

Genl B. J. Butley  
General Order No 46  
Fort Monroe Dec 5/63  
Signed W. A. Ricketts

Head-Quarters, 18th Army Corps,  
Department of Virginia and North Carolina,

FORT MONROE, VA., December 5th, 1863.

GENERAL ORDERS, }  
No 46. }

The recruitment of colored troops has become the settled purpose of the Government. It is therefore the duty of every officer and soldier to aid in carrying out that purpose, by every proper means, irrespective of personal predilection. To do this effectually, the former condition of the blacks, their change of relation; the new rights acquired by them; the new obligations imposed upon them; the duty of the Government to them; the great stake they have in the war; and the claims their ignorance, and the helplessness of their women and children, make upon each of us, who hold a higher grade in social and political life, must all be carefully considered.

It will also be taken into account that the colored soldiers have none of the machinery of "State aid" for the support of their families while fighting our battles, so liberally provided for the white soldiers, nor the generous bounties given by the State and National Governments in the loyal States—although this last is far more than compensated to the black man by the great boon awarded to him, the result of the war—**FREEDOM FOR HIMSELF AND HIS RACE FOREVER!**

To deal with these several aspects of this subject, so that as few of the negroes as possible shall become chargeable either upon the bounty of Government or the charities of the benevolent, and at the same time to do justice to those who shall enlist, to encourage enlistment, and to cause all capable of working to employ themselves for their support, and that of their families—either in arms or other service—and that the rights of negroes and the Government may both be protected, *it is ordered:*

I...In this Department, after the 1st day of December, instant, and until otherwise ordered, every abled bodied colored man who shall enlist and be mustered into the service of the United States for three years or during the war, shall be paid as bounty, to supply his immediate wants, the sum of ten (10) dollars. And it shall be the duty of each mustering officer to return to these Head-Quarters duplicate rolls of recruits so enlisted and mustered into the service, on the 10th, 20th and last days of each month, so that the bounty may be promptly paid and accounted for.

II....To the family of each colored soldier so enlisted and mustered, so long as he shall remain in the service and behave well, shall be furnished suitable subsistence, under the direction of the Superintendents of Negro Affairs, or their Assistants; and each soldier shall be furnished with a certificate of subsistence for his family, as soon as he is mustered; and any soldier deserting, or whose pay and allowances are forfeited by Court Martial, shall be reported by his Captain to the Superintendent of the District where his family lives, and the subsistence may be stopped—provided that such subsistence shall be continued for at least six months to the family of any colored soldier who shall die in the service by disease, wounds or battle.

III....Every enlisted colored man shall have the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital treatment as are furnished to the United States soldiers of a like arm of the service, unless, upon request, some modification thereof shall be granted at these Head-Quarters.

IV....The pay of the colored soldiers shall be ten (\$10) dollars per month—three of which may be retained for clothing. But the non-commissioned officers, whether colored or white, shall have the same addition to their pay as other non-commissioned officers. It is, however, hoped and believed by the Commanding General, that Congress, as an act of justice, will increase the pay of the colored troops to a uniform rate with other troops of the United States. He can see no reason why a colored soldier should be asked to fight upon less pay than any other. The colored man fills an equal space in the ranks while he lives, and an equal grave when he falls.

V....It appears by returns from the several recruiting officers that enlistments are discouraged, and the Government is competing against itself, because of the payment of sums larger than the pay of colored soldiers to the colored employees in the several Staff Departments, and that, too, while the charities of the Government and individuals are supporting the families of the laborer. *It is further ordered:* That no officer or other person on behalf of the Government, or to be paid by the Government, on land in this Department, shall employ or hire any colored man for a greater rate of wages than ten dollars per month, without rations, except that mechanics and skilled laborers may be employed at other rates—regard being had, however, to the pay of the soldier in fixing such rates.

