

Confederate Conscription Legislation

On Dec 11 1861 the Confederate Provisional Congress' passed the "bounty and furlough act".¹ Every soldier who re-enlisted for three years or for the duration of the war was promised a bounty of \$50 and a 60-day furlough. He could choose his arm of the service, and if he did not like his company, he could join a new one. Men could elect their own officers.

This was an anxious and well-meant attempt to maintain the confederate army in being: Many if not most of the troops having enlisted for twelve months only. By December 1861 it had become patently obvious that this was not going to be long enough. Its effect however was highly disruptive and only the inaction of the Federal forces, undergoing their own period of reorganisation and training, prevented a catastrophe. In the words of historian Douglas S. Freeman "A worse law could hardly have been imposed on the South by the enemy. Its interpretation was confusing, its effect was demoralizing, and it involved nothing less than a reconstruction of the entire land forces of the Confederacy in the face of the enemy."² He cites Union general and military historian Emory Upton, who wrote later that the bounty and furlough law should have been styled "an act to disorganize and dissolve the provisional army." The CSA Congress only made matters worse when it passed a series of hurried measures, designed to dangle more bait for re-enlistments.³

It rapidly became clear that the December Act was not going to generate the troops that the confederacy needed. Volunteering alone was simply not enough and the Confederate Government was forced to resort to conscription. On April 16 1862 the Confederate Congress passed an "Act to further provide for the Public Defence"⁴ which drafted able-bodied white men between eighteen and thirty-five for three years' service. The Act provided for substitution (repealed in Dec 1863) and exemptions. One-year volunteers already in the army were required to serve for two additional years but those who had not already taken advantage of the provisions in the previous Act were allowed to return home on a sixty-day furlough and were granted a \$50 bounty. Provision was made for the election of new field and company grade officers.

Not for the last time, Jefferson Davis immediately found himself at the center of a storm – whipped up not by his Federal enemy but by his own electorate and by the very volunteer troops on whom the Confederacy's future depended.

In truth he, and the Confederacy itself, was in an impossible position. Secession was built on a passionate belief in States' Rights. Davis found that these rights could only, in practice, be defended by a Confederate Government by imposing conscription – in short by trampling on the rights that he sought to defend. Individual State Governments, taking perhaps an understandable but nevertheless suicidally narrower view, found themselves required to surrender rights that they had gone to war to defend. Led by Georgia and South Carolina individual States did all in their power to pervert the conscription process. Thousands of men were exempted by the sham addition of their names to the civil servant rolls or by their enlistment in the state militias. Ninety-two percent of all exemptions for state service came from Georgia and North Carolina.⁵ In Texas, during the crisis of the Red River campaign, General Magruder ordered the enrolment of the entire Texas state militia into Confederate Service. Governor Murrah of Texas responded that it was not clear that Texas was the target of the Union move out of Louisiana and refused to turn the troops loose. Magruder, armed with a new conscription law that raised the upper end of the draft age to 50 and put some teeth in enforcement, told the governor he would take the men by force if he had to. Under pressure, Murrah finally conceded the point.⁶

¹ See Appendix 1

² Freeman in "Robert E Lee"

³ ibid

⁴ See Appendix 2

⁵ <http://www.wtv-zone.com/civilwar/condraft.html>

⁶ http://www.tsl.state.tx.us/exhibits/civilwar/1862_1.html

Faced with conflicting imperatives, Jefferson Davis and his Government had no good choices available. The need to resort to conscription was another in a series of proofs that, if the South could wrest victory at all it must be either quick or pyrrhic. Already by April 1862 the gap between those choices was wafer thin.

The volunteer army too looked down on the conscripts. What they had done from a sense of honor, the conscripts would, in their view, only do under compulsion. Somehow too the volunteers felt debased by association with conscription as well as cheated in that, having carried out their voluntary obligation, they were held against their will. Sam R. Watkins, serving in the First Tennessee regiment under Braxton Bragg, had this to say about it:

*"Soldiers had enlisted for twelve months only, and had faithfully complied with their volunteer obligations; the terms for which they had enlisted had expired, and they naturally looked upon it that they had a right to go home. They had done their duty faithfully and well. They wanted to see their families; in fact, wanted to go home anyhow. War had become a reality; they were tired of it. A law had been passed by the Confederate States Congress called the conscript act. ... From this time on till the end of the war, a soldier was simply a machine, a conscript. It was mighty rough on rebels. We cursed the war, we cursed Bragg, we cursed the Southern Confederacy. All our pride and valor had gone, and we were sick of war and the Southern Confederacy."*⁷

The exemptions to military service as of April 21 1862⁸ included men employed in certain occupations considered to be most valuable for the home front, such as the judiciary; government employees, executive officers and elected representatives; those carrying the mails; those employed on the ferries or the rivers and railroads; telegraph operators; clergymen; miners and iron workers; newspaper printers; college officials, professors and teachers; public health officials and nurses; certain druggists and certain wool and cotton industry workers.

