes to the law. Perry agreed that the convention had no right to legislate, and admitted that the council possessed dangerous powers, but he was convinced that

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<sup>11</sup> *Charleston Daily Courier*, 1 December 1862; *Southern Guardian*, 6 December 1862; *Charleston Mercury*, 2 December 1862; *Daily South Carolinian*, 28 November 1862.

<sup>12</sup> *Charleston Daily Courier*, 1 December 1862.

the councilmen had exercised those powers moderately. Many points of law could be asserted to show that the council wielded unconstitutional powers, but he saw “no use in making a fuss about them. [The councilmen] had done some things that were wise, and some that were foolish. Why array them against the Governor, or the Governor against them?” The debate should end, he concluded, and he called on the council’s opponents to “temper justice with mercy.”<sup>13</sup>

After further discussion, Whaley’s resolutions were referred to the special committee. It recommended that the House adopt them and that they be sent to the Senate, which was done. The Senate agreed unanimously to the first five resolutions but there was some disagreement on the sixth, which expressed regret for any unconstitutional measures that the convention had adopted. President Porter voted for the first five without hesitation because they were declarations of principle. These were necessary, he thought, because “Any other doctrine would place the people at the mercy of their delegates,” and the delegates “might bring about changes in their organic law which they could restore only by force.” But he considered the sixth resolution disturbingly “vague.” He was “unwilling to join a *general* censure” of the convention that would only “perpetuate an antagonism between it and the General Assembly.” Nevertheless, the Senate adopted the sixth resolution along with the others, and a bill abolishing the executive council was passed on 18 December. The *Courier* praised the legislature for performing the “final execution” and sealing the fate “of the Quintumvirate, affording to future times a never-to-be-forgotten lesson, in vindication of constitutional liberty and republican government.”<sup>14</sup>

After all the impassioned debate, the bill terminating the executive council was terse and straightforward. It contained just one article, which stated simply that the council was thereafter

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<sup>13</sup> *Charleston Mercury*, 2 December 1862; *Charleston Daily Courier*, 1 December 1862; *Southern Enterprise*, 1 January 1863.

<sup>14</sup> *House Journal* (1862), 96-97; *Senate Journal* (1862), 100-102; *Charleston Daily Courier*, 4, 5, 16 December 1862.

abolished. The legislature failed to declare the law in relation to the proceedings of the council, an oversight that would cause trouble with Confederate authorities. After determining to kill off the council, the legislature further rebuked that body by repealing its resolutions appointing field officers in the First Corps of Reserves. This unit of state troops was composed of men between the ages of thirty-five and fifty. The council had offered its services to the Confederacy for ninety days and appointed its officers. This created much dissatisfaction: “Are the men composing the First Corps of Reserves regarded as mere boys, that the Governor and Council should make the appointments for them,” asked the *Lancaster Ledger*, warning that “something more than a mere paper resistance is seriously anticipated” if the council insists on its appointments. Outright defiance occurred in the fourth and tenth regiments and consequently the council disbanded them.<sup>15</sup>

The legislature appointed a special committee to investigate the troops’ grievances. It found that dissatisfaction did indeed exist in these regiments but decided that “it is inexpedient at this time to discuss the wisdom or justice of the course adopted” by the council and appealed to the soldiers to put aside their complaints. But the committee also censured the council by insisting that the governor ought to be free of restraints on his powers as commander in chief. Moreover, the committee strongly disagreed with Chesnut’s report to the convention, which declared that an unpatriotic spirit was responsible for these units’ disobedience of the council’s orders. The troops, in the committee’s judgment, had acted “from no disregard to the sovereignty of the State, nor because ‘the spirit was wanting,’ but from a conviction, common to many

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<sup>15</sup> *Acts of the General Assembly of the State of South Carolina, passed in December, 1862, and February and April, 1863* (Columbia, SC: Charles P. Pelham, 1863), 147, hereafter cited as *Acts of General Assembly* (December 1862 to April 1863); *Report of Chief of Military*, 6-7; Cauthen, *Executive Council Journals*, 285-89; Cauthen, *South Carolina Goes to War*, 146-47, 161; *Lancaster Ledger*, 10 September 1862; *Daily South Carolinian*, 29 November 1862; *Charleston Mercury*, 1 December 1862; *Charleston Daily Courier*, 1 December 1862.

citizens of the State, that the extraordinary authority by which the calls were made was unconstitutional and oppressive.”<sup>16</sup>

Senator Robert McCaw of York District pushed hard for a bill reenfranchising the reserves. In his district four companies had resolved “that they will not submit to the appointment of officers” because “they believe the principle wrong, and at variance with their ideas of Constitutional liberty.” After condemning the council’s policy, the legislature proceeded to pass a bill that repealed the council’s resolution disbanding the fourth and tenth regiments and barred the First Corps from serving under Confederate authority beyond ninety days. More significantly, the bill vacated the appointments of field officers in these units and ordered new elections. Thus, at the very moment the reserves were entering Confederate service, the legislature reorganized them. It was an ill-timed revival of the elective principle, which the *Mercury* attributed to the “factious excitement” in the legislature. The appointed officers, said the editor, were some of the wisest military minds in the state, but “unfortunately, the Executive Council appointed these gentlemen, and the Legislature is furious against that body.” The effect of the new law would be “disorganization and ill-feeling.”<sup>17</sup>

The legislature had one more council-related issue to take up before proceeding to other business. Governor Pickens had strongly opposed the closing of the South Carolina College but had been outvoted by the other councilmen. The legislature now needed to decide whether the college should remain suspended or reopen in some modified form. Pickens hoped that there

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<sup>16</sup> *Daily South Carolinian*, 29 November 1861; *Charleston Daily Courier*, 1 December 1861; *Reports and Resolutions* (1862), 321.

