

# THE SURRENDER OF NEW ORLEANS

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*THE STATE FLAG ON CITY HALL—FARRAGUT'S DEMAND FOR SURRENDER—THE NEGOTIATIONS—HOISTING OF THE UNITED STATES FLAG ON CITY HALL—THE ADVENT OF THE MEN OF TWO ORDERS—MILITARY RULE UNDER BUTLER—EXECUTION OF WILLIAM B. MUMFORD—BUTLER'S DEEPEST DEPTH.*

The echoes of the fight at Chalmette had become silent. Smith, at the interior line as already known, had done his duty in making a last stand at the works intrusted to him. The fleet was steaming from Chalmette to the city. At that moment, when the guns grew still and the fleet came in sight, Marion A. Baker\* was standing on the roof of the city hall. It was a supreme moment in the history of New Orleans. Under orders from the mayor, Baker had gone upon the roof to hoist the flag of Louisiana on the city's flagstaff. He was to hoist it the moment the fleet was seen coming up from Chalmette. It was a crisis, unlike any known to the city, in its broad experience of dramatic interplay—a crisis in which the mayor had prudently sought counsel from Hon. Pierre Soule, former senator and minister, and from Durant de Ponte, editor of the New Orleans Delta. By this time the fleet had already anchored in front of the city. The mob was still on the levee, proclaiming its unlicensed law higher than the fleet's loaded guns.

*\*MARION A. BAKER WAS AT THAT TIME A RISING YOUNG JOURNALIST OF THE CITY. HE DISCHARGED WITH ZEAL AND ABILITY THE DUTIES OF A POST THEN OF PECULIAR DIFFICULTY. BEING MAYOR MONROE'S REPRESENTATIVE, HE WAS IN FACT THE REAL AGENT OF NEW ORLEANS THROUGHOUT ALL THE NEGOTIATIONS LEADING TO THE SURRENDER. MR. BAKER IS, AS HE HAS BEEN FOR SEVERAL YEARS, THE BRILLIANT LITERARY EDITOR OF THE TIMES-DEMOCRAT OF THAT CITY.*

At 1:30 p.m. two officers came as bearers of a triple demand from Flag-officer Farragut. This included a demand for the surrender of the city; for the lowering of the State flag from the city hall; for the hoisting of the flag of the United States over the post office, the custom house and the mint. In the interview which followed, General Lovell was called in. That officer resolutely refused to surrender the city, himself or his troops. Reorganizing the futility of resistance, however, he declared that he would retire with his forces, leaving

the city authorities full discretion to represent the citizens in the crisis. In this, Lovell acted with judgment. The Mayor's action, in replying to the demand, was firmly negative. To the first clause, he gave General Lovell as the proper person for the surrender; to the second, an unqualified refusal; to the third, a polite declination.

On the morning of April 26th, Mr. Baker, at Mayor Monroe's request, went to the Hartford to explain to Captain Farragut that the council would meet at ten that day, and that a written reply would be made to his demand. On board, Baker found in the flag-officer one who had known him intimately from boyhood. Conversation on the ship took a pleasant turn, and Farragut grew eloquent telling of the passage of the fleet. "I seemed to be breathing flame," he said.

The council met at the appointed hour to consider the Mayor's reply. In this, the Mayor had strongly said: "We yield to physical force alone and maintain allegiance to the Confederate States; beyond this, a due-respect for our dignity, our rights and the flag of our country does not, I think, permit us to go." The council, having first accepted the message, did not long remain in its compliant mood. The Mayor soon received from that body a request to substitute for his reply a letter written by Mr. Soule. Mayor Monroe, a thoroughly decided man, respected, as all the city did, Mr. Soule's high reputation. Accordingly he yielded to the council's substitution. Before Mr. Soule's letter could be copied, Lieutenant Kautz and Midshipman Read came on shore with a peremptory written demand for the "unqualified surrender" of the city and the hoisting of the emblem of the sovereignty of the United States over the city hall, the custom house and the mint. The day was Saturday, April 26th, and the hour was by meridian of that day.\*