VI....The best use during the war for an able-bodied colored man, as well for himself as the country, is to be a SOLDIER; it is therefore further ordered: That no colored man, between the ages of *eighteen* and *forty-five*, who can pass the Surgeon's examination for a soldier, shall be employed on land by any person in behalf of the Government—(mechanics

and skilled laborers alone excepted.) And it shall be the duty of each officer or other person employing colored labor in this Department to be paid by or on behalf of the Government, to cause each laborer to be examined by the Surgeon detailed to examine colored recruits, who shall furnish the laborer with a certificate of disability or ability, as the case may be, and after the *first day of January* next, no employment rolls of colored laborers will be certified or passed at these Head-Quarters wherein this order has not been complied with, and are not vouched for by such certificate of disabilities of the employees. And whenever hereafter a colored employee of the Government shall not be paid within sixty days after his wages shall become due and payable, the officer or other person having the funds to make such payment, shall be dismissed the service, subject to the approval of the President.

VII....Promptness of payment of labor, and the facilities furnished by the Government and the benevolent, will enable colored laborers in the service of the Government to be supported from the proceeds of their labor: *Therefore* no subsistence will be furnished to the families of those employed by the Government at labor, but the Superintendent of Negro Affairs may issue subsistence to those so employed, and charge the amount against their wages, and furnish the officer in charge of payment of such laborers with the amounts so issued, on the first day of each month, or be himself chargeable with the amount so issued.

VIII....Political freedom rightly defined is *liberty to work*, and to be protected in the full enjoyment of the fruits of labor; and no one with ability to work should enjoy the fruits of another's labor; *Therefore*, no subsistence will be permitted to any negro or his family, with whom he lives, who is able to work and does not work. It is, therefore, the duty of the Superintendent of Negro Affairs to furnish employment to all the negroes able to labor, and see that their families are supplied with the necessaries of life. Any negro who refuses to work when able, and neglects his family, will be arrested and reported to these Head-Quarters, to be sent to labor on the fortifications, where he will be made to work. No negro will be required to labor on the Sabbath, unless upon the most urgent necessity.

IX....The Commanding General is informed that officers and soldiers in the Department have, by impressment and force, compelled the labor of negroes, sometime for private use, and often without any imperative necessity.

Negroes have rights so long as they fulfil their duties: *Therefore it is ordered*, that no officer or soldier shall impress or force to labor for any private purpose whatever, any negro; and negro labor shall not be impressed or forced for any public purpose, unless under orders from these Head-Quarters, or because of imperative military necessity, and

where the labor of white citizens would be compelled, if present. And any orders of any officer compelling any labor by negroes or white citizens shall be forthwith reported to these Head-Quarters, and the reasons which called for the necessity for such order, be fully set forth.

In case of a necessity compelling negro or white labor for the purpose of building fortifications, bridges, roads, or aiding transportation or other military purposes, it shall be the duty of the Superintendent of negroes in that District, to cause employment rolls to be made of those so compelled to labor, and to present said rolls, as soon as the necessity ceases, to the Assistant Quartermaster of the District, that the laborers may be paid; and the Superintendent shall see that those that labor shall have proper subsistence, and may draw from the Commissary of Subsistence rations therefor. Any officer offending willfully against the provision of this order, will be dismissed the service, subject to the approval of the President.

And no negro shall be impressed into military service of the United States, except under orders from these Head-Quarters, by a draft, which shall equally apply to the white and colored citizen.

X...The theory upon which negroes are received into the Union lines, and employed either as laborers or soldiers, is that every negro able to work who leaves the rebel lines, diminishes by so much the producing power of the rebellion to supply itself with food and labor necessary to be done outside of military operations, to sustain its armies; and the United States thereby gains either a soldier or producer. Women and children are received, because it would be manifestly iniquitous and unjust to take the husband and father and leave the wife and child to ill-treatment and starvation. Women and children are also received when unaccompanied by the husband and father, because the negro has the domestic affections in as strong a degree as the white man, and however far South his master may drive him, he will sooner or later return to his family.

