NOTES AND SUGGESTIONS

PROHIBITION IN THE CONFEDERACY

As everyone knows, the Old South was fond of its drink. The frosty mint juleps of the Kentucky gentlemen and the fiery corn liquor of the mountaineer are proverbial. In the low country the elegant planters drank imported brandies and clarets, but there were also good domestic whiskies and wines. What Southerner past forty does not recall the excellence of the Catawba wines of North Carolina, the scuppernong and muscadine wines of South Carolina, and the peach brandy of Georgia! In 1861 every plantation and farm had its “grape arbors”, and in September the slaves were busy at the presses. The product of the black vintners compared favorably with the vintages of Bordeaux. Temperance was regarded as a virtue; but the right of a citizen to possess and consume, within the limits of reasonable sobriety, beverages of any alcoholic percentage whatsoever, was never questioned. Yet, two phases of our present prohibition problem became burning issues in the Confederacy.

Prohibition in the Confederacy was the enforced product of war conservation. It was never a high moral issue; although, indeed, we do find that the Confederate Congress twice passed acts to discourage drunkenness in the army—with no reason at all for implying abstinence in the navy and the marine corps. Prohibition arose from the twofold necessity of conserving the grain supplies in order to feed the armed forces and of conserving the inbound tonnage of the blockade-runners in order to increase the importation of war supplies. There was no single law on the subject, but a multiplicity of state and federal enactments; and the policies of the several state governments often clashed with those of the general government. Some very interesting passages, almost of arms, developed between the Confederate and the local authorities; and, in at least one instance, attained the proportions of a genuine impasse—thanks to the practice of state rights.

The market price of rectified whisky rested on the 20 @ 25 cent level in the winter of 1860–1861, but by the summer of 1861, it had jumped to fifty-five cents a gallon and was quoted as scarce. In the spring of 1862, it had risen to $1.10 @ $1.20 in New Orleans, and was somewhat higher on the Atlantic seaboard. During this time wheat
had jumped from $1.25 a bushel to $3.00, though sugar of grade fair to fully fair had dropped from six and three-fourths to four cents a pound. Since Confederate dollars had not then suffered material depreciation, these prices may be taken as a direct measure of the supply and the demand.

At this time the sugar producing section was still within the lines of the Confederate army, although it was soon to be drawn into the battle area. The Old South had been too engrossed with cotton culture to produce all her foodstuffs. Much of her grain had come from the Northwest, and with hungry soldiers to feed, the grain stocks rapidly diminished. The public press urged upon the planters the necessity of cutting down the cotton acreage and of increasing the acreage devoted to grain production. The general and state governments enacted numerous laws to encourage the growing of foodstuffs at the expense of cotton, lifting many of the war burdens, such as impressment of labor, from those plantations devoted solely to the production of food supplies. Despite the pressure, both governmental and journalistic, it became evident that the grain crops would not equal the demands of the army and that the utmost economy must be enforced everywhere in the consumption of grain. During 1862, most of the state legislatures passed laws not only to safeguard the consumption of grain, but particularly to prohibit its use as an ingredient in the manufacture of whisky, brandy, and beer.

As a result of state prohibition the price of whisky jumped skyward. At Richmond in September, 1863, it was quoted at $35 a gallon, but imported liquors also shared in the rise. The market price of rum at this time was $29.50 a gallon, of claret, $70 a case, and of cognac, $150 a case.

The foreign supply was not cut off by law until February 6, 1864. On that date, President Davis approved an act, first, to prohibit the importation of certain luxuries, and second, to require one-half of the tonnage of all inbound vessels to be reserved for government account. Among the prohibited "luxuries" were spirits distilled from grain, brandy, wine, imitations of wine, beer, ale, porter, and cider. Nevertheless, cognacs, champagne, and clarets in appreciable quantities regularly got by the revenue officers, for the shipmasters soon learned that a present of a few bottles of fine champagne was a powerful persuader with the port officials, whether of the armed or customs service. Occasionally, cases of brandy or wine were openly listed in the blockade stocks advertised in the newspapers. During the first year of the war brandy had sold for about $36 a case; but the price of a dozen
bottles had gone up to $175 by the winter of 1863-1864, and it continued upward as the value of the currency declined and the regulations governing foreign commerce were more strictly enforced.

In spite of the fact that the state governments prohibited the distillation of grains and the Confederate government forbade the importation of alcoholic beverages, large quantities of alcohol and alcoholic stimulants were, nevertheless, required for the maintenance of the army and the navy. While whisky was not a component of the army ration, its issue was allowed to troops “under circumstances of great exposure and protracted fatigue”. It was, however, a part of the prescribed navy ration, and was used regularly in the hospitals and medical laboratories. There is no record of the amount of spirits consumed by the Navy Department; but the alcoholic issues by the medical department of the army averaged 16,800 gallons a month in 1863, and by 1865 reached the average of 52,000 gallons.