Baker delivered the Mayor's reply to Captain Farragut. With Mr. Soule's letter, now properly copied, went one paragraph added by the mayor himself, promising a reply to the official demand. Meanwhile a question had been creeping up, destined to assume a tragic prominence a few days later. The private secretary felt its sinister presence when he first saw Captain Farragut. "As a matter of fact," Mr. Baker says, "the United States flag had already been raised on the mint, and I called the attention of the Federal commander to the fact that a flag had been raised while negotiations were still pending. Captain Farragut replied that the flag had been placed there with out his knowledge, but he could not order it down. His men, he said, were flushed with victory, and much excited by the taunts and gibes of the crowd on the levee. Pointing to the "tops" where a number of them were stationed, some armed with muskets, others nervously clutching the strings of the howitzers, he remarked that it was as much as he could do to restrain them from firing on the crowd; and, should he attempt to haul the flag down, it would be impossible to keep them within bounds."

The ways of a broken peace are as cracked as a shattered piece of pottery. The flag-officer, as seen in his reply to Baker, stated that the flag had been placed on the mint without his knowledge. It follows clearly—he being, as flag-officer of the victorious fleet, the chief Federal authority in the city—that the flag, the tightened folds of which were, within forty-

two days, to hang W. B. Mumford, had been placed without the authority which alone could legalize the act of hoisting. On Saturday, April 26th even in the then political intermission, no authority of the United States was as high as that of D. G. Farragut, "Flag-officer western Gulf blockading squadron." In Farragut, and in Farragut alone, was power, and with power the warlike means to impress it upon all contestants.

*\* "FARRAGUT'S DEMAND FOR THE SURRENDER OF NEW ORLEANS."—BAKER, IN CENTURY MAGAZINE, APRIL, 1886.*

Sunday passed without communication with the fleet. Monday brought a letter from the flag-officer under which was veiled a threat. Reciting all the city's misdoings, Farragut admonished the mayor that "the fire of the fleet might be drawn upon the city at any moment... The election is with you, but it becomes my duty to notify you to remove the women and children within forty-eight hours, if I have rightly understood your determination."

Brave Mayor Monroe showed coolness, along with the dignity worthy of the chief magistrate of a city threatened. To Commander Henry H. Bell, the bearer of the letter, Mayor Monroe remarked: "As I consider this a threat to bombard the city, and as this is a matter about which the notice should be clear and specific, I desire to know when the forty-eight hours begin to run." "It begins from the time you receive this notice," replied the captain. "Then," said the mayor, taking out his watch, and showing it to the captain, "you see it is fifteen minutes past twelve o'clock." The mayor's reply to the flag-officer's letter was also drafted by Mr. Soule. In it the mayor simply re-asserted his refusal to lower the flag of Louisiana. "This satisfaction you cannot obtain at our hands. We will stand your bombardment, unarmed and undefended, as we are." Accompanied by Mr. Soule, Baker took his reply to the Hartford early on the morning of April 29th. On the ship Mr. Soule favored the flag-officer with a learned discussion of international law. That same evening, General Lovell had come down to the mayor's residence from Camp Moore with a plan for making a combined night attack upon the fleet. Lovell's plan contemplated, as the attacking machine, a flotilla of ferryboats. Ammunition of the fleet was supposed to have been exhausted through the fierce broadsides of April 24th. Lovell was eager to try this plan; but discussion on the details was postponed until next day. Early next morning word came from Captain Farragut notifying the mayor that the forts had surrendered, adding that he was about to raise the United States Flag on the mint and custom house. He was for making the lowering of the State flag over the city hall the work of those who had hoisted it. Before Baker had left the Hartford, however, he had prevailed upon Farragut to yield that point. In his proclamation, requesting all citizens to retire to their houses during these acts of authority which it would be folly to resist, Mayor Monroe threw a passing triumph in his assurance that the flag was not to be removed by "their authorities, but by those who had the power and the will to exercise it."

The people had gathered, a compact mass, about the city hall. They were silent, but looked angry and threatening. Suddenly a body of men appeared, marching through the Camp street gate, drawing two howitzers after them. It was a strictly naval demonstration, comprising officers, marines, and sailors. The marines lined the St. Charles Street in front of those shining bayonets, the crowd, always silent and angry, waited for what was to come.

