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MESSAGE

President Jefferson Davis.

To the Senate and House of Representatives of the Confederate States

At the date of your last adjournment the preparations of the enemy for further hostilities had assumed so menacing an aspect, as to excite in some minds apprehensions of our ability to meet them with sufficient promptness to avoid serious reverses. These preparations were completed shortly after your departure from the seat of Government, and the armies of the United States made simultaneous advance on our frontiers, on the western rivers and on the Atlantic coast in masses so great as to evince their hope of overbearing all resistance by mere weight of numbers. This hope, however, like those previously entertained by our foes, has vanished. In Virginia, their fourth attempt at invasion by armies whose assured success was confidently predicted, has met with decisive repulse. Our noble defenders, under the consummate leadership of their General, have again, at Fredericksburg, inflicted on the force under General Burnside the like disastrous overthrow as had been previously suffered by the successive invading armies commanded by Generals McDowell, McClellan and Pope.

In the West obstinate battles have been fought with varying fortunes, marked by frightful carnage on both sides, but the enemy's hopes of decisive results have again been baffled, while at Vicksburg another formidable expedition has been repulsed with inconsiderable loss on our side, and severe damage to the assailing forces. On the Atlantic coast the enemy has been unable to gain a footing beyond the protecting shelter of his fleets, and the city of Galveston has just been recovered by our forces, which succeeded not only in the capture of the garrison, but of one of the enemy's vessels of war, which was carried by boarding parties from merchant river steamers. Our fortified positions have every where been much strengthened and improved, affording assurance of our ability to meet, with success, the utmost efforts of our enemies, in spite of the magnitude of their preparations for attack.

A review of our history during the two years of our national existence affords ample cause for congratulation and demands the most fervent expression of our thankfulness to the Almighty Father who has blessed our cause. We are justified in asserting, with a pride surely not unbecoming, that these Confederate States have added another to the lessons taught by history for the instruction of man; that they have afforded another example of the impossibility of subjugating a people determined to be free; and have demonstrated that no superiority of numbers or available resources can overcome the resistance offered by such valor in combat, such constancy under suffering and such cheerful endurance of privation as have been conspicuously displayed by this people in the defence of their rights and liberties. The anticipations with which we entered into the contest have now ripened into a conviction which is not only shared with us by the common opinion of neutral nations, but is evidently forcing itself upon our enemies themselves. If we but mark the history of the present year by resolute perseverance in the path we have hitherto pursued—by vigorous effort in the development of all our resources for defence, and by the continued exhibition of the same unflinching courage in our soldiers and able conduct in their leaders as have distinguished the past, we have every reason to expect that this will be the closing year of the war. The war, which, in its inception, was waged for forcing us back into the Union, having failed to accomplish that purpose, passed into a second stage in which it was attempted to conquer and rule these States as dependent provinces. Defeated in this second design, our enemies have evidently entered upon another, which can have no other purpose than revenge and thirst for blood, and plunder of private property. But however implicable they may be, they can have neither the spirit nor the resources required for a fourth year of a struggle uncheered by any hope of success, kept alive solely for the indulgence of mercenary and wicked passions, and demanding so exhaustive an expenditure of blood and money as has hitherto been imposed on their people. The advent of peace will be hailed with joy. Our efforts to avoid the war, forced on us as it was by the lust of conquest and the insane passions of our foes, are known to mankind. But earnest as has been our wish for peace and great as have been our sacrifices and suffering during the war, the determination of this people has with each succeeding month become more unalterably fixed, to endure any sufferings and continue any sacrifices, however prolonged, until their right to self-government and the sovereignty and independence of these States shall have been triumphantly vindicated and firmly established.