<sup>17</sup> *Yorkville Enquirer*, 17 December 1862; *Acts of General Assembly* (December 1862 to April 1863), 128-29; Cauthen, *South Carolina Goes to War*, 161; *Charleston Mercury*, 8 January 1863. The new law providing for the election of field officers went against the wishes of Governor Pickens. Although he denied “that any Executive Council is a fit and suitable body to make appointments in the military,” he believed that field officers should be appointed by the governor with the advice and consent of the Senate. See *Senate Journal* (1862), 27.

would be no “withdrawal of [state] patronage,” for the college was “too deeply consecrated in the hearts of our people, by the blessings it has shed over the State, ever to be abandoned.”<sup>18</sup>

Richard Yeadon introduced a resolution in the House declaring that it was “the imperative duty of an enlightened State, as well in time of war as in time of peace, to care for the education of the rising generation,” and insisting that the closing of the college went against “the expressed will of the Legislature.” The resolution instructed the Committee on Education to investigate the matter with an eye toward “reorganizing the College, and restoring to the youth of the State the inestimable blessings and advantages of collegiate education.” The chairman of the committee was William Whaley, who had authored the resolutions rebuking the council for its unconstitutional acts. The House committee’s subsequent report faulted the council for turning the college over to the Confederacy, urged the Confederate authorities to vacate the college buildings, and asked the trustees to resume operations as soon as possible.<sup>19</sup>

On 15 December the House was occupied nearly all day discussing the report. Yeadon insisted that the fairground buildings in Columbia were “admirably adapted” to serve as a hospital and regretted that the academic halls were “unnecessarily made the headquarters of disease and perhaps of infection.” The misappropriation of the college buildings “was a wanton and capricious exertion of power” by the oligarchy “miscalled the Executive Council,” which “*counselled* the Governor by putting him in a straight jacket.” But a citizen who wrote to the *Mercury* took issue with Yeadon. He believed “that many members of the Legislature . . . are not only unacquainted with the true condition of things, but are even misinformed in regard to the adaptedness of the Fair Ground buildings for hospital purposes.” These buildings were situated “on a very bleak and exposed hill” and “the roof is so leaky” that the patients would have to be

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<sup>18</sup> *Senate Journal* (1862), 22-23; *House Journal* (1862), 82; *Charleston Mercury*, 4 December 1862.

<sup>19</sup> *Charleston Daily Courier*, 28 November, 18 December 1862.

continually moved “to escape being drenched in their sick beds.” He hoped that the legislature would not “deprive our troops of the comforts” afforded by the college buildings. Such arguments were persuasive to many. The House report recommending that the hospital be vacated and the college reopened was rejected.<sup>20</sup>

The Senate Committee on Education took the matter under consideration and reported unanimously against reopening the college. After careful consideration, the committee had found “no ground for casting blame on any one”; the surrender of the college buildings to the army was “neither untimely nor injudicious.” The committee also examined the question of resuming college exercises. All but three of the seventy students attending the college in 1862 had gone off to serve in the army and the committee was unsure if any were willing to return. The faculty estimated that not more than twenty-five people would apply for admission in the next year, “and this without reference to the measure of their qualifications.” This would be “too small [a number] to justify the expenditure that would be necessary to keep the College machinery moving.” Some legislators suggested that the college might continue to operate by “reducing not only the standard of admission, but the *curriculum* itself,” to allow boys under eighteen to enroll. But the committee rejected this idea as a scheme to sink the college “to the level of Grammar School”; it would be better to suspend the college altogether than to operate it “in this degraded and modified form.” The committee concluded that the college should remain closed and the professor’s salaries be reduced by half. The hospital could continue to operate, provided that the Confederate authorities return the college buildings “in as good condition as they received them.”<sup>21</sup>

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<sup>20</sup> Ibid., 28 November, 19 December 1862; *Charleston Mercury*, 4 December 1862.

<sup>21</sup> *Reports and Resolutions* (1862), 213-17; *Charleston Daily Courier*, 23 December 1862; *Charleston Mercury*, 20 December 1862.

With the executive council and college issues out of the way, the legislature turned its attention to the war effort. Governor Pickens urged the legislature to assist the Confederate government wholeheartedly: “Withhold nothing, and make no complaint calculated to weaken the hands of the Confederate authorities in any particular,” for the “implacable war” threatened “not only subjugation, but our total extermination as a people.” Particularly important was furnishing slave labor to work on the coastal fortifications. Pickens deemed it essential that the legislature take up this matter because the system adopted by the council “has produced an unpleasant state of feeling, and much complaint.”<sup>22</sup>

The governor proposed that a corps of slaves be raised and permanently attached to each brigade as axmen and then placed under the Confederate authorities. If only 1 percent of the 400,000 slaves in the state were enlisted, a standing corps of four thousand slaves would be on hand, thus relieving owners from arbitrary and irregular calls. This plan would also allow the sending off of “all negro men who might be difficult to manage at home, where [white] women and children are, for the most part, left alone.” Permanently placing a corps of slaves under military regulations “would have the further effect of identifying our slave population, to a certain extent, with our armies, which would produce a wholesome feeling of allegiance.” Pickens believed that this system could be implemented quickly and cheaply. Although most owners with few slaves would volunteer none, the large slaveholders would offer many, particularly those who were “most unruly and uncertain, and secure them in the army,” thus not only assisting the Confederate authorities but also providing “a good police arrangement, that

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<sup>22</sup> *Senate Journal* (1862), 27-28.

would strengthen the interior peace of the State.” This plan, Pickens added, was endorsed by General Beauregard.<sup>23</sup>

The concerns expressed by Pickens laid bare the fragility of a slave society beginning to crack under the strain of war. Although planters often boasted of the faithfulness of their human property, such claims amounted to whistling in the dark. The war had produced a crisis of confidence in the slave society it was designed to preserve. By the end of 1862 more than five hundred plantations had been abandoned in the South Carolina lowcountry and more than ten thousand slaves had been lost to federal armies or were otherwise no longer in the possession of their owners. The combined value of slave property lost was seven times the value of all other property lost. It was the behavior of that human property that confounded all attempts to use slaves for coastal fortification in any large numbers. Slaveowners fiercely opposed any modification of the institution, but repeated requisitions on planters and the efforts of slaves to gain freedom not only modified the institution but transformed it. By the end of 1862 many slaveholders were asking not whether their society could be preserved, but whether it could ever be rebuilt.<sup>24</sup>

Despite the urgency of the issue, the legislature moved slowly on a bill to procure slave labor. On 3 December General Beauregard warned the governor that the legislature must act “as soon as possible.” Pickens then sent another message urging “immediate attention to this matter, as the demand is pressing.” One reason for the delay was that the Judiciary Committee was tied up with the large number of applications from slaveowners for compensation for slaves killed or injured on the coast. At this point there was no systematic plan to settle these claims. The idea of establishing a special court of adjudication was referred to the Senate Judiciary Committee.

