Resistance to The Civil War Draft in Indiana

An Honors Thesis (ID 499)
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When a nation goes to war it invariably requires the services of large numbers of its citizens. It first attempts to attract and then force men into its armies. When it forces men to become soldiers there is, quite often, a clash between government and those citizens who object, whatever their reasons, to going to war. Nowhere in American History was this clash and its attendant violence more apparent than during the Civil War. It is the purpose of this paper to examine that clash in the State of Indiana.

Despite the vast amount of work done on almost every conceivable aspect of the Civil War, there has been surprisingly little major work done on the subject of draft resistance. The two major studies of the Northern conscription system; Jack Franklin Leach's, *Conscription in the United States; Historical Background* and Eugene Converse Murdock's excellent, *One Million Men: The Civil War Draft in the North*, both discuss draft resistance, but both are primarily concerned with the operation of the conscription system rather than with resistance to it. Approximately thirty monographs have been published on some aspect of conscription. These, with the exception of a study of resistance in Illinois, tend to treat resistance activities only briefly.

The first problem encountered in a study of draft resistance is to define what is meant by the term draft resistance. Although many definitions are possible, this
writer has limited himself to a rather narrow one. Draft resistance is, for the purposes of this study, an illegal activity, carried on by one or more persons, with the intent of either halting or escaping the operation of the conscription system. These acts can be either of omission or commission. The legal forms of escaping the draft, such as, hiring substitutes and payment of commutation money, were not acts of resistance to the conscription system. They were, rather, methods by which individuals could use the law and its technicalities to evade service.

The Civil War began as a volunteer's war. Troops were raised under the provisions of the Militia Act of February 28, 1795. That act provided that armies were to be raised for Federal service by the voluntary enlistment of men into the various state militias.¹ By early summer of 1862, this system had proven to be inefficient in raising the large forces which the United States required.² In an attempt to improve on this system of raising armies, Congress, in July

¹Militia Act of February 28, 1795, Statutes At Large, I, 424–5 (1795).
of 1862, approved a mild form of conscription. This act, the Militia Act of July 17, 1862, authorized the President to both order and empower the governor of any state, which had not filled its troop quotas, to enroll and draft able-bodied males between eighteen and forty-five. This Act was not intended to give any real centralized conscription authority to the Federal government, rather, it was designed to stimulate the states to greater activity in their recruiting efforts.

In mid-August of 1862 the State of Indiana began to enroll the state militia. A Commissioner was appointed for each county in the state. The Commissioners were responsible for directing the enrollment within their counties and for preparing the final list of draft eligible males. The actual enrollment was performed by assistants. Each assistant was to enroll one township. In the larger towns and cities, an assistant was appointed for each ward. At the insistence of Governor Oliver Hazard Perry Morton, the Federal government gave the governor permission to appoint only men personally loyal to him as Commissioners and assistants.

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3Militia Act of July 17, 1862, Statutes At Large, XII, 597-600.
4Leach, Conscription, p. 139.
6Ibid., p. 142.
When the enrollment was completed, it was found that although the state as a whole had exceeded its quotas, 342 townships had not met their quotas. A technicality in the Militia Act of July 17, 1862 required that each township and town had to supply its full share of men. A draft was ordered in the deficient areas. After several delays the draft was held on October 6, 1862.

The enrollment had been completed without incident, but the draft was marked by one violent episode. In Hartford City of Blackford County, the draft was in process when a group of men entered the courthouse, destroyed the draft records and forced the Draft Commissioner to resign. A detachment from the 63rd Indiana Infantry was sent to Hartford City. When the troops arrived Hartford City was placed under martial law and the draft was completed under military protection. Two hundred men, including one ex-state senator, were arrested; about sixty were convicted of resisting the conscription.

Throughout the rest of the state the draft was conducted peacefully. There were rumors of conspiracies to disrupt the draft in Fountain, Parke and Montgomery Counties, but

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8 Report of The Adjutant General, I, 40.
9 Ibid., p. 187.
10 Indiana Daily State Sentinel (Indianapolis), October 9, 1862.
11 Delaware County Free Press (Muncie, Indiana), October 9, 1862.
there were not any overt acts by the conspirators. 13

The draft of October 1862 was the only draft in Indiana under the Militia Act of July 17, 1862. Before the next Presidential call for troops was made, Congress established a true national conscription system. Where the Militia Act of 1862 had been designed primarily to prod the states into greater recruitment activities, the Conscription Act of March 3, 1863 was devised to draft men into the army. 14

The need for this act seemed obvious at the time. The Militia Act had failed in its purpose. The states had not made greater recruitment efforts. They had simply resorted to state drafts to fill quotas. The variations in state practices had been a cause for numerous complaints and problems. Most importantly though, the militia draft system simply did not provide the required number of men. 15 Under these conditions a centralized conscription authority was a necessity.