Historians of warfare have praised the Confederate conscription act of 1862, specifically for its exemptions. They call it the first modern draft in the world, because it recognized that industry and agricultural leadership, and organization behind the lines were as important to a national war effort as armies were. The goal of a draft isn't just to shovel as many men as possible into uniforms; it's to get the best soldiers there, and leave the best workers at their jobs.⁹

As far-sighted as the principle of exemption undoubtedly was, its execution was muddled. Although it must be said that the wisdom of Solomon could not have produced the men necessary for the maintenance of the state and vital services and for civil defence and for the army. Six quarters were required and the Confederacy only possessed a dollar. A nickel could be moved here and a penny there but the dollar was never going to be enough unless the Federal Government blundered spectacularly and there was not a penny more for the Confederate Government to add.

Both the exemption and substitute systems also created tensions along social and financial fault lines and quickly fostered the view of a rich man's war and a poor man's fight.

The exempted classes were inevitably skewed in favour of the educated, relatively wealthy governing class. Until the practice was abolished in December 1863, a drafted man could hire a substitute to take his place in the ranks, a practice that brought on charges of class discrimination and that created a ne'er-do-well class who repeatedly sold themselves as substitutes only to desert and repeat the process. At around \$300 per substitute early in the war this was a lucrative business for the substitute and an option that only a relatively wealthy man could remotely afford.¹⁰ Even the honest substitute, intending to fulfil his duty, could not but create jealousy when he had been paid \$300 to take on a task that the volunteer had assumed for honor and a \$50 bounty.

In October 1862, Robert Carter, a wealthy planter living in Concordia Parish Louisiana, faced conscription into the Confederate army. Carter, whose family owned two plantations and 194 slaves,

⁷ <http://www.etymonline.com/cw/conscript.htm>

⁸ See Appendix 3

⁹ <http://www.etymonline.com/cw/conscript.htm>

¹⁰ <http://www.ashevillelist.com/history/conscription-act.htm>

contracted with Frederick Scheuber to serve as his substitute. He may well have had baser motives but Carter might have legitimately feared both losing control of his slaves and exposing his family to the enemy, especially with the Yankees within fifty miles of his home. Carter's wealth exceeded \$120,000 and he thus had the means and the motive and an unimpeachable legal route to avoid service. He agreed to pay Scheuber \$2,500 at the end of the war and to provide Scheuber's wife with \$20.83 per month until that time.¹¹

It takes no more than a glance at any southern 1860 census page to reveal that Carter was not typical. Most men could not amass \$2500 in a lifetime. Only a handful could raise \$250: Most would have been delighted to find that they had \$25 in disposable income: Not a few honest and self-respecting upright men could put food in their families mouths by their own labour on the land but otherwise might not have had \$2.50 in cash money in the house.

A revision, approved 27 Sept 1862, raised the maximum conscription age from 35 to 45.¹²

5 days later the legislators passed the expanded Exemption Act.¹³ The new Act elaborated on medical exemptions, added an exemption for various denominations including the Quakers and Mennonites and added a number of trades such as shoe makers, tanners, blacksmiths, wagon makers, millers and millwrights. The new law also made it clear that the various manufacturing exemptions could be withdrawn in the event of profiteering. Those involved in shipbuilding and allied trades, munitions workers, salt miners and lead miners were also exempted. Texas received an exemption for a unit to protect the border against Indians.

For the first time, the new law recognised the need for certain exemptions in relation to the management of stock on the land and to the regulation of the slave population.