*It is therefore ordered:* That every officer and soldier of this command shall aid by every means in his power, the coming of all colored people within the Union lines: that all Officers commanding Expeditions and Raids shall bring in with them all the negroes possible, affording them transportation, aid, protection and encouragement. Any officer bringing or admitting negroes within his lines shall forthwith report the same to the Superintendent of Negro Affairs within his District, so they may be cared for and protected, enlisted or set to work. Any officer, soldier or citizen who shall dissuade, hinder, prevent, or endeavor to hinder or prevent any negro from coming within the Union lines; or shall dissuade, hinder, prevent, or endeavor to prevent or hinder any negro from enlisting; or who shall insult, abuse, ridicule or interfere

with, for the purpose of casting ridicule or contempt upon colored troops, or individual soldiers, because they are colored, shall be deemed to be, and held liable under the several acts of Congress applicable to this subject, and be punished with military severity for obstructing recruiting.

XI...In consideration of the ignorance and helplessness of the negroes, arising from the condition in which they have been heretofore held, it becomes necessary that the Government should exercise more and peculiar care and protection over them than over its white citizens, accustomed to self control and self support, so that their sustenance may be assured their rights respected, their helplessness protected, and their wrongs redressed; and that there be one system of management of negro affairs.

*It is ordered,* that Lieutenant Colonel J. BURNHAM KINSMAN, A. D. C., be detailed at these Head-Quarters, as General Superintendent of Negro Affairs in this Department, to whom all reports and communications relating thereto, required to be sent to these Head-Quarters, shall be addressed. He shall have a general superintendence over all the colored people of this Department; and all other Superintendents of Negro Affairs shall report to Lieutenant Colonel KINSMAN, who is acting for the Commanding General in this behalf.

All the territory of Virginia south of the James River, shall be under the superintendence of Captain ORLANDO BROWN, Assistant Quartermaster. All the territory North of James River shall be under the superintendence of Captain CHARLES B. WILDER, Assistant Quartermaster. The District of North Carolina shall be under the superintendence of the Reverend HORACE JAMES, Chaplain.

Each Superintendent shall have the power to select and appoint such Assistant Superintendents for such Sub-Districts in his District as may be necessary, to be approved by the Commanding General; such appointments to be confirmed by the Commanding General.

The pay of such Assistant, if a civilian, shall in no case exceed the pay of a first class clerk in the Quartermaster's Department.

It shall be the duty of each Superintendent, under the direction of the General Superintendent, to take care of the colored inhabitants of his District, not slaves, under the actual control of a loyal master in his District; (and in all questions arising as to freedom of slavery of any colored person, the presumption shall be that the man, woman or child is free or has claimed protection of the military authorities of the United States, which entitles the claimant to freedom;) to cause an accurate census to be taken of colored inhabitants in his District, and their employments; to cause all to be provided with necessary shelter, clothing, food and medicines. To see that all able to work shall have some employment, and that such employment shall be industriously

pursued; to see that in all contracts for labor or other things made by the negroes with white persons, the negro is not defrauded, and to annul all contracts made by the negro which are unconscionable and injurious, and that such contracts as are fulfilled by the negro shall be paid; to take charge of all lands and all property allotted, turned over, or given to the use of the negroes, whether by Government or by charity; to keep accurate accounts of the same, and of all expenditure; to audit all accounts of the negroes against Government, and to have all proper allowances made as well to the negro as the Government; and to have all claims put in train for payment by the Government; to keep accurate accounts of all expenses of the negro to the Government, and of his earnings for the Government; to see that the negroes who have wrought on land furnished by the Government on shares, shall have their just portion, and to aid in disposing of the same for the best good of the negro and Government; to make quarterly returns and exhibits of all accounts of matters committed to them; and to hold all monies arising from the surplus earnings of the negro over the expenditures by the United States, for the use and benefit of the negroes, under orders from these Head Quarters.

XII....It appearing to the Commanding General that some of the labor done by the negroes in this Department remains unpaid—some for the space of more than two years, although contracts were duly made by the proper officers of the Government for the payment thereof—whereby the faith of the negro in the justice of the Government is impaired, and the trust in its protection is weakened, *it is ordered*, that each Superintendent shall be a Commissioner, to audit all such accounts, procure evidence of their validity, make out accurate pay-rolls, and return the same, so that they may be presented for adjustment to the proper Departments. Provided, however, that no sale of any such claim against the Government shall be valid, and no payment shall be made of any such claim, except in hand to the person actually earning it—if he is within this Department—or to his legal representative, if the person earning it be deceased.