The Conscription Act of March 3, 1863 declared that all able-bodied males between twenty and forty-five were to constitute the "national forces." It also provided for a

13 Ibid., p. 282.
14 Ibid., p. 45.
15 Leach, Conscription, pp. 156-60.
system to induct these men into the army. A bureau to operate the draft was established under the Provost Marshall General's Office. A District Assistant Provost Marshall was appointed for each Congressional District. These officers and their subordinates had the authority to enroll, take enlistments, draft men when necessary and arrest deserters and resisters. All of the machinery for raising troops was placed under their control. Although it was not provided by law, an Assistant Provost Marshall General was assigned for each state to facilitate administration.

To administer the enrollment and the draft a Board of Enrollment was appointed in each district. The board consisted of the District Assistant Provost Marshall as President, a Commissioner, and a Surgeon. The board was to divide the district into sub-districts; usually the town, township and ward lines were kept as the most convienient divisions. An enrolling officer was appointed by the board in each sub-district. The enrolling officer was to enroll all men

16Conscription Act of March 3, 1863, Statutes At Large, XII, 731-35.

subject to military draft in his assigned area. The enrolling officers were, as a rule, temporary employees who were hired only to make the enrollment. The Boards of Enrollment were organized in early May of 1863; enrolling officers were appointed and the enrollment was begun. By May 25, 1863 the enrollment was in process in most areas of Indiana. As the enrollment began throughout the state it touched off major violence.

On June 3, 1863 the enrolling officer of Walker Township of Rush County was fired upon by several men. He returned to the district headquarters and reported the incident to the District Provost Marshall. The Provost Marshall suggested that the Enrolling Officer should return to the area accompanied by a squad of soldiers for protection. One of the Deputy District Provost Marshalls, Mr. John Stevens, expressed the opinion that the shooting was not done to injure the Enrolling Officer, but rather, was merely to intimidate him. Stevens felt that under those circumstances dispatching troops to the township would be an unnecessary provocation. He proposed that, instead of sending a military force, he and two civilian

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18 Ibid., pp. 47-8.
19 Leach, Conscription, p. 254.
detectives of the District Provost Marshall's Office should escort the enrolling officer on his rounds. The District Provost Marshall agreed to this plan, and on June 9th Stevens, the enrolling officer and the two detectives left the district headquarters for Rush County.

They arrived on June 10th and immediately began enrolling men. Stevens and a detective named Craycroft accompanied the enrolling officer while the other detective rode a mile ahead to guard against ambush. About one mile from the town of Manila the enrolling officer entered a house to enroll the men living there. While he was inside a group of men, estimated at between five and fifteen rose from a nearby wheatfield and began firing at Stevens and Craycroft. Stevens was killed instantly, and Craycroft was critically wounded.21 Craycroft died of his wounds three weeks later.22

When news of the shooting reached Indianapolis two companies of infantry and one company of cavalry were sent to the area to make arrests and to complete the enrollment. General Mansfield of the Indiana Legion accompanied the troops; he had the authority to call out the Legion in the area if it was necessary.23 The militia was not needed. The county was


22 Indianapolis Journal, July 7, 1863. In some accounts Craycroft's name is given as Craycraft, Haycroft or Haycraft.

calm when the troops arrived. A small detachment of men was assigned to protect the enrolling officer and the rest began to search for the guilty parties. Their job was made easy by tracks left in the field from which the shots were fired. These tracks, including one of a distinctive hob nail boot mark, came from and returned to the house of a widow named Hilligoss. Mrs. Hilligoss' two sons, James and Issac, were arrested for the murder. Several other men were arrested by the military, but due to the lack of evidence they were released after taking the oath of allegiance. There were complaints that these other arrests were simply to harrass Democratic voters in the township. Six weeks later a third man, George Witley, was arrested in Venice, Ohio and charged with being an accomplice in the shooting. Witley had fled Rush County after the incident and had joined Morgan's troops when the Confederates entered Indiana. He deserted the cavalry leader's command shortly before Morgan's capture and was arrested a few days later. Unfortunately the outcome of these arrests are not known for the records of the trials of the Hilligoss brothers and Witley are not available.