This last provision aroused considerable controversy. The new law authorized the exemption of one white man per plantation with twenty or more slaves, and for two or more plantations within five miles of each other with collectively twenty or more slaves. The Twenty-Slave Law was in part a reaction to the preliminary Emancipation Proclamation, issued by U.S. president Abraham Lincoln on September 22, 1862. Confederates viewed the proclamation as Lincoln's attempt to foment slave rebellion. By their lights, the Twenty-Slave Law was necessary to ensure the productivity of the black population and to maintain the safety of the white population. That view was far from universal in the South. The vast majority of the Southern population that did not own slaves saw the law as a further and blatant favor to wealthy slaveholders at the expense of the common man.

In response to the criticism, Confederate congressmen amended the Twenty-Slave Law on May 1, 1863, to apply only to overseers on plantations belonging solely to "a minor, a person of unsound mind, a *femme sole* [single woman], or a person absent from home in the military or naval service of the Confederacy." Congressmen required planters to swear an affidavit that they had been unable to secure an overseer not liable for military service and to pay five hundred dollars for the privilege. In addition, only men who had been overseers prior to April 16, 1862, on plantations that had not been divided since October 11, 1862, could qualify for exemptions under the Twenty-Slave Law.

Congressmen intended these latter provisions to prevent men from becoming overseers in order to evade conscription and to prevent planters from dividing their plantations to exempt additional overseers. On February 17, 1864, congressmen changed the requirement to fifteen able-bodied slaves and required planters with exempted overseers to deliver one hundred pounds of bacon or its equivalent for every slave on the plantation to the government and to sell his or her surplus to the government or to soldiers' families at government prices. In this way, congressmen ensured that the Confederate war effort benefited from the overseer exemptions.¹⁴

¹¹ <http://www.highbeam.com/doc/1G1-166751100.html>

¹² See Appendix 4

¹³ See Appendix 5

¹⁴ http://www.encyclopediavirginia.org/Twenty-Slave_Law

The Conscription Act of Feb. 1864 lowered the minimum draft age from 18 to 17 and raised the maximum age to 50.¹⁵

John M Sacher has pointed out that historians who take aim at Confederate conscription face a moving target. First, Congress modified conscription policy including the age range and the exemptions several times, and thus the reactions it engendered changed as well. The twenty slave law and the inclusion and subsequent termination of substitution changed attitudes dramatically. Wealth could shape one's attitude toward the policy and toward those who resisted it as could the proximity of the Union army. An area safely within Confederate lines might accept conscription, but if later the home front faced Union occupation or simply lost the protection of the Confederate army, men might be much less willing to leave their families to fight. Eventually much of the Confederacy was occupied by the Union and the Richmond Government's writ simply no longer ran.¹⁶

Appendix 1.

An Act providing for the granting of Bounty and Furloughs to Privates and Non-Commissioned Officers in the Provisional Army.

Section 1. The Congress of the Confederate States of America do enact, That a bounty of fifty dollars be, and the same is hereby, granted to all privates, musicians and non-commissioned officers in the Provisional Army, who shall serve continuously for three years or for the war, to be paid at the following times, to wit: To all now in the service for twelve months, to be paid at the time of volunteering or enlisting for the next two ensuing years subsequent to their present term of service. To all now in the service for three years, or for the war, to be paid at the expiration of their first year's service. To all who may hereafter volunteer or enlist for three years or for the war, to be paid at the time of entry into service.

Sec. 2. And be it further enacted, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all twelve months men now in service, who shall, prior to the expiration of their present term of service, volunteer or enlist for the next two ensuing years subsequent to the expiration of their present term of service, or for three years or the war; said furloughs to be issued at such times and in such numbers as the Secretary of War may deem most compatible with the public interest; the length of each furlough being regulated with reference to the distance of each volunteer from his home: Provided, That in lieu of a furlough, the commutation value in money of the transportation herein above granted, shall be paid to each private, musician, or non-commissioned officer, who may elect to receive it, at such time as the furlough itself would otherwise be granted.

Sec. 3. This Act shall apply to all troops who have volunteered or enlisted for a term of twelve months or more in the service of any State, who are now in the service of said State, and who may hereafter volunteer or enlist in the service of the Confederate States under the provisions of the present Act.