Upon Captain Bell, Farragut's chief-of-staff, fell the burden of hoisting the flag. To his notification the mayor, strongly moved, replied, "very well, sir, you can do it; but I wish to say that there is not one in my entire constituency so wretchedly renegade as would be willing to exchange places with you." Upon receiving, well or ill, these words of the mayor, Captain Bell, accompanied by Lieutenant Kautz, proceeded to the roof. The crowd below, sullen and indignant, looked up from Lafayette square and St. Charles street to watch the transfer of flags. A silence of intense sympathy greeted the hauling down of the flag of Louisiana. Silence, deeper because a silence of scorn, followed the sight of the stars and Stripes rising in the air.

While this was going on, Mayor Monroe walked down into the street, where he placed himself "immediately in front of the howitzer pointing down St. Charles Street." Here he continued, unmoving, until Lieutenant Kautz and Captain Bell had reappeared.

The sailors, at a word from their officers, drew their howitzer back into the square; after them marched the marines. With a rattle of steel, glitter of bayonets and rumble of wheels, the Northern pageant passed through the Southern crowd. As the last rifles were disappearing through the Camp-street gate, the crowd—so long silent in accordance with their Mayor's request, threatened no longer. Instead, as Mayor Monroe turned toward the hall, they broke into cheers, which followed the retiring soldiers like defiance. In her high fever, New Orleans had swayed to and fro with the symptoms. At times, her crowds, quivering with unrest of body and mind, showed the madness of a mob in delirium. Its excitement was of the fruitage of revolution. While matters remained undecided the mob spirit had been growing ugly. When, by the final act of surrender, formal authority had once been tardily accepted by the civil functionaries, in lieu of the Confederate status quo, the crowd found itself compelled to learn a new lesson of order under a fresh political dispensation.

On May 1, 1862, General Butler took formal possession of New Orleans. He at once ordered the disembarkation of his troops. One regiment, the Twenty-first Indiana, was stationed at Algiers. On entering the city, Butler prudently carried with him the remainder of his army.

The consisted of six regiments of infantry from Massachusetts, Wisconsin, Michigan and Connecticut. With these came the Fifth and Sixth Massachusetts batteries and Second Vermont battery, with two companies of cavalry. It was a force fully adequate, in the absence of their sons and brothers in Virginia and Tennessee, to overawe a population of women and children. The city, however, was turbulent and its mob unruly. In every sense,

armed troops had become an early necessity of the occupation. Butler himself posted and quartered his army of all branches at the custom house, city hall, mint, and on Lafayette square. These were all admirably designed as cosigns of vantage to meet and check surprises, bursting from a passion-tossed mob. With armed men around him he was, by his own admission, angered on landing at hearing "cheers for Jeff Davis and Beauregard." Physical force is a potent factor for a quiet mind. "This has been checked," he adds, "and the last man that was heard to call for cheers for the rebel chief has been sentenced by the provost judge to three months' hard labor at Fort Jackson."

Up to his rule in New Orleans, the civil war was still young. It was unlearned in the meaning of outrages based upon malignity. New Orleans was the first large city in the Confederacy which had been placed at the mercy of a military dictator surrounded by his guards. It had, before that officer had been put over it, borne the terrors of warfare with equal firmness and lightness of heart. Its people, as brave as they were frank, had not lost a reputation for possessing the courage of their convictions. The city and its people had, consequently, become the earliest objects of official despotism. Butler had entered New Orleans as though he alone had conquered it, and maltreated its citizens as though they had been the captives of his spear. A city is like man—it resents tyranny and is conciliated by kindness. New Orleans chafed under the malice of the ruler set over her. Her citizens could not fail to see it, nor could they once forget it. It made itself as evident as a file of soldiers commanded by a corporal. With these, the general made arrests the comedy of his local administration. Figaro's mouth and Pasquin's pillar were never far away from the office of the major-general.