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24 Indianapolis Journal, June 13, 1863.
26 Indiana Daily State Sentinel, June 15, 1863.
27 Indianapolis Journal, August 3, 1863.
28 Letter to the author from the Clerk of the Federal Circuit Court, Indianapolis.
The Rush County shootings prompted Governor Morton to meet on June 10, 1863, the day of the incident, with a group of the state's Democratic leaders. He called upon them to calm their followers and help prevent more violence. The group of Democrats, which included, Senator T.A. Hendricks and State Supreme Court Judge S.E. Perkins, responded that the trouble was caused by the fear that the draft would not be fair. They said that some Republicans had said that the draft would be used to punish Democrats and that more Democrats than Republicans would be drafted. Morton and Conrad Baker, the Assistant Provost Marshall General for Indiana, agreed that to arrest that problem they would write a bulletin explaining the draft law and the lottery method. The Democrats agreed to endorse that bulletin and use their influence to obtain obedience to the law.\textsuperscript{29} They seem to have felt that even though conscription was, in their opinion, unconstitutional, it should be submitted to until it was either nullified by the courts or the Republicans could be defeated at the ballot boxes.\textsuperscript{30} It was not long before their promise to help prevent violence had to be fulfilled.

\textsuperscript{29}Leach, Conscription, p. 260.

\textsuperscript{30}Kenneth M. Stampp, Indiana Politics During The Civil War (Indianapolis: Indiana Historical Bureau, 1953), p. 204.
Fletcher Freeman of Cass Township, Sullivan County occupied what must have been, at times, a lonely position. He was an enrolling officer in an area which was probably as much or more opposed to the administration, the war and the draft as any in the state. Sullivan County had voted 68.9% Democratic in the gubernatorial election of 1860; this was the highest Democratic per centage of any county in the state. In the 1864 gubernatorial election the Democratic vote increased to 74.4%; again this was the highest Democratic showing in any county. Opposition to the war and to the draft was so high in Sullivan County that an enrolling officer could not be found for Jefferson township and Freeman was responsible for enrolling both that township and his own. In the three week period that he had been making the enrollment he had received several threatening letters.

On the morning of June 18, 1863 Freeman left his home to respond to a summons for road hands to repair a county road. A short distance from his home he met two men, a Mr. Shaw and a Mr. Rusher, they too were on their way to the road crew.

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32 Ibid., p. 13.

33 Official Records, 3 ser., III, 393.

rendezvous. Shaw and Rusher did not have any tools with them so Freeman told them that they could go to his house and get the necessary equipment. The two men began to walk to Freeman's home and Freeman headed for the rendezvous. Several moments later Shaw and Rusher heard a gunshot followed by the cries of a wounded man. The two men ran back up the road and found Freeman mortally wounded. He died a few moments later. About twenty or twenty-five feet to the side of the road they found a hunting blind built of branches and brush. Scraps of food and other leavings indicated that it had been occupied by possibly as many as three people for a week before the murder. Shaw and Rusher did not see anyone else in the area, nor did they or the sheriff find any evidence to indicate who did the shooting. Nobody was ever arrested in connection with Freeman's murder.35

It cannot be said with certainty that Freeman was killed because of his position as an enrolling officer. State and Provost Marshalls Office officials did, of course, blame anti-draft elements. According to District Provost Marshall Thompson the murders belonged to a group of about 1,000 Sullivan and Greene County men who met for secret military drill and had resolved "that the enrollment should not take place, and have notified enrolling officers that if they went on with

it they must do so at their own peril."\textsuperscript{36} It is possible that this group had sent the threatening letters to Freeman, but there is not any evidence that this group or any part of it was responsible for Freeman's death. There is an alternative explanation of who shot Freeman. In 1862 Freeman had helped in raising the Thirteenth Indiana Light Artillery Battery and had been tentatively appointed to command it. Before the battery entered federal service Freeman was found physically unfit for command and he was honorably discharged. After the battery had been in service for several months one man, whom Freeman had induced to enlist, developed a hatred for Freeman because Freeman had escaped service while he had to serve. He was reported to have threatened to kill Freeman, and sometime before Freeman's murder he deserted. He had been seen in Sullivan County several times before the shooting. After Freeman's death he disappeared from the county and was not seen or heard of again.\textsuperscript{37} This theory, like the theory that the murder was the act of the anti-draft forces, is based on incomplete and at best circumstantial evidence and it is impossible at this late date to determine which explanation, if either, is true.