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<sup>23</sup> Ibid., 28-29, 72-73.

<sup>24</sup> Olsberg, “Government of Class and Race,” 335, 341; McCurry, *Confederate Reckoning*, 278; H. M. Henry, “The Police Control of the Slave in South Carolina” (Ph.D. diss., Vanderbilt University, 1914), 190.

Meanwhile, the House Committee on Claims was instructed to tackle the problem. A resolution was passed appointing James Tupper as the state agent to audit claims against the state for slaves lost in the public service, but it would take him nearly a year to regularize the process and even then, he later reported, the system was plagued by “inequality and embarrassment.”<sup>25</sup>

On 18 December the legislature passed a new law to organize slave labor for coastal defense. It divided the state into four sections and authorized the governor to make requisitions through a state agent appointed by him. However, the law also stated that “each levy under the call shall serve for one month.” This was hardly the permanent plan envisioned by Pickens and approved by Beauregard. The law was further weakened by a provision mandating that the governor wait to implement the law until the Confederate government gave “written assent and agreement to [its] terms and conditions.” These terms and conditions included eight stipulations that the Confederate government must conform to before the governor could direct the state agent to begin the process. The most important stipulation was that the Confederate government compensate owners “for any loss or damage” to their human property. This, of course, included the loss of slaves who escaped to Union lines.<sup>26</sup>

Also problematical was a provision of the law allowing owners to pay one dollar per day per slave in lieu of providing the state with the requested labor. A good many planters were pleased to take advantage of this loophole. Thomas Moore, an upcountry planter serving in the army, wrote to his overseer after the law was passed, directing him to either pay the commutation fee or hire substitutes “even if you had to give twice the usual price, for [the slaves] are more liable to disease in camp and moreover they would contract bad habits and perhaps run off to the

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<sup>25</sup> *Charleston Daily Courier*, 6, 12, 15 December 1862; *Charleston Mercury*, 16 December 1862; *House Journal* (1862), 80, 103; *Report of the Auditor of South Carolina, on Claims against the State for Slaves Lost in the Public Service* (Columbia, SC: Charles P. Pelham, 1864), 4, hereafter cited as *Report of the Auditor*.

<sup>26</sup> *Acts of General Assembly* (December 1862 to April 1863), 105-108.

Yankees or be captured.” Representative Leroy Youmans tried to strengthen the law by adding a provision empowering the governor to impress labor, but this motion was defeated. The weakness of the new law was a testament to the difficulty of convincing the ruling elite to make the necessary sacrifices of slave property requested by Confederate and state authorities.<sup>27</sup>

Other matters likewise demanded legislative attention. On 3 November 1862, three weeks prior to the legislature’s session, the executive council had decreed that the permits it had previously granted to distil grain would be revoked. The reason was twofold: converting corn into liquor was driving up the price of the former; and the consumption of liquor “by our brave but thoughtless soldiers, has done more to injure the discipline of our armies and to introduce sickness and disease than any other cause.” But the council had subsequently repealed that decree, and the matter was now in the hands of the legislature. The governor deemed this issue “of the highest importance to the welfare of the people,” and urged the legislators to devise “a wise and energetic system” in the best interests of the people and the war effort.<sup>28</sup>

There was little debate on this issue. “Will a Legislature of our State long debate which of the two to choose—whiskey or famine?,” asked Representative Randall Croft of Greenville. Distilling, he said, was “so lucrative that many persons, actuated by sordid or selfish motives, would distill even if women and children starved.” It must be suppressed, he insisted, for “our country’s good.” The legislature complied, passing an act on 18 December outlawing the distillation of liquor from grain. (Exceptions were made to allow the manufacture of a limited

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<sup>27</sup> Ibid., 105-11; Cauthen, *South Carolina Goes to War*, 178; Tom Craig Moore, ed., *Upcountry South Carolina Goes to War: Letters of the Anderson, Brockman, and Moore Families, 1853-1865* (Columbia: University of South Carolina Press, 2009), 113; *House Journal* (1862), 191.

<sup>28</sup> *Charleston Mercury*, 5 November 1862; *Charleston Daily Courier*, 6 November 1862; *Senate Journal* (1862), 25-26.

quantity of spirits for medicinal purposes.) The bill imposed harsh penalties for breaking the law, including fines and imprisonment for up to two years.<sup>29</sup>

The law failed to stifle the distilleries. A few months after it went into effect, a citizen in Greenville, noting “the large quantity of Whiskey traveling about our streets—especially at night,” inferred that the district patrol captains were not reporting violations to the magistrates as the law required. Moreover, some of the distillers who had permits to manufacture spirits for medical purposes were producing far more than necessary for that purpose, and were selling it to persons not entitled to it. One resident in his neighborhood had reportedly purchased five gallons of whiskey on the grounds of medical necessity. “What man ever uses five gallons of whiskey in his family for medicinal purposes in a few months?” Another Greenville resident remarked that in that town alone “there is enough whiskey to supply the necessities of the whole State for medicinal purposes” for the next year.<sup>30</sup>

There were also gross deficiencies in the law passed back in December 1861 providing aid to soldiers’ families. This bill had established in each tax district a Soldiers Board of Relief empowered to levy a tax for poor relief. But complaints became loud and frequent that the law was inadequate and unfair. James Farrow of Spartanburg was among those who demanded that the system be reformed. Raising taxes by district was “*all wrong*,” he declared. “This is not a local necessity; it is a necessity which arises in support of the war.” He advocated funding relief from state taxes at large so that the poorer upcountry districts, “which have contributed most in flesh in blood,” would not be disadvantaged.<sup>31</sup>

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<sup>29</sup> *Southern Enterprise*, 15 January 1863; *Acts of General Assembly* (December 1862 to April 1863), 111-12.

<sup>30</sup> *Charleston Daily Courier*, 26 March 1863; *Southern Enterprise*, 26 March 1863.