In this connection the occasion seems not unsuitable for some reference to the relations between the Confederacy and the neutral powers of Europe since the separation of these States from the former Union. Four of the States now members of the Confederacy, were recognized by name as independent sovereignties in a treaty of peace,

concluded in the year 1783, with one of the two great maritime powers of Western Europe, and had been prior to that period, in 1776, the first to declare their independence. They formed a Union with the States of South Carolina and Georgia, together with eight of the States now members of the United States seceded from it in 1789, and these eleven seceding States formed a second union, although by the terms of the Articles of Confederation, express provision was made that the first union should be perpetual. Their right to secede, notwithstanding this provision, was neither contested by the States from which they separated, nor made the subject of discussion with any third power. When, at a later period, North Carolina seceded to that second union, and when still later, the other seven States, now members of this Confederacy, became also members of the same Union, it was upon the recognized footing of equal and independent sovereignties; nor had it then entered into the minds of men that sovereign States could be compelled, by force, to remain members of a confederation into which they had entered of their own free will, if, at a subsequent period, the defence of their safety and honor should, in their judgment, justify withdrawal. The experience of the past had evinced the futility of any renunciation of such inherent rights, and accordingly the provisions for perpetuity contained in the Articles of Confederation of 1778 was omitted in the Constitution of 1789. When, therefore, in 1861, eleven of the States again thought proper, for reasons satisfactory to themselves, to secede from the second union, and to form a third one under an amended Constitution, they exercised a right which, being inherent, required no justification to foreign nations, and which international law did not permit them to question. The usages of intercourse between nations do, however, require that official communication be made to friendly powers of all organic changes in the constitution of States, and there was obvious propriety in giving prompt assurance of our desire to continue amicable relations with all mankind. It was under the influence of these considerations that your predecessors for sending to Europe Commissioners charged with the duty of visiting the capitals of the different powers, and making arrangements for the opening of more formal diplomatic intercourse.

Prior, however, to the arrival abroad of those Commissioners, the United States had commenced hostilities against the Confederacy by despatching a secret expedition for the reinforcement of Fort Sumter, after an express promise to the contrary, and with a duplicity which has been fully unveiled in a former message. They had also addressed communications to the different Cabinets of Europe, in which they assumed the attitude of being sovereign over this Confederacy, alleging that these independent States were in rebellion against the remaining States of the Union, and threatening Europe with manifestations of their displeasure if it should treat the Confederate States as having an independent existence. It soon became known that these pretensions were not considered abroad to be as absurd as they were known to be at home, nor had Europe yet learned what reliance was to be placed on the official statements of the Cabinet at Washington. The delegation of power granted by these States to the Federal Government to represent them in foreign intercourse, had led Europe into the grave error of supposing that their separate sovereignty and independence had been merged into one common sovereignty, and had ceased to have a distinct existence. Under the influence of this error, which all appeals to reason and historical fact were vainly used to dispel, our Commissioners were met by the declaration that foreign governments could not assume to judge between the conflicting representations of the two parties as to the true nature of their previous mutual relations. The government of Great Britain and France accordingly signified their determination to confine themselves to recognizing the self-evident fact of the existence of a war, and to maintaining a strict neutrality during the progress. Some of the other powers of Europe pursued the same course of policy, and it became apparent that by some understanding, express or tacit, Europe had decided to leave the initiative in all action touching the contest on this continent, to the two powers just named, who were recognized to have the largest interest involved, both by reason of proximity and of the extent and intimacy of their commercial relations with the States engaged in war.

It is manifest that the course of action adopted by Europe, while based on an apparent refusal to determine the question, or to side with either party, was in point of fact an actual decision against our rights and in favor of the groundless pretensions of the United States. It was a refusal to treat us as an independent government. If we were independent States, the refusal to entertain with us the same international intercourse as was maintained with our enemy was unjust, and was injurious in its effects, whatever may have been the motive which prompted it. Neither was it in accordance with the high moral obligations of that international code, whose chief sanction is the conscience of sovereign and the public opinion of mankind, that these eminent powers should decline the performance of a duty peculiarly incumbent on them, from any apprehension of the consequence to themselves. One immediate and necessary result of their declining the responsibility of a decision which

must have been adverse to the extravagant pretensions of the United States, was the prolongation of hostilities to which our enemies were thereby enabled, and which have wrought such havoc and devastation on this continent, and the injury to our commerce, that there has never been a parallel in history. Had those powers promptly admitted our right to be treated as all other independent nations, none can doubt that the moral effect of such action would have been to dispel the delusions under which the United States have persisted in their efforts to accomplish our subjugation. To the continued hesitation of the same powers in rendering this act of simple justice towards this Confederacy, is still due the continuance of the calamities which mankind suffers from the interruption of its peaceful pursuits both in the old and the new worlds.