The major reason that further evidence was never found or the guilty persons apprehended was that the Freeman murder was the only act of violence against a conscription officer

\textsuperscript{36}Official Records, 3 ser., III, 393.

\textsuperscript{37}Wolfe, Sullivan County, pp. 106-07.
which did not result in a military force being sent to the area of the incident. Despite the insistence of General Burnside, the Commander of the Department of Ohio, that troops be sent and martial law be declared, the state and Provost Marshall authorities apparently decided that the situation in Sullivan County was too tense to risk the possible major violence that the presence of a large force might cause. Instead of dispatching troops, state authorities asked the Democratic leaders to honor their commitment to help prevent violence. The Democrats responded to this request by sending Daniel Voorhees, member of Congress for the 7th District of Indiana, to Sullivan County. He counseled obedience to the law and his efforts seem to have had a major effect in quieting the situation. 38

Although Stevens, Craycroft and Freeman were the only conscription officials killed during the June 1863 enrollment there were outbreaks of violence in other areas of the state. On the evening of June 18, a group of forty to fifty men called at the home of James Sill, the enrolling officer of Marion Township, Putnam County. They demanded that Sill surrender the enrollment books and records to them. Sill, who had also served as enrolling officer for that township during the 1862 enrollment, gave them the books and records of the 1862 enrollment. 39 Accounts vary as to exactly what


happened next. The *Report of The Adjutant General* states that the group of men took the books and moved a short distance away, discovered that they had been tricked and then immediately began firing into the house.\(^{40}\) *Weik's History of Putnam County, Indiana* said that instead of firing immediately they waited in ambush until a young man named Lawson Fry, who had been visiting Sill's daughter, left the house.\(^{41}\) Regardless of the exact sequence of events, both accounts agree that about sixty shots were fired and that Mr. Fry was seriously wounded in the shoulder. A wound which was feared would permanently disable him.\(^{42}\)

That same night a group of fifty men, probably the same group which attacked Sill's home, called on the home of a Mr. Scott, the enrolling officer of Jefferson Township, Putnam County and demanded the enrollment records. Scott surrendered the records.\(^{43}\) During this same period, the records of the enrolling officer of Cloverdale Township, Putnam County were seized and destroyed.\(^{44}\) Several days later the enrolling officers of Madison and Monroe Townships of Putnam County were

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\(^{41}\) *Weik, Putnam County*, p. 211.

\(^{42}\) Ibid.

\(^{43}\) Ibid.

\(^{44}\) Ibid., p. 212.
both threatened by armed men. There is not any know existing record of any arrests in these incidents.

An incident which contained a high possibility for tragedy was narrowly averted in Whitestown of Boone County. On June 15, Brenck C. Tharatt, the enrolling officer of Worth Township of Boone County, was assaulted while making the enrollment. He was abused by a group of men and egged by several "women of the town." After the attack, he returned to the district headquarters in Layfayette to make his report. The next afternoon Captain Parke, the District Provost Marshall, fifty infantry and the enrolling officer left for Whitestown by train. Several miles from the town, Captain Parke received word that a force of 125 to 150 armed men were in the town and were preparing to resist the arrest of the men who had attacked the enrolling officer. Using good judgement, Captain Parke decided that to enter Whitestown immediately would risk causing a costly battle. To avoid that, he had the troops detrain about a mile from the town and camp in a woods for the night. The next morning at 4:00 A.M. the troops surrounded and entered Whitestown. Fortunately, the force in the town had dispersed

45 Ibid.

after the train had passed through without stopping to unload soldiers.\textsuperscript{47} Fourteen men were arrested for the attack on the enrolling officer and the enrollment was completed under military guard.\textsuperscript{48}

The incidents in Rush, Sullivan, Putnam and Boone Counties were the most serious troubles reported during the enrollment in Indiana. There were, however, several other incidents of violent resistance to enrollment officers at scattered locations throughout the state. On June 11, 1863 the enrollment officer in White River Township of Johnson County was threatened and forced to leave by several armed men.\textsuperscript{49}

At least eighteen men were arrested in connection with that act.\textsuperscript{50} Also on June 11\textsuperscript{th} an unidentified person fired a shot at the enrolling officer of Waterloo Township of Fayette County.\textsuperscript{51} There is not any known record of any arrests in this case. Several days later the enrolling officer of German Township of Vanderburg County was beaten by a group of men. The same day the papers of the enrolling officer of the town of Lamasco in Vanderburg County were partially destroyed.\textsuperscript{52} In Fulton

