Salisbury, N.C., September 2, 1863

Col. J.S. Preston
Superintendent of Conscription:

Sir: When the conscript service was organized the direction that among its duties should be embraced that of collecting and forwarding deserters and skulkers by the use of force was doubtless based on the supposition that such characters would be found lurking about singly, unarmed, acting in no concert, and supported by no local public opinion or party. Even for such work our means at command have been inadequate in many parts of the country, and whatever auxiliary force time may prove to be available under the special efforts indicated in my letter of July —, approved and adopted by the War Department, cannot be expected to accomplish more than to meet the condition of things above described.

The utter inadequacy now of any force that we can command without potential aid from armies in the field will become apparent when it is realized that desertion has assumed (in some regions, especially the central and western portions of this. State) a very different and more formidable shape and development than could have been anticipated. It is difficult to arrive at any exact statistics on the subject. The unquestionable facts are these: Deserters now leave the Army with arms and ammunition in hand. They act in concert to force by superior numbers a passage against bridge or ferry guards, if such are encountered. Arriving at their selected localities of refuge, they organize in bands variously estimated at from fifty up to hundreds at various points. These estimates are perhaps exaggerated in some cases. The patrols sent out from the conscript guard and bringing back a few prisoners each report that they have only captured these by surprise, and have been compelled to make good their retreat in returning by circuitous routes to avoid arrangements made to intercept them by superior force. His Excellency Governor Vance credits official information received by him, that in Cherokee County a large body of deserters (with whom I class also those in resistance to conscription) have assumed a sort of military occupation, taking a town, and that in Wilkes County they are organized, drilling regularly, and intrenched in a camp to the number of 500. Indeed, the whole number of deserters in the latter county is said to be much larger. The reports of our patrols indicate 300 or 400 organized in Randolph County, and they are said to be in large numbers in Catawba and Yadkin, and not a few in the patriotic county of Iredell. These men are not only determined to kill in avoiding apprehension (having just put to death yet another of our enrolling officers), but their esprit de corps extends to killing in revenge as well as in prevention of the capture of each other. So far they seem to have had no trouble for subsistence. While the disaffected feed them from sympathy, the loyal do so from fear. The latter class (and the militia) are afraid to aid the conscript service lest they draw revenge upon themselves and their property.

The present quiet of such lawless characters of course cannot be expected to continue, and the people look for a reign of marauding and terror, protection against which is loudly called for. Letters are being sent to the Army stimulating desertion and inviting the men home, promising them aid and comforts. County meetings are declaring in the same spirit and to hold back conscripts. As desertion spreads and enjoys impunity, in the same proportion do the enrolled conscripts hang back from reporting where there is not force enough to compel them, and the more dangerous and difficult becomes the position of our enrolling officers. All this trouble is of very rapid, recent growth, and is intimately connected with—indeed, mainly originates in and has been fostered by—the newly developed but active intrigues of political malcontents, having the Raleigh Standard for their leader, and, it is said, a majority in the capital itself. The resolutions of the several county meetings, central and western, have evidently issued from the same mint, the common stamp being that North Carolina has not received due justice or credit, that she has done more than her share, and that her people ought to contribute no further. I allude to the political aspect only to show that there is danger of marked political division and something like civil war if the military evils reported be not at once met by strong measures of military repression. Such appears the calm opinion, without
panic, of loyal and substantial men, and such are my own impressions from observation. They all think the evil is spreading, and such are likely to find themselves in a bad position in some regions—for the balance of physical force is on the wrong side, the loyal having contributed most freely to the Army, even their sons still in early boyhood and not liable to serve. So far it does not appear that men of political weight have come forward publicly to any great extent to meet the intriguing demagogues on their own arena and prevent the ignorant masses from following their lead in ovine style. A reference to the faithful reports of Colonel Mallett, the vigilant State commander of conscripts, will show that he has been anticipating such evils, though their rapid increase has surpassed expectation.

In considering the remedies to be applied but two appear feasible of sufficient promptness to be effective—the one consisting of detachments of troops by the nearest local commanders, the other in like detachments from the larger armies depleted by desertion and demanding re-enforcement.

The nearest local commanders on whom I have the authority of the Secretary of War to call for aid are General Whiting (whose troops are mainly about Weldon and Wilmington, at a great distance for detachment to the districts where most needed) and Major-General Buckner, if he be still posted near the western frontier of this State. To the former general I have written that, learning how largely he has detached to Charleston, I did not suppose it feasible now to procure any force from him, but urgently requested him to aid the conscript service by designating a military commandant to take post at Raleigh, and recommended that our present State commandant of conscripts be clothed with the additional authority. To General Buckner I will write a representation of the state of things as soon as I can procure official and authentic information after arriving at Morganton or Asheville. I have conversed with Governor Vance as commander of the militia and home guards organized by State legislation. Of the first class of force he remarked that it had been practically well-nigh absorbed by the new levy, and at all events he did not consider it well adapted for the sort of work now demanded. In regard to the second, he stated that its organization had proceeded slowly, and that what had been accomplished was in counties other than those where the service in question is required. Hence, I have received from him the impression that although he is earnest in the purpose of aid, he does not expect to be able to furnish it to any great extent yet awhile. I hope to meet His Excellency again at Asheville. The State Legislature has passed a law against harboring deserters, which may help us somewhat, though doubt is expressed if its terms are broad enough for practical effect. I will communicate it hereafter. Your attention is invited to the inclosed proclamation addressed to the public at large by Colonel Mallett at my instance. He had already instructed his subordinates in a like sense. All other details of our efforts to invigorate the conscript service here I reserve for a future report. Assuming that it is of vital import to crush out without the least delay the evils I have described as threatening to develop indefinitely, I am led by the foregoing exhaustive discussion to tender boldly, though reluctantly, an unpalatable conclusion. It is that the sort of success demanded by the crisis can only be attained by a prompt detachment of effective force (say two or three selected regiments of fidelity) from the main army which suffers most from desertion and evasion of service, and which it is to be hoped can best spare the remedial agencies. Such a force should proceed to occupy the infected districts, surround the traitors, bring the disloyal to punishment, fortify the loyal, and decide the wavering. The adoption of this plan, if practicable, may be rendered more palatable by the reflection that its rejection will probably involve a loss of numbers at least equal to those proposed to be detached under a system which would secure not only their own return, but that of large re-enforcements in, say, probably five or six weeks.

I am, sir, very respectfully, your obedient servant,

Geo W. Lay, Lieutenant-Colonel and Inspector.

P. S.—I have advised Colonel Mallett not to send away for the present any conscripts whose fidelity may be trusted for the home service.