There are other matters in which loss than justice has been rendered to this people by neutral Europe, and undue advantage conferred on the aggressors in a wicked war. At the inception of hostilities the inhabitants of the Confederacy were almost exclusively agriculturists; those of the United States, to a great extent, mechanics and merchants. We had no commercial marine, while their merchant vessels covered the ocean. We were without a navy, while they had powerful fleets. The advantage which they possessed for inflicting injury on our coasts and harbors was thus counterbalanced in some measure by the exposure of their commerce to attack by private armed vessels. It was known to Europe that within a very few years past the United States had peremptorily refused to accede to proposals for abolishing privateering, on the ground, as alleged by them, that nations owning powerful fleets would thereby obtain undue advantage over those possessing inferior naval forces. Yet no sooner was war flagrant between the Confederacy and the United States than the maritime powers of Europe issued orders prohibiting either party from bringing prizes into their ports. This prohibition, directed with apparent impartiality against both belligerents, was in reality effective against the Confederate States alone, for they alone could find a hostile commerce on the ocean. Merely nominal against the United States, the prohibition operated with intense severity on the Confederacy by depriving it of the only means of maintaining with some approach to equality, its struggles on the ocean against the crushing superiority of naval force possessed by its enemies. The value and efficiency of the weapon which was thus wrested from our grasp, by the combined action of neutral European powers, in favor of a nation which professes openly its intention of ravaging their commerce by privateers in any future war, is strikingly illustrated by the terror inspired among the commercial classes of the United States by a single cruiser of the Confederacy. One national steamer commanded by officers and manned by a crew who are debarré by the closure of neutral ports, from the opportunity of causing captured vessels to be condemned in their favor as prizes, has sufficed to double the rates of marine insurance in Northern ports and consigned to forced inaction numbers of Northern vessels, in addition to the direct damage inflicted by captures at sea. How difficult, then, to overestimate the effects that must have been produced by the hundreds of private armed vessels that would have swept the seas, in pursuit of the commerce of our enemy, if the means of disposing of their prizes had not been withheld by the action of neutral Europe.

But it is especially in relation to the so-called blockade of our coast that the policy of European powers has been so shaped as to cause the greatest injury to the Confederacy, and to confer signal advantages on the United States. The importance of this subject requires some development.

Prior to the year 1856, the principles regulating this subject were to be gathered from writings of eminent publicists, decisions of admiralty courts, international treaties, and the usages of nations. The uncertainty and doubt which prevailed in reference to the true rules of maritime law, in time of war, resulting from the discordant and often conflicting principles announced from such varied and independent sources, had become a grievous evil to mankind. Whether a blockade was allowable against a port not invested by land as well as by sea; whether a blockade was valid by sea if the investing fleet was merely sufficient to render ingress to the blockaded port "evidently dangerous," or whether it was further required for its legality that it should be sufficient "really to prevent access," and numerous other similar questions had remained doubtful and undecided.

Animated by the highly-honorable desire to put an end to differences of opinion between neutrals and belligerents, which may occasion serious difficulties and even conflicts, (I quote the official language,) the five great Powers of Europe, together with Sardinia and Turkey, adopted in 1856, the following "solemn declaration" of principles:

- 1. Privateering is and remains abolished.
- 2. The neutral flag covers enemy's goods with the exception of contraband of war.
- 3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.
- 4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

Not only did this solemn declaration announce to the world the principles to which

the signing powers agreed to conform in future wars, but it contained a clause to which those powers gave immediate effect, and which provided that the States assenting to the Convention of Paris should be invited to accede to the declaration. Under this invitation the Confederacy, which had previously yielded its assent; at least, no instance is known to me of a refusal, and the U. States, while declining to assent to the proposition which prohibited privateering, declared that the three remaining principles were in entire accordance with their own views of international law.