\textsuperscript{47}\textit{Indianapolis Journal}, June 18, 1863.
\textsuperscript{49}\textit{Indianapolis Journal}, June 12, 1863.
\textsuperscript{50}\textit{Indiana Daily State Sentinel}, June 15, 1863.
\textsuperscript{51}\textit{Indianapolis Journal}, June 23, 1863.
\textsuperscript{52}\textit{Ibid.}, June 17, 1863.
County the papers of an enrolling officer were stolen on June 11th. A company of infantry was sent, but there is not any evidence of arrests. 53

Scattered violence continued throughout the state until the end of June. In Clay and Owen Counties enrolling officers' records were stolen. 54 In Henry County the enrolling officer required a military guard to complete the enrollment. 55 An enrolling officer in Fountain County was threatened with death if he continued to make the enrollment. 56 In late June a force of one hundred men, calling themselves the "Sons of Liberty," temporarily seized control of Cambridge City in an attempt to stop the enrollment. They disbanded before troops arrived and several were arrested. 57

As the enrollment progressed and the violence increased the reaction of the government became more severe. When the enrolling officer in Rush County was shot at, officials contemplated sending only one squad of soldiers, and even that show of force was vetoed as being too provocative. Troops were only sent to Rush County after Stevens and Craycroft were shot. With the almost daily incidents, however, this

54Ibid., p. 393.
55Ibid., p. 394.
56Indianapolis Journal, June 30, 1863.
unofficial policy of restraint was dropped in favor of an official policy of moving quickly and forcefully at the first sign of resistance. This policy was best stated by the Provost Marshall General Fry in a message to the Assistant Provost Marshall Baker dated on June 22, 1863. Fry informed Baker that when he was confronted with resistance to enrollment, he should "act with such vigor and determination as to strike terror into all others may contemplate resistance." To accomplish that Baker was to "punish unrelentively even cruelly, the first few against who it may be necessary to use arms."58 This policy can best be seen in the government's reaction to a comparatively minor incident in Monroe County.

On June 19, W.F. Hensley, the enrolling officer of Indian Creek Township of Monroe County, was surrounded by an armed group and forced to surrender his enrollment records. Hensley was not harmed. Five days later a force of 600 infantry and 100 cavalry arrived in Bloomington. On the 26th a two gun section of artillery arrived. The enrollment records were recovered and sixteen men, the supposed ringleaders, were arrested. The enrollment was completed under the protection of this large force and there was obviously no further attempt at resistance.59 This large show of force over the theft of

58 Official Records, 3 ser., III, 422.
records seems, at first, to be a case of extreme over-
reaction. It is possible, though, that this military display
was not meant simply to capture a group of thieves. Monroe
County is only a short distance from Sullivan County and
the latter county was, at that time, the potentially most
troublesome area of the state. A large force of men was
organized and drilling there. On June 18th, the day
before the theft, Fletcher Freeman had been murdered there.
Troops were not sent to Sullivan County because the situation
was too sensitive and during the Monroe County occupation
Daniel Voorhees was in Sullivan County attempting to
calm the citizens. With that situation it is possible that
the military response in Monroe County was meant as a
display of force to intimidate the Sullivan County group.

Conscription officials risked not only personal injury,
occaisionally their private property was attacked as well.
In Franklin Township of Randolph County the enrolling officer,
Aaron Steele, had his fence torn down and part of his crops
were thrown to his hogs. A mill belonging to the enrolling
officer of Kelso, Dearborn County burned in a mysterious fire.

60 Official Records, 3 ser., III, 393.
61 Indianapolis Journal, June 17, 1863.
62 Ibid., June 25, 1863.
R.T. Gaunt, of Liberty Township of Grant County had two horses poisoned after he became an enrolling officer. 63

Violent resistance to the enrollment appears to have reached its highest point between June 14th and June 20th. During that period the reports of violent resistance and fears of even more serious trouble prompted both assistant Provost Marshall Baker and Indiana Adjutant General Lazarus Noble to request of the War Department that all troops in the state be ordered to remain there until the danger passed. Secretary of War Stanton approved their request. 64 Their fears, although probably reasonable, proved to be only fears. Local insurrections did not occur and at the end of June violent resistance to the draft had ended. The military suppression of resistance in some areas had probably intimidated some men who would have resisted enrollment, but more importantly the resistance to the enrollment ended simply because the enrollment was being completed. The last district was finished on July 29, however, most areas were finished by early July. 65 A few areas which were heavily anti-draft escaped trouble because the residents realized that the enrollment did not mean that a draft was imminent and they voted at special meetings not to resist until conscription actually occurred. 66