<sup>31</sup> *Acts of General Assembly* (December 1861), 15-16; Zornow, “State Aid for Indigent Families,” 83-84; *Edgefield Advertiser*, 5, 19 March, 9 April, 13 August, 12 November 1862; *Lancaster Ledger*, 23 July, 17 September, 19 November 1862; *Charleston Daily Courier*, 19 July, 6 December 1862; *Yorkville Enquirer*, 17 December 1862; *Carolina Spartan*, 18 December 1862; Jas. Farrow to John Manning, 30 October 1862, Manning Papers.

The deficiency of the law was evident in Edgefield. The local board imposed the maximum tax allowed under the law (equal to 40 percent of the general state tax). But the number of people qualifying for relief stretched the funds available very thin. By June 1862 that number was 1,131. As the board's secretary reported, this meant that the needy would receive "only \$1.25 per month per head, enough to purchase about three pecks of meal." The law, he concluded, was "entirely inadequate": "the poor of this village and vicinity need much more." The editor of the *Edgefield Advertiser*, having received a petition in November "signed by ten suffering women" and written in "pitable terms of unaffected distress," concurred. The law "must be amended," he wrote, and he called on the legislature "to look the question full in the face and act promptly up to the necessities of this demand." The Charleston district board, facing similar problems, put it bluntly to the legislature: "Neglect the soldiers' families, and your praise and your eulogies [for the soldiers] will be received as nauseating [*sic*], heartless lip-service."<sup>32</sup>

Another defect was ambiguity about who was entitled to aid. Some boards interpreted the statute to mean that aid to the family would end if the soldier died, but the law was not explicit. An upcountry citizen saw this policy as unjust and detrimental to the cause: if one soldier gets out of the fight on some pretext but another dies in battle, he opined, the family of the soldier who failed his country was entitled to aid but the family of the soldier who did his duty was not. "Is this fair?," he asked. "Is it not offering a premium for absence in battle?" If this was the proper construction of the law, the matter "requires the early attention of our next Legislature." A Lancaster District grand jury agreed, declaring that this interpretation "is certainly not in accordance with the spirit" of the law.<sup>33</sup>

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<sup>32</sup> *Edgefield Advertiser*, 5, 19 March, 9 April, 13 August, 12 November 1862; *Charleston Daily Courier*, 12 January 1863.

<sup>33</sup> Ball, *Financial Failure and Confederate Defeat*, 1-17; *Lancaster Ledger*, 23 July, 17 September, 19 November 1862; *Acts of General Assembly* (December 1861), 15-16. Families who became refugees faced similar problems.

Governor Pickens deemed it the legislature's "solemn duty" to amend the law aiding soldiers' families. Echoing James Farrow's concerns, he pointed out that the upcountry districts furnished the most soldiers but "are the very Districts that raise the least general taxes," whereas "the fund is more than ample in those Districts where the white population is sparse, and the slaves dense." Although Pickens wanted a "more efficient system," the plan he outlined was complex, requiring a change in property valuation. He had suggested this in December 1861 but the legislature had failed to heed him. Nor did it comply at this session. His plan also included the creation of a common fund to distribute aid. Additionally, he suggested that slaveowners be forced to contribute grain to the boards based on the number of their able-bodied male slaves; and he wanted to empower the boards to confiscate grain from citizens known to be speculating. He confessed that this last idea might be considered too authoritarian, but argued that if "our poor and patriotic men are exposed in defence of our homes, we owe it to justice and to every generous and manly feeling to place their helpless families beyond any suffering."<sup>34</sup>

The legislature repealed the law of 1861 but only one provision that Pickens suggested was included in the new bill. A common fund was established and an appropriation of \$600,000 was made to aid the families who had a member in the army or had lost one in the service. The law gave direct state aid to each election district based on the white population. The legislature would appoint each relief board, but could not do so until the delegation was nominated in both houses. This stipulation, not much noticed at the time, would create considerable controversy after the law went into effect. The boards could continue to levy taxes up to 40 percent of the state tax if they chose but could not go beyond that amount. Although the state rather than the

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William Yates, the chairman of the Free Market in Charleston, demanded to know why the Board of Relief members "refuse to allow the wives and children of soldiers the relief the Legislature have awarded from our taxes, because these families have had to leave the city to sojourn in the country for safety? Upon no principle of justice can I see why their allowance is withheld." See *Charleston Daily Courier*, 19 July 1862.

<sup>34</sup> *Senate Journal* (1862), 10, 14-15.

boards now assumed the responsibility of providing aid, the law was not otherwise fundamentally altered.<sup>35</sup>

In addition to its already heavy responsibilities, the legislature had to elect a new governor. Pickens's term was set to expire in December. Given the controversy over the council, this election was bound to generate considerable excitement. The number of candidates was unusually large. Pickens boldly suggested that the Constitution be amended to make a sitting governor eligible for reelection. He saw "no reason why so important an office should be filled every two years by a new man, if the duties have been performed faithfully" by the current chief executive. But the legislature was in no mood to make fundamental changes to the executive branch in the wake of the council controversy. The election issue grew exceptionally heated after the council's fate was decided. One commentator remarked that anticipation over who would assume the governorship became "*the question.*" A Columbia citizen suggested that the legislature could "promote the public interest by deferring the election of another Governor until after the war." This solution, he argued, "would prevent unnecessary excitement, and suffice to tranquilize the minds of the people." The *Courier*, although sympathetic to Pickens, rejected this radical proposal, asking if the citizens "desire or expect this from a Legislature which finds its chief distinction in curbing and rebuking the infringements of the Constitution charged against the Council?"<sup>36</sup>

Early in the race it appeared that John S. Preston would be elected. But as the proceedings got under way, it became clear that no defender of the convention or council would be considered. Preston had defended both. William Gilmore Simms was certain that "There is no chance of any member of the Convention or Council being elected." In fact, "There is no chance

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<sup>35</sup> *Acts of General Assembly* (December 1862 to April 1863), 137-39; Zornow, "State Aid for Indigent Families," 84.