Sec. 4. And be it further enacted, That all troops re-volunteering or re-enlisting shall, at the expiration of their present term of service, have the power to re-organize themselves into companies and elect their company officers, and said companies shall have the power to organize themselves into battalions or regiments and elect their field officers; and after the first election, all vacancies shall be filled by promotion from the company, battalion or regiment in which such vacancies may occur: Provided, That whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election: And Provided further, That in the case of troops which have been regularly enlisted into the service of any particular State prior to the formation of the Confederacy, and which have, by such State, been turned over to the Confederate Government, the officers shall not be elected, but appointed and promoted in the same manner and by the same authority as they have heretofore been appointed and promoted.

Approved December 11, 1861.

¹⁵ Source: "Historical Times Encyclopedia of the Civil War" Edited by Patricia L. Faust
<http://www.civilwarhome.com/conscription.htm>

¹⁶ <http://www.highbeam.com/doc/1G1-166751100.html>

Appendix 2

An Act to further provide for the Public Defence.

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore —

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended: Provided, however, That all such companies, squadrons, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the Commander of the Brigade, to re-organize said companies, battalions, and regiments, by electing all their officers, which they had a right heretofore to elect, who shall be commissioned by the President: Provided further, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this Act beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an Act entitled "An Act providing for the granting of bounty and furloughs to privates and non commissioned officers in the Provisional Army," approved eleventh December, eighteen hundred and sixty-one, said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest: and Provided further, That in lieu of a furlough the commutation value in money of the transportation herein above granted, shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: Provided further, That all persons under the age of eighteen years or over the age of thirty-five years, who are now enrolled in the military service of the Confederate States, in the regiments, squadrons, battalions, and companies hereafter to be re-organized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of eighteen and thirty-five years; and all laws and parts of laws providing for the re-enlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be, and the same are hereby, repealed.

Sec. 2. Be it further enacted, That such companies, squadrons, battalions, or regiments organized, or in process of organization by authority from the Secretary of War, as may be within thirty days from the passage of this act, so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same, to be received in that arm of the service in which they are authorized to organize, and shall elect their company, battalion, and regimental officers.

Sec. 3. Be it further enacted, That for the enrolment of all persons comprehended within the provisions of this act, who are not already in service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the Governors of the respective States, to employ State officers, and on failure to obtain such consent, he shall employ Confederate officers, charged with the duty of making such enrolment in accordance with rules and regulations to be prescribed by him.

Seq. 4. Be it further enacted, That persons enrolled under the provisions of the preceding section, shall be assigned by the Secretary of War, to the different companies now in the service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

Sec. 5. Be it further enacted, That all Seamen and ordinary Seamen in the land forces of the Confederate States, enrolled under the provisions of this Act, may, on application to the Secretary of the Navy, be transferred from the land forces to the Naval service.

Sec. 6. Be it further enacted, That in all cases where a State may not have in the army a number of regiments, battalions, squadrons, or companies, sufficient to absorb the number of persons subject to military service under this Act, belonging to such State, then the residue or excess thereof shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of not greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: Provided, That the persons held in reserve may remain at home until called into service by the President: Provided, also, That during their stay at home, they shall not receive pay: Provided, further, That the persons comprehended in this Act, shall not be subject to the Rules and Articles of War, until mustered into the actual service of the Confederate States; except that said persons, when enrolled, and liable to duty, if they shall willfully refuse to obey said call, each of them shall be held to be a deserter, and punished as such, under said Articles: Provided, further, That whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section four of this Act; said reserve shall be organized under such rules as the Secretary of War may adopt: Provided, The company, battalion, and regimental officers shall be elected by the troops composing the same: Provided, The troops raised in any one State shall not be combined in regimental, battalion, squadron, or company organization with troops raised in any other States.

Sec. 7. Be it further enacted, That all soldiers now serving in the army or mustered into the military service of the Confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the service by virtue of this Act, who have not received the bounty of fifty dollars allowed by existing laws, shall be entitled to receive said bounty.

Sec. 8. Be it further enacted, That each man who may hereafter be mustered into service, and who shall arm himself with a musket, shot-gun, rifle, or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same, and if he is not, then he shall be entitled to receive one dollar a month for the use of said received and approved musket, rifle, shot-gun, or carbine.

Sec. 9. Be it further enacted. That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

Sec. 10; Be it further enacted, That all vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur, by promotion according to seniority, except in case of disability or other incompetency: Provided, however, That the President may, when in his opinion it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates, from such company, battalion, squadron, or regiment, who shall have been distinguished in the service by exhibition of valor and skill; and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: Provided, That all appointments made by the President shall be by and with the advice and consent of the Senate.