63Ibid., June 27, 1863.
64Official Records, 3 ser., III, 370.
66Indianapolis Journal, June 23, 1863.
The fact that the resistance to enrollment ended does not mean that the state became calm. The war seems to have raised the level of disorder within the state to the point that violence and murder became fairly common. In mid-July a group of soldiers on leave killed two civilians in Sullivan County.67 Fortunately Voorhees had been so successful in calming the Sullivan County area that this incident did not incite major trouble. Several men were killed near Edinburg in Johnson County while they were protecting deserters.68

After the enrollment was completed the President ordered a draft of one-fifth of the men in the first class in all subdistricts which were in arrears on their quotas. This draft did not affect Indiana because all of the Indiana subdistricts had met their previous quotas.69 Although the draft did not immediately begin in Indiana, both draft opponents and governmental agencies began preparations. The draft resisters began arming themselves and when several attempted to buy sabers, sales of all arms were suspended in the state.70 Governmental bodies began making plans to attract volunteers. Their most effective method was the payment of bounties; these were cash payments to volunteers by both local and federal

68Indianapolis Journal, August 4, 1863.
69Report of The Adjutant General, I, 47.
70Murdock, One Million Men, p. 85.
government. The State of Indiana did not pay bounties.\textsuperscript{71} Several local governmental agencies tried to raise money by taxation to pay the commutation fee for its citizens. This practice was ruled unconstitutional by the state supreme court.\textsuperscript{72} In several instances individuals made plans legally to protect themselves from the draft. The most interesting of these occurred in Valparaiso. A group of men formed a "draft insurance company." Each man paid $30 and the idea was that if only one man in ten was drafted there would be enough money in the fund to pay his entire $300 commutation fee. If more than 10\% of the members were drafted the money was to be split evenly between the drafted men.\textsuperscript{73} Unfortunately, for members of this company, the commutation provision was ended for all except conscientious objectors before a draft was held in Indiana.\textsuperscript{74}

The efforts of the federal, state, and local governments to meet the state's quotas without drafting were successful until the July 1864 call. The calls of October and December 1863, and February, March and April of 1864 were met by the enlistment of volunteers. During the period of recruitment for these calls, when there were fears that a draft would be

\begin{itemize}
\item \textsuperscript{71}Report of The Adjutant General, I, p. 43.
\item \textsuperscript{72}Indianapolis Journal, August 12, 1863.
\item \textsuperscript{73}Ibid., August 3, 1863.
\item \textsuperscript{74}Conscription Act of March 3, 1863, Statutes At Large, XIII, 374.
\end{itemize}
necessary, there were rumors from several counties of organizations to resist a draft. 75 The state's success at avoiding a draft ended in September of 1864. There were not enough volunteers to fill the call of July 1864 and a draft was held in late September and early October. 76 The draft was held and men inducted without incident in most of the state, but in a few areas violence erupted.

After the draft had been completed in Daviess County, Ellis McCarty, an ex-army officer and a conscription official, was assigned to deliver notices to drafted men in the southern part of the county. On October 3rd he was delivering those notices when he was accosted and threatened by a Samuel Slicer. He ignored the threat and continued on his rounds. While eating lunch at the farm of William Jackson, he told Jackson about the threat. Jackson offered to accompany him on the rest of his rounds, but McCarty refused the offer.

Later that afternoon McCarty delivered a notice to a James Nash. After he left the Nash farm, Slicer and Hillory Madden came out of the barn in which they had been hiding and told Nash that they were going to kill McCarty. They then followed McCarty. About a mile from the Nash farm McCarty was shot from ambush and killed. It was never determined who fired the shot. 77

76 Ibid., p. 48.
After McCarty's disappearance was discovered a posse was organized and the next morning a search was begun. The body was found by following a trail, which the murderers had made through the woods, to the river. The river bottom was searched by divers and the body was recovered from about twenty feet of water.