General Butler, in the administration of the city, busied himself in writing military orders, "general" and "special." He began by issuing a detailed proclamation, covering a variety of threatening orders to the city and its people. This was speedily followed by General Orders No. 19, 21, 22, and 23, each treating of interests as varied as the needs of a large city. General Order No. 25 was a trifle more carefully prepared. In the name of Sympathy with the mechanics and working classes of the city "in their deplorable state of destitution and hunger," Order No. 25 was a specious appeal to them to cease to be the serfs of the wealthy classes, whom he styled the "leaders of the rebellion." A strong bid to attract the needy was a quantity of beef and sugar, captured from the Confederates and now ready for distribution among the "deserving poor of the city." In these papers, the hand of the politician was far more manifest than that which held the sword.

These orders were, indeed, the special medium through which General Butler strove insidiously to array class against class. They were fairly in the line of duty of a general commanding a surrendered city. Most of them represented such care of its interests as might lawfully spring from an honest desire to fulfill the obligations of his position. In none of them, except in General Order No. 25, concerning certain manifest needs of a section of the population, did he seem to understand the temper of the people. He was wholly blind to it when he signed Special Order No. 70, in the case of Wm. B. Mumford. The

military commission in finding verdict took no account of the excited state of public opinion existing on April 27th. Nor did it consider that the city had not then surrendered; that the authority of the United States had not been acknowledged by the citizens; and that, technically, no crime had been committed against the power which, in a city in rebellion, had as yet no official existence. Flag-officer Farragut's fleet was abreast the city. It was fully capable of enforcing, at a moment's notice, its surrender. That the city was still Confederate, even with the Union fleet in sight, and that it remained as such from April 27th (inclusive) to April 29th, are made as clear as the fact that the surrender had not absolutely been accomplished. Mumford was still a citizen of a Confederate city, in which Confederates, having evacuated the city with their army, had not yet abdicated their civil authority. On April 28th Mayor Monroe had no intimation that "it was by your (Farragut's) orders, that the United States flag was attempted to be hoisted upon certain of our public edifices." On April 29th, two days after Mumford's act, Flag-officer Farragut addressed the following communication to Mayor Monroe. It was delivered to the mayor by two naval officers from the fleet:

"U. S. Flag-Ship Hartford,

At anchor off the city of New Orleans, April 29, 1862. His Honor, the Mayor of the City of New Orleans,

"Sir: The forts, Saint Philip and Jackson, having surrendered and all the military defenses of the city being either captured or abandoned, you are required, as the sole representative of any supposed authority in the city, to haul down and repress every ensign and symbol of government, whether State or Confederate, except that of the United States. I am about to raise the flag of the United States upon the custom house, and you will see that it is respected with all the civil power of the city. I have the honor to be, very respectfully,  
Your obedient servant,

D. G. Farragut

Flag-officer Western Gulf Blockading Squadron

A flag is the symbol of authority. In the final demand of surrender of all authority on the part of the authorities of New Orleans, Farragut made a formal request that the flag of the United States, which he was about to raise upon the custom house, be respected with all the civil power of the city.

It appears from this note that on April 29, 1862, the city had for the first time formally surrendered to Flag-officer Farragut. Before this date, not after it, Mumford had torn the flag down from a public building. The city, until the surrender had been accomplished, was still under the authority of its own municipal officers. The State, of which they city was a part, was still a State of secession, a State not yet brought into a Union of which she had declared herself "independent." Before the surrender was affected, on April 27, 1862, the flag of the United States was a foreign flag. As such, that flag possessed no more authority

as a symbol than that of France or Spain, two governments that, like the United States, had at one time wielded authority in Louisiana. An insult to the flag constituted, under such circumstances, an act of war; in no sense an “overt act of treason.” It could not under those circumstances deserve the penalty of death. Before the military commission had decided against Mumford, however, there is official testimony that his death had already been determined upon. On April 29th, the day of the city’s surrender, General Butler, being at the time in the city, showed vindictiveness along with the faculty of observation: I find the city under the dominion of the mob. They have insulted our flag—torn it down with indignity. This outrage will be punished in such manner as, in my judgment, will caution both the perpetrators and abettors of the act, so that they shall fear the stripes, if they do not reverence the stars, of our banner.”