<sup>36</sup> *Senate Journal* (1862), 20-21; *Charleston Daily Courier*, 5, 8, 12, 13 December 1862; *Southern Guardian*, 30 November 1862; *Carolina Spartan*, 11 December 1862.

for any truly able man” to become governor unless James L. Orr resigned his seat in the Confederate Senate and made himself available, which he declined to do. John Manning’s chances were probably the best of any, Simms thought, because he was “busy, morning, noon and night, electioneering.” But Simms also heard rumors of a plot by Pickens and his supporters, one that evidenced “the large strides which we have taken and are taking toward anarchy.” Pickens was supposedly determined to be reelected despite the constitutional prohibition on serving consecutive terms, and his friends in the legislature were reportedly ready to “cast blank votes, prevent all election,” and thus allow him to remain in office by default.<sup>37</sup>

Simms feared that the executive council controversy had so divided the polity as to “inaugurate the birth of two fierce factions in which all our conservatism and securities are destined to be torn to pieces.” Indeed, he lamented, “the struggle for place and pension, for corruption and intrigue, so long restrained in our State, having found a beginning is destined to go on . . . with more intensity and heat, and appetite and passion than in any other State in the Confederacy.”<sup>38</sup>

As it turned out, the frontrunners were passed over due to the appearance of a dark horse candidate. On 17 December, Milledge L. Bonham was elected on the third ballot and became the second war governor from Edgefield. He had been appointed a brigadier general in the Confederate army in 1861 and had commanded troops at Manassas but later resigned over a dispute involving his commission. Known for his strong states’ rights principles, he was serving as a Confederate congressman when elected governor. His election seems to have met with general approval; but, as the *Courier* warned, whoever was elected would find the position “a

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<sup>37</sup> *Charleston Daily Courier*, 5 December 1862; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 416-18; John W. Ervin to John L. Manning, 8 September 1862, Manning Papers; Cauthen, *South Carolina Goes to War*, 162-63; *Yorkville Enquirer*, 17 December 1862; James Henry Hammond to A. P. Aldrich, 27 November 1862, Hammond Papers.

<sup>38</sup> Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 416-18.

hard road to travel, and will be fortunate, if he shall close his career with as much *éclat* and popularity as Governor Pickens.”<sup>39</sup>

It is true that Pickens emerged from the executive council controversy with greater popularity than he had enjoyed at any other time since assuming office. But this was merely an aftereffect of the council’s dissolution and it should not obscure the more consequential point that the citizenry was more suspicious of executive power than ever before. A striking example of this suspicion had occurred less than three weeks before Pickens left office. After a Darlington resident named William Wingate was convicted of murder, Governor Pickens commuted the death sentence on the condition that Wingate enroll in the Confederate army and never return to South Carolina. Pickens certainly did not feel that he was abusing his pardoning power, but the citizens of Darlington felt differently. On 1 December they held a protest meeting and resolved that Pickens had committed “an unpardonable violation of the spirit of our State Constitution, and a gross perversion of the discretionary power therein reposed in him.” They also memorialized the legislature, protesting the pardon and urging that the Constitution be amended to restrict or eliminate the privilege of executive clemency to prevent its “capricious exercise . . . in the future.” The meeting concluded with a stirring condemnation of the governor’s “criminal conduct.” Even the pro-Pickens *Courier* decried this example of executive overreach: “There is little use in making laws to punish murderers, if a Governor can disregard the verdict of a jury, the sentence of the judge, the will of the people, and release criminals at his pleasure.” The editor believed that Pickens should be held accountable for his “unwarrantable exercise of power.”<sup>40</sup>

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<sup>39</sup> Cauthen, *South Carolina Goes to War*, 164; *Senate Journal* (1862), 125; *House Journal* (1862), 191-92; Years, *Confederate Governors*, 172-73; Edmunds, *Francis W. Pickens*, 171-72; *Charleston Mercury*, 18 December 1862; *Charleston Daily Courier*, 12 December 1862. On the controversy over Bonham’s resignation, see *Charleston Mercury*, 1 February 1862.

<sup>40</sup> *Charleston Daily Courier*, 6, 8, 9 December 1862; *Charleston Mercury*, 8, 9 December 1862; *Southern Guardian*, 6, 8, December 1862.

On 18 December the legislature agreed to suspend its proceedings and recess until 20 January 1863. But it still had many important bills pending. One of these addressed the extortion problem. Introduced by Richard Yeadon, it was endorsed by the Committee on Commerce and Manufacturing, which declared that the practice of extortion had become a “crying enormity” that “demands legislative rebuke and severe punishment.” The public agreed: a Spartanburg resident pointed out that in his district “Thousands of the poorer people are at this moment on the verge of starvation from this cause alone”; if the legislature failed to suppress it, the people “will find an outlet for their hungry passions, in a manner that will shake the Confederacy to its centre.” Nevertheless, Yeadon’s bill was “snowed under in the bustle of the Governor’s election,” as the *Yorkville Enquirer* reported, and indefinitely postponed.<sup>41</sup>

Another crucial matter was implementing the law providing aid to soldiers’ families. Although a new relief bill had been passed, the legislators inexplicably decided on the last day of the session that the board of commissioners would not be appointed until the second session in January. Representative William Foster of Spartanburg was incensed at this delay, protesting that many families in his district “may be starving or dead before the 20<sup>th</sup> January.” A citizen in Columbia was likewise outraged “that our law-makers adjourned without making available the munificent fund now set apart for the relief of the families of soldiers.” This was, he fumed, “a great neglect and a great pity.”<sup>42</sup>

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<sup>41</sup> *House Journal* (1862), 145, 209; *Charleston Daily Courier*, 5, 6, 12 December 1862; *Yorkville Enquirer*, 17, 24 December 1862.

<sup>42</sup> *House Journal* (1862), 205; *Carolina Spartan*, 18, 25 December 1862. On 23 December 1862, five days after the legislature adjourned, Governor Bonham issued a proclamation stating that because the General Assembly had failed to appoint members to the boards of relief, he would make the appointments himself. In the weeks following, Bonham was criticized by several members of the legislature and William Henry Trescot successfully moved to create a committee of inquiry to examine Bonham’s action. In the resolution calling for the committee, Trescot said Bonham’s authority for appointing members to the boards “could not exist in any Government claiming to exist under constitutional limitations, for such a power would be simply making the Executive an unchallenged autocrat.” See *Charleston Daily Courier*, 8, 23 January, 3, 4 February 1863; *Southern Enterprise*, 12 February 1863. This controversy is examined in the conclusion.