Twenty-five men were arrested by the posse and turned over to military authorities, but most were released because of lack of evidence. One man broke down and testified against several of the others. These men, John Macaboy, Daniel Scales, Withian Whiteside, Washington Hendricks and Yokum Scott, were all found guilty of resisting conscription (though not of murder) and were sentenced to six years in prison. Slicer and Madden escaped the posse and were reported to have gone West. 78

There was a report that a Noah Glass was murdered while delivering draft notices in Adams County. 79 Except for one short article announcing that the murder had occurred, this writer has been unable to find any definite information on this reported incident. There is, however, a Noah Glass mentioned in a book of biographical sketches of Adams County residents published in 1885. That Noah Glass was a Provost Marshall's Office employee during the Civil War and was still living when the book was published. 80

78 Ibid.

79 Indianapolis Journal, October 3, 1864.

Barring the unlikely coincidence that two residents of Adams County named Noah Glass served as Provost Marshall's employees during the war it would seem that the report of Glass' murder was erroneous. There is not any mention in his biographic sketch of any attack on Glass. There is also not any evidence, which this writer has been able to find, which would indicate that any other person was attacked or killed and Glass' name erroneously reported.

In Crawford and Orange County an organized and armed force of 500 men was reported to be preparing to resist the draft. General Henry Jordan and a force from the Indiana Legion was sent to investigate. In his report he stated, that although some men in the area were organized and vowing to stop the draft, most of the leaders were guerillas from Kentucky, and they were more interested in plunder than in stopping the draft. According to testimony of several men arrested by General Jordan's command, the conspiracy in Crawford and Orange Counties was felt, by the followers at least, to be general and aimed at precipitating a general revolt in Southern Indiana. It is difficult to judge the accuracy of this testimony.

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81 *Official Records, 3 ser.*, IV, 752.
Before the arrival of the Legion the only actions taken by the anti-draft organizations was the robbery of about fifty pro-Union men.\textsuperscript{84} This lends credence to the plunder theory. When the troops arrived the only opposition offered was a few shots fired at patrols.\textsuperscript{85} It is possible that the presence of the military caused the organization to cease in executing its plans. It is also possible, given its lack of real draft resistance activity before the army came and that only about forty supposed members could be found,\textsuperscript{86} that the organization was not as large or as threatening as both the members and General Jordan thought. Regardless of the actual size or intent of the conspiracy it did not attempt to disrupt either the draft or the induction of drafted men in Crawford or Orange Counties.

There were also rumors of men planning to disrupt the draft in Martin County.\textsuperscript{87} These rumors were not substantiated, nor is there any available evidence of an attempt to disrupt the draft there.

The failure of the state to meet its quota in the call of December 1864 again necessitated a draft. This draft

\textsuperscript{84}Ibid., p. 290.

\textsuperscript{85}Ibid., p. 291.

\textsuperscript{86}Ibid., p. 290.

\textsuperscript{87}Indianapolis Journal, September 9, 1864.
was held in March 1865, but the induction was not completed before the call was cancelled when the war ended in April. This draft passed quietly.

Thus far this writer has concentrated primarily on violent resistance to the draft. Acts of violence were not the only hinderence to the enrollment and the draft. A major problem was the unwillingness on the part of many people to cooperate with the enrolling officer. Many devices were developed to deceive and defeat enrolling officers. Men could avoid the enroller in the same way they avoided the serving of a subpoena; they, their wives and friends could lie about their name, age, citizenship and occasionally about their whereabouts. Attempting to counteract this, enrolling officers would examine local poll-lists, tax records and payrolls. There were many complaints about this type of evasion. Men who could not evade

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89 Leach, Conscription, p. 258.
90 Indiana Daily State Sentinel, August 6, 1862, Indianapolis Journal, June 4, June 25, 1863. The difficulty in determining the prevalence of this type of resistance arises because there are not any accurate figures on the numbers of draft eligible men to compare enrollment lists against. The Census of 1860 is unsuitable for two reasons; immigration, emigration and deaths of eligible men would have caused sizable changes in numbers of men. The second reason is in the nature of the census figures. In the census men are not listed by their exact age, but rather, by age groups. The groupings, 15-20, 20-30, 30-40, 40-50, are of such a nature that when the enrollment was made, three years later, some of the men in the 15-20 group would have been liable, but others would have still been under age. In the 40-50 group most men would have been overage, but some would have still been draftable. With these problems in the census reports any comparison of census figures to numbers of men enrolled would have little or no validity. The only other listing of men made in the 1860's were enrollment lists themselves. This was, of course, exactly what some men were trying to avoid.
enrollment and who were unfortunate enough to be drafted still had the alternative of failing to report for induction. During the war 105 drafted men took this option in Indiana. 91