Sec. 11. Be it further enacted, That the provisions of the first section of this Act, relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve months and war companies combined in the same organization, without regard to the manner in which the officers thereof were originally appointed.

Sec. 12. Be it further enacted. That each company of infantry shall consist of one hundred and twenty-five, rank and file; each company of field artillery of one hundred and fifty, rank and file; each of cavalry, of eighty, rank and file.

Sec. 13. Be it further enacted, That all persons subject to enrolment, who are not now in the service, under the provisions of this Act, shall be permitted, previous to such enrolment, to volunteer in companies now in the service.

Approved April 16, 1862.

Appendix 3

An Act to exempt certain persons from enrolment for service in the Armies of the Confederate States.

The Congress of the Confederate States of America do enact, That all persons who shall be held to be unfit for military services under rules to be prescribed by the Secretary of War; all in the service or employ of the Confederate States; all judicial and executive officers of Confederate or State Governments; the members of both Houses of Congress and of the Legislatures of the several States and their respective officers; all clerks of the officers of the State and Confederate Governments allowed by law; all engaged in carrying the mails; all ferrymen on post routes; all pilots and persons engaged in the marine service and in actual service on river and railroad routes of transportation; telegraphic operators, and ministers of religion in the regular discharge of ministerial duties; all engaged in working iron mines, furnaces, and foundries; all journeymen printers actually employed in printing newspapers; all presidents and professors of colleges and academies, and all teachers having as many as twenty scholars; superintendents of the public hospitals, lunatic asylums and the regular nurses and attendants therein, and the teachers employed in the institutions for the deaf and dumb, and blind: in each apothecary store now established and doing business, one apothecary in good standing who is a practical druggist; superintendents and operatives in wool and cotton factories, who may be exempted by the Secretary of War; — shall be, and are hereby, exempted from military service in the armies of the Confederate States.

Approved April 21, 1862.

Appendix 4

An Act to amend an Act entitled "An Act to provide further for the Public Defence," approved April sixteenth, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to call out and place in the military service of the Confederate States for three years, unless the war should have been sooner ended, all white men who are residents of the Confederate States, between the ages of thirty five and forty five years at the time the call or calls may be made, and who are not, at such time or times, legally exempted from military service, or such part thereof as, in his judgment, may be necessary to the public defence, such call or calls to be made under the provisions and according to the terms of the act to which this is an amendment, and such authority shall exist in the President, during the present war, as to all persons who now are or may hereafter become eighteen years of age, and when once enrolled, all persons between the ages of eighteen and forty-five shall serve their full term: Provided, That if the President, in calling out troops into the service of the Confederate States, shall first call for only a part of the persons between the ages heretofore stated, he shall call for those between the ages of thirty-five and any other age less than forty-five: Provided, That nothing herein contained shall be understood as repealing or modifying any part of the Act to which this is amendatory, except as herein expressly stated: And provided further, That those called out under this Act and the Act to which this is an amendment, shall be first and immediately ordered to fill to their maximum number the companies, battalions, squadrons and regiments from the respective States at the time the Act to further provide for the public defence, approved April sixteenth, eighteen hundred and sixty two, was passed, and the surplus, if any, shall be assigned to organizations formed from each State since the passage of that act, or placed in new organizations to be officered by the State having such residue, according to the laws thereof, or disposed of as now provided by law: Provided, That the President is authorized to suspend the execution of this act, or the act to which this is an amendment, in any locality where he may find it impracticable to execute the same, and that in such locality, and during said suspension, the President is authorized to receive troops into the Confederate service, under any of the acts passed by the Confederate Congress prior to the passage of the act to provide further for the public defence, approved sixteenth of April, eighteen hundred and sixty-two.

Approved September 27, 1862.

Appendix 5

An Act to exempt certain persons from military duty, and to repeal an act entitled "An Act to exempt certain persons from Enrolment for service in the Army of the Confederate States," approved 21st April, 1862.