Public condemnations of the legislature's fecklessness were scathing. A Yorkville citizen observed that "The Legislature drags its length slowly along. Charters and Incorporations pass readily, but bills of great importance, are burthened with amendments, and finally laid on the table, or indefinitely postponed." Representative William Foster seconded that complaint, noting near the end of the session that "We are doing but little in the way of Legislation. . . . We work here all day upon a bill and conclude the business in the evening by indefinitely postponing or laying [it] on the table." One observer regretted that the legislature had "perfected but few bills of importance, leaving several others that should have been paramount, until after the recess."<sup>43</sup>

Five days after the legislature adjourned, the *Courier* succinctly summarized the session: "A large portion of time was consumed in speech making, and but little progress was made in legislative business." Indeed, the recorded proceedings of the legislature show that there was much speaking and little acting, precisely the opposite of what Trescot desired. The controversy over the executive council had proved to be a considerable distraction. Arguments over the council's legality and disagreements concerning procedural matters caused much delay, and the repeal of the council's actions meant that the legislature had to start anew on important issues. And, too, many members were serving for the first time and thus lacked experience. William Gilmore Simms remarked that "The Legislature is reported to be the feeblest body known there for fifty years."<sup>44</sup>

Richard Yeadon must have been dismayed by the public assessments of the legislature. He had worked tirelessly to get anti-council men elected in October. Although the legislature had fulfilled its mandate to abolish the council, it had missed the opportunity to gain the gratitude of

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<sup>43</sup> *Yorkville Enquirer*, 17, 24 December 1862; *Carolina Spartan*, 18, 25 December 1862; *Charleston Daily Courier*, 23 December 1862.

<sup>44</sup> *Charleston Daily Courier*, 23 December 1862; Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 417.

the people by prompt and energetic action in matters affecting them more tangibly. The provisions in the bill aiding soldiers' families remained unimplemented due to the legislature's failure to appoint board commissioners. The stay law protecting debtors at home and in the army "occupied the House all day" on 14 December, but was postponed because "the lawyers have pulled and hacked it every which way." Yeadon failed to resurrect the South Carolina College, and his extortion bill was postponed thanks to legislators "who prate of 'constitutionalities,' sumptuary laws, to the delight of landsharks, many of whom throng the gallery and lobby." Indeed, the *Yorkville Enquirer* reported, Yeadon had "thrown his force into every measure likely to prove effectual" to relieve suffering, but all were postponed. Even the general appropriation bill for the next fiscal year, which provided \$200,000 to supply soldiers with shoes and clothing, was put off until after the recess. Still, there would be an opportunity in 1863 for the legislature to redeem itself. The members were scheduled to reconvene in January and perhaps at that session, the *Courier* hoped, "a better and wiser spirit will rule our legislative counsels."<sup>45</sup>

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<sup>45</sup> *Yorkville Enquirer*, 17 December 1862; *Acts of General Assembly* (December 1862 to April 1863), 99; *Charleston Daily Courier*, 23 December 1862.

## Conclusion

On 1 January 1863 the *Charleston Mercury* remarked that the New Year dawned with a “cheerful face.” Despite the desolation of homesteads and the sacrifice of many lives, “the great Cause prospers.” There was good reason for this confidence from a military standpoint. Confederate forces had achieved a stunning victory at Fredericksburg, Virginia, in December 1862. The editor believed that “A few more sturdy blows” would bring “peace, and a glorious peace, before the end of the summer.” Confederates had another key advantage: “Doubt and discord reign in the councils of our enemies. With us, all is confidence, and unity of purpose.”<sup>1</sup>

During the previous year, however, doubt and discord had reigned in the South Carolina polity and political unity had been fractured by the controversy over the executive council. That body had been abolished by the legislature in December and it was hoped that harmony would prevail in 1863. But even though the council was now gone, its actions continued to affect state government. The council had spawned, in the minds of many South Carolinians, a deep fear of executive power. That the council experiment continued to reverberate is evidenced in several controversies that shook the legislature in January-February 1863.

The administration of newly-elected governor Milledge L. Bonham got off to a turbulent start when he issued a proclamation on 23 December 1862 implying that the legislature had been negligent in adjourning before appointing commissioners to the relief boards. Citing the “pressing importance of immediate relief” and unwilling to delay the appointments until the legislature reconvened on 20 January 1863, Bonham proclaimed that the commissioners appointed under the law of December 1861 were authorized to distribute the new \$600,000 appropriation for soldiers’ families. When the *Charleston Daily Courier* commended Bonham

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<sup>1</sup> *Charleston Mercury*, 1, 5 January 1863. On the Battle of Fredericksburg see George C. Rable, *Fredericksburg! Fredericksburg!* (Chapel Hill: University of North Carolina Press, 2002).

for “promptly [meeting] the difficulty” created by the legislature’s nonfeasance, one citizen responded that he “was surprised to see this proposition advanced by your paper.” The December 1862 act clearly stated that the commissioners appointed under the 1861 law were decertified and that the appropriation must not be turned over to the relief boards until new commissioners were appointed by the legislature. “Has this been done? Confessedly not.” The governor thus had no power to make the appointments. Although he had good intentions, his “plea of necessity, to palliate the violation of the *law* in a good cause, will be a precedent for doing so in a *bad* one.” The new governor, like the convention and council, was guilty of exercising a power “unknown to the Constitution and laws of the State.”<sup>2</sup>

The legislature convened as scheduled on 20 January. Governor Bonham had not yet delivered his opening message when the *Courier* reported that “a very animated debate sprang up” in the House over a resolution offered by William Henry Trescot. He called for a committee of inquiry to examine the governor’s proclamation and determine “what circumstances (if any) required its publication.” Trescot deemed this a very serious matter: Bonham’s action was unconstitutional, “a direct and dangerous infringement upon the privileges of this House.” The proclamation might be “in itself a very small matter,” Trescot conceded, “but the principle upon which that right is claimed and exercised is not a small matter.” South Carolina was in the midst of a revolution that involved the “vindication of law” and the principle that “the Constitution of a people is sacred.” The legislature “has a high and responsible duty to the people,” Trescot concluded. “[W]e must . . . protect [the Constitution] not only against its enemies, but sometimes against its friends.”<sup>3</sup>

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<sup>2</sup> *Charleston Daily Courier*, 23 December 1862, 8 January 1863.