No instance is known in history of the adoption of rules of public law under circumstances of like solemnity, with like unanimity, and pledging the faith of nations with a sanctity so peculiar. When, therefore, this Confederacy was formed, and when neutral powers, while deferring action on its demand for admission into the family of nations, recognized it as a belligerent power, Great Britain and France made informal proposals about the same time that their own rights as neutrals should be guaranteed by our acceding, as belligerents to the declaration of principles made by the Congress of Paris. The request was addressed to our sense of justice, and therefore met immediate favorable response in the resolutions of the Provisional Congress of the 13th August, 1861, by which all the principles announced by the Congress of Paris were adopted as the guide of our conduct during the war, with the sole exception of that relative to privateering. As the right to make use of privateers was one in which neutral nations had, as to the present war, no interest; as it was a right which the United States had refused to abandon and which they remained at liberty to employ against us; as it was a right of which we were already in actual enjoyment, and which we could not be expected to renounce *flagrante bello* against an adversary possessing an overwhelming superiority of naval forces, it was reserved with entire confidence that neutral nations could not fail to perceive that just reason existed for the reservation. Nor was this confidence misplaced, for the official documents published by the British Government usually called "Blue Books," contain the expression of the satisfaction of that government with the conduct of the officials who conducted successfully the delicate business confided to their charge.

These solemn declarations of principle, this implied agreement between the Confederacy and the two powers just named, have been suffered to remain inoperative against the menaces and outrages on neutral rights, committed by the United States with unceasing and progressing arrogance during the whole period of the war. Neutral Europe remained passive when the United States, with a naval force insufficient to blockade, effectively, the coast of a single State, proclaimed a paper blockade of thousands of miles of coast extending from the capes of the Chesapeake to those of Florida, and encircling the Gulf of Mexico from Key West to the mouth of the Rio Grande. Compared with this monstrous pretension of the United States, the blockades known in history, under the names of the Berlin and Milan decrees, and the British orders in Council in the years 1806 and 1807, sink into insignificance. Yet those blockades were justified by the powers that declared them, on the sole ground that they were retaliatory; yet those blockades have since been condemned by the publicists of those very powers as violations of international law; yet those blockades evoked angry remonstrances from neutral powers amongst which the United States were the most conspicuous; yet those blockades became the chief cause of the war between Great Britain and the United States in 1812; yet those blockades were one of the principal motives that led to the declaration of the Congress of Paris in 1856, in the fond hope of imposing an enduring check on the very abuse of maritime power which is now re-voiced by the United States in 1861 and 1862, under circumstances and with features of aggravated wrong without precedent in history.

The records of our State Department contain the evidence of the repeated and formal remonstrances made by this Government to neutral powers against the recognition of this blockade. It has been shown by evidence not capable of contradiction, and which has been furnished in part by the officials of neutral nations, that the few ports of the Confederacy, before which any naval forces at all have been stationed, have been invested so inefficiently that hundreds of entries have been effected into them since the declaration of the blockade; that our enemies have themselves admitted the inefficiency of their blockade in the most forcible manner, by repeated official complaints of the sale, transit, of goods contraband of war, a sale which could not possibly effect their interests if their pretended blockade was sufficient "really to prevent access to our coast;" that they have gone farther and have alleged their inability to render their paper blockade effective as the excuse for the odious barbarity of destroying the entrance to one of our harbors by sinking vessels loaded with stone in the channel; that our commerce with foreign nations has been intercepted, not by the effective investment of our ports, nor by the seizure of ships in the attempt to enter them, but by the capture on the high seas of neutral vessels by the cruisers of our enemies whenever supposed to be bound to any point on our extensive coast, without enquiry whether a single blockading vessel was to be found at such point; that blockading vessels have left the ports at which they were stationed for distant expe-