The major portion of these issues was for hospital uses, although a fairly large quantity was consumed in the manufacture of medicine. As the War Department’s laboratories were unable to produce all of the medical supplies required by the land forces, the surgeon-general of the army directed the medical officers to compound in the field as much of their requirements as possible from herbs, indigenous to the neighboring “forests and savannahs”. This necessitated the use of considerable amounts of whisky as a solvent. For instance, it took a gallon of whisky to prepare sixty-four doses of a quinine substitute, which was made from the dried bark of dogwood, poplar, and willow trees. (The formula called for two pounds of a mixture consisting of thirty parts each of dogwood and poplar bark and forty parts of willow bark to be added to one gallon of whisky of 45° strength and allowed to macerate for fourteen days.) This preparation was used both as a tonic and a febrifuge. Because of the high prevalence of malaria in the South, large quantities of it were required.

Whisky as a regular issue in the navy was suspended late in 1863 on account of the failure of the department’s contract distillers. The market value of ordinary grades of whisky ranged from $60 to $75 a gallon, which made the cost of the spirituous component of the ration actually $2.00, whereas it was commutable under the navy regulations at four cents. However, a year later, the alcoholic ration appears to have been resumed upon the recommendation of the chief surgeon of the navy. He advised the secretary of the navy that it was needed to strengthen and fortify the systems of the sailors against the attack of fevers, and suggested that it be issued with hot coffee to the crews,
“at an early hour every morning, before proceeding to scouring the decks, as a means of counteracting the effects of the damp and chilling drafts so prevalent on all fresh-water courses and malarial regions at the dawn of day”.

In order to supply the public services with whisky and alcohol, extensive contracts were made by the War and Navy departments. In the fall of 1862, the commissary general of subsistence had contracts in Georgia for the delivery of 250,000 gallons of whisky. The legislature then passed a law requiring all distilleries to be located at least twenty miles from a railroad or navigable stream. On November 29, 1862, the secretary of war wrote to the governor of Georgia, requesting a suspension of the law where it affected distilleries which were engaged in producing whisky for the army. Governor Brown, however, adopted a sacrosanct attitude toward Georgia laws and all things Georgian—thus began one phase of the conflict which went on eternally between the state of Georgia and the Confederate States government.

Shortly after assuming command of the Army of Tennessee at Dalton, Georgia, on December 27, 1863, General Joseph E. Johnston decided to make up for the existing deficiencies in the meat ration by a regular issue of whisky. He called upon Major J. F. Cummings, the district chief of commissary at Atlanta, to prepare for the increased requisitions. At that time, Major Cummings had contracts aggregating an output of only 3000 gallons a month. His contracts had been made on the understanding that the government should furnish the corn and the contractors deliver in return one gallon—in some few contracts, five quarts—of whisky to the bushel of grain supplied. The state, however, required the distillers who were licensed to distill for the general government to deliver every gallon made to the Confederate authorities. When this provision of the law had been brought to the attention of Major Cummings, he modified his contracts so that the distillers, instead of keeping the ‘overage’ as pay for their work, would deliver it to the commissary agents at the price fixed in the impressment schedules, which was around $3.50 a gallon. It was said that one bushel of corn yielded two and a half gallons and that the commercial rate was then $50 a gallon. If these facts are correct, then the distillers lost about seventy dollars a bushel by the modification of their contracts.

When Major Cummings received the increased requisitions, he applied to Governor Brown for licenses to authorize the contract manufacture of whisky along the line of rail communications in North
Georgia. The existing contracts had all been confined to the southern part of the state, and over twenty miles from rail or water transportation lines. The governor assumed a pose of outraged righteousness, and replied, in part:

"You say the demand for whisky for the army is heavy. I reply, the demand for bread in the army and at home is much greater. One thing is very certain, there is not corn enough in the country to furnish the people and the army with rations of bread and whisky. One or the other must be dispensed with, and in my judgment no man connected with the army, unless he is a toper, or expects to make money out of the distillation, can hesitate to decide in favor of bread. If the question is left to the decision of a soldier who is a man, whether he shall have his drink of whisky in camp or his wife and children shall have bread at home, there will be no hesitation. He will decide in favor of bread.