<sup>3</sup> *House Journal* (1862), 210-11; *Charleston Daily Courier*, 4 February 1863; *Charleston Mercury*, 23 January 1863. The session lasted from 20 January to 6 February 1863.

This episode demonstrates how profound an impact the executive council controversy had on the minds of some legislators. It also reveals a more general concern that balanced government was being abrogated by executive overreach across the Confederacy. Trescot warned of the “strong and growing tendency throughout the South to the extension of Executive power,” and he criticized citizens who were “applauding what it is fashionable to call ‘the vigorous action’ of this or that Governor.” South Carolina had been embroiled in a dispute over the same tendency but “this Legislature, fresh from the people,” had wisely restored constitutional government. “The most striking feature in our peculiar Constitution,” Trescot argued, “is that it is essentially legislative.” Indeed, “all power, great and small, is entrusted to the Legislature, and the Legislature alone.”<sup>4</sup>

Benjamin Perry, while agreeing that the governor’s action was “wrong and inconsiderate,” moved that discussion over the resolution be postponed, for the House had not yet received the governor’s message and Perry wanted to avoid a bitter argument on this first day of the session. But Richard Yeadon welcomed the debate; he thought it “highly important to vindicate at once the violated Constitution and the invaded privileges of the Legislative body.” He moved to lay Perry’s motion on the table and the resolution was adopted. Governor Bonham then reconsidered the matter, agreed that he had overstepped his authority, and suspended all action under his proclamation. The governor having offered what the legislature considered “a satisfactory apology for his inconsiderate course,” the majority and minority reports on his conduct were laid on the table.<sup>5</sup>

The controversy over Bonham’s proclamation was thus resolved, but the governor soon had to deal with another constitutional dispute stemming from the council controversy. On 12

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<sup>4</sup> *Charleston Daily Courier*, 8 January, 4 February 1863.

<sup>5</sup> *Ibid.*, 23 January, 3 February 1863; *Southern Enterprise*, 12 February 1863.

January 1863 the superintendent of labor, Francis S. Holmes, issued a proclamation stating that the Confederate government had declined to accept the terms of the legislature's law of December 1862 to procure slave labor, and therefore "the Act of the Executive Council remains in force." In his opening message Bonham told the legislature that he had received a letter from Secretary of War James Seddon informing him that the Confederate War Department could not assume liability for slaves lost in the public service, for "Congress alone can provide for such a payment." The committee of inquiry appointed to investigate Bonham's proclamation was also instructed to inquire into Holmes's authority to issue his proclamation. The majority report subsequently adopted in the House declared that the superintendent's "late call for slave labor was illegal." Benjamin Wilson succeeded in getting a Senate resolution passed declaring that the legislature's slave-labor act of December "is now the law of the land, and no impressment of labor is legal which is not made in accordance with its provisions."<sup>6</sup>

Trescot fired off a message to Holmes, asking "what authority he had to make and unmake the laws of the State." Holmes replied that he had issued the proclamation "under the instructions of the Governor, and in conformity with the written opinion of the Attorney-General." Governor Bonham corroborated this and justified his action by pointing out that he had received a telegram from General Beauregard requesting that labor be sent to Charleston immediately, and thus he did not feel "at liberty to arrest the operation" of the council's policy. This rationale incensed Trescot all the more; he demanded to know "of what possible value is the legislation of this body, if it can be superseded, suspended and annulled by a proclamation of the Governor, an opinion of the Attorney-General, or a declaration of the Superintendent of Labor." If these infringements of the Constitution were "allowed to pass unrebuked by the Legislature,"

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<sup>6</sup> *Charleston Mercury*, 14, 23, 29 January 1863; *House Journal* (1862), 211; *OR*, Series Four, 2: 298, 306-307; *Southern Enterprise*, 29 January 1863; *Senate Journal* (1862), 175-76.

he fumed, “we will be, when we adjourn, the most discredited body that ever sat in this chamber.” Clearly the council’s shadow and the fears of executive overreach continued to disrupt the state government and provoke the wrath of the legislature.<sup>7</sup>

The council’s past actions also affected military policy in early 1863. In December 1862 the legislature passed a law ordering new elections for officers in the First Corps of Reserves. These officers had previously been appointed by the council. Governor Bonham informed the legislature that the adjutant and inspector general had carried out the terms of the law of December by ordering new elections. However, he also pointed out that the council had transferred those regiments to the Confederacy for ninety days and therefore the legislature had “no power to order an election” in them. Although it was Bonham’s “inclination and pleasure, to enforce every Act of the Legislature,” he urged that this law be repealed. The legislature then reluctantly repealed the law and drafted a new bill reorganizing the militia. All actions taken by the convention and council altering the militia laws were voided except the ordinance exempting overseers. This military bill was lengthy, comprising twenty-one sections, which led a citizen in Lancaster to opine that “Our militia laws are becoming so voluminous that . . . it will be exceedingly difficult to know what the law is.” A disgruntled Charlestonian agreed and thought the legislators in Columbia “can better employ themselves than to be most of the time tinkering on military bills.” Indeed, the legislators ought to “feel more solicitude about provisions and other indispensable supplies for the country, than they do about purely military matters.”<sup>8</sup>

The legislature seems to have heeded this advice. The council controversy subsided after the legislature adjourned in February 1863. The fear expressed by William Gilmore Simms that

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<sup>7</sup> *Charleston Daily Courier*, 4 February 1862; *Charleston Mercury*, 23 January 1863.