The Congress of the Confederate States of America do enact, That all persons who shall be held unfit for military service in the field, by reason of bodily or mental incapacity or imbecility, under rules to be prescribed by the Secretary of War; the Vice President of the Confederate States; the officers, judicial and executive, of the Confederate and State Governments, including postmasters appointed by the President and confirmed by the Senate, and such clerks in their offices as are allowed by the Postmaster General, and now employed, and excluding all other postmasters, their assistants and clerks; and except such State officers as the several States may have declared, or may hereafter declare by law to be liable to militia duty; the members of both Houses of the Congress of the Confederate States, and of the Legislatures of the several States, and their respective officers; all clerks now in the offices of the Confederate and State Governments authorized by law, receiving salaries or fees; all volunteer troops, heretofore raised by any State since the passage of the act entitled "An Act further to provide for the public defence," approved April 16th, 1862, while such troops shall be in active service under State authority: Provided, That this exemption shall not apply to any person who was liable to be called into service by virtue of said act of April sixteenth, 1862; all pilots and persons engaged in the merchant marine service; the president, superintendents, conductors, treasurer, chief clerk, engineers, managers, station agents, section masters, two expert track hands to each section of eight miles, and mechanics in the active service and employment of railroad companies, not to embrace laborers, porters, and messengers; the president, general superintendent and operators of telegraph companies, the local superintendent and operators of said companies, not to exceed four in number at any locality, but that of the seat of Government of the Confederate States; the president, superintendents, captains, engineers, chief clerk and mechanics in the active service and employment of all companies engaged in river and canal navigation, and all captains of boats and engineers therein employed; one editor of each newspaper now being published, and such employees as the editor or proprietor may certify, upon oath, to be indispensable for conducting the publication; the public printer, and those employed to perform the public printing for the Confederate and State Governments; every minister of religion authorized to preach according to the rules of his sect and in the regular discharge of ministerial duties, and all persons who have been and now are members of the society of Friends, and the association of Dunkards, Nazarenes, and Mennonists, in regular membership in their respective denominations: provided, members of the society [missing line] substitutes or pay a tax of \$500 each into the public treasury; all physicians who now are, and for the last five years have been, in actual practice of their profession; all shoe-makers, tanners, blacksmiths, wagon-makers, millers and their engineers, millwrights, skilled and actually employed at their regular vocation in the said trades, habitually engaged in working for the public, and whilst so actually employed: Provided, Said persons shall make oath in writing that they are so skilled and actually employed at the time as their regular vocation in one of the above trades, which affidavit shall only be prima facie evidence of the facts therein stated: Provided, further, That the exemptions herein granted to persons by reason of their peculiar mechanical or other occupation or employment, not connected with the public service, shall be subject to the condition that the products of the labor of such exempts, or of the companies or establishments with which they are connected, shall be sold and disposed of by the proprietors at prices not exceeding seventy-five per centum upon the cost of production, or within a maximum to be fixed by the Secretary of War, under such regulations as he may prescribe: And be it further provided, That if the proprietors of any such manufacturing establishments shall be shown, upon evidence, to be submitted to, and judged of, by the Secretary of War, to have violated, or in any manner evaded the true intent and spirit of the foregoing proviso, the exemptions therein granted shall no longer be extended to them, their superintendents, or operatives, in said establishments, but they and each and every one of them shall be forthwith enrolled under the provisions of this act, and ordered into the Confederate army, and shall, in no event, be again exempted therefrom by reason of said manufacturing establishments or employments therein; all superintendents of public hospitals, lunatic asylums, and the regular physicians, nurses and attendants therein, and the teachers employed in the institutions for the deaf, dumb, and blind; in each apothecary store, now established and doing business, one apothecary in good standing, who is a practical apothecary: superintendents and operators in wool and cotton factories, paper mills, and superintendents and managers of wool carding machines, who may be exempted by the Secretary of War: Provided, The profits of such establishments shall not exceed seventy-five per centum upon the cost of production, to be determined upon oath of the parties, subject to the same penalties for