What the governor had to say was good enough so far as it went; but it took no account of certain other factors. The government was possessed of large stocks of corn received as tax in kind. Much of the "tithe corn" had been paid, not in the corn of the season, but in the previous year's crop, and was too full of weevils to be used for breadstuffs or stock feed. Thousands of bushels were fit only for making whisky and it was solely this damaged grain that the commissary department proposed to use. Furthermore, hogs and cattle were regularly raised on the swill from the mash. So the distillation of whisky, under those circumstances, constituted no real curtailment in foodstuffs but provided a really substantial gain. Although these facts were known to the governor, he clung strictly to the letter of the law.

Major Cummings was disgusted with the governor's willingness to subordinate "the best interests and success of the Confederacy" to his own "self-conceived notions of justice and patriotism". In a confidential letter to the commissary general at Richmond, on February 13, 1864, he marked the Georgians down pretty low. He told how the governor had persuaded President Davis to declare certain counties in North Georgia 'impracticable', that is, unable to furnish their quota of the tax in kind without distressing the inhabitants. The commissary officers had then been authorized to pay the market price for supplies required in those counties, which, incidentally, included Governor Brown's home section. No sooner had this been done than "the patriotic citizens of these counties" astonished the major with "their hidden treasures" which they offered for sale.

Although the subsistence department regarded Georgia and Alabama as the only states where grain existed in sufficient quantity to justify its use for whisky, the surgeon-general of the army made the contracts for supplying his department in Virginia.
Virginia was one of the last states to enter the prohibition ranks. It was not until March 12, 1863, that the legislature declared it to be a penal offense for any person, within the confines of the state, “to make or cause to be made any whisky or other spirituous or malt liquors out of any corn, wheat, rye, or other grain”. The contractors avoided the consequences of this law on the ground of their federal connections; but, the following fall, the legislature passed another law on prohibition. This act, dated October 31, 1863, prohibited under severe penalties the fulfillment of any contract, present or future, with the Confederate government for the manufacture of ardent spirits.

This was a direct slap in the face of the government. The secretary of war promptly asked the attorney-general for an opinion on the validity of the state enactment. The latter replied “that a state has not the power to forbid the fulfillment of a contract which the Confederate Government has the authority to make, and that, therefore, the act of the 12th of March does not apply to such a contractor, and the act of the 31st of October, expressly forbidding the fulfillment of such a contract, is a nullity”.

In reaching this conclusion, the attorney-general rehearsed the fundamentals involved in the division of powers between the state and Confederate governments. For the execution of these powers, he said, any men and means might be used which were not expressly nor impliedly prohibited by the principles of our public law. No one dared urge that the Confederate government did not have the right, under the powers to declare war and support armies, to use any means known for the procurement of gunpowder. The same rule was true in regard to provisions, medicines, and other army supplies. “Spirituous liquors being amongst the supplies required for the army”, concluded the attorney-general, “my opinion is that persons who manufacture whisky in Virginia exclusively for the Confederate Government under a contract with it are not liable to the penalties of the State statutes.”

In the following spring a much stronger case was presented to the Department of Justice. It was that of the government itself, not a contractor, manufacturing necessary supplies by its own agents and exclusively for its own use. The Navy Department had begun the erection of a distillery in South Carolina for the purpose of manufacturing whisky for the sole use of the navy. State officers, by order of the governor, had halted the construction work on the ground that the laws of South Carolina prohibited the establishment of distilleries. The advice of the attorney-general was to the same effect as before.
The differences with the South Carolina authorities were soon patched up, and the medical department of the army also established a distillery in South Carolina, at Columbia. The surgeon-general had already established a government distillery at Salisbury, North Carolina. These plants turned out from 200 to 500 gallons a day. Under an act of Congress of June 14, 1864, the surgeon-general began the erection of distilleries in Wilcox County, Alabama, at Macon, Georgia, and at Buchanan, in Botetourt County, Virginia. The Virginia still was ready for operation when the county sheriff, under an attachment of the circuit court, seized the distillery and the government’s stock of grain, and instituted criminal proceedings against the army officer in charge of the plant.

The secretary of war laid this new complication before the attorney-general, who, feeling that he could add little to the preceding opinions, sent copies of them to the War Department with a short letter. In the latter, though he advised the submission of the matter to the state courts for their decision, he nevertheless almost suggested that a conflict of force with the state authorities would be justified in an extreme emergency. The Confederate government could ill afford to use force to oppose the civil processes of a state. But the Virginians were unyielding, and an *impasse* was reached. The distillery was abandoned by the army and was not even mentioned by the surgeon-general in a later report to the War Department regarding the resources available for carrying on the business of his bureau.