ditions, have been absent for many days and have returned, without notice either of the cessation or renewal of the blockade; in a word, that the blockade of the Confederacy, and every right of neutral nations to trade with a belligerent under the sanction of privateering, have been systematically and persistently violated by the United States. Neutral Europe has received our remonstrances and has submitted in almost unbroken silence to all the wrongs that the United States have chosen to inflict on its commerce. The Cabinet of Great Britain, however, has not confined itself to such implied acquiescence in these breaches of international law as results from simple inaction, but has, in a published despatch of the Secretary of State for Foreign Affairs, assumed to make a change in the principle enunciated by the Congress of Paris, to which the faith of the British Government was considered to be pledged; a change too important and too prejudicial to the interests of the Confederacy to be overlooked, and against which I have directed solemn protest to be made, after a vain attempt to obtain satisfactory explanation from the British Government. In a published despatch from her Majesty's Foreign Office, to her Minister at Washington, under date of the 11th February, 1862, occurs the following passage:

"Her Majesty's Government, however, are of opinion that assuming that the blockade was duly notified, and also that a number of ships is stationed and remains at the entrance of a port sufficient really to prevent access to it; or to create an evident danger of entering it or leaving it, and that these ships do not voluntarily permit ingress or egress, the fact that various ships may have successfully escaped through it (as in the particular instance here referred to) will not of itself prevent the blockade from being an effectual one by international law."

The words which I have italicised are an addition made by the British Government of its own authority to a principle the exact terms of which were settled with deliberation by the common consent of civilized nations, and by implied Convention with this Government, as already explained, and their effect is clearly to re-open to the prejudice of the Confederacy one of the very disputed questions on the law of blockade which the Congress of Paris professed to settle. The importance of the change is readily illustrated by taking one of our ports as an example.—There is "evident danger" in entering the port of Wilmington from the presence of a blockading force, and by this test the blockade is effective. "Access is not really prevented" by the blockading fleet to the same port, for steamers are continually arriving and departing, so that tried by this test the blockade is ineffective and invalid. The justice of our complaint on this point is so manifest as to leave little room for doubt, that further reflection will induce the British government to give us such assurances as will efface the painful impressions that would result from its language, if left unexplained.

From the foregoing remarks you will perceive that during nearly two years of struggle in which every energy of our country has been evoked for maintaining its very existence, the neutral nations of Europe have pursued a policy which, nominally impartial, has been practically most favorable to our enemies and most detrimental to us.

The exercise of a neutral right of refusing entry into their ports to prizes taken by both belligerents, was eminently hurtful to the Confederacy. It was sternly asserted and maintained.

The exercise of the neutral right of commerce with a belligerent whose ports are not blockaded by fleets sufficient really to prevent access to them, would have been eminently hurtful to the United States. It was complacently abandoned.

The duty of neutral States to receive with cordiality and recognize with respect any new confederation, that independent States may think proper to form, was too clear to admit of denial, but its postponement was eminently beneficial to the United States and detrimental to the Confederacy. It was postponed.

In this review of our relations with the neutral nations of Europe, it has been my purpose to point out distinctly that this Government has no complaint to make that those nations declared their neutrality. It could neither expect nor desire more. The complaint is, that the neutrality has been rather nominal than real, and that recognized neutral rights have been alternately asserted and waived in such manner, as to bear with great severity on us, and to confer signal advantages on our enemy.

I have hitherto refrained from calling to your attention this condition of our relations with foreign powers, for various reasons—the chief of these, was the fear that a statement of our just grounds of complaint against a course of policy so injurious to our interests, might be misconstrued into an appeal for aid. Unequal as we were, in mere numbers at d available resources to our enemies, we were conscious of powers of resistance, in relation to which Europe was incredulous, and our remonstrances were therefore peculiarly liable to be misunderstood. Proudly self-reliant, the Confederacy knowing full well the character of the contest into which it was forced, with full trust in the superior qualities of its population, the superior valor of its soldiers, the superior skill of its Generals, and above all in the justice of its cause, felt no need to appeal for the maintenance of its rights to other earthly aids, and it began and has continued this struggle with the calm confidence ever inspired in those who with