<sup>8</sup> *Charleston Mercury*, 23, 28 January 1863; *Yorkville Enquirer*, 28 January, 11 February 1863; *Lancaster Ledger*, 21 January 1863; *Edgefield Advertiser*, 11 February 1863; *Charleston Daily Courier*, 13, 23 January 1863; *Senate Journal* (1862), 232; *Acts of General Assembly* (December 1862 to April 1863), 100-105.

arguments over the council would “inaugurate the birth of two fierce factions in which all our conservatism and securities are destined to be torn to pieces” did not materialize, at least not in the context that he predicted. Animosity over the council abated; but what did not abate were the many problems that continued to plague the home front. In 1863 the legislature stopped debating political theories related to the council and addressed questions about the legitimate role of the state government. The factions that Simms feared did develop, but they did so over questions concerning the propriety of laws punishing citizens for engaging in practices deemed harmful to the war effort. As George Rable has argued, although “the South Carolina convention marked the full flowering of radical politics” when it created the executive council, there was still a great concern among politicians and ordinary citizens that “In the long run, the war might force a reordering of class relations and a redefining of political legitimacy.”<sup>9</sup>

Arguments over the legitimate role of government were frequent in the legislature and newspapers during 1863. Legislators who adhered to a libertarian ideology and sought to protect the traditional rights of citizens clashed with those who advocated laws that increased the power of the state at the expense of individual rights. In February an intense debate erupted over a bill to limit cotton cultivation to three acres per hand. Many legislators and civilians favored the proposal, including one from Abbeville, who deemed it “no interference with a man’s inalienable rights to dictate to him how much Cotton he must plant.” Yet when the bill came up for discussion in the Senate, Alexander Mazÿck demanded to know “Who and what are we that we should take it upon ourselves to dictate to the people” how much cotton they could plant. The proposal went against “the great law of nature,” he thundered, depriving citizens “of their natural rights.” A Camden resident agreed and did not care if the law would help sustain the war effort:

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<sup>9</sup> Oliphant, Odell, and Eaves, *Letters of William Gilmore Simms*, 4: 416-18; Rable, *Confederate Republic*, 149.

he was convinced that the legislature “had no authority to touch the subject. It is contrary to a fundamental principle of our constitution.”<sup>10</sup>

Disagreements over the proper role of government were also evident in the debate over an anti-extortion law. Richard Yeadon had worked tirelessly but unsuccessfully in December for a law to prohibit extortion. He renewed his efforts in January, declaring that “the people demand some action on the subject.” Some citizens indeed expected action. A merchant in Camden complained that “the planters [*sic*] barns and graneries [*sic*] are bursting with abundance,” but they were withholding corn from the market in order to “screw from their neighbor, and perhaps creditor, two or three dollars per bushel.” The *Mercury*, however, opposed extortion legislation for practical reasons: “Laws against extortion are almost invariably mischievous in their consequences.” Not only did they discourage production, but they generally were easily evaded or rendered inoperative by legal stipulations. More fundamentally, “Laws can hardly be made to prevent men from making good bargains.” Senator Henry Lesesne agreed that mischief would result from this legislation. He argued that “It is impossible to define extortion for the purpose proposed. The Bill confesses it by leaving the jury to determine in each case whether the offence of extortion is made out, without attempting to explain the offence.” This law, he feared, would become “a trap to catch some whom none would desire to see fall under its condemnation,” and he cautioned that “In times like these there is constant danger of violating principle for some public benefit,” but “nothing can be really a benefit which is purchased at such a price.” Indeed,

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<sup>10</sup> *Charleston Daily Courier*, 3, 21 February, 14, 20 March 1863; *Lancaster Ledger*, 25 March 1863; *Charleston Mercury*, 27 February 1863; *Camden Confederate*, 20, 28 March 1863.

“the moment the Legislature undertakes to do what transcends its proper functions, it ceases to be entitled to public respect.”<sup>11</sup>

The controversies lingering from the executive council period and the legislative debates about the proper role of government that ensued in early 1863 show that white South Carolinians continued to wrestle over policies that threatened to transform the nature of their government. Some citizens demanded greater state intervention to sustain the war effort; others protested what they considered the illegitimate exercise of governmental power. This conundrum exemplifies what George Rable has called attention to at the national level, namely “the constant tug between political ideology and political practice,” which forced Confederates to “reconsider their most fundamental political assumptions” as they attempted to wage war. Confederate political culture, he reminds us, “evolved in an atmosphere of crisis and conflict.” South Carolina’s executive council—an extralegal body created in the midst of crisis—and the political and ideological conflict resulting from that experiment indicate that divisions over the legitimate role of government were equally if not more intense at the state level. The council controversy and the political repercussions from that experience are worthy of study because they exemplify the agitation that can develop between state and citizen and between political ideology and practice. More crucially, they demonstrate how the exigencies of war can undermine citizens’ faith in their own political system. In South Carolina, loyal citizens vehemently protested a political body of their own making. The notion, long held by many political leaders during the antebellum period, that the convention could legitimately exercise omnipotent power over the people was soundly rejected by the polity.<sup>12</sup>

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<sup>11</sup> *Charleston Daily Courier*, 27, 28, 30 January 1863; *Yorkville Enquirer*, 28 January 1863; *Camden Confederate*, 2 January 1863; *Southern Enterprise*, 29 January 1863; *Charleston Mercury*, 5 January, 6, 27 February 1863; *Acts of General Assembly* (December 1862 to April 1863), 114-15.

<sup>12</sup> Rable, *Confederate Republic*, 1-3.

The executive council experiment was launched in response to the Union invasion of South Carolina. This emergency created an economic and social crisis as plantations were abandoned, cotton was burned, and thousands of slaves escaped bondage. During the convention proceedings in September 1862, Joseph Pope reflected that “Had no enemy landed upon our coast there would have been no Council.” The situation in and around Port Royal was so chaotic that Pope reluctantly voted to “supersede the regular constitutional Government of the State, and to inaugurate a revolutionary Government in its stead.” That Pope voted for the ordinance creating the council is instructive. The greatest irony of the executive council story is that the controversy that ensued came about because in the public eye the very men who were elected to protect constitutional government failed to do their job. Former governor John Richardson sat in the convention that September and pondered who was responsible for this gross violation of the public trust. It was easy to point fingers at the Yankee invaders; but “The truth is,” he regretfully concluded, “the blame and the fault of this oligarchy is ours.”<sup>13</sup>

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<sup>13</sup> *Charleston Daily Courier*, 21 October, 4 December 1862.

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