There is, however, one instance in which a state and the army worked hand in hand on the prohibition question. It was in Mississippi. There was no statute in the criminal law under which the state authorities could suppress the stills, yet the governor felt that the diversion of grain was an evil and ought to be stopped. He adopted a unique procedure. The law authorized him to impress any property in the state in order to fill the requisitions of the Confederate military authorities. Accordingly, he wrote to Lieutenant General Pemberton, commanding the department of Mississippi and East Louisiana, and asked him to make a requisition for corn. He told the general that he would impress every bushel of corn in the distilleries, and that if this did not stop the business, he would ask the general to requisition copper for the manufacture of cannon and would then impress the boilers and coils. General Pemberton replied that he needed corn and would be glad to have the corn taken from two distilleries which were then operating in Marshall County.

In view of the frequent clashes between the governor of North
Carolina and the Confederate government on almost every subject, one is surprised to find very few and innocuous passages on the subject of prohibition. However, Governor Vance felt very strongly on the conservation of food supplies, and, in his message to the assembly in November, 1862, he recommended a tightening of the existing prohibition against the distillation of spirits from grain. "There is no grain to spare for such purposes", he said, "and all the medical needs of the country and Army can be abundantly supplied by liquors made from the fruit crops. Should even the supply for the Army fail, it cannot be doubted that it is much better for the soldier to go without spirits than that his wife and child should go without bread."

In the matter of distilling fruits, we find the governor of Virginia, in his annual message to the general assembly in December, 1864, lamenting that the prohibition laws, which so perfectly protected the grain crop, did not also extend to fruit. "The recent crop of apples", he said, "was the most abundant we have had for many years, and would have furnished a large amount of healthy succulents and an ample supply of vinegar, so essential as an anti-scorbutic for our soldiers. But a frenzy seems to have seized upon the people for converting this fine crop into brandy, which in its effects upon our Army is most pernicious. I earnestly recommend that the law may be enlarged so as to comprehend an inhibition of the distillation of all fruit."

This frenzy for making brandy is reflected in the liquor prices allowed by the commissioners of impressment in Virginia during the winter of 1865. The schedules fixed whisky at $25 a gallon but apple brandy at $15 and vinegar at only $5.00 a gallon. At this time the government price of wheat was $25 a bushel, corn and rye $20, and dried apples $15 a bushel. Brown sugar was $5.00 a pound and molasses $15 a gallon.

The Confederate government had as much trouble in controlling the liquor manufactured under the contracts of the several bureaus as the United States has had in recent years in preventing leakages from the licensed distilleries and bonded warehouses. The only legitimately operated stills, in practically all the states, were those run under contract with the War or Navy departments. The temptation to commit fraud was great, for the market price of whisky usually ranged from fifteen to twenty times the contract rates. Many of the contractors took advantage of their licenses to manufacture an excess over the quantity called for in their contracts, and this they sold to private parties. Often their product was "so indifferent and spurious an article" that the inspecting officers were obliged to reject it.
rejected whisky was never hard to bootleg. In fact, this was the profitable way to operate a contract still. In order to overcome these evils, the government, as we have seen, undertook during the last two years of the war to establish its own distilleries and abolish the contract supply. Nevertheless, domestic whiskies continued on the market along with the unprohibited fruit wines and distillates. And, generally speaking, every kind of drink, foreign and domestic, could be secured.

Yorktown.

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In nearly all fields of learning the number and variety of international congresses have greatly increased since the war, but in no field has the increase been more marked than in history. In addition to the long-standing quinquennial International Congress of Historical Sciences, we now have numerous congresses devoted to special subjects, such as the history of science, the history of literature, Byzantine history, the history of religion, and the history of art, and also congresses of general scope that bring together scholars of different countries possessed of the same or of closely related languages. Examples of these are the Historikertag of the Germans and Austrians, the annual meeting of French and Belgian historians, the Scandinavian congresses, the congresses of the historians of Eastern Europe, and, finally, the Anglo-American conference. One can not help wondering whether all these manifestations are rich enough in results to warrant the expenditure of time and effort and money that they demand, or to justify their momentary diversion of scholarship from its usual pursuits. But perhaps it is fairer to see in them encouraging signs of a growing sense of interdependence and of an increasing appreciation of the value of the personal exchange of ideas. There can be little doubt that all this activity is both natural and salutary in the present state of the world's affairs, and if, in the course of events, it should become excessive and burdensome, the corrective will be promptly applied through the abstention of those for whose benefit it is designed.

Among the various congresses and gatherings, the Anglo-American Conference of Historians is distinguished by the simplicity of its organization, its unpretentious character, its practical value, and the

1 For accounts of the first and second conferences, see Am. Hist. Rev., XXVII. 58-63; XXXII. 56-61. A full report of the third conference will be published in the Bulletin of the Institute of Historical Research.