violation of the provisions herein contained as are herein before provided, in case of other manufacturing and mechanical employments; all presidents and teachers of colleges, academies, schools, and theological seminaries, who have been regularly engaged as such for two years previous to the [missing line] establishments of the Government for the manufacture of arms, ordnance, ordnance stores, and other munitions of war, saddles, harness, and army supplies, who may be certified by the officer in charge thereof, as necessary for such establishments; also, all artizans, mechanics, and employees in the establishments of such persons as are or may be engaged under contracts with the Government in furnishing arms, ordnance, ordnance stores, and other munitions of war: Provided, That the chief of the ordnance bureau, or some ordnance officer authorized by him for the purpose, shall approve of the number of the operatives required in such establishments; all persons employed in the manufacture of arms, or ordnance of any kind by the several States, or by contractors to furnish the same to the several State Governments, whom the Governor or Secretary of State thereof may certify to be necessary to the same; all persons engaged in the construction of ships, gunboats, engines, sails, or other articles necessary to the public defence, under the direction of the Secretary of the navy; all superintendents, managers, mechanics, and miners employed in the production and manufacture of salt to the extent of twenty bushels per day, and of lead and iron, and all persons engaged in burning coke for smelting, and manufacture of iron, regular miners in coal mines, and all colliers engaged in making charcoal, for making pig and bar iron, not to embrace laborers, messengers, wagoners, and servants, unless employed at works conducted under the authority and by the officers or agents of a State, or in works employed in the production of iron for the Confederate States; one male citizen for every five hundred head of cattle, for every two hundred and fifty head of horses or mules, and one shepherd for every five hundred head of sheep, of such persons as are engaged exclusively in raising stock: Provided, That there is no male adult not liable to do military duty engaged with such person in raising stock; to secure the proper police of the country, one person, either as agent, owner, or overseer, on each plantation on which one white person is required to be kept by the laws or ordinances of any State, and on which there is no white male adult not liable to do military service, and in States having no such law, one person as agent, owner, or overseer, on each plantation of twenty negroes, and on which there is no white male adult not liable to military service: And furthermore, For additional police for every twenty negroes on two or more plantations, within five miles of each other, and each having less than twenty negroes, on which there is no white male adult not liable to military duty, one person, being the oldest of the owners or overseers on such plantations; and such other persons as the President shall be satisfied, on account of justice, equity, or necessity, ought to be exempted, are hereby exempted from military service in the armies of the Confederate States; also a regiment raised under and by authority of the State of Texas, for frontier defence, now in the service of said State, while in such service: Provided, further, That the exemptions herein above enumerated and granted hereby, shall only continue whilst the persons exempted are actually engaged in their respective pursuits or occupations.

Sec. 2. Be it further enacted, That the Act entitled "An Act to exempt certain persons from enrolment for service in the armies of the Confederate States," approved the twenty-first of April, eighteen hundred and sixty-two, is hereby repealed.

Approved October 11, 1862.

Appendix 6 Regulations Concerning Substitutes in the Army

War Department, Adjutant and Inspector Generals Office
Richmond, April 26, 1862

General Orders no 29

- I. The following regulations concerning substitutes in the Army, are published by the direction of the Secretary of War:
 1. Any non-commissioned officer or soldier not indebted to the Government, who wishes to procure a substitute, may obtain from his Captain a permit for the proposed substitute to report himself to the Captain of the company for examination; and such permit shall operate as a passport, but shall not entitle the holder to transportation at the expense of the Government.

2. If the substitute be exempt from military duty, and, on examination by a Surgeon or Assistant Surgeon of the Army, be pronounced sound, and in all respects fit for military service, he shall be enrolled and mustered into service for three years, unless the war sooner terminates; and the non-commissioned officer or soldier procuring him shall thereupon be discharged, but shall not be entitled to transportation at the expense of the Government.
 3. If a non-commissioned officer or soldier discharged by reason of a substitute, be indebted to the Government, the officer granting the discharge shall be liable for the debt.
 4. All pay and allowances due to the non-commissioned officer or soldier discharged, shall go to the substitute at the next pay day.
 5. Substitution shall not exceed one per month in each company, and shall be noted in the next morning report, muster roll and monthly return.
- II. When any person liable to military duty under the Act of Congress, but not mustered into service in any Company, desires to furnish a substitute, he shall report himself with the substitute to the Commandant of a Camp of Instruction, for recruits raised under the said act; and if the substitute be lawfully exempt from military duty, and on examination by a Surgeon or Assistant Surgeon, be pronounced sound and in all respects fit for military service, he may be accepted and enrolled, and the person furnishing such substitute may be discharged by the Commandant of the Camp. But no substitute shall be entitled to transportation or other allowance at expense of the Government, until so accepted and enrolled.
- III. On the reorganisation of new Companies from Companies already in service, and the election consequent thereon of officers, according to existing laws, the commissions of such of the officers of former Companies as may not be re-elected will necessarily expire, and they will cease to be in service from the date of reorganisation and election.

By command of the Secretary of War,
S Cooper
Adjutant and Inspector General