The reasons that men would resist the draft are varied and complex. Lack of evidence makes it impossible to determine the precise cause of any specific incident, but certain general complaints are apparent. The state-run draft of 1862 had resulted in only one violent episode, but when the enrollment for the national draft took place less than a year later there were many acts of violence, including three murders. What accounted for this upsurge of resistance? Most apparent is the war itself had changed. The casualty lists had become longer, and the reality of what war was had been forced upon the consciousness of most men. This would, obviously, make the possibility of induction even more unattractive to men who were already unwilling to enlist. The most important change, however, was not in the conduct of the war. By the time that the national enrollment began many men felt that the war was being fought not to save the Union, but rather, to end slavery. To a sizable number of Northerners that objective was intolerable. Opposition to the draft on the race and slavery issues was widespread. A resolution presented to several enrolling officers in Fountain County requested that they stop enrolling men because enforcement of the Conscription Act would mean

that all able men would be enrolled and drafted "without distinction on color...". A poster for a Democratic rally held in Terre Haute on August 20, 1863 informed the public that opposition to the draft defended not only the Constitution, it also defended "the white man's liberty." One of the men arrested for the attack on the enrolling officer in Whitestown told the officer that he refused to fight in a "damned abolition war." It is possible that some of the protests about emancipation and use of Negro troops were simply attempts to rationalize previously existing opposition to the war. After all, these men had not enlisted before the Emancipation Proclamation. It is apparent though, that the race issue was an important motivating force and rallying point for opponents of the draft.

The organization and administration of the draft caused many complaints. The fact that the enrollment and draft was controlled by the Federal government and that most of the enforcement machinery was controlled by the military was a source of much discontent. Inequalities in the Conscription Act itself caused many problems. The act allowed a drafted man

92 Indianapolis Journal, June 30, 1863.
94 Indianapolis Journal, June 18, 1863.
95 Leach, Conscription, p. 252.
to supply a substitute or pay a commutation fee to escape service. This was considered by many to be class legislation and that men of wealth would be able to "laugh at the draft." Many schemes to pay the commutation fee for the poorer men who were drafted were devised such as the previously mentioned draft insurance companies and local governments levying taxes for commutation funds. These were usually ineffective and this provision of the law was very unpopular.

Local conditions also had an effect in some instances. Fears, real or imagined, that the draft would not be fair, tense political conditions, political feuds and dislike of probing government officials were all factors. In a few cases trouble was caused by unpopular men being appointed as enrolling officers.

There is a strong relationship between close political divisions and the occurrence of violent resistance. In eleven of the sixteen counties which suffered violence against conscription officials or destruction of records, the man who won the county in the 1864 gubernatorial election received 55% or less of the vote. Of the remaining five counties, three

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96 Conscription Act of March 2, 1863, Statutes At Large, XII, 733.
97 Aurora Commercial (Aurora, Indiana), March 5, 1863.
98 Indiana Daily State Sentinel, March 5, 1863.
99 Stampp, Indiana Politics, p. 204.
100 Indiana Daily State Sentinel, June 18, 1863.
gave between 55 and 60% of their vote to one candidate. In only two counties, Sullivan and Henry, was there more than 60% of the vote given to a single party. In the state as a whole, thirty-two counties had a victor's vote of less than 55% while eighteen gave 60% or more. This means that of the thirty-two counties with the closest political divisions eleven or 34% suffered violent resistance to the draft. While only two of the eighteen, 11% with one party in dominance had any violent resistance. 101 These statistics illustrate that tight political situations were probably a major factor in raising antagonisms to the point that violence occurred.

The resistance to the draft failed in its purpose. In Blackford County the 1862 draft was delayed a few days and in several areas the 1863 enrollment was slowed, but nowhere in the state was any draft or enrollment permanently halted. The resisters did have a few victories though. Fears of violence were a major factor in the fevered campaigns to fill quotas without resorting to the draft. These campaigns with their, at times, scandalous bounty systems and deceptive practices did, for a time at least make a draft unnecessary. 102 The campaigns to

101 These voting records are from Indiana Votes.
102 Leach, Conscription, pp. 403-07.
raise volunteers were so successful that only 17,903 of the 218,367 soldiers that Indiana sent to war were draftees. ¹⁰³ This was slightly more than 8%. In addition, complaints about its unfairness did result in Congress limiting the commutation privilege to men with conscientious scruples against bearing arms. ¹⁰⁴

¹⁰⁴Conscription Act of July 4, 1863, Statutes At Large, XIII, 379.
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