XIII....Religious, benevolent and humane persons have come into this Department for the charitable purpose of giving to the negroes secular and religious instructions; and this, too, without any adequate pay or material reward. *It is, therefore, ordered*, that every officer and soldier shall treat all such persons with the utmost respect; shall aid them by all proper means, in their laudable avocations; and that transportation be furnished them, whenever it may be necessary in pursuit of their business.

XIV....As it is necessary to preserve uniformity of system, and that information shall be had as to the needs and the supplies for the negro;

and as certain authorizations are had to raise troops in the Department, a practice has grown up of corresponding directly with the War and other Departments of the Government, to the manifest injury of the service.—*It is, therefore, ordered*, that all correspondence in relation to the raising or recruitment of colored troops, and relating to the care and control of the negroes in this Department, with any official organized body or society, or any Department or Bureau of the Government, must be transmitted through these Head Quarters, as by regulation all other Military correspondence is required to be done.

XV....Courts Martial and Courts of Inquiry in relation to all offences committed by, or against any of the colored troops, or any person in the service of the United States connected with the care, or serving with the colored troops, shall have a majority of its members composed of officers in command of colored troops, when such can be detailed without manifest injury to the service.

All offences by citizens against the negroes, or by the negroes against citizens—except of a high and aggravated nature—shall be heard and tried before the Provost Court.

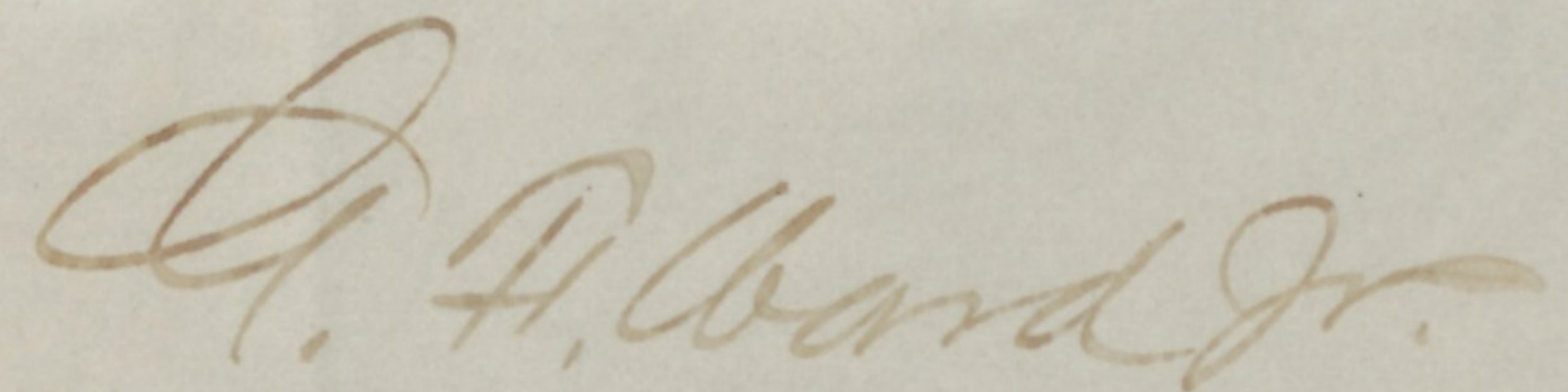
XVI....This order shall be published, and furnished to each regiment and detached post within the Department—a copy for every commanding officer thereof,—and every commander of a company, or detachment less than a company, shall cause the same to be read once, at least, to his company or detachment; and this order shall be printed for the information of the citizens, once, at least, in each newspaper published in the Department.

BY COMMAND OF MAJOR GENERAL BUTLER:

R. S. DAVIS,

*Major and Assistant Adjutant General.*

OFFICIAL:



*Aide-de-Camp.*



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BY COMMAND OF THE MAJOR GENERAL BUTLER:  
 R. S. DAVIS  
 Major General

Official  
 All in Camp