If words convey purposes, William B. Mumford was by them prejudged. When they were written he was deprived of all chance of mercy at the hands of the commanding general. The following is a copy of the finding in the case of the rash young man:

“Headquarters Department of the Gulf,  
“New Orleans, 5th June, 1862  
Special Orders, no. 70

William B. Mumford, a citizen of New Orleans, having been convicted before the Military Commission of treason and an overt act thereof, in tearing down a United States flag from a public building of the United States, for the purpose of inciting other evil-minded persons to further resistance to the laws and arms of the United States, after said flag was placed there by Commodore Farragut, of the United States navy—

It is ordered that he be executed according to the sentence of the said Military Commission, on Saturday, June 7th inst., between the hours of 8 a.m. and 12 a.m., under the direction of the provost marshal of the district of New Orleans; and for so doing, this shall be his sufficient warrant.

“By command of Major-General Butler,  
Commanding Department

One universal thrill of indignation swept through the city being stronger in proportion to the rigor of the iron rule which had made its manifestation treason to the authority of the United States. After Mumford’s death, General Butler’s usefulness in New Orleans—long, indeed, before General Banks superseded him—was practically at an end. He had not at that time displayed his full unfitness to be the representative of a hostile government in a city lately restored to its power. Apart from the legitimate functions appertaining to his official position, however, his future in New Orleans oscillated like a pendulum between the horror with which the conviction and death of Mumford surrounded him, to the mingled scorn and contempt which—resenting the outrages committed by him

virtuous womanhood through Order No. 28—scourged him like a whip of scorpions, not only from the respect of all true men, but from the office from which his brutality was, within eight months, to drive him. In a history of Louisiana and her soldiers it would be out of perspective to do more than suggest the absolute failure, beyond his “sanitary” precautions, of General Butler in his capacity of commander in the “Department of the Gulf.” His acts, which being first despotic became shortly afterward crimes against men and women—contributed largely to his lack of successful administration. In the annals of our civil war General Butler will be known as the “Man of Two Orders.” Not such blazing orders as those conferred by royalty upon merit; nor those which, attested by a jewel and a ribbon, distinguishes a man in the presence of his fellows. His “Orders,” flecked with blood and stained with malice, are of more sinister character than those. Twenty-eight and seventy are the numbers which they bear for posterity. Had General Butler contented himself with issuing No. 70, he might have been called, with the harshness of Dravo, pitiless. Had he to No. 70 joined the order prescribing the “ironclad oath” and classifying the “registered enemies” to the United States, he might have been classed with the Duke of Alva in the Low Countries. It was reserved for him, however, by his own act, born of insatiate spite, to fall into a deeper depth than any tyrannical viceroy recorded in the history of courts. That depth is found in the following order “Order No. 28.”\* Its issuance was an offence against decency; a crime against the womanhood of a city which is foremost in the land in rendering knightly reverence to the sex. Without it, the story of the Butler regime would be left “like the tale of bold Cambustes,” only “half-told.”

*\*WITH SOME HESITATION I HAVE GIVEN HERE, AS BEING THE ONLY PROPER PLACE FOR IT, “GENERAL ORDER NO. 28.” WHILE GIVING IT, ATTENTION IS CALLED TO THE FACT THAT IT IS A “GENERAL ORDER,” NOT A “SPECIAL ORDER,” SHOWING THAT ITS DESIGNED APPLICATION WAS A GENERAL AS THE SEX IN NEW ORLEANS.*

“Headquarters, Department of the Gulf,  
“New Orleans, May 15, 1862

General Orders, No. 28

As the officers and soldiers of the United States have been subject to repeated insults from the women (calling themselves ladies) of New Orleans in return for the most scrupulous non-interference and courtesy on our part, it is ordered that hereafter when any female shall by word, gesture or movement insult or show contempt for any officer or soldier of the United States she shall be regarded and held liable to be treated as a woman of the town plying her avocation.

By command of Major-General Butler



The universal condemnation produced by this order spread like an ever-widening flood. From the city in which the order was born, and in which it was put into execution, it enlarged to the State, from the State to the Confederacy, from the Confederacy to the North, from the North to Europe. Thus, in human story, a bad deed from a man in high place is told throughout the broad earth; like in the telling, yet in itself most unlike the dust of that John Huss which in honor is borne, floating from river unto river, through all the